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**Title:** National Volatile Organic Compound Emission Standards for Consumer Products.

**Abstract:** The information collection includes initial reports and periodic recordkeeping necessary for EPA to ensure compliance with Federal standards for volatile organic compounds in consumer products. Respondents are manufacturers, distributors, and importers of consumer products. Responses to the collection are mandatory under 40 CFR part 59, subpart C—National Volatile Organic Compound Emission Standards for Consumer Products. All information submitted to EPA for which a claim of confidentiality is made will be safeguarded according to Agency policies set forth in 40 CFR part 2, subpart B—Confidentiality of Business Information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9 and are identified on the form and/or instrument, if applicable.

**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information is estimated to average 81 hours per respondent. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing

and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

**Respondents/Affected Entities:** Entities potentially affected by this action are those which manufacture, distribute, or import consumer products for sale or distribution in the United States, including the District of Columbia and all United States territories.

**Estimated Number of Respondents:** 367.

**Frequency of Response:** occasional recordkeeping and reporting.

**Estimated Total Annual Hour Burden:** 29,613.

**Estimated Total Annual Cost:** \$1,104,057, includes \$0 annualized capital or O&M costs and \$1,104,057 labor costs.

**Changes in the Estimates:** There is a decrease of 82 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This decrease reflects an updated estimate calculation and is not due to any change in program requirements.

Dated: September 23, 2003.

**Sara Hisel McCoy,**

*Acting Director, Collection Strategies Division.*

[FR Doc. 03-25009 Filed 10-1-03; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7567-5]

### Proposed CERCLA Section 122(h) Administrative Agreement for Recovery of Past Costs for the Mercury Refining Superfund Site, Towns of Guilderland and Colonie, Albany 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 administrative agreement pursuant to section 122(h) of CERCLA, 42 U.S.C. 9622(h), with the settling parties, Mercury Refining Company, Inc. ("Mereco"), and Leo Cohen, for recovery of past and future response costs concerning the Mercury Refining Superfund Site ("Site") located in the Towns of Guilderland and Colonie, Albany County, New York. The settlement requires that EPA be paid a total of approximately \$524,000: the total remaining funds in an escrow account established by Mereco (estimated to be approximately \$494,000) and \$30,000 from Leo Cohen, Mereco's founder, sole shareholder and former president. The settlement includes a covenant not to sue the settling parties pursuant to sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a), and section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6973, 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. Commenters may request an opportunity for a public meeting in the affected area in accordance with section 7003(d) of RCRA, 42 U.S.C. 6973(d).

**DATES:** Comments must be submitted on or before November 3, 2003.

**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 Mercury Refining Superfund Site, Towns of Guilderland and Colonie, Albany County, New York, Index No. CERCLA-02-2003-2009. To request a copy of the proposed settlement agreement, please contact the individual identified below.

**FOR FURTHER INFORMATION CONTACT:** Sharon E. Kivowitz, Assistant Regional Counsel, New York/Caribbean Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 290 Broadway—17th Floor, New York, New York 10007-1866. Telephone: 212-637-3183.