

TABLE II. 26 NOTICES OF COMMENCEMENT FROM: 01/10/00 TO 01/26/01—Continued

Case No.	Received Date	Commencement/ Import Date	Chemical
P-00-0818	01/10/01	11/21/00	(G) Fatty acids, unsatd., dimers, polymers with a,w-diisocyanate and w-hydroxyalkyl-imidazolidinone
P-00-0829	01/11/01	12/30/00	(G) Hindered amine light stabilizer
P-00-0949	01/22/01	01/15/01	(G) Alkoxy alkylmercaptan
P-00-1033	01/19/01	01/02/01	(G) Substituted-((4,5-dihydro-3-methyl-5-oxo-(substituted carbomonocyclic)-1h-pyrazol-4-yl)azo)-benzenesulfonic acid, mixed metal salt
P-00-1037	01/12/01	12/21/00	(G) Acrylic dispersant polymer
P-00-1056	01/19/01	12/27/00	(G) Polyester resin
P-00-1077	01/19/01	12/27/00	(G) Ferric complex
P-00-1095	01/10/01	12/12/00	(G) Isocyanate terminated urethane polymer
P-00-1096	01/16/01	12/13/00	(G) Methacrylated aliphatic urethane
P-00-1103	01/19/01	01/09/01	(G) Aromatic isocyanate-polyester-polyether base urethane prepolymer with excess isocyanate
P-00-1115	01/12/01	12/13/00	(G) Acrylic dispersant polymer
P-00-1133	01/16/01	12/27/00	(G) Carboxy modified polyester
P-00-1192	01/18/01	12/28/00	(G) Toluene diisocyanate terminated polyether polyol
P-00-1218	01/24/01	01/16/01	(G) Aminosilanol polymer
P-00-1220	01/23/01	01/08/01	(G) Phenol-biphenyl polymer condensate
P-00-1226	01/16/01	01/10/01	(G) 1,7-naphthalenedisulfonic acid, 2-substitutedamino-5-hydroxy-6-[(4-methyl-2-sulfophenyl)azo]-, salt
P-01-0026	01/22/01	01/10/01	(G) Acrylic polymer salt
P-01-0027	01/16/01	01/09/01	(G) Acid functional acrylic polymer
P-98-0867	01/24/01	01/06/01	(G) Sodium alcoholate
P-99-0780	01/16/01	12/13/00	(G) Carboxylated, acrylate vinyl ester copolymer

List of Subjects

Environmental protection, Chemicals, Premanufacturer notices.

Dated: February 8, 2001.

Deborah A. Williams,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 01-4880 Filed 2-27-01; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6943-6; MM-HQ-2001-0015]

Clean Water Act Class II: Proposed Administrative Settlement, Penalty Assessment and Opportunity To Comment Regarding Broadwing Communications Services Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has entered into a consent agreement with Broadwing Communications Services Inc. to resolve violations of the Clean Water Act ("CWA"), and its implementing regulations. Broadwing failed to prepare Spill Prevention Control and Countermeasure ("SPCC") plans for thirty-six 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. 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.

DATES: Comments are due on or before March 30, 2001.

ADDRESSES: Mail written comments to the Enforcement & Compliance Docket and Information Center (2201A), Docket Number EC-2001-003, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Mail Code 2201A, Washington, DC 20460. (Comments may be submitted on disk in WordPerfect 8.0 or earlier versions.) Written comments may be delivered in person to: Enforcement and Compliance Docket Information Center, U.S. Environmental Protection Agency, Rm. 4033, Ariel Rios Bldg., 1200 Pennsylvania Avenue, NW., Washington, DC. Submit comments electronically to docket.oeca@epa.gov. Electronic comments may be filed online at many Federal Depository Libraries.

The consent agreement, the proposed final order, and public comments, if any, may be reviewed at the Enforcement and Compliance Docket Information Center, U.S. Environmental Protection Agency, Rm. 4033, Ariel Rios Bldg., 1200 Pennsylvania Avenue, NW., Washington, DC. Persons interested in reviewing these materials must make

arrangements in advance by calling the docket clerk at 202-564-2614. 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.

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

Broadwing Communications Services Inc., a telecommunications company incorporated in the State of Delaware and located at 201 E. Fourth Street (102-700), Cincinnati, Ohio 45202 failed to prepare SPCC plans for thirty-six facilities. Broadwing Communications Services Inc. disclosed, pursuant to the EPA "Incentives for Self-Policing: Discovery, Disclosures, Correction and Prevention of Violations" ("Audit Policy"), 60 FR 66,706 (December 22, 1995), that they failed to prepare SPCC plans for thirty-six facilities where they stored diesel oil in above ground storage tanks, in violation of the CWA section 311(b)(3) and 40 CFR Part 112. EPA determined

that Broadwing 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 (\$137,500) and proposed a settlement penalty amount of eight thousand, one hundred and eight (\$8,108). This is the amount of the economic benefit gained by Broadwing, attributable to their delayed compliance with the SPCC regulations. Broadwing Communications Services Inc. has agreed to pay this amount in civil penalties. EPA and Broadwing negotiated and signed an administrative consent agreement, following the Consolidated Rules of Procedure, 40 CFR section 22.13, on January 30, 2001 (*In Re: Broadwing Communications Services Inc.*, Docket No. MM-HQ-2001-0015). This consent agreement is subject to public notice and comment under CWA section 311(b)(6), 33 U.S.C. section 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.

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 March 30, 2001. 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 22.04(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: February 5, 2001.

David A. Nielsen,

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

[FR Doc. 01-4878 Filed 2-27-01; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6938-3]

State Program Requirements; Approval of Application by Maine To Administer the National Pollutant Discharge Elimination System (NPDES) Program; Maine

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; Final approval of the Maine Pollutant Discharge Elimination System under CWA.

SUMMARY: On January 12, 2001, the Regional Administrator for the Environmental Protection Agency, Region I, approved the application by the State of Maine to administer and enforce the Maine Pollutant Discharge Elimination System (MEPDES) Program, for all areas within the State, other than Indian country regarding which EPA has not yet made a final decision about the applicability of State law. The authority to approve State programs is provided to EPA in section 402(b) of the Clean Water Act (CWA). The State will administer the approved program through its Department of Environmental Protection (DEP), subject to continuing EPA oversight and enforcement authority, in place of the National Pollutant Discharge Elimination System (NPDES) program previously administered by the EPA in Maine. The program is a partial program to the extent described in the section of this Notice entitled "Scope of the MEPDES Program." In making its decision, the EPA considered and addressed all comments and issues raised during the public comment period, except for those relating to jurisdiction over Indian country which remain under review as described below.

DATES: Pursuant to 40 CFR 123.61(c), the MEPDES program was approved and became effective on January 12, 2001.

ADDRESSES: Questions or requests for additional information may be submitted to: Stephen Silva, USEPA Maine State Office, 1 Congress Street—Suite 1100 (CME), Boston, MA 02114-2023 or Dennis Merrill, MEDEP, Statehouse Station #17, Augusta, ME 04333-0017.

Copies of documents Maine has submitted in support of its program approval and copies of the comments received on this request may be reviewed during normal business hours, Monday through Friday, excluding holidays, at: EPA Region I, 11th Floor Library, 1 Congress Street—Suite 1100,

Boston, MA 02114-2023, 617-918-1990 or 1-888-372-5427; and MEDEP, Ray Building, Hospital Street, Augusta, ME.

FOR FURTHER INFORMATION CONTACT:

Stephen Silva at the address listed above or by calling (617) 918-1561 or Dennis Merrill at the address listed above or by calling (207) 287-7788. Part of the State's program submission and supporting documentation is available electronically at the following Internet address: <http://www.state.me.us/dep/blwq/delegation/delegation.htm>.

SUPPLEMENTARY INFORMATION: Maine's application was described in the **Federal Register** (64 FR 73552) on December 30, 1999 in which EPA requested comments. Notices of Maine's application were published in the Bangor Daily News, Lewiston Sun Journal and Portland Press Herald newspapers on January 12, 2000. A public hearing on the application was held on February 16, 2000 in Augusta, ME. EPA extended the comment period on June 28, 2000 (65 FR 3989) and August 4, 2000 (65 FR 6845) through August 21, 2000, solely for the purpose of taking further comment on the Indian law issues.

In response to public comments, Maine submitted a revised Memorandum of Agreement on April 25, 2000 and a Supplemental Attorney General's Statement on June 2, 2000. In addition, by letter dated September 19, 2000, the EPA proposed revisions to Attachment A to the Memorandum of Agreement. By letter from DEP Commissioner Martha Kirkpatrick dated September 26, 2000, the State agreed to the revisions.

A summary of those public comments received which relate to the final action EPA has taken on the portion of Maine's program outside Indian country and the EPA's responses to those comments are discussed below in the section of this Notice entitled "Responsiveness Summary." (In this notice the term Indian country refers to the land and territory reserved or taken into trust for the federally recognized Maine Indian tribes pursuant to the Maine Indian Claims Settlement Act, 25 U.S.C. 1721 *et seq.*, and the Aroostook Bank of Micmacs Settlement Act, Public Law 102-171, Nov. 26, 1991, 105 Stat. 1143, including any disputed areas as discussed further in this document.)

The State and EPA agreed to extend the CWA section 402(c)(1) deadline for EPA to make a decision on the application through September 26, 2000, pursuant to 40 CFR 123.21(d). However, because of the many complex issues that were raised with respect to the State's program and the need to