

CFR part 112. NEXTEL disclosed that for eight facilities they had failed to obtain operating permits or exemptions in violation of CAA section 110, 42 U.S.C. 7410, and various SIP requirements for emergency generators. Nextel disclosed that at seventy-two facilities they had failed to file emergency planning notifications with the SERC and failed to provide the name of an emergency contact to the LEPC, in violation of EPCRA sections 302 and 393, 42 U.S.C. 7413(a)(1). Nextel further disclosed that at seventy-five facilities they had failed to submit MSDS' or a list of chemicals to the LEPC, SERC, and the fire departments with jurisdiction over the facilities, in violation of EPCRA section 311, 42 U.S.C. 11021; and that at sixty-six facilities had failed to submit an Emergency and Hazardous Chemical Inventory for the LEPC, SERC, and fire departments with jurisdiction over the facilities, in violation of EPCRA section 312, 42 U.S.C. 11022. At four facilities Nextel failed to ensure that the language in their financial assurance insurance policies for underground storage tanks was not exactly as required by regulation, in violation of RCRA section 9003(d), 42 U.S.C. 6991(d). Nextel violated RCRA section 9002(a)(1), 42 U.S.C. 6991(a)(1) when it failed to notify the state of the existence of an underground storage tank at one facility; and Nextel violated RCRA section 9003, 42 U.S.C. 6991b and all of the relevant underground storage tank regulations at one facility. Nextel failed to make a hazardous waste determination and improperly disposed of hazardous waste at one facility in violation of 9-VAC 20-60-261(A).

EPA determined that Nextel 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 (\$1,994,810) and proposed a settlement penalty amount of thirty-five thousand and four dollars (\$35,004). This is the amount of the economic benefit gained by Nextel, attributable to their delayed compliance with the CWA, CAA, RCRA, and EPCRA regulations. Nextel Communications, Inc. has agreed to pay this amount. EPA and Nextel negotiated and signed an administrative consent agreement, following the Consolidated Rules of Practice, 40 CFR 22.13(b), on October 18, 2002 (*In Re: Nextel Communications, Inc et. al. and NII Holdings, Inc.*, Docket Nos. CWA-HQ-2002-6001, EPCRA-HQ-2002-6001, CAA-HQ-2002-6001, and RCRA-HQ-2002-6001). This consent agreement is subject to public notice and comment under CWA section 311(b)(6), 33 U.S.C.

1321(b)(6). EPA is expanding this opportunity for public comment to all other aspects of this consent agreement.

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.

Under CAA section 113(d), the Administrator may issue an administrative order assessing a civil penalty against any person who has violated an applicable implementation plan or any other requirement of the Act, including any rule, order, waiver, permit or plan. Proceedings under CAA section 113(d) are conducted in accordance with 40 CFR part 22.

Under EPCRA section 325, the Administrator may issue an administrative order assessing a civil penalty against any person who has violated applicable emergency planning or right to know requirements, or any other requirement of the Act. Proceedings under EPCRA section 325 are conducted in accordance with 40 CFR part 22.

Under RCRA section 3008, the Administrator may issue an administrative order assessing a civil penalty against any person who has violated applicable underground storage tank or hazardous waste requirements, or any other requirement of the Act. Proceedings under RCRA section 3008 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 November 29, 2002. 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 22.4(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: October 24, 2002.

Rosemarie A. Kelley,

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

[FR Doc. 02-27622 Filed 10-29-02; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved by Office of Management and Budget

October 22, 2002.

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, Pub. L. 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 Paul J. Laurenzano, Federal Communications Commission, (202) 418-1359 or via the Internet at plaulenz@fcc.gov.

OMB Control No.: 3060-0989.

Expiration Date: 11/30/2002.

Title: Procedures for Applicants Requiring Section 214 Authorization for Domestic Interstate Transmission Lines Acquired Through Corporate Control, 47 CFR Sections 63.01, 63.03, and 63.04.

Form No.: N/A.

Estimated Annual Burden: 35 responses; 1,655 total annual hours; 3-65 hours per respondent.

Needs and Uses: The Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations Report and Order released March 21, 2002, provides presumptive streamlining categories, allows for joint applications for international and domestic transfers of control, clarifies confusion about content of applications, provides timelines for streamlined transaction review, provides a pro forma transaction process, allows asset acquisitions to be treated as transfers of control and deletes obsolete sections of the Commission's rules. The information will be used to ensure that applicants comply with the requirements of 47 U.S.C. section 214.

OMB Control No.: 3060-0793.

Expiration Date: 10/31/2005.

Title: Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Procedures for Self-Certifying as a Rural Carrier.

Form No.: N/A.

Estimated Annual Burden: 10 responses; 10 total annual hours; 1 hour per response.

Needs and Uses: In the Universal Service Order, the Commission determined that rural and non-rural carriers will receive federal universal service support determined by separate mechanisms, at least until January 1, 2001. The Commission stated that it would define rural carriers as those carriers that meet the statutory definition of a rural telephone company in section 153(37) of the Communications Act. In addition, the Commission determined that local exchange carriers (LECs) should self-certify their status as a rural company each year to the Commission and their state commission.

In a Tenth Report and Order (Report and Order) issued on November 2, 1999, the Commission adopted the proposals made that carriers who serve under 100,000 access lines should not have to file the annual rural certification letter unless their status has changed since their last filing. Carriers with more than 100,000 access lines, that seek rural status, need to file rural certifications for their year 2001 status and thereafter, should re-certify only if their status has changed. The Commission found that the relaxed re-certification requirements will reduce administrative burdens for carriers seeking rural certification and for the Commission. Statutory authority for this information collection is section 254 of the Telecommunications Act.

OMB Control No.: 3060-0742.

Expiration Date: 08/31/2005.

Title: Telephone Number Portability (47 CFR part 52, subpart C, Sections 52.21-52.33) and CC docket no. 95-116.

Form No.: N/A.

Estimated Annual Burden: 1,925 responses; 13,613 total annual hours; \$77,000 cost burden; .50-149 hours per response.

Needs and Uses: 47 CFR part 52, subpart C implements the statutory requirement that LECs provide number probability. In a MO&O on reconsideration, issued in CC docket no. 95-116, the Commission implements new and/or modified requirements. (1) In order to calculate a multi-region carrier's share of LNP administration costs, the agency needs a certification if that carrier cannot divide its revenue by LNP region and instead chooses to allocate such revenue by subscriber percentages. (2) To ensure that a non-LNP capable incumbent local exchange carrier participating in an extended area service calling plan with an LNP-capable carrier complies with LNP cost recovery law and rules, the agency

needs the collection by tariff if such a carrier seeks to recover its query and LNP administration costs.

OMB Control No.: 3060-0540.

Expiration Date: 09/30/2005.

Title: Tariff Filing Requirements for Nondominant Common Carriers.

Form No.: N/A.

Estimated Annual Burden: 2,000 responses; 21,000 total annual burden; \$1,260,000 cost burden; 10.5 hours per response.

Needs and Uses: Nondominant carriers must file tariffs pursuant to the requirements contained in 47 CFR sections 61.20-61.23. These tariff filing rules for nondominant carriers were originally adopted to comply with the decision of the United States Court of Appeals for the District of Columbia Circuit, which required all nondominant carriers to file tariffs with the Commission. *See AT&T v. FCC*, 978 F.2d 727 (D.C. Cir. 1992). *See also Southwestern Bell Corp. v. FCC*, 43 F.3d 1515 (D.C. Cir. 1995).

The information collected pursuant to the nondominant tariff filing rules is used to comply with section 203 of the Communications Act of 1934, which requires that carriers file schedules indicating the rates, terms, and conditions of their service offerings. The information collected pursuant to the tariff filing requirements is used by the Commission to determine whether the rates, terms, and conditions of service offered are just and reasonable as the Act requires. These tariff filing requirements enable the Commission and the public to ensure that the service offerings of communications common carriers comply with the requirements of the Act. If the information were not filed, the Commission would not be able to carry out its responsibilities as required by the Act.

OMB Control No.: 3060-0463.

Expiration Date: 09/30/2005.

Title: Telecommunications Services for Individuals with Hearing and Speech Disabilities and the Americans with Disabilities Act of 1990, 47 CFR Part 64 (Sections 64.601-64.605).

Form No.: N/A.

Estimated Annual Burden: 5,052 responses; 26,831 total annual hours; 6 hours per response.

Needs and Uses: The Americans with Disabilities Act of 1990 (ADA), Pub. L. 101-336, 104 Stat. 327, 366-69, was enacted on July 26, 1990. The purpose of the ADA is to provide a clear and comprehensive national mandate to end discrimination against individuals with disabilities and to bring persons with disabilities into the economic and social mainstream of American life; to provide

enforceable standards addressing discrimination against individuals with disabilities; and to ensure that the Federal government play a central role in enforcing these standards on behalf of individuals with disabilities. Title IV of the ADA adds section 225 to the Communications Act of 1934. Section 225 requires the Commission to promulgate regulations that require all domestic telephone common carriers to provide telecommunications relay services (TRS). 47 CFR part 64, subpart F implements certain provisions of the ADA. It contains the operational, technical, and functional standards required of all TRS providers and the procedures for state certification. Although section 225 of the ADA imposes on all common carriers providing interstate or intrastate telephone services an obligation to provide to hearing and speech-impaired individuals telecommunications services that enable them to communicate with hearing individuals, and charges the Commission with regulatory oversight, states may seek to establish intrastate relay services that satisfy federal requirements. Pursuant to section 64.602, any violation of subpart F by any common carrier engaged in intrastate communications will be subject to the same remedies, penalties, and procedures as are applicable to a violation of the Communications Act by a common carrier engaged in interstate communications.

OMB Control No.: 3060-0169.

Expiration Date: 06/30/2005.

Title: Sections 43.51 and 43.53—Reports and Records of Communications Common Carriers and Affiliates.

Form No.: N/A.

Estimated Annual Burden: 374 responses; 6,029 total annual hours; 83-101 hours per response.

Needs and Uses: Sections 211 and 215 of the Communications Act of 1934, as amended, 47 U.S.C. sections 211 and 215 require that the FCC examine transactions of any common carriers relating to the activities of that carrier which may affect the charges and/or services rendered under the Act. The reports required by sections 43.51 and 43.53 are the means by which the FCC gathers information concerning the activities of carriers which it examines. *See* 43.51 also requires carriers to maintain copies of certain contracts, to have them readily accessible to Commission staff and members of the public upon request and to forward individual contracts to the Commission as requested.

OMB Control No.: 3060-0687.

Expiration Date: 10/30/2005.

Title: Access to Telecommunications Equipment and Services by Persons with Disabilities, CC Docket No. 87–124.

Form No.: N/A.

Estimated Annual Burden: 1,268 responses; 25,000 total annual hours; \$272,000 cost burden; 9.86 hours per response.

Needs and Uses: Title II of the Communications Act of 1934, as amended, 47 U.S.C. section 201 *et. al.*, provides the statutory authority for the Commission to promulgate the rules and regulations contained in part 68 of FCC Rules, 47 CFR part 68. Requirements in part 68 are necessary to prevent degradation of the telephone network. The following collections are necessary to inform consumers who purchase and/or use telephone equipment to determine whether the telephone is hearing aid compatible.

Pursuant to section 68.300(b), all registered telephone manufactured in the U.S. or imported for use in the U.S. that are hearing aid compatible must be stamped with the letters HAC. The provision applies to all telephones manufactured or imported as of March 1, 1997 for use in the United States. The provision excludes telephones used with public mobile services or private radio services, and secure telephones.

Section 68.112(b)(3) requires that employers with fifteen or more employees provide emergency telephones for use by employees with hearing disabilities, and that the employers “designate” such telephones for emergency use. The “designation” might be a sign or a written notice to employees, or some other means of designation. The type of designation is left up to the employer.

Section 68.224(a) requires a notice to be contained on the surface of the packaging of a non-hearing aid compatible telephone that the telephone contained therein is not hearing aid compatible, as defined in sections 68.4(a)(3) and 68.316, or if offered for sale without a surrounding package, shall be fixed with a written statement that the telephone is not hearing aid-compatible, as defined by sections 68.4(a)(3) and 68.316. Section 68.224(b) also requires that the telephone equipment be accompanied by instructions in accordance with § 68.218(b)(5) of the rules.

Federal Communications Commission.

Marlene H. Dortch,
Secretary.

[FR Doc. 02–27568 Filed 10–29–02; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Submitted to OMB for Review and Approval

October 17, 2002.

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, Pub. L. 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 29, 2002. 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, Room 1–A804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to 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.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0532.

Title: Scanning Receiver Compliance Exhibit, Section 2.1033 (b)(10) and Section 15.121.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households; Not-for-profit institutions;

Business or other for-profit entities; Federal Government; and State, Local or Tribal Government.

Number of Respondents: 40.

Estimated Time per Response: 1 hour.

Frequency of Response:

Recordkeeping; On occasion reporting requirement; Third party disclosure.

Total Annual Burden: 40 hours.

Total Estimated Cost: \$2,000.

Needs and Uses: The FCC rules under 47 CFR 2.1033(b)(10) require manufacturers of scanning receivers to design their equipment so that: it has 38 dB of image rejection for Cellular Service frequencies, tuning, control, and filtering circuitry are inaccessible, and any attempt to modify the scanning receiver to receive Cellular Service transmissions will likely render the scanning receiver inoperable. The Commission also requires manufacturers to submit information with any application for certification that describes: the testing method used to determine compliance with the 38 dB image rejection ratio, the design features that prevent modification of the scanning receiver to receive Cellular Service transmissions, and the design steps taken to make tuning, control, and filtering circuitry inaccessible. Furthermore, the FCC requires equipment to carry a statement assessing the vulnerability of the scanning receiver to modification and to have a label affixed to the scanning receiver, similar to the following:

Warning: Modification of this device to receive cellular radiotelephone service signals is prohibited under FCC Rules and Federal Law.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 02–27567 Filed 10–29–02; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 940. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 011831.