

This is a request for extension of a currently approved collection.

**Abstract:** The New Source Performance Standards (NSPS) for Storage Vessels for Petroleum Liquids, subpart K was proposed on June 11, 1973 and promulgated on March 8, 1974 (39 FR 9308). These performance standards apply to storage vessels of petroleum liquids for which construction, reconstruction, or modification commenced after June 11, 1973, and prior to May 19, 1978. Facilities subject to this subpart are not exceeding 246,052 liters (65,000 gallons), and commences construction or modification after March 8, 1974, and prior to May 19, 1978; and storage vessel that has a capacity greater than 246,052 liters (65,000 gallons), and commences construction or modification after June 11, 1973, and prior to May 19, 1978. There are approximately 220 respondents, reporting on approximately 5,500 petroleum storage vessels that are subject to this standard.

The Subpart K standards require the owner/operator to document the activities of, the storage period, the maximum true vapor pressure, and the type of petroleum liquid stored. This information is recorded only when a petroleum liquid is changed in the storage vessel. Under the standard, the data collected by the affected industry must be retained at the facility for a minimum of two years, and made available to the Administrator either on request or by inspection.

The information generated by the recordkeeping and reporting requirements described above will be used by the Agency to ensure that facilities affected by the NSPS continue to operate in compliance with the NSPS. Notification of construction, reconstruction and startup will indicate to enforcement personnel when a new affected facility has been constructed and, therefore, is subject to the current NSPS subpart Kb standards. The information collected from the recordkeeping and reporting requirements is also used for targeting inspections, and is of sufficient quality to be used as evidence in court. Information is required to be collected and maintained as follows: records are required to be retained for 2 years, section 60.2; owner/operator shall maintain a record of the petroleum liquid stored, the period of storage and the maximum true vapor pressure of that liquid during the respective storage period, section 60.113; filing a report for construction/reconstruction, section 60.7(a)(1) and filing a report on a

physical or operational change, section 60.7(a)(4).

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 are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on April 18, 2000, (65 FR 20813). No comments were received.

**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information is estimated to average 170 hours per response. 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:** Owners/Operators of Storage Vessels for Petroleum Liquids.

**Estimated Number of Respondents:** 220.

**Frequency of Response:** Occasionally.

**Estimated Total Annual Hour Burden:** 678 hours.

**Estimated Total Annualized Capital and O&M Cost Burden:** \$ 0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1797.02 and OMB Control No. 2060-0442 in any correspondence.

Dated: September 18, 2000.

**Oscar Morales,**

*Director, Collection Strategies Division.*

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**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6876-3; MM-HQ-2000-0004]

### Clean Water Act Class II: Proposed Administrative Settlement, Penalty Assessment and Opportunity To Comment Regarding NEXTLINK Communications, Inc.

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

**ACTION:** Notice.

**SUMMARY:** EPA has entered into a consent agreement with NEXTLINK Communications, Inc. and its subsidiaries to resolve violations of the Clean Water Act ("CWA"), and its implementing regulations. NEXTLINK failed to prepare Spill Prevention Control and Countermeasure ("SPCC") plans for eleven facilities where they stored diesel oil in above ground tanks. EPA, as authorized by CWA section 311(b)(6), 33 U.S.C. 1321(b)(6), has assessed a civil penalty for these violations. The Administrator, as required by CWA section 311(b)(6)(C), 33 U.S.C. 1321(b)(6)(C), is hereby providing public notice of, and an opportunity for interested persons to comment on, this consent agreement and proposed final order.

**DATES:** Comments are due on or before October 25, 2000.

**ADDRESSES:** Mail written comments to the Enforcement & Compliance Docket and Information Center (2201A), Docket Number EC-2000-008, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Mail Code 2201A, Washington, DC 20460. (Comments may be submitted on disk in WordPerfect 8.0 or earlier versions.) Written comments may be delivered in person to: Enforcement and Compliance Docket Information Center, U.S. Environmental Protection Agency, Rm. 4033, Ariel Rios Bldg., 1200 Pennsylvania Avenue, NW., Washington, DC. Submit comments electronically to [doCKET.oeca@epa.gov](mailto:doCKET.oeca@epa.gov). Electronic comments may be filed online at many Federal Depository Libraries.

The consent agreement, the proposed final order, and public comments, if any, may be reviewed at the Enforcement and Compliance Docket Information Center, U.S. Environmental Protection Agency, Rm. 4033, Ariel Rios Bldg., 1200 Pennsylvania Avenue, NW., Washington, DC. Persons interested in reviewing these materials must make arrangements in advance by calling the docket clerk at 202-564-2614. A

reasonable fee may be charged by EPA for copying docket materials.

**FOR FURTHER INFORMATION CONTACT:** Beth Cavalier, Multimedia Enforcement Division (2248-A), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone (202) 564-3271; fax: (202) 564-9001; e-mail: cavalier.beth@epa.gov.

**SUPPLEMENTARY INFORMATION:**

*Electronic Copies:* Electronic copies of this document are available from the EPA Home Page under the link "Laws and Regulations" at the **Federal Register**—Environmental Documents entry (<http://www.epa.gov/fedrgstr>).

**I. Background**

NEXTLINK Communications, Inc., a telecommunications company incorporated in the State of Delaware and located at 1505 Farm Credit Drive, McLean, Virginia 22102, failed to prepare SPCC plans for eleven facilities. NEXTLINK Communications, Inc. disclosed, pursuant to the EPA's "Incentives for Self-Policing: Discovery, Disclosures, Correction and Prevention of Violations" ("Audit Policy"), 60 FR 66,706 (December 22, 1995), that they failed to prepare SPCC plans for eleven facilities where they stored diesel oil in above ground storage tanks, in violation of the CWA section 311(b)(3) and 40 CFR Part 112. EPA determined that NEXTLINK met the criteria set out in the Audit Policy for a 100% waiver of the gravity component of the penalty. As a result, EPA waived the gravity based penalty (\$43,856.30) and proposed a settlement penalty amount of three thousand, six hundred and three (\$3,603.00). This is the amount of the economic benefit gained by NEXTLINK, attributable to their delayed compliance with the SPCC regulations. NEXTLINK Communications, Inc. has agreed to pay this amount in civil penalties. EPA and NEXTLINK negotiated and signed an administrative consent agreement, following the Consolidated Rules of Procedure, 40 CFR 22.13, on September 7, 2000 (*In Re: NEXTLINK Communications, Inc.*, Docket No. MM-HQ-2000-0004). This consent agreement is subject to public notice and comment under CWA section 311(b)(6), 33 U.S.C. 1321(b)(6).

Under CWA section 311(b)(6)(A), 33 U.S.C. 1321(b)(6)(A), any owner, operator, or person in charge of a vessel, onshore facility, or offshore facility from which oil is discharged in violation of the CWA section 311 (b)(3), 33 U.S.C. 1321(b)(3), or who fails or refuses to comply with any regulations that have been issued under CWA section 311(j),

33 U.S.C. 1321(j), may be assessed an administrative civil penalty of up to \$137,500 by EPA. Class II proceedings under CWA section 311(b)(6) are conducted in accordance with 40 CFR Part 22.

The procedures by which the public may comment on a proposed Class II penalty order, or participate in a Clean Water Act Class II penalty proceeding, are set forth in 40 CFR 22.45. The deadline for submitting public comment on this proposed final order is October 25, 2000. All comments will be transferred to the Environmental Appeals Board ("EAB") of EPA for consideration. The powers and duties of the EAB are outlined in 40 CFR 22.04(a).

Pursuant to CWA section 311(b)(6)(C), EPA will not issue an order in this proceeding prior to the close of the public comment period.

**List of Subjects**

Environmental protection.

Dated: September 18, 2000.

**David A. Nielsen,**

*Director, Multimedia Enforcement Division, Office of Enforcement and Compliance Assurance.*

[FR Doc. 00-24574 Filed 9-22-00; 8:45 am]

**BILLING CODE 6560-50-U**

**FEDERAL COMMUNICATIONS COMMISSION**

**Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested**

September 20, 2000.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the

information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Written comments should be submitted on or before November 24, 2000. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all comments to Les Smith, Federal Communications Commissions, 445 12th Street, S.W., Room 1-A804, Washington, DC 20554 or via the Internet to [lesmith@fcc.gov](mailto:lesmith@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collections contact Les Smith at (202) 418-0217 or via the Internet at [lesmith@fcc.gov](mailto:lesmith@fcc.gov).

**SUPPLEMENTARY INFORMATION:**

*OMB Number:* 3060-XXXX.

*Title:* Section 79.2 Accessibility of Programming Providing Emergency Information.

*Form Number:* None.

*Type of Review:* Revision of currently approved collection.

*Respondents:* Business or other for-profit, Individuals or household, not-for-profit institutions, state, local or tribal government.

*Number of Respondents:* 100.

*Estimated time per response:* 1 hour per complainant, 2 hours per program provider.

*Frequency of response:* on occasion.

*Total annual burden:* 275 hours.

*Total annual cost:* \$5,000.

*Needs and Uses:* On July 21, 2000, the Commission adopted a Report and Order in MM Docket No. 99-339 In the Matter of Implementation of Video Description of Video Programming. This Report and Order adopted video description rules to make television more accessible to persons with visual disabilities. Among other things, this Report and Order requires any broadcast station or multiple video programming distributor (MVPD) that provides local emergency information as part of a regularly scheduled newscast, or as part of a newscast that interrupts regularly scheduled programming, to make the critical details of the information accessible to persons with visual disabilities in the affected local area. In addition, any broadcast station or MVPD that provides emergency information through a crawl or scroll must accompany that information with an aural tone to alert persons with visual disabilities that the station or MVPD is providing this information.