

administrative record upon which the President shall base the selection of a response action. CERCLA also requires the maintenance of many other records including those relevant to cost recovery. EPA has granted authorized representative status to the State of South Dakota Department of Environment and Natural Resources. Pursuant to 40 CFR 2.310(h)(3), a state or local governmental agency which has duties or responsibilities under CERCLA, or under regulations which implement CERCLA, may be considered an authorized representative of the United States for purposes of disclosure of CBI and may be furnished such CBI upon the agency's written request, but only if:

(i) The agency has first furnished to the EPA office, having custody of the information, a written opinion from the agency's chief legal officer or counsel stating that under applicable state or local law the agency has the authority to compel a business which possesses such information to disclose it to the agency, or

(ii) Each affected business is informed of those disclosures under this paragraph (h)(3) which pertain to it, and the agency has shown to the satisfaction of an EPA legal office that the agency's use and disclosure of such information will be governed by state or local law and procedures which will provide adequate protection to the interests of affected businesses.

Pursuant to 40 CFR 2.310(h)(4), at the time any information is released to a state or local government pursuant to paragraph 2.310(h), EPA must notify the state or local government that the information may be entitled to confidential treatment and that any knowing and willful disclosure of the information may subject the state or local government and its employees to penalties in section 104(e)(2)(B) of CERCLA. EPA has determined that SD DENR has satisfied the requirements of subparagraph 40 CFR 2.310(h)(3)(ii) that the agency demonstrate to the satisfaction of EPA that the agency's use and disclosure of such information will be governed by state or local law and procedures which will provide adequate protection to the interests of affected businesses. EPA hereby advises affected parties that they are informed of potential disclosures to SD DENR under paragraph 40 CFR 2.310(h)(3), and that they have ten working days to comment pursuant to 40 CFR 2.301(h)(2)(iii), incorporated by reference into 40 CFR 2.310(h)(2).

*Comments should be sent to:*  
Environmental Protection Agency,  
Region 8, Sharon Abendschan (Mail

Code 8ENF-RC), Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129.

**Andrew M. Gaydosh,**

*Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, EPA, Region 8.*

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## **ENVIRONMENTAL PROTECTION AGENCY**

**[FRL-9642-4]**

### **Proposed Administrative Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice; request for public comment.

**SUMMARY:** In accordance with Section 122(h) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), 42 U.S.C. 9622(h)(1), notice is hereby given of a proposed administrative settlement concerning the Eagle Picher Carefree Battery Superfund Site, located in Socorro, Socorro County, New Mexico.

The settlement requires the one (1) settling party to pay a total of \$200,000.00 as payment of response costs to the Hazardous Substances Superfund. The settlement includes a covenant not to sue pursuant to Section 107 of CERCLA, 42, U.S.C. 9607.

For thirty (30) days beginning the date of publication of this notice, the Agency will receive written comments relating to this notice and will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at 1445 Ross Avenue, Dallas, Texas 75202-2733.

**DATES:** Comments must be submitted on or before April 4, 2012.

**ADDRESSES:** The proposed settlement and additional background information relating to the settlement are available for public inspection at 1445 Ross Avenue Dallas, Texas 75202-2733. A copy of the proposed settlement may be obtained from Robert Werner, Enforcement Officer, 1445 Ross Avenue,

Dallas, Texas 75202-2733 or by calling (214) 665-6724. Comments should reference the Eagle Picher Carefree Battery Superfund Site, located in Socorro, Socorro County, New Mexico and EPA CERCLA Docket Number 06-08-11, and should be addressed to Robert Werner, Enforcement Officer, at the address listed above.

**FOR FURTHER INFORMATION CONTACT:**  
Gloria Moran, Attorney, 1445 Ross Avenue Dallas, Texas 75202-2733 or call (214) 665-3193.

Dated: February 17, 2012.

**Al Armendariz,**

*Regional Administrator (6RA).*

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## **ENVIRONMENTAL PROTECTION AGENCY**

**[FRL-9642-6]**

### **Tentative Approval and Solicitation of Request for a Public Hearing for Public Water System Supervision Program Revision for the Commonwealth of Virginia**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of tentative approval and Solicitation of Requests for a Public Hearing.

**SUMMARY:** Notice is hereby given in accordance with the provision of section 1413 of the Safe Drinking Water Act, as amended, and the requirements governing the National Primary Drinking Water Regulations Implementation, 40 CFR part 142, that the Commonwealth of Virginia is revising its approved Public Water System Supervision Program. The Commonwealth has adopted the Long Term 2 Enhanced Surface Water Treatment Rule and the Stage 2 Disinfectants and Disinfection Byproducts Rule which will provide for better public health protection by reducing potential cancer and reproductive and developmental health risks from disinfection byproducts in drinking water and by reducing illness linked with *Cryptosporidium* and other pathogenic microorganisms in drinking water. EPA has determined that these revisions are no less stringent than the corresponding Federal regulations. EPA is taking action to tentatively approve these program revisions. All interested parties are invited to submit written comments on this determination and may request a public hearing.

**DATES:** Comments or a request for a public hearing must be submitted by