

**FOR FURTHER INFORMATION CONTACT:** The Technical Information Staff, National Center for Environmental Assessment/ Washington Office (8623D), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Telephone: 202-564-3261; fax: 202-565-0050; e-mail: [nceadc.comment@epa.gov](mailto:nceadc.comment@epa.gov).

**SUPPLEMENTARY INFORMATION:** This assessment was conducted to review the new information that has become available since EPA's 1985 health assessment of 1,3-butadiene.

1,3-Butadiene is a gas used commercially in the production of styrene-butadiene rubber, plastics, and thermoplastic resins. The major environmental source of 1,3-butadiene is the incomplete combustion of fuels from mobile sources (e.g., automobile exhaust). Tobacco smoke can be a significant source of 1,3-butadiene in indoor air.

This assessment concludes that 1,3-butadiene is carcinogenic to humans by inhalation, based on the total weight of evidence. The specific mechanisms of 1,3-butadiene-induced carcinogenesis are unknown, however, it is virtually certain that the carcinogenic effects are mediated by genotoxic metabolites of 1,3-butadiene.

Animal data suggest that females may be more sensitive than males for cancer effects; nevertheless, there are insufficient data from which to draw any conclusions on potentially sensitive subpopulations.

The human incremental lifetime unit cancer (incidence) risk estimate is based on extrapolation from leukemias observed in an occupational epidemiologic study. A twofold adjustment to the epidemiologic-based unit cancer risk is then applied to reflect evidence from the rodent bioassays suggesting that the epidemiologic-based estimate may underestimate total cancer risk from 1,3-butadiene exposure in the general population.

1,3-Butadiene also causes a variety of reproductive and developmental effects in mice; no human data on these effects are available. The most sensitive effect was ovarian atrophy observed in a lifetime bioassay of female mice. Based on this critical effect and using the benchmark concentration methodology, an RfC (i.e., a chronic exposure level presumed to be "without appreciable risk" for noncancer effects) was calculated.

Dated: October 23, 2002.

**Paul Gilman,**

*Assistant Administrator, Office of Research and Development.*

[FR Doc. 02-27625 Filed 10-29-02; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7402-4]

### Clean Water Act—Notice of Issuance and Opportunity for Public Comment on an Administrative Complaint Filed by the Environmental Protection Agency, Region IX

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

**ACTION:** Notice.

**SUMMARY:** On September 25, 2002, the U.S. Environmental Protection Agency, Region IX issued an Administrative Complaint: *In the Matter of Bruce Birch and Future Mountain Development Trust, 3808 Rosecrans Street, #281, San Diego, California 92110*. This Complaint proposes to issue a Final Order to Bruce Birch and Future Mountain Development Trust pursuant to section 309(g) of the Clean Water Act, 33 U.S.C. 1319(g), assessing a civil penalty of up to \$137,500 for violations of the Clean Water Act.

The Complaint alleges that Bruce Birch and Future Mountain Development Trust violated the Clean Water Act by authorizing the discharge of dredge and fill material into a federally regulated water course, the San Luis Rey River in San Diego County, on numerous days in 1998 and 1999 without a Clean Water Act section 404 permit issued by the U.S. Army Corps of Engineers.

The U.S. Environmental Protection Agency is required by Clean Water Act section 309(g)(4)(A), 33 U.S.C. 1319(g)(4)(A), to provide public notice of and reasonable opportunity to comment on the proposal to issue an Administrative Order before issuing the final Order.

Any person who comments on the proposal to issue a final Administrative Order shall be given notice of any hearing held in this matter. If a hearing is held, the commenter will be entitled to an opportunity to be heard and to present evidence. If no hearing is held, commenters may petition EPA to set aside any subsequent final Order and to hold a hearing. Commenters may also seek judicial review of the final Order pursuant to Clean Water Act section 309(g)(8), 33 U.S.C. 1319(g)(8).

**DATES:** Persons wishing to comment on the proposal to issue a final Administrative Order may do so by submitting written comments, postmarked no later than fifteen days from the date this Notice is published, to the address below.

**ADDRESSES:** U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

**FOR FURTHER INFORMATION CONTACT:** Requests for copies of the Administrative Complaint or further information on the matter should be directed to Marcela von Vacano at (415) 972-3905, or via mail at the above address, Mail Code ORC-2.

**Catherine Kuhlman,**

*Acting Director, Water Division.*

[FR Doc. 02-27618 Filed 10-29-02; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7402-5]

### Clean Water Act—Notice of Issuance and Opportunity for Public Comment on an Administrative Complaint Filed by the Environmental Protection Agency, Region IX

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

**ACTION:** Notice.

**SUMMARY:** On September 25, 2002, the U.S. Environmental Protection Agency, Region IX issued an Administrative Complaint: *In the Matter of Al Julian, 29814 Margale Lane, Vista, California 92084*. This Complaint proposes to issue a Final Order to Al Julian pursuant to section 309(g) of the Clean Water Act, 33 U.S.C. 1319(g), assessing a civil penalty of up to \$137,500 for violations of the Clean Water Act.

The Complaint alleges that Al Julian violated the Clean Water Act by discharging dredge and fill material into a federally regulated water course, the San Luis Rey River in San Diego County, on numerous days in 1998 and 1999 without a Clean Water Act section 404 permit issued by the U.S. Army Corps of Engineers. Furthermore, Mr. Julian violated section 308(a), 33 U.S.C. 1318(a), which authorizes EPA to require persons subject to the Act to furnish information, by failing to respond to EPA's request.

The U.S. Environmental Protection Agency is required by Clean Water Act section 309(g)(4)(A), 33 U.S.C. 1319(g)(4)(A), to provide public notice of and reasonable opportunity to comment on the proposal to issue an

Administrative Order before issuing the final Order.

Any person who comments on the proposal to issue a final Administrative Order shall be given notice of any hearing held in this matter. If a hearing is held, the commenter will be entitled to an opportunity to be heard and to present evidence. If no hearing is held, commenters may petition EPA to set aside any subsequent final Order and to hold a hearing. Commenters may also seek judicial review of the final Order pursuant to Clean Water Act section 309(g)(8), 33 U.S.C. 1319(g)(8).

**DATES:** Persons wishing to comment on the proposal to issue a final Administrative Order may do so by submitting written comments, postmarked no later than fifteen days from the date this Notice is published, to the address below.

**ADDRESSES:** U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

**FOR FURTHER INFORMATION CONTACT:** Requests for copies of the Administrative Complaint or further information on the matter should be directed to Marcela von Vacano at (415) 972-3905, or via mail at the above address, Mail Code ORC-2.

**Catherine Kuhlman,**

*Acting Director, Water Division.*

[FR Doc. 02-27620 Filed 10-29-02; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7402-3; CWA-HQ-2002-6001; EPCRA-HQ-2002-6001; CAA-HQ-2002-6001; RCRA-HQ-2002-6001]

### Clean Water Act Class II: Proposed Administrative Settlement, Penalty Assessment and Opportunity To Comment Regarding NEXTEL Communications, Inc., et. al. and NII Holdings, Inc.

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

**ACTION:** Notice.

**SUMMARY:** EPA has entered into a consent agreement with NEXTEL Communications, Inc. and its subsidiaries, and NII Holdings, Inc., collectively referred to as "NEXTEL", to resolve violations of the Clean Water Act ("CWA"), the Clean Air Act ("CAA"), the Resource Conservation and Recovery Act ("RCRA"), and the Emergency Planning and Community Right-to-Know Act ("EPCRA") and their implementing regulations.

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. EPA is also providing public notice of, and opportunity for interested parties to comment on, the CAA, RCRA, and EPCRA portions of this consent agreement.

NEXTEL failed to prepare Spill Prevention Control and Countermeasure ("SPCC") plans for forty-eight 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.

NEXTEL failed to obtain the appropriate operating permits or exemptions at eight facilities in violation of CAA section 110, 42 U.S.C. 7410, and various state implementation plan ("SIP") requirements for emergency generators. EPA, as authorized by CAA section 113(d)(1), 42 U.S.C. 7413(d)(1), has assessed a civil penalty for these violations.

NEXTEL failed to file an emergency planning notification with the State Emergency Response Commission ("SERC") and to provide the name of an emergency contact to the Local Emergency Planning Committee ("LEPC"). NEXTEL failed to submit Material Safety Data Sheets ("MSDS") or a list of chemicals to the LEPC, the SERC, and the fire department with jurisdiction over each facility for seventy-five facilities in violation of EPCRA section 311, 42 U.S.C. 11021. At sixty-six facilities, NEXTEL failed to submit an Emergency and Hazardous Chemical Inventory form to the LEPC, the SERC, and the fire department with jurisdiction over each facility in violation of EPCRA section 312, 42 U.S.C. 11022. EPA, as authorized by EPCRA section 325, 42 U.S.C. 11045, has assessed a civil penalty for these violations.

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), [40 CFR 261.5(g)(1) and (g)(3)]. NEXTEL violated RCRA section 9003(d), 42 U.S.C. 6991b(d) when the insurance policy for underground storage tanks failed to use the terms "corrective action" or "sudden, non-sudden or accidental release" to describe coverage for four facilities. At one facility NEXTEL failed to notify the State or local agency or department of the existence of an underground storage tank in violation of RCRA section 9002(a), 42 U.S.C. 6991(a)(1). NEXTEL

failed to follow all of the relevant underground storage tank regulations in violation of RCRA section 9003, 42 U.S.C. 6991b at one facility.

**DATES:** Comments are due on or before November 29, 2002.

**ADDRESSES:** Send written comments to the Docket Office, Enforcement and Compliance Docket and Information Center (2201T), Docket Number EC-2002-021, U.S. Environmental Protection Agency, EPA West, 1200 Pennsylvania Avenue NW., Room B133, Washington, DC 20460 (in triplicate if possible.)

Please use a font size no smaller than 12. Comments may also be sent electronically to [docket.oeca@epa.gov](mailto:docket.oeca@epa.gov) or faxed to (202) 566-1511. Attach electronic comments as a text file and try to avoid the use of special characters and any forms of encryption. Please be sure to include the Docket Number EC-2002-021 on your document.

In person, deliver comments to U.S. Environmental Protection Agency, EPA West, 1301 Constitution Avenue, NW., Room B133, Washington, DC 20460. Parties interested in reviewing docket information may do so by calling (202) 566-1512 or (202) 566-1513. 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](mailto: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

NEXTEL Communications, Inc., its subsidiaries, and NII Holdings, Inc. are telecommunications companies incorporated in the States of Delaware, Georgia, and Texas. NEXTEL is located at 2001 Edmond Halley Drive, Reston, Virginia, 20191 and NII Holdings, Inc. is located at 10700 Parkridge Boulevard, Suite 600, Reston, Virginia, 20191. NEXTEL disclosed, pursuant to the EPA "Incentives for Self-Policing: Discovery, Disclosures, Correction and Prevention of Violations" ("Audit Policy"), 65 FR 19618 (April 11, 2000), that they failed to prepare SPCC plans for forty-eight facilities where they stored diesel oil in above ground storage tanks, in violation of the CWA section 311(b)(3) and 40