

Management Branch, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 260-8994; e-mail address: Schutz.David@epa.gov.

#### SUPPLEMENTARY INFORMATION:

##### I. Does this Action Apply to Me?

This action is directed in particular to the chemical manufacturer and/or importer who submitted the TME to EPA. This action may, however, be of interest to the public in general. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

##### II. How Can I Get Additional Information, Including Copies of this Document or Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. To access this document, on the Home Page select "Laws and Regulations" "Regulations and Proposed Rules," and then look up the entry for this document under the "Federal Register—Environmental Documents." You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

2. *In person.* The Agency has established an official record for this action under docket control number OPPTS-59375. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B-607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal

holidays. The telephone number of the Center is (202) 260-7099.

##### III. What is the Agency's Authority for Taking this Action?

Section 5(h)(1) of TSCA and 40 CFR 720.38 authorize EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes, if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substances for test marketing purposes will not present an unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present an unreasonable risk of injury.

##### IV. What Action is the Agency Taking?

EPA approves the above-referenced TME. EPA has determined that test marketing the new chemical substance, under the conditions set out in the TME application and in this notice, will not present any unreasonable risk of injury to health or the environment.

##### V. What Restrictions Apply to this TME?

The test market time period, production volume, number of customers, and use must not exceed specifications in the application and this notice. All other conditions and restrictions described in the application and in this notice must also be met.

*TME-01-08.*

*Date of Receipt:* December 19, 2000.

*Notice of Receipt:* February 9, 2001.

*Applicant:* CBI.

*Chemical:* CBI-Generic: monoalkyl quaternary ammonium salt.

*Use:* CBI-Generic: cleaning hydrotrope.

*Production Volume:* CBI.

*Number of Customers:* CBI.

*Test Marketing Period:* CBI days, commencing on first day of commercial manufacture.

The following additional restrictions apply to this TME. A bill of lading accompanying each shipment must state that the use of the substance is restricted to that approved in the TME. In addition, the applicant shall maintain the following records until 5 years after the date they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

1. Records of the quantity of the TME substance produced and the date of manufacture.

2. Records of dates of the shipments to each customer and the quantities supplied in each shipment.

3. Copies of the bill of lading that accompanies each shipment of the TME substance.

##### VI. What was EPA's Risk Assessment for this TME?

EPA identified no significant health or environmental concerns for the test market substance under the conditions of negligible release identified by the submitter. Therefore, the test market activities will not present any unreasonable risk of injury to human health or the environment.

##### VII. Can EPA Change Its Decision on this TME in the Future?

Yes. The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information that comes to its attention cast significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to human health or the environment.

##### List of Subjects

Environmental protection, Test marketing exemptions.

Dated: March 15, 2001.

**Flora Chow,**

*Chief, New Chemicals Prenotice Branch, Office of Pollution Prevention and Toxics.*

[FR Doc. 01-8487 Filed 4-5-01; 8:45 am]

BILLING CODE 6560-50-S

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-6963-8; MM-HQ-2001-0017]

#### Clean Water Act Class II: Proposed Administrative Settlement, Penalty Assessment and Opportunity to Comment Regarding XO Communications, Inc.

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

**ACTION:** Notice.

**SUMMARY:** EPA has entered into a consent agreement with XO Communications, Inc. to resolve violations of the Clean Water Act ("CWA"), and its implementing regulations. XO failed to prepare Spill Prevention Control and Countermeasure ("SPCC") plans for three (3) 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 May 7, 2001.

**ADDRESSES:** Mail written comments to the Enforcement & Compliance Docket and Information Center (2201A), Docket Number EC-2001-004, 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](mailto: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](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

XO Communications, Inc., a telecommunications company incorporated in the State of Delaware and located at 11111 Sunset Hills Road, Reston, Virginia 20190, failed to prepare SPCC plans for three facilities. XO

Communications, Inc. disclosed, pursuant to the EPA "Incentives for Self-Policing: Discovery, Disclosures, Correction and Prevention of Violations" ("Audit Policy"), 60 FR 66706 (December 22, 1995), that they failed to prepare SPCC plans for three 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 XO 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 (\$12,000) and proposed a settlement penalty amount of two hundred and twenty-two (\$222). This is the amount of the economic benefit gained by XO, attributable to their delayed compliance with the SPCC regulations. XO Communications, Inc. has agreed to pay this amount in civil penalties. EPA and XO negotiated and signed an administrative consent agreement, following the Consolidated Rules of Procedure, 40 CFR 22.13, on March 19, 2001 (*In Re: XO Communications, Inc.*, Docket No. MM-HQ-2001-0017). 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.

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 7, 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.

Dated: March 26, 2001.

**David A. Nielsen,**

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

[FR Doc. 01-8495 Filed 4-5-01; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6962-8]

### Final Modification of the National Pollutant Discharge Elimination System (NPDES) General Permit for the Eastern Portion of the Outer Continental Shelf (OCS) of the Gulf of Mexico (GMG280000); Corrections

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

**ACTION:** Notice; corrections.

**SUMMARY:** EPA published a notice in the **Federal Register** of March 14, 2001 (66 FR 14988), for the Final Modification of the National Pollutant Discharge Elimination System (NPDES) General Permit for the Eastern Portion of the Outer Continental Shelf (OCS) of the Gulf of Mexico (GMG280000). The document contained typographical errors and omissions.

**FOR FURTHER INFORMATION CONTACT:** William Truman, (404) 562-9457.

#### SUPPLEMENTARY INFORMATION:

#### Corrections

In the **Federal Register** of Wednesday, March 14, 2001, in FR Doc. 01-6175, make the following corrections:

1. On page 14994, the second column, under the heading "3. Produced Water", the following is inserted as the third paragraph:

"Facilities that pass six consecutive produced water toxicity tests will be allowed to change to a frequency of once/every six months; otherwise bimonthly testing shall continue"

2. On page 14996, the third column, the first table, correct the title to read: "4.—PRODUCED WATER CRITICAL DILUTIONS (PERCENT EFFLUENT) FOR WATER DEPTHS OF LESS THAN 200 METERS".

3. On page 14998, Table 2, under the heading "Measurement frequency" for "Miscellaneous discharges of seawater and freshwater to which treatment chemicals have been added.", correct "1/week" to read "Once/day when discharging".

4. On page 14999, Table 3, under the heading "Measurement frequency" for "Miscellaneous discharges of seawater and freshwater to which treatment