

Protection Agency (EPA). This District Court order followed a U.S. Court of Appeals decision in which the First Circuit determined that it was appropriate to refer this question to EPA for an "administrative determination." *Commonwealth of Massachusetts v. Blackstone Valley Electric Co.*, 67 F.3d 981 (1st Cir. 1995).

As explained in the preliminary administrative determination document, it is EPA's preliminary administrative determination that ferric ferrocyanide is one of the "cyanides" within the meaning of 40 CFR 401.15, 40 CFR 302.4, and Table 302.4. This preliminary administrative determination is being issued in order to respond to the referral from the District Court. It is not a legislative rule and notice and comment is not required. However, EPA is soliciting public comment because it had previously notified interested parties of its intent to do so.

Dated: January 18, 2001.

**J. Charles Fox,**

*Assistant Administrator for Water.*

[FR Doc. 01-2172 Filed 1-24-01; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6936-6]

### Draft National Coastal Condition Report

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

**ACTION:** Notice of availability and request for comments.

**SUMMARY:** Notice of availability is hereby given for a 60-day public comment period on the draft National Coastal Condition Report describing the condition of the Nation's coastal waters. Coastal waters are valuable from both an environmental and economic perspective. These waters are also vulnerable to pollution from diverse sources. EPA expects that this report on the condition of coastal waters will support more informed decisions concerning protection of this resource and will increase public awareness of the extent and seriousness of pollution of these waters. EPA seeks public input concerning the information used in the report, the availability of additional data, and the appropriateness of conclusions drawn from the information presented.

**DATES:** Written comments must be received by March 26, 2001.

**ADDRESSES:** Address all comments concerning this notice to Barry Burgan, U.S. Environmental Protection Agency (4504-F), 1200 Pennsylvania Avenue, NW, Washington, DC 20460; telephone (202) 260-7060; fax (202) 260-9960.

#### FOR FURTHER INFORMATION CONTACT:

Barry Burgan, U.S. Environmental Protection Agency (4504-F) 1200 Pennsylvania Avenue, NW, Washington, DC 20460. See Supplementary information section for electronic access and filing address.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The National Coastal Condition Report describes the condition of coastal waters based on available information. The report concludes that the overall condition of coastal waters is fair to poor with some variation in conditions from region to region. A combination of data, mostly from EPA, the National Oceanic and Atmospheric Administration, the U.S. Geological Survey, and the U.S. Fish and Wildlife Service is used to present indicators of coastal condition and a broad baseline picture of the condition of coastal waters. The Report also highlights several exemplary programs at the Federal, State, Tribal, and local levels that show coastal condition at various regional scales.

This Report is the first attempt to provide the public with a comprehensive picture of the health of the Nation's coastal waters. It will serve as a useful benchmark for analyzing the progress of coastal management programs in the future. We recognize that data are not currently available to characterize all the estuarine and near-coastal waters of the country and that work is still needed in formulating improved indicators of the coastal condition. Public input on the draft Report regarding data completeness, the choice of indicators, the methodologies used to synthesize data, the "bars" set for each indicator, the choice of spatial scales and the overall Report presentation is important to us in preparing this and future reports.

##### II. Electronic Access and Filing

You may view and download the draft Report on EPA's Internet site at the Office of Water homepage at <http://epa.gov/ow/> under What's New in Water. You may submit comments by sending electronic mail (e-mail) to [burgan.barry@epa.gov](mailto:burgan.barry@epa.gov); comments may also be mailed to Barry Burgan at the following address: U.S. Environmental Protection Agency (4504-F), 1200 Pennsylvania Avenue, NW, Washington,

DC 20460. Submit comments as an ASCII file avoiding the use of special characters and any form of encryption. Identify all comments and data in electronic form by docket number.

Dated: January 18, 2001.

**J. Charles Fox,**

*Assistant Administrator, Office of Water.*

[FR Doc. 01-2177 Filed 1-24-01; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6937-4]

### Proposed CERCLA Administrative Settlement—Rocky Flats Industrial Park, Jefferson County, CO

**AGENCY:** Environmental Protection Agency.

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

**SUMMARY:** In accordance with the requirements of Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given of the proposed administrative settlement under Section 122(g) of CERCLA, 42 U.S.C. 9622, concerning the Rocky Flats Industrial Park site between EPA, the State of Colorado, and the settling parties listed in the Supplementary Information portion of this notice. The Rocky Flats Industrial Park Superfund Site, is located in the 17,000 block of West Highway 72, approximately 2½ miles east of the intersection of State Highways 72 and 93 in unincorporated Jefferson County, Colorado near the City of Arvada ("Site"). The settlement, embodied in proposed Administrative Order on Consent for Removal Action, EPA Docket No. CERCLA-8-2000-20 ("AOC"), is designed to partially resolve each settling party's liability at the Site through a covenant not to sue for past response costs, and for work performed, under Sections 104 and 107 of CERCLA, 42 U.S.C. 9604 and 9607. The proposed AOC requires the Potentially Responsible Parties ("PRPs") listed below to implement the selected response actions at the Site.

*Opportunity for Comment:* For thirty (30) days following the date of publication of this notice, 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 the EPA Superfund Record Center, 999 18th Street, 5th Floor, in Denver, Colorado. 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 February 26, 2001.

**ADDRESSES:** The proposed settlement and additional background information relating to the settlement are available for public inspection at the EPA Superfund Records Center, 999 18th Street, 5th Floor, in Denver, Colorado. Comments and requests for a copy of the proposed settlement should be addressed to Carol Pokorny, Enforcement Specialist (8ENF-T), Technical Enforcement Program, U.S. Environmental Protection Agency, 999 18th Street, Suite 300, Denver, Colorado 80202-2466, and should reference the Rocky Flats Industrial Park Site, Jefferson County, Colorado and EPA Docket Nos. CERCLA 8-2000-20.

**FOR FURTHER INFORMATION CONTACT:**

Carol Pokorny, Enforcement Specialist (8ENF-T), Technical Enforcement Program, U.S. Environmental Protection Agency, 999 18th Street, Suite 300, Denver, Colorado 80202-2466, (303) 312-6970.

**SUPPLEMENTARY INFORMATION:** Notice of proposed administrative settlement under Section 122 of CERCLA, 42 U.S.C. 9622: In accordance with Section 122 of CERCLA, 42 U.S.C. 9622, notice is hereby given that the terms of the Administrative Order on Consent ("AOC") have been agreed to by the following settling parties:

**Settling Parties**

Adoph Coors Company  
Ball Corporation  
CoorsTek, Inc. (a/k/a Coors Ceramics Company)  
Crown, Cork and Seal Company, Inc.  
The Denver Post Corporation  
Eastman Kodak Company  
Eaton Corporation  
Hamilton Sundstrand Corporation  
Hewlett-Packard Company  
Roche Colorado Corporation  
Sterling Stainless Tube Corporation  
Zenco de Chihuahua, S.A. de C.V., and  
Zenith Electronics Corporation of Texas

By the terms of the proposed AOC, the settling parties will perform a CERCLA Removal Action which involves the installation of an air sparging/soil vapor extraction system on two of the three industrial properties that comprise the Site (the properties owned by Thoro Products Company and Hwy. 72 Properties, Inc.). The estimated

future cost to the settling parties to perform the Removal Action is \$3,715,000.

The United States and the State are providing the settling parties with a covenant not to sue under Sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a), the Solid Waste Disposal Act, as amended (also known as the Resource Conservation and Recovery Act), federal claims for natural resources damages, and state law related to the presence or migration of hazardous substances on the Site for: the work performed under the AOC, response actions associated with the GWI facility at the Site, and specific work performed by the settling parties in the past at the Site.

*It is so agreed:*

Dated: October 12, 2000.

**Jack W. McGraw,**

*Acting Regional Administrator,  
Environmental Protection Agency, Region VIII.*

[FR Doc. 01-2173 Filed 1-24-01; 8:45 am]

**BILLING CODE 6560-50-M**

**ENVIRONMENTAL PROTECTION AGENCY**

**[FRL-6937-7]**

**Settlement Agreement, Application of Labor Standards Provision in the Clean Water Act State Revolving Fund Program**

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

**ACTION:** Notice of settlement.

**SUMMARY:** The Environmental Protection Agency (EPA) is publishing a final settlement agreement between EPA and the Building and Construction Trades Department, AFL/CIO (Building Trades) which will resolve a matter pending before the Department of Labor's (DOL) Wage and Hour Division Administrator. Under the settlement agreement, EPA will prospectively apply the Davis-Bacon Act's prevailing wage rate requirements in the Clean Water State Revolving Fund (CWSRF) program established in title VI of the Federal Water Pollution Control Act, as amended (more commonly known as the Clean Water Act (CWA)), 33 U.S.C. 1381-1387, in the same manner as they applied before October 1, 1994. In exchange for EPA's commitment, Building Trades has agreed not to pursue any further action on this matter before DOL or any other Federal administrative agency, or in litigation.

Title VI of the CWA authorizes EPA to award grants to capitalize state

revolving funds from which states, in turn, award loans and other types of assistance for the construction of publicly-owned treatment works and other water quality projects. CWA section 602(b)(6) required publicly-owned treatment works funded with CWSRF assistance "directly made available by [capitalization grants]" that were "constructed in whole or in part before fiscal year 1995" (emphasis added) to comply with the requirements of a number of other CWA provisions. Among the provisions was CWA section 513, which applies Davis-Bacon Act requirements to treatment works for which grants are made under the CWA.

EPA interpreted the language of CWA section 602(b)(6) as limiting the application of the Davis-Bacon Act and other requirements to CWSRF-funded treatment works projects "constructed in whole or in part before fiscal year 1995", and, in an August 8, 1995, memorandum, announced that these requirements would not apply to CWSRF-assisted projects that begin construction on or after October 1, 1994. In 1997, the Building Trades asked the DOL Wage and Hour Division to rule that the requirements of the Davis-Bacon Act continue to apply to treatment works projects funded with CWSRF loans that began construction on or after October 1, 1994. The Building Trades argued that the Davis-Bacon Act requirement applied to CWSRF-funded projects as long as Congress appropriated funds for the program. EPA responded in opposition to the Building Trades request for ruling.

After closely considering the relationship of CWA section 513 and CWA section 602(b)(6) and the arguments of the Building Trades in its request for ruling, EPA became persuaded of the appropriateness of the view that CWA section 513 imposes a continuing, independent obligation on the Agency to ensure that Davis-Bacon Act requirements apply to any grants made under the CWA for treatment works, including capitalization grants made under title VI of the CWA. The language of CWA section 602(b)(6) does not relieve the Agency of this obligation. Furthermore, as a matter of policy, the Agency has determined that prevailing wage rate requirements applicable to federally-assisted construction projects should continue to apply to federally-assisted treatment works construction in the CWSRF program. Consequently, EPA decided to settle the matter with the Building Trades and provided the public an opportunity to comment on a proposed settlement agreement, which was published in the **Federal Register**