(1) A survey of existing Federal, State and international actions to address ANS.

(2) Options for controlling ballast water through legal, technical and practical mechanisms.

(3) A list of additional non-regulatory and regulatory actions that the EPA and other agencies might take to minimize the spread of invasive ANS in ballast water; and

(4) Other relevant factors and considerations.

As the draft Report states, the Study concluded that the threat of ANS introduction from ballast water discharges is real, and that EPA has an appropriate role in mitigating that threat. The Report recommends against establishing a regulatory program for ballast water discharges under the CWA at this time.

The Report suggests that the greatest barrier to effectively preventing the threat of ANS introductions from ballast water, which has to be resolved, is the lack of effective and affordable technologies for treating ballast water to remove or reduce the ANS threat. Those technologies are rapidly emerging and expected to be widely available in several years.

The Study examined the U.S. Coast Guard's ballast water program under the National Invasive Species Act (NISA) of 1996, the work of the Aquatic Nuisance Species Task Force under NISA, and the interagency efforts established under Executive Order 13112. The Study concluded that although the NISA program in its current form probably does not sufficiently protect against ANS spread from ballast water discharges, the primary impediments to its success (*i.e.*, the lack of ballast water treatment technologies, and the lack of comprehensive mandatory ballast water treatment standards) are waning. The Coast Guard is expected to take several actions in the near future to better incorporate new and more effective ballast water treatment technologies into its ballast water program. EPA believes those actions, coupled with availability of new treatment technologies, provide the most effective approach for preventing ANS introductions from ballast water.

Based on its findings, the draft Report proposes recommendations that EPA work with the Coast Guard and other stakeholders to foster the rapid development of ballast water treatment technologies, and support the Coast Guard regulatory program to ensure that it is as effective as possible against ANS spread.

The Report makes the following specific draft recommendations for addressing the issue:

a. Actively promote research, outreach, and technology development through participation in the ANS Task Force, the Invasive Species Council, and their appropriate committees and working groups on ballast water.

b. Promote technology development, for example through its Environmental Technology Verification (ETV), Small Business Innovative Research, and Green Ships and Green Ports programs.

c. Establish the prevention of ANS introductions as an EPA research priority.

d. Provide technical assistance to ANS research projects initiated or funded by the National Oceanic and Atmospheric Administration (NOAA), the U.S. Fish and Wildlife Service (USFWS), the U.S. Coast Guard, or other government, academic, or non-governmental organizations.

e. Support the U.S. Coast Guard's efforts to evaluate the effectiveness of its regulations and to revise them, if necessary, to enhance their effectiveness in preventing ANS introductions, including the development of domestic ballast water standards and encouraging the development and adoption of new technologies.

f. Continue EPA's participation on the U.S. delegation to the Ballast Water Working Group of the Marine Environmental Protection Committee of the International Maritime Organization, which is working toward an international ballast water agreement, including developing standards.

g. Encourage public participation and education/outreach (e.g., through the National Estuary Programs, Great Waters Programs, Aquatic Nuisance Species Task Force (ANSTF), National Invasive Species Council, Interagency Committee on the Marine Transportation System, and web sites).

h. Work with the U.S. Coast Guard to maximize compliance with the National Invasive Species Act (NISA) regulations at 33 CFR 151 by:

1. Providing technical assistance, coordination, and advocacy support to U.S. Coast Guard outreach, education, and research projects; and

2. Participating actively on the ANSTF, its regional Panels, and its Ballast Water Committees.

i. In cooperation with other Federal agencies, engage the regulated community in a government-shipper partnership emphasizing the use of Environmental Management Systems to address all aspects of ship-borne transfers of ANS, by:

1. Formally recognizing the efforts of shipping interests which commit to real, significant actions that reduce the risk of ANS transfer;

2. Providing technical assistance, coordination, and where appropriate, financial support to shippers projects designed to address ANS; and

3. Where appropriate, providing regulatory flexibility for ANS prevention projects using EPA's Project XL Program.

j. Provide encouragement for national consistency and coordination to State and local governments' efforts to control ANS invasion from ballast water.

k. Develop EPA's Invasive Species Management Plan to identify appropriate EPA-specific activities to implement the Invasive Species Council's National Invasive Species Management Plan.

l. Use EPA's authority to review NEPA documents and other documentation, to promote the adequate consideration of the effects of ANS in Federal actions which involve ballast water.

m. Defer consideration of the application of NPDES permits to ballast water discharges pending these actions. The effectiveness of other programs, including the level of compliance with the Coast Guard's program under NISA, will be a factor in EPA's future consideration of this issue.

The following documents are available from the W–00–16 Water Docket, and are also available at the internet address listed above:

1. Petition to EPA to regulate ballast water under NPDES, dated January 13, 1999.

2. Letter from the Assistant Administrator for Water, to petitioner, dated April 6, 1999.

3. Written comments received on the petition prior to release of the draft Ballast Water Report.

4. Draft Ballast Water Report.

Dated: September 21, 2001.

G. Tracy Mehan, III,

Assistant Administrator, Office of Water.

[FR Doc. 01–24193 Filed 9–26–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7063–9]

Clean Water Act Class II: Proposed Administrative Penalty Assessment and Opportunity To Comment Regarding the California Department of Transportation

AGENCY: Environmental Protection Agency (EPA).

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

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 hours; 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,