

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-7915-2]

**Proposed CERCLA Section 122(g) *de minimis* Administrative Agreement Regarding the Li Tungsten Superfund Site, Located in Glen Cove, Nassau County, NY****AGENCY:** Environmental Protection Agency.**ACTION:** Notice; request for public comment.

**SUMMARY:** In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given by the U.S. Environmental Protection Agency ("EPA"), Region II, of a proposed *de minimis* administrative agreement pursuant to section 122(g) of CERCLA, 42 U.S.C. 9622(g), pertaining to the Li Tungsten Site ("Site") located in Glen Cove, Nassau County, New York. The settlement requires that 22 settling parties, identified by EPA as having contributed a minimal volume of hazardous substances, pay a total of \$210,970 into a special account which has been established for the Site. This amount is considered to be their fair share of cleanup costs incurred and anticipated to be incurred in the future, plus a "premium" that accounts for, among other things, uncertainties associated with the costs of that future work at the Site. The settlement includes a covenant not to sue the settling parties for claims pursuant to sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a), in exchange for their payment of monies. For thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the settlement. EPA will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations that indicate that the proposed settlement is inappropriate, improper, or inadequate. EPA's response to any comments received will be available for public inspection at EPA Region II, 290 Broadway, New York, New York 10007-1866.

**DATES:** Comments must be submitted on or before June 20, 2005.**ADDRESSES:** The proposed settlement is available for public inspection at EPA Region II offices at 290 Broadway, New York, New York 10007-1866. Comments should reference the Li Tungsten Site located in Glen Cove, Nassau County,

New York, Index No. CERCLA-02-2005-2003. To request a copy of the proposed settlement agreement, please contact the individual identified below.

**FOR FURTHER INFORMATION CONTACT:**

James F. Doyle, Assistant Regional Counsel, New York/Caribbean Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 17th Floor, 290 Broadway, New York, New York 10007-1866. Telephone: (212) 637-3165.

Dated: May 4, 2005.

**William McCabe,**

*Acting Division Director, Emergency Remedial Response Division, Region 2.*

[FR Doc. 05-10144 Filed 5-19-05; 8:45 am]

**BILLING CODE 6560-50-P****ENVIRONMENTAL PROTECTION AGENCY**

[FRL-7915-4]

**Proposed Settlement Under Section 122(g) of the Comprehensive Environmental Response, Compensation and Liability Act Regarding the Pittsburgh Metal and Equipment Superfund Site, Jersey City, NJ****AGENCY:** Environmental Protection Agency.**ACTION:** Notice of proposed administrative settlement and request for public comment.

**SUMMARY:** In accordance with section 122(g)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9622(g)(4), to reach settlements with *de minimis* parties in actions under section 106 or 107 of CERCLA, 42 U.S.C. 9606 or 9607, *et seq.*, the U.S. Environmental Protection Agency ("EPA") announces a proposed administrative settlement to resolve claims under CERCLA at the Pittsburgh Metal & Equipment Superfund Site. This settlement among the *de minimis* Settling Parties with respect to the Site pursuant to section 122(g) of CERCLA, 42 U.S.C. 9622(g), allows Parties to make a cash payment to resolve their alleged civil liability under Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, for injunctive relief with regard to the Site and for response costs incurred and to be incurred at or in connection with the Site. By this notice, EPA is informing the public of the proposed settlement and of the opportunity to comment.

The Site is a former smelting facility that operated for approximately thirty-

five years. It received used metal and dross from a number of clients, including those in the printing industries. EPA confirmed contamination at the Site as high as 15% lead in the top two feet of soil. Other hazardous substances at the site include cadmium, antimony, beryllium, copper, nickel, silver, zinc, and PCBs.

As a result of the release or threatened release of hazardous substances, EPA has undertaken response actions at or in connection with the Site under section 104 of CERCLA, 42 U.S.C. 9604.

Section 122(g) of CERCLA authorizes EPA to consider, compromise and settle certain claims incurred by the United States. Under the terms of the Agreement, the *de minimis* Settling Parties will pay a total of approximately \$370,000.00 to reimburse EPA for certain response costs incurred at the Site. In exchange, EPA will grant a covenant not to sue or take administrative action against the Parties for reimbursement of past-response costs pursuant to section 107(a) of CERCLA. The Attorney General has approved this settlement.

EPA will consider any comments received during the comment period and may withdraw or withhold consent to the proposed settlement if comments disclose facts or considerations that indicate the proposed settlement is inappropriate, improper, or inadequate. EPA's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, Office of Regional Counsel, 290 Broadway—17th Floor, New York, New York 10007-1866, Telephone: (212) 637-3111.

**DATES:** Comments must be provided within June 20, 2005.**ADDRESSES:** Comments should be sent to the U.S. Environmental Protection Agency, Office of Regional Counsel, 290 Broadway—17th Floor, New York, NY 10007-1866 and should refer to: Pittsburgh Metal and Equipment Superfund Site, U.S. EPA Index No. CERCLA-02-2005-2007.**FOR FURTHER INFORMATION CONTACT:** U.S. Environmental Protection Agency, Office of Regional Counsel, 290 Broadway—17th Floor, New York, New York 10007-1866. Telephone: (212) 637-3111.**SUPPLEMENTARY INFORMATION:** A copy of the proposed administrative settlement may be obtained in person or by mail from Sonia Malone-Ayala, U.S. Environmental Protection Agency, 290 Broadway—17th Floor, New York, NY 10007-1866. Telephone: (212) 637-3126.

Dated: May 2, 2005.

**William J. McCabe,**

*Acting Director, Emergency and Remedial Response Division, Region 2.*

[FR Doc. 05-10147 Filed 5-19-05; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2703]

### Petitions for Reconsideration and Clarification of Action in Rulemaking Proceedings

April 25, 2005.

Petitions for Reconsideration and Clarification have been filed in the Commission's Rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of this document is available for viewing and copying in Room CY-B402, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1-800-378-3160). Oppositions to these petitions must be filed by June 6, 2005. See section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

*Subject:* Federal-State Joint Board on Universal Service (CC Docket No. 96-45).

*Number of Petitions Filed:* 1.

*Subject:* In the Matter of Presubscribed Interexchange Carrier Charges (CC Docket No. 02-53).

In the Matter of Unbundled Access to Network Elements (WC Docket No. 04-313).

*Number of Petitions Filed:* 3.

*Subject:* Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers (CC Docket No. 01-338).

*Number of Petitions Filed:* 7.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 05-9108 Filed 5-19-05; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[Document Identifier: CMS-10151, CMS-10152, and CMS-R-220]

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS) is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* New Collection; *Title of Information Collection:* Data Collection for Medicare Beneficiaries Receiving Implantable Cardioverter-defibrillators for Primary Prevention of Sudden Cardiac Death; *Form Nos.:* CMS-10151 (OMB # 0938-NEW); *Use:* CMS provides coverage for implantable cardioverter-defibrillators (ICDs) for secondary prevention of sudden cardiac death based on extensive evidence showing that use of ICDs among patients with a certain set of physiologic conditions are effective. Accordingly, CMS considers coverage for ICDs reasonable and necessary under Section 1862(a)(1)(A) of the Social Security Act. However, evidence for use of ICDs for primary prevention of sudden cardiac death is less compelling for certain patients. To encourage responsible and appropriate use of ICDs, CMS issued a Decision Memo for Implantable Defibrillators on January 27, 2005, indicating that ICDs will be covered for primary prevention of sudden cardiac death if the beneficiary is enrolled in either an FDA-approved category B Investigational Device Exemption (IDE) clinical trial (see 42 CFR § 405.201), a trial under the CMS Clinical Trial Policy (see NCD

Manual § 310.1) or a qualifying prospective data collection system (either a practical clinical trial or prospective systematic data collection, which is sometimes referred to as a registry); *Frequency:* Other—as needed; *Affected Public:* Business or other for-profit, Individuals or Households, and Not-for-profit institutions; *Number of Respondents:* 1217; *Total Annual Responses:* 50,000; *Total Annual Hours:* 4167.

2. *Type of Information Collection Request:* New Collection; *Title of Information Collection:* Data Collection for Medicare Beneficiaries Receiving FDG Positron Emissions Tomography (PET) for Brain, Cervical, Ovarian, Pancreatic, Small Cell Lung and Testicular Cancers; *Form Nos.:* CMS-10152 (OMB # 0938-NEW); *Use:* In the Decision Memo #CAG-00181N issued on January 27, 2005, CMS determined that the evidence is sufficient to conclude that for Medicare beneficiaries receiving FDG positron emission tomography (PET) for brain, cervical, ovarian, pancreatic, small cell lung, and testicular cancers is reasonable and necessary only when the provider is participating in and patients are enrolled in a systematic data collection project. CMS will consider prospective data collection systems to be qualified if they provide assurance that specific hypotheses are addressed and they collect appropriate data elements. The data collection should include baseline patient characteristics; indications for the PET scan; PET scan type and characteristics; FDG PET results; results of all other imaging studies; facility and provider characteristics; cancer type, grade, and stage; long-term patient outcomes; disease management changes; and anti-cancer treatment received; *Frequency:* Other—as needed; *Affected Public:* Business or other for-profit, Individuals or Households, and Not-for-profit institutions; *Number of Respondents:* 2,000; *Total Annual Responses:* 50,000; *Total Annual Hours:* 4167.

3. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* HIPAA Standard Unique Employer Identifier and Supporting Regulations in 45 CFR Parts 160 and 162; *Form Nos.:* CMS-R-220 (OMB # 0938-0874); *Use:* Section 1173b of Subtitle F of Title II of the Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191) requires the Secretary of the Department of Health and Human Services to adopt standards for unique health identifiers for individuals, employers, health plans, and health care