

ENVIRONMENTAL PROTECTION AGENCY

[FRL-7078-2]

New York State Prohibition on Marine Discharges of Vessel Sewage; Notice of Final Affirmative Determination

Notice is hereby given that a final affirmative determination has been made by the Regional Administrator, Environmental Protection Agency (EPA), pursuant to section 312(f) of Public Law 92-500, as amended by Public Law 95-217 and Public Law 100-4 (the Clean Water Act), that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters of the Port Jefferson Harbor Complex, County of Suffolk, State of New York. The Harbor complex consists of several waterbodies, including Port Jefferson Harbor, Setauket Harbor, Little Bay, the Narrows and Conscience Bay. The boundary line for the proposed No Discharge Area shall extend from the easternmost point at Old Field Beach northerly to the westernmost point at White Beach. A Notice of Receipt of Petition and Tentative Determination was published in the **Federal Register** on April 26, 2001 and public comments regarding the tentative determination were accepted through May 26, 2001. One comment letter was received from the American Waterways Operators (AWO) dated May 4, 2001.

AWO commented that the Town of Brookhaven had not contacted any of their members, which operate in the Port Jefferson Harbor, as the Town claims. Specifically, AWO contends that the two largest commercial waterfront facilities, TOSCO and Keyspan Energy, in Port Jefferson Harbor that are served by the tug and barge industry were neither consulted nor considered. The Town of Brookhaven contacted Barking Marine representing TILCON, TOSCO Pipeline and Keyspan Energy on September 22, 2000. The companies indicated that compliance with No Discharge Area (NDA) requirements would not be a problem. These conversations were documented and signed by Peter Koutrakos, Harbormaster, Town of Brookhaven. Many of the commercial vessels are equipped with chemical treatment systems and holding tanks. These vessels can either use a pumpout facility, a commercial septage hauler or discharge their treated waste after they have left the NDA. Based on the logs submitted to EPA and the statements made by the representatives of TOSCO Pipeline, Keyspan Energy and Barker

Marine, EPA has determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available.

This petition was made by the New York State Department of Environmental Conservation (NYSDEC) in cooperation with the Town of Brookhaven. Upon receipt of an affirmative determination in response to this petition, NYSDEC will completely prohibit the discharge of sewage, whether treated or not, from any vessel in the Port Jefferson Harbor Complex in accordance with section 312(f)(3) of the Clean Water Act and 40 CFR 140.4(a).

The Port Jefferson Harbor Complex is located on the north shore of Long Island with approximately 64 miles of tidal shoreline contiguous to Long Island Sound. Port Jefferson's marine waters are comprised of approximately 2,000 acres of harbors, bays and tidal wetlands. The Harbor complex is a major producer of hard clams, soft clams and oysters in New York State. The Harbor complex is used extensively by recreational boaters. Seasonal and transient mooring areas, as well as private and public marinas and boat ramps, are located in the area.

Information submitted by the State of New York and the Town of Brookhaven indicate that there are two existing pumpout facilities and two pumpout boats available to service vessels which use the Port Jefferson Harbor Complex. The Town of Brookhaven operates a fixed pumpout station at the Port Jefferson Marina. The pumpout is available 24 hours a day beginning May 1 through October 31 and is self-service. No fee is charged for the use of the pumpout. Water Depth is 10-feet at mean low water making it accessible to all recreational boats. The Town of Brookhaven operates a mobile pumpout vessel which is dedicated to the Harbor complex from mid-May through mid-September. The hours of operations are Saturdays from 10 am to 5 pm, Sundays from 8 am to 5 pm and holidays from 8 am to 5 pm. The pumpout vessel is also available for pumpouts on Fridays and Mondays by appointment. No fee is charged for the service. The Town has a second pumpout vessel that during periods of heavy demand also services Port Jefferson Harbor. Danfords Marina located on East Broadway, Port Jefferson, operates a pumpout. The pumpout is available during normal business hours from May through October. A \$10.00 fee is charged for the use of the pumpout. Water depth is 6 feet at mean low water.

Vessel waste generated from the pumpout facilities located at the Town

of Brookhaven's Port Jefferson Marina and their pumpout vessel, and at the Danfords Marina is hauled by privately operated waste haulers. All hauled waste from the pumpout facilities is discharged into and treated at the Suffolk County sewage treatment plant at Bergen Point located in Babylon.

There are five pumpouts located in harbors adjacent to the Port Jefferson Harbor Complex. Two pumpouts are located in Stony Brook Harbor. One pumpout is located in the Nissequogue River while two more are located in Mt. Sinai Harbor.

According to the State's petition, the maximum daily vessel population for the waters of Port Jefferson Harbor Complex is approximately 900 vessels which are docked or moored. An inventory was developed including the number of recreational, commercial and estimated transient vessels that occupy the harbor bay complex. The ratio of boats to pumpout facilities has been based on the total number of vessels which could be expected. With two shore-side pumpout facilities and one pumpout vessel available to boaters, the ratio of docked or moored boats (including transients) is approximately 300 vessels per pumpout. Standard guidelines refer to acceptable ratios failing in the range of 300 to 600 vessels per pumpout. If the EPA calculation is employed (as listed in the guidance manual entitled, "Protecting Coastal Waters from Vessel and Marina Discharges: A Guide for State and Local Officials—April 1994), it estimates that two pumpouts are needed to provide adequate facilities.

Several commercial vessel operators are active in and around the harbor. These include the Bridgeport/Port Jefferson Ferry, Miller Marine, Barker Marine, Buchanan Marine, Ltd., Martha Jefferson Paddlewheel Cruises, Port Jefferson Ace and Prowler Recreational/Charter Fishing, and Osprey Recreational/Charter Fishing. These businesses were contacted by the Town of Brookhaven and asked to provide information regarding their methods for treating their vessel sewage. Most of the operators contacted use holding tanks to retain their sewage. The operators that currently use flow-through systems have made commitments to retrofit and comply with the No Discharge Area when finalized.

The EPA hereby makes a final affirmative determination that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the Port Jefferson Harbor Complex, County of Suffolk, State of New York. This final determination on this matter

will result in a New York State prohibition of any sewage discharges from vessels in the Port Jefferson Harbor Complex.

Dated: September 25, 2001.

William J. Muszynski,

Acting Regional Administrator, Region 2.

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FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 98-67; DA 01-2247]

Postponement of FCC's Public Forum and Technology Expo on Telecommunications Relay Services

AGENCY: Federal Communications Commission.

ACTION: Notice; postponement of meeting.

SUMMARY: By this notice, the Public Forum and Technology Expo on Telecommunications Relay Service (TRS), that had been scheduled for October 10, 2001, as announced by Public Notice, DA 01-1969, on August 20, 2001 has been postponed.

DATES: The Public Forum and Technology Expo on TRS will be rescheduled for sometime in the Spring. A public notice announcing the new date will be released in the future.

FOR FURTHER INFORMATION CONTACT: For more information, please contact Suzanne Perrin at (202) 418-2874 (voice), (202) 418-1085 (TTY), or sperrin@fcc.gov (e-mail) or Arlene Alexander at (202) 418-0581 (voice), (202) 418-0183 (TTY), or aalexand@fcc.gov (email).

SUPPLEMENTARY INFORMATION: We still encourage all interested individuals to submit written *ex parte* presentations identifying proposed national outreach guidelines and procedures, as requested in the Public Notice DA 01-1969, released August 20, 2001. *Ex parte* presentations will aid us in our decision-making with regard to identifying the best means of achieving nationwide outreach on TRS. Interested parties must file *ex parte* presentations pursuant to § 1.1206 of the Commission's rules, 47 CFR 1.1206. An original and four (4) copies should be filed with the FCC's Office of the Secretary, 445 12th Street, SW., TW-A325, Washington DC 20554 and should reference CC Docket No. 98-67. One (1) copy of those filings should be sent to our duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC

20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com. Additionally, two (2) copies should be forwarded to Greg Hlibok, Consumer Information Bureau, FCC, 445 12th Street, SW., Room 6-A236, Washington, DC 20554. All filings concerning any of the matters referenced in this Public Notice should refer to CC Docket 98-67. You may also file *ex parte* presentations using the Commission's Electronic Comment Filing System (ECFS). *Ex parte* presentations filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. If using this method, please reference CC Docket No. 98-67 in the Proceeding Block. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket. Parties may also submit an electronic *ex parte* presentation by Internet e-mail. To get filing instructions for e-mail *ex parte* presentations, commenters should send e-mail to ecfs@fcc.gov, including "get form <your e-mail address>" in the body of the message. A sample form and directions will be sent in reply. Copies of any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554.

Documents may also be purchased from the Commission's duplicating contractor, Qualex International.

Consumer Information Bureau.

Pamela Gregory,

Chief, Disabilities Rights Office.

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FEDERAL COMMUNICATIONS COMMISSION

Privacy Act System of Records

AGENCY: Federal Communications Commission (FCC or Commission).

ACTION: Notice; amendment of one altered Privacy Act system of records; amendment of one revised routine use; amendment of one proposed new routine use; one deleted routine use; and one purged system of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, as amended, 5 U.S.C. 552a(e)(4), the FCC has amended and is republishing the proposed alteration of a systems of records, FCC/CIB-1, "Informal Complaints and

Inquiries." The amended and altered system of records incorporates the provisions of FCC/CIB-4, "Telephone and Electronic Contacts," revises two routine uses to incorporate comments received following the initial publication of the altered system of records, and makes other edits and revisions as necessary. The FCC will eliminate FCC/CIB-4.

DATES: The amended and altered system, which incorporates the comments received following the initial publication, shall become effective October 11, 2001.

FOR FURTHER INFORMATION: Contact Les Smith, Performance Evaluation and Records Management, Room 1-A804, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, or via the Internet at lesmith@fcc.gov; or Arthur Scrutchins, Staff Attorney, Office of the Bureau Chief, Consumer Information Bureau, Room 3-A234, Federal Communications Commission, at (202) 418-2184, or via the Internet at ascrutch@fcc.gov.

SUPPLEMENTARY INFORMATION: As required by the Privacy Act of 1974, 5 U.S.C. 552a(e)(4), this document sets forth notice of the amendment of the proposed alteration of a system of records maintained by the FCC, in response to comments received following the initial publication in the **Federal Register**. The purpose of altering FCC/CIB-1, "Information Complaints and Inquiries," is to enable the Consumer Information Bureau to handle and process informal complaints filed against common carriers received from individuals, groups, and other entities. Records in this system are available for public inspection after redaction of information, which could identify the complainant or correspondent, *i.e.*, name, address, and/or telephone number.

The Commission's proposal achieves this purpose by amending and altering this system of records, FCC/CIB-1, "Informal Complaints and Inquiries," with these changes:

The incorporation of the data elements of another system of records, FCC/CIB-4, "Telephone and Electronic Contacts," into FCC/CIB-1;

The elimination of FCC/CIB-4;

The amendment of the proposed revision of one routine use to address informal complaints filed against common carriers, pursuant to Section 208 of the Communications Act of 1934, as amended;

Routine use (1) to allow disclosure when a record in this system involves an informal complaint filed against a common carrier, the complaint may be