

3745-273.11(A), 9VAC20-60-273, 15A NAC 13A.0119(b), K.A.R. 28-31-15, and MS Reg HW-1-273.

Advance disclosed the failure to properly label hazardous waste containers at the Gadsden, Delaware, Gastonia, and Roanoke Distribution Centers as required by 40 CFR 262.34(a)(2) and 40 CFR 262.34(a)(3) and related State regulations AL Reg 335-14-3-0.03(a)(3), OAC Rule 3745-52-44, 15A NAC 13A.0107(c), and 9VAC20-60-262. Advance disclosed failure to provide training to employees handling hazardous wastes at the Gastonia, Hazelhurst, Roanoke, and Delaware Distribution Centers as required by 40 CFR 262.34(d)(5)(iii) and related State regulations 15A NAC 13A.0107(c), 9VAC20-60-262, MS Reg HW-1-262, OAC Rule 3745-65-16, AL Reg 335-14-3-.03(5)(d)(5)(iii).

Advance disclosed that they had failed to implement emergency preparedness and prevention measures at the Delaware and Roanoke Distribution facilities, as required by 40 CFR 262.34(d)(4), 40 CFR 265.30-265.35, and 40 CFR 265.37 and related state regulations OAC Rule 3745-66-71 and 9VAC20-60-262 and 9VAC20-60-265.

Advance disclosed the failure to keep manifests for three years in violation of 40 CFR 262.40(a) and related State regulations MS REG HW-1-262, AL Reg 335-14-3-0.04(1)(a), and FAC 62-730.160 at the Hazelhurst, Gadsden, and Lakeland Distribution Centers. Advance reported a failure to use manifests for hazardous wastes and failure to keep records of hazardous waste activity at the Roanoke Distribution Center, in violation of 40 CFR 262.20 and 262.42(b) and related State regulation 9VAC20-60-262. Advance disclosed a failure to post emergency information next to the phone at the Delaware, Gastonia, Hazelhurst, Roanoke, and Gadsden Distribution Centers as required by 40 CFR 262.34(d)(5)(ii) and related State regulations OAC Rule 3745-65-56, 15A NAC 13A.0107(c), MS Reg HW-1-262, 9VAC20-60-262, and AL Reg 335-14-3-0.03(5)(d)(5)(ii).

Advance disclosed failure to conduct weekly inspections of hazardous waste storage areas at the Hazelhurst, Gastonia, and Roanoke Distribution Centers, in violation of 40 CFR 22.34(d)(2) and 40 CFR 265.174 and related State regulations MS Reg HW-1-262, 15A NAC 13A.0107(c) and (j), and 9VAC20-60-265. Advance reported the failure to properly store hazardous wastes at the Roanoke Distribution Center as required by 40 CFR 262.34(d)(2) and 40 CFR 265.177, 40 CFR 265.174, 40 CFR 265.173, 40 CFR

265.171, and related State requirement 9VAC20-60-265.

Advance reported the failure to obtain an EPA identification number for the Gadsden, Delaware, Roanoke, and Gastonia Distribution Centers, in violation of 40 CFR 262.12(a) and (b) and 40 CFR 265.11 and related State regulations AL Reg 335-14-3-0.01(3)(a), OAC Rule 3745-52-12, 9VAC20-60-328, and 15A NAC 13A.0107(a).

Advance reported the failure to make a hazardous waste determination at the Delaware, Roanoke, Thomson, and Salina Distribution Centers, in violation of 40 CFR 262.11, 40 CFR 261.3, 40 CFR 261.4(b), and 40 CFR 261.21-261.24, and related State regulations OAC Rule 3645-52-11, 9VAC20-60-261 and 262, GA DEP Rule 391-3-11-.07, and K.A.R. 28-31-4(b).

Finally, Advance reported that at the Gastonia Distribution Center they had failed to meet underground storage tank standards and be upgraded or closed by December 22, 1998, as required by 40 CFR 280.10(c) and 40 CFR 280.21(a) through 40 CFR 280.21(d) and 15A NAC 2N.0303.

EPA determined that Advance met the criteria set out in the Audit Policy for a 100% waiver of the gravity component of the penalty. As a result, EPA proposes to waive the gravity based penalty (\$893,858) and proposes a settlement penalty amount of twenty thousand, six hundred and nineteen dollars (\$20,619). This is the amount of the economic benefit gained by Advance, attributable to their delayed compliance with the SPCC, RCRA and EPCRA regulations. Advance Auto Parts, Inc. has agreed to pay this amount. EPA and Advance negotiated and signed an administrative consent agreement, following the Consolidated Rules of Practice, 40 CFR 22.13(b), on March 31, 2004 (*In Re: Advance Auto Parts, Inc.*, Docket No. HQ-2004-6001). This consent agreement is subject to public notice and comment under CWA section 311(b)(6), 33 U.S.C. 1321(b)(6).

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 RCRA section 3008a, 42 U.S.C. 6928, the Administrator may issue an

administrative order assessing a civil penalty against any person who has violated or is in violation of any requirement of the Act. Proceedings under RCRA section 3008a 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.

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 May 27, 2004. 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.

Dated: April 14, 2004.

Robert A. Kaplan,

Director, Special Litigation and Projects Division, Office of Enforcement and Compliance Assurance.

[FR Doc. 04-9561 Filed 4-26-04; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

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

April 14, 2004.

SUMMARY: The Federal Communications Commissions, 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, Public Law 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 May 27, 2004. 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 Commission, Room 1-A804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to Leslie.Smith@fcc.gov or Kristy L. LaLonde, Office of Management and Budget (OMB), Room 10236 NEOB, Washington, DC 20503, (202) 395-3087 or via the Internet at Kristy_L._LaLonde@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copy of the information collection(s) contact Les Smith at (202) 418-0217 or via the Internet at Leslie.Smith@fcc.gov.

SUPPLEMENTARY INFORMATION: OMB Control Number: 3060-0320.

Title: Section 73.1350, Transmission System Operation.

Form Number: N/A.

Type of Review: Revision of currently approved collection.

Respondents: Businesses or other for-profit entities; not-for-profit institutions.

Number of Respondents: 411.

Estimated Hours per Response: 0.5 hours.

Frequency of Response: On occasion reporting requirements.

Total Annual Burden: 206 hours.

Total Annual Costs: None.

Privacy Impact Assessment: No impact.

Needs and Uses: 47 CFR section 73.1350(g) requires licensees to submit a notification to the FCC in Washington, DC whenever a transmission system control point is established at a location other than at the main studio or transmitter within 3 days of the initial use of that point. This notification is not required if responsible station personnel can be contacted at the transmitter or studio site during hours of operation. FCC staff use the data to maintain complete operating information

regarding licensees to be used in the event that FCC field staff needs to contact the station about interference.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 04-9506 Filed 4-26-04; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

April 14, 2004.

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(s), as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 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 Paperwork Reduction Act (PRA) comments should be submitted on or before May 27, 2004. 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 Paperwork Reduction Act (PRA) comments to Judith B. Herman, Federal Communications Commission, Room 1-C804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to Judith-B.Herman@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the

information collection(s), contact Judith B. Herman at 202-418-0214 or via the Internet at Judith-B.Herman@fcc.gov.

SUPPLEMENTARY INFORMATION: OMB Control Number: 3060-0741.

Title: Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, Second Report and Order and Memorandum Opinion and Order; Second Order on Reconsideration; CC Docket No. 99-273, First Report and Order.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 2,000.

Estimated Time per Response: 115 hours.

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Total Annual Burden: 228,030 hours.

Total Annual Cost: \$60,000.

Needs and Uses: In the First Report and Order issued in CC Docket No. 99-273, the Commission adopts several of its tentative conclusions. The Commission concludes that local exchange carriers (LECs) must provide competing directory assistance (DA) providers that qualify under Section 251 with nondiscriminatory access to the LEC's local directory assistance databases, and must do so at nondiscriminatory and reasonable rates. The Commission determined that LECs are not required to grant competing DA providers nondiscriminatory access to non-local directory assistance databases.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 04-9507 Filed 4-26-04; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

April 14, 2004.

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(s), as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it