

**ACTION:** Notice of Proposed Clean Water Act administrative penalty assessment and opportunity to comment.

**SUMMARY:** EPA is providing notice of a proposed Consent Agreement for alleged violations of the Clean Water Act. EPA is also providing notice of opportunity to comment on the proposed penalty.

EPA is authorized under section 309(g) of the Act, 33 U.S.C. 1319(g), to assess a civil penalty after providing the person subject to the penalty notice of the proposed penalty and the opportunity for a hearing, and after providing interested persons notice of the proposed penalty and a reasonable opportunity to comment on its issuance. Under section 309(g), any person who has violated the conditions of a National Pollutant Discharge Elimination System permit may be assessed a penalty in a "Class II" administrative penalty proceeding. Class II proceedings under section 309(g) are conducted in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits," 40 CFR part 22 ("Consolidated Rules"), published at 64 FR 40138, 40177 (July 23, 1999).

EPA is providing notice of the following Class II penalty proceeding, filed on September 6, 2001:

In the Matter of the California Department of Transportation, District 11, Docket No. CWA-9-2001-0003; Complainant, Alexis Strauss, Director, Water Division, U.S. EPA, Region 9, 75 Hawthorne St., San Francisco, CA 94105; Respondent, California Department of Transportation, District 11, 2829 Juan St., San Diego, CA 92186. In accordance with the terms of the Consent Agreement, Respondent agrees to pay to the United States a civil penalty of \$137,500 (one hundred thirty-seven thousand, five hundred dollars) for various discharges from the "State Route 56 Construction Project," located in San Diego County near the City of Poway, to Deer Creek and Los Penasquitos Creek, in violation of the terms and conditions of the "National Pollutant Discharge Elimination System Permit for Storm Water Discharges from the State of California, Department of Transportation Properties, Facilities, and Activities," NPDES No. CAS000003.

The procedures by which the public may comment on a proposed Class II penalty or participate in a Class II penalty proceeding are set forth in the consolidated rules. The deadline for submitting public comment on a

proposed Class II order is thirty (30) days after publication of this document.

**FOR FURTHER INFORMATION CONTACT:**

Persons wishing to receive a copy of the consolidated rules, review the complaint or other documents filed in the proceedings, or comment or participate in the proceedings, should contact Danielle Carr, Regional Hearing Clerk, U.S. EPA, Region 9, 75 Hawthorne St., San Francisco, CA 94105, (415) 744-1391. The administrative record for this proceeding is located in the EPA Regional Office identified above, and the file will be open for public inspection during normal business hours. EPA will not issue a final order assessing a penalty in these proceedings prior to forty (40) days after the date of publication of this document.

Dated: September 19, 2001.

**Alexis Strauss,**

*Director, Water Division.*

[FR Doc. 01-24216 Filed 9-26-01; 8:45 am]

**BILLING CODE 6560-50-P**

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**FEDERAL COMMUNICATIONS COMMISSION**

**Public Information Collections Approved by Office of Management and Budget**

September 19, 2001.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Public Law 104-13. 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 control number. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418-1379.

**Federal Communications Commission**

*OMB Control No.:* 3060-0715.

*Expiration Date:* 09/30/2004.

*Title:* Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information (CPNI) and Other Customer Information, CC Docket No. 96-115.

*Form No.:* N/A.

*Respondents:* Business or other for-profit.

*Estimated Annual Burden:* 6832 respondents; 89.8 hour per response (avg.); 613,616 total annual burden hours.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$229,520,000.

*Frequency of Response:* On occasion; Recordkeeping; Third Party Disclosure.

*Description:* The following collections implement the statutory obligations of section 222 of the Telecommunications Act of 1996: (a) Customer Approval: If carriers choose to use CPNI to market service offerings outside the customer's existing service, they must obtain customer approval. See 47 CFR 64.2005 and 64.2007. (No. of respondents: 4832; hours per response: 39 hours; total annual burden: 188,448 hours). Customer Approval Documentation and Recordkeeping: Telecommunications carriers must implement a system by which the status of a customer's CPNI approval can be clearly established prior to the use of CPNI. See 47 CFR 64.2007(e) and 64.2009. (No. of respondents: 4832; hours per response: 30 minutes; total annual burden: 2416 hours). c. Notification of CPNI Rights: All telecommunications carriers that choose to solicit customer approval must provide their customers a one-time notification of their CPNI rights prior to any such solicitation. See 47 CFR 64.2007(f). (No. of respondents: 4832; hours per response: 78 hours; total annual burden: 376,896 hours). d. Notification Recordkeeping: Pursuant to the one-time notification requirement, carriers must maintain a record of such notifications. Carriers must maintain such records for a period of at least one year. See 47 CFR 64.2007(e). (No. of respondents: 4832; hours per response: 30 minutes; total annual burden: 2416 hours). e. Event Histories Recordkeeping: Telecommunications carriers must establish a supervisory review process regarding carrier compliance with the rules in 47 CFR part 64 for outbound marketing situations. See 47 CFR 64.2009(c) and (d). (No. of respondents: 4832; hours per response: 15 minutes; total annual burden: 1208 hours). f. Compliance Certification: All telecommunications carriers must obtain on an annual basis a certification signed by a current corporate officer attesting that he or she has personal knowledge that the carrier is in compliance with the Commission's rules, and to create an accompanying statement explaining how the carriers are implementing the rules and safeguards. See 47 CFR 64.2009. (No. of respondents: 4832; hours per response: 1 hour; total annual burden: 4832 hours). g. Aggregate Customer Information Disclosure Requirements for Local Exchange Carriers (LECs): LECs must disclose aggregate customer information to others upon request,

when they use or disclose the aggregate customer information for marketing service to which the customer does not subscribe. (No. of respondents: 1400; hours per response: 1 hour; total annual burden: 1400 hours). h. CPNI Disclosure to Third Parties: Section 222(c)(2) requires carriers, when presented with a customer's affirmative written request, to provide that customer's CPNI to any person designated in the written authorization. (No. of respondents: 500; hours per response: 5 hours; total annual burden: 2500 hours). i. Subscriber List Information Disclosure Requirement for Providers of Telephone Exchange Service: Telecommunications carriers that provide telephone exchange service must provide subscriber list information gathered in its capacity as a provider of such service on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions, to any person upon request for the purpose of publishing directories in any format. See 47 CFR 64.2309. (No. of respondents: 2000; hours per response: 10 hours; total annual burden: 20,000 hours). j. Notifications: A carrier must provide subscriber list information at the time requested by the directory publisher, provided that the directory publisher has given at least thirty days advance notice and the carrier's internal systems permit the request to be filled with that time frame. See 47 CFR 64.2313, 64.2317, and 64.2329. (No. of respondents: 500; hours per response: 5 hours; total annual hours: 2500 hours). k. Cost Study: In the event a directory publishers files a complaint regarding a carrier's subscriber list information rates, the carrier must present a cost study providing credible and verifiable cost data to justify each challenged rates. (No. of respondents: 100; hours per response: 100 hours; total annual hours: 10,000 hours). l. Certification: A telecommunications carrier may require a person requesting subscriber list information pursuant to section 222(e) of the Communications Act or section 64.2309 to certify that the publisher will use the information only for purposes of publishing a directory. The certification may be either oral or written, at the carrier's option. See 47 CFR 64.2337. (No. of respondents: 2000; hours per response: .5 hours; total annual burden: 1000 hours). m. Disclosure of Contracts, Rates, Terms, and Conditions and Recordkeeping: A telecommunications carrier must retain, for at least one year after its expiration, each written contact that it has executed for the provision of subscriber list information for directory publishing purposes to itself, an affiliate, or an entity that publishes

directories on the carrier's behalf. A telecommunications carrier must maintain, for at least one year after the carrier provides subscriber list information for directory publishing purposes to itself, an affiliate, or an entity that publishes directories on the carrier's behalf, records of any of its rates, terms, and conditions for providing that subscriber list information which are not set forth in a written contract. These records and contracts shall be made available to the Commission and to any directory publisher upon request. See 47 CFR 64.2341. (No. of respondents: 2000; hours per response: 1 hour; total annual burden: 2000 hours). All of the collections are used to ensure that telecommunications carriers comply with the requirements the Commission promulgates in its rules and orders and to implement section 222 of the statute. Obligation to respond: Mandatory.

*OMB Control No.:* 3060-0971.

*Expiration Date:* 09/30/2004.

*Title:* Numbering Resource

Optimization, Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking.

*Form No.:* N/A.

*Respondents:* State, Local or Tribal Government; Business or other for-profit.

*Estimated Annual Burden:* 2050 respondents; 6.82 hour per response (avg.); 14,000 total annual burden hours.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$0.

*Frequency of Response:* On occasion; Third Party Disclosure.

*Description:* In the Second Report and Order in CC Dockets 96-98 and 99-200, the Commission requires carriers that report forecast and utilization data semi-annually to North American Numbering Plan Administrator (NANPA) or the Pooling Administrator to duplicate such request for state commissions upon request. (No. of respondents: 50; hours per response: 30 hours per state; total annual burden: 1500 burden hours). In addition, to request a "for cause" audit of a carrier, the NANPA, the Pooling Administrator or a state commission must draft a request to the auditor stating the reason for the request, such as misleading or inaccurate data, and attach supporting documentation. (No. of respondents: 2000; hours per response: 6.25 hours; total annual burden: 12,500 burden hours). The information collected will be used by the FCC, state commissions, the NANPA and the Pooling Administrator to verify the validity and accuracy of such data and to assist state commissions in

carrying out their numbering responsibilities such as area code relief. Obligation to respond: Mandatory.

Public reporting burden for the collections of information are as noted above. Send comments regarding the burden estimates or any other aspect of the collections of information, including suggestions for reducing the burden to Performance Evaluation and Records Management, Washington, DC 20554.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 01-24135 Filed 9-26-01; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at [www.ffiec.gov/nic/](http://www.ffiec.gov/nic/).

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 22, 2001.

**A. Federal Reserve Bank of Boston** (Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02106-2204: