

Dated: September 22, 2005.

Robert E. Roberts,

Regional Administrator, Region 8.

[FR Doc. 05-19617 Filed 9-29-05; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-7977-7]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent to Delete the Batavia Landfill Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 2 office is issuing this notice of intent to delete the Batavia Landfill Superfund Site (Site), located in the Town of Batavia, Genesee County, New York from the National Priorities List (NPL) and requests public comment on this action. The NPL is Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. The EPA and the State of New York, through the Department of Environmental Conservation (NYSDEC), have determined that potentially responsible parties have implemented all appropriate response actions, other than operation and maintenance and five-year reviews. Moreover, EPA and NYSDEC have determined that the Site poses no significant threat to public health or the environment. In the "Rules and Regulations" Section of today's **Federal Register**, EPA is publishing a direct final notice of deletion for the Batavia Landfill Superfund Site without prior notice of this action because EPA views this as a noncontroversial revision and anticipates no significant adverse comment. EPA has explained its reasons for this action in the preamble to the direct final deletion. If EPA receives no significant adverse comment(s) on this notice of intent to delete or the direct final notice of deletion or other notices it may issue, EPA will not take further action on this notice of intent to delete. If EPA receives significant adverse comment(s), it will withdraw the direct final notice of deletion and it will not take effect. EPA will, as appropriate, address all

public comments. If, after evaluating public comments, EPA decides to proceed with deletion, it will do so in a subsequent final deletion notice based on this notice of intent to delete. Any parties interested in commenting must do so at this time. For additional information, see the direct final notice of deletion which is located in the Rules section of this **Federal Register**.

DATES: Comments concerning this Site must be received by October 31, 2005.

ADDRESSES: Written comments should be addressed to: Michael Walters, Remedial Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region 2, 290 Broadway, 20th Floor, New York, New York 10007-1866.

FOR FURTHER INFORMATION CONTACT: Michael Walters at the address provided above, or by telephone at (212) 637-4279, by fax at (212) 637-4284 or by e-mail at Walters.Michael@EPA.GOV.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final Notice of Deletion which is located in the Rules section of this **Federal Register**.

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9675; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Dated: September 21, 2005.

Alan J. Steinberg,

Regional Administrator, U.S. EPA, Region II.

[FR Doc. 05-19614 Filed 9-29-05; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-7976-9]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to partially delete the Jacobs Smelter Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 8 is issuing a notice of intent to partially delete the Jacobs Smelter Superfund Site, located in Tooele County, Utah, from the National Priorities List (NPL) and requests public comments on this notice of intent. Specifically, EPA intends to delete Operable Unit 3 from the site, comprised only of soils within the Union Pacific Rail Road (UPRR) right-of-way. The NPL constitutes appendix B to

the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 as amended. The EPA and the state of Utah, through the Utah Department of Environmental Quality (UDEQ), have determined that all appropriate response actions under CERCLA have been completed for the properties subject to the partial deletion. However, this partial deletion does not preclude future actions under Superfund.

In the "Rules and Regulations" section of today's **Federal Register**, we are publishing a direct final notice of partial deletion of the Jacobs Smelter Superfund Site without prior notice of intent to partially delete because we view this as a non-controversial revision and anticipate no adverse comment. We have explained our reasons for this partial deletion in the preamble to the direct final partial deletion. If we receive no adverse comment(s) on this notice of intent to partially delete or the direct final notice of partial deletion, we will not take further action on this notice of intent to partially delete. If we receive adverse comment(s), we will withdraw the direct final notice of partial deletion, and it will not take effect. We will, as appropriate, address all public comments in a subsequent final partial deletion notice based on this notice of intent to partially delete. We will not institute a second comment period on this notice of intent to partially delete. Any parties interested in commenting must do so at this time. For additional information, see the direct final notice of partial deletion that is located in the "Rules and Regulations" section of this **Federal Register**.

DATES: Comments concerning this notice must be received by October 31, 2005.

ADDRESSES: Written comments should be addressed to: Jennifer Lane, Community Involvement Coordinator (80C), U.S. EPA Region 8, 999 18th Street, Suite 300, Denver, CO 80202-2466, (303) 312-6813 or 1-800-227-8917, ext. 6813 (Region 8 only). E-mail: lane.jennifer@epa.gov.

FOR FURTHER INFORMATION CONTACT: Lisa Lloyd, Remedial Project Manager (8EPR-SR), U.S. EPA Region 8, 999 18th Street, Suite 300, Denver, CO 80202-2466, (303) 312-6537 or 1-800-227-8917, ext. 6537 (Region 8 only).

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final Notice of Partial Deletion, which

is located in the "Rules and Regulations" section of this **Federal Register**.

Information Repositories:

Comprehensive information on the Jacobs Smelter Superfund Site, as well as information specific to this proposed partial deletion, is available for review at the following addresses:

U.S. Environmental Protection Agency Region 8 Records Center, 999 18th St., Suite 300, Denver, CO 80202-2466 (303) 312-6473. Hours: M-F, 8:30 a.m. to 4:30 p.m.

Tooele City Public Library, 128 West Vine Street, Tooele, UT 84074, (435) 882-2182. Hours: Tu-F, 11 a.m. to 7:30 p.m.; Sat, 10:30 a.m. to 6 p.m.

Utah Department of Environmental Quality, 168 North 1950 West, 1st Floor, Salt Lake City, UT 84116 (801) 536-4400. Hours: M-F, 8 a.m. to 5 p.m.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Dated: September 21, 2005.

Robert E. Roberts,

Regional Administrator, Region 8.

[FR Doc. 05-19625 Filed 9-29-05; 8:45 am]

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1819, 1832, and 1852

RIN 2700-AD17

Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Contractor Re-Certification of Program Compliance

AGENCY: National Aeronautics and Space Administration.

ACTION: Proposed rule.

SUMMARY: This proposed rule is to amend the NASA FAR Supplement (NFS) to include a requirement for NASA's Small Business Innovation Research (SBIR) and the Small Business Technology Transfer (STTR) contractors to complete a re-certification of program compliance prior to final payment. This requirement is being established to facilitate the Government's ability to hold contractors accountable for

compliance with Federal statute, regulation, and program requirements as outlined in the Office of Inspector General's Management Alert Memorandum dated April 28, 2004. As part of its continuing effort to reduce the paperwork and respondent burden, NASA invites the general public and other Federal agencies to comment on this proposed rule and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. 3506(c)(2)(A)).

DATES: Comments should be submitted on or before November 29, 2005 to be considered in formulation of the final rule.

ADDRESSES: Interested parties may submit comments, identified by RIN number 2700-AD17 via the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments. Comments may also be submitted to Marilyn J. Seppi, NASA, Office of Procurement, Contract Management Division, Washington, DC 20546. Comments can also be submitted by e-mail to: Marilyn.Seppi-1@nasa.gov.

Comments on the information collection should be directed to Ms. Kathy Shaeffer, Acting NASA Reports Officer, NASA Headquarters, 300 E Street, SW., Mail Suite 6M70, Washington, DC 20546, (202) 358-1230, e-mail: Kathleen.shaeffer-1@nasa.gov.

FOR FURTHER INFORMATION CONTACT: Marilyn J. Seppi, NASA, Office of Procurement, Contract Management Division, (703) 553-2551, e-mail: Marilyn.Seppi-1@nasa.gov.

Requests for additional information regarding the information collection should be directed to Ms. Kathy Shaeffer, Acting NASA Reports Officer, NASA Headquarters, 300 E Street, SW., Mail Suite 6M70, Washington, DC 20546, (202) 358-1230, Kathleen.shaeffer-1@nasa.gov.

SUPPLEMENTARY INFORMATION:

A. Background

Section 1832.12 of the NFS requires that all research and development contracts under the SBIR and STTR Programs include the clause 1852.232-83, Conditions for Final Payment. This clause provides direction to the contractor regarding completion and submission of a re-certification requirement prior to and as a condition of final payment. Currently, under the SBIR/STTR Programs the contractor is only required to certify at the time of proposal submission that the proposing entity has or has not received Federal funding for essentially equivalent work.

This proposed new clause will require a post-award certification by the small business concern (SBC) for program compliance as a condition and prior to final payment. This change proposes a new clause 1852.232-83 for use in all SBIR Phase I, SBIR Phase II, and STTR contracts.

In addition, section 1819.73 requires the clauses 1852.219-80 Limitation on Subcontracting—SBIR Phase I, 1852.219-81 Limitation on Subcontracting—SBIR Phase II, and 1852.219-82 Limitation on Subcontracting—STTR in the respective SBIR and STTR contracts to delineate the subcontracting limitations necessary for contract performance. Also, section 1819.73 of the NFS requires the clauses 1852.219-83 Limitation of the Principal Investigator—SBIR Program and 1852.219-84 Limitation of the Principal Investigator—STTR Program, respectively, to delineate the employment of the principal investigator which is necessary for monitoring contract performance.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This proposed rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

This proposed rule is not expected to have a significant economic impact on a substantial number of small entities with the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601. *et seq.*, because the proposed re-certification prior to final payment to awardees is merely an update of the representations and certifications submitted at the time of proposal submission in accordance with Small Business Administrations (SBA's) SBIR Program Directive.

C. Paperwork Reduction Act

1. Abstract

NASA is requesting OMB approval for the new collection that will be created by the proposed amendment to the NFS requiring SBIR/STTR contractors to recertify program compliance prior to final payment.

2. Method of Collection

The NASA contract clause will require inclusion of the information as part of contractors' final payment invoice requests.

3. Data

Title: Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Contractor Re-Certification of Program Compliance.