

Enforcement and Compliance Docket is (202) 566-1927.

**FOR FURTHER INFORMATION CONTACT:**

Sanda Howland, Special Litigation and Projects Division (2248-A), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone: (202) 564-5022; fax: (202) 564-9001; email: [howland.sanda@epa.gov](mailto:howland.sanda@epa.gov).

**I. Background**

This settlement agreement is the result of voluntary disclosures by AboveNet Communications, Inc., (AboveNet) to the Special Litigation and Projects Division (SLPD) in the Office of Civil Enforcement of potential EPCRA Sections 311 and 312 reporting violations and CWA violations related to Spill Prevention, Control, and Countermeasure (SPCC) Plan

requirements. AboveNet, a telecommunications company organized under the laws of the state of Delaware and located at 360 Hamilton Avenue, White Plains, NY 10601, disclosed these potential violations pursuant to EPA's *Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations* (Audit Policy), 65 FR 19,618 (April 11, 2000).

EPA determined that AboveNet's disclosures satisfied all the conditions set forth in the Audit Policy, and therefore qualify for a 100% reduction of the civil penalty's gravity component. Pursuant to the settlement agreement, EPA proposes to waive the gravity based penalty. AboveNet will pay a civil penalty in the amount of \$19,024.00, which is the amount of the economic benefit gained by AboveNet attributable to its delayed compliance with the CWA

and EPCRA. EPA and AboveNet negotiated an administrative Consent Agreement in accordance with EPA's Consolidated Rules of Practice, 40 CFR part 22, specifically 40 CFR 22.13(b) and 22.18(b) (*In the Matter of AboveNet Communications, Inc.*, Docket Nos. CWA-HQ-2012-8000, EPCRA-HQ-2012-8000). This Consent Agreement is subject to public notice and comment under CWA Section 311(b)(6)(C), 33 U.S.C. 1321(b)(6)(C).

AboveNet violated CWA Section 311(j), 33 U.S.C. 1321(j), and the regulations found at 40 CFR part 112, because it failed to prepare and implement SPCC plans for the 4 facilities listed below. As authorized by CWA Section 311(b)(6), 33 U.S.C. 1321(b)(6), EPA has assessed a civil penalty for these violations.

	Site/building code	Address	City	State
1 .....	DC-21M .....	2100 M Street NW., Suite P110 .....	Washington .....	DC.
2 .....	IL-52R .....	5201 Rose Street .....	Chicago .....	IL.
3 .....	MA-SUM .....	1 Summer Street .....	Boston .....	MA.
4 .....	PA-401 .....	401 N. Broad Street, Suites 240 & 323 .....	Philadelphia .....	PA.

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 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 \$177,500 by EPA. Class II proceedings under CWA Section 311(b)(6) are conducted in accordance with 40 CFR part 22.

AboveNet also violated EPCRA Section 311, 42 U.S.C. 11021, and the regulations found at 40 CFR part 370, when it failed to submit a Material Safety Data Sheet (MSDS) for a hazardous chemical(s) or, in the alternative, a list of such chemicals, at 48 facilities for varying lengths of time between 2007 and 2011. EPA, as authorized by EPCRA Section 325, 42 U.S.C. 11045, has assessed a civil penalty for these violations.

AboveNet also violated EPCRA Section 312, 42 U.S.C. 11022, and the regulations found at 40 CFR part 370, when it failed to prepare and submit emergency and chemical inventory forms to the Local Emergency Planning Commission (LEPC), the State Emergency Response Commission (SERC), and/or the fire department with jurisdiction over 48 facilities listed in Attachment A for varying lengths of

time between 2007 and 2011. EPA, as authorized by EPCRA Section 325, 42 U.S.C. 11045, has assessed a civil penalty for these violations. Attachment A to the proposed CAFO lists the 48 telecommunications facilities in violation of EPCRA Sections 311 and 312.

Under EPCRA Section 325, 42 U.S.C. 11045, 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 EPCRA. 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 CWA Class II penalty proceeding, are set forth in 40 CFR 22.45. The deadline for submitting public comment on this proposed final order is February 27, 2013. 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), 33 U.S.C. 1321(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: December 14, 2012.

**Andrew Stewart,**

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

[FR Doc. 2013-01708 Filed 1-25-13; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-9773-7]

**Operating Industries, Inc. Superfund Site, Monterey Park, CA; Notice of Proposed CERCLA Administrative De Minimis Settlement**

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

**ACTION:** Notice; request for comment.

**SUMMARY:** In accordance with Section 122(i)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9622(i) and Section 7003(d) of the Resource Conservation and Recovery Act, as amended (RCRA), 42 U.S.C. 6973, notice is hereby given of a proposed administrative settlement with 47 *de minimis* settling parties for recovery of response costs concerning the Operating Industries, Inc. Superfund Site in Monterey Park, California. The settlement is entered into pursuant to Section 122(g) of CERCLA, 42 U.S.C.

9622(g) and it requires the settling parties to pay \$1,624,928 to the United States Environmental Protection Agency (Agency). The settlement includes a covenant not to sue the settling parties pursuant to Sections 106 or 107(a) of CERCLA, 42 U.S.C. 9606 or 9607(a), and Section 7003(d) of RCRA, 42 U.S.C. 6973. For thirty (30) days following the date of publication of this Notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at 75 Hawthorne Street, San Francisco, CA 94105.

**DATES:** Pursuant to Section 122(i)(1) of CERCLA and Section 7003(d) of RCRA, EPA will receive written comments relating to this proposed settlement for thirty (30) days following the date of publication of this Notice. Pursuant to Section 7003(d) of RCRA, commenters may request an opportunity for a public meeting in the affected area. If EPA receives a request for a public meeting within thirty (30) days following the publication of this Notice, EPA will hold a public meeting at a date and location to be determined.

**ADDRESSES:** The proposed settlement is available for public inspection at EPA Region IX, 75 Hawthorne Street, San Francisco, California. A copy of the proposed settlement may be obtained from Keith Olinger, EPA Region IX, 75 Hawthorne Street, SFD-7-5, San Francisco, CA 94105, telephone number 415-972-3125. Comments should reference the Operating Industries, Inc. Superfund Site in Monterey Park, California and EPA Docket No. 2011-06 and should be addressed to Keith Olinger at the above address.

**FOR FURTHER INFORMATION CONTACT:** Janet Magnuson, Assistant Regional Counsel (ORC-3), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; phone: (415) 972-3887; fax: (415) 947-3570; email: [magnuson.janet@epa.gov](mailto:magnuson.janet@epa.gov).

Dated: January 14, 2013.

**Jane Diamond,**

Director, Superfund Division, U.S. EPA, Region IX.

**Parties to the Proposed Settlement:** American Marble & Onyx Company, Inc., Arroyo Car Wash Corporation, Bay Cities Container Corporation, Brett's Incorporated, C.E. Encell Auto Parts Service, Inc., Cal-Chem Cleaning Co.,

Inc., Canplas, LLC, Consumers Oil Company, Cormier Chevrolet Company, Corradini Corp., fka A. Corradini & Sons, aka Corradini Corporation, George J. Peckham, Jr., H.W. Hull & Sons, Inc., Hacienda Car Wash, Inc., Hiro's Transmission, Inc., International Paper Company, International Transportation Service, Inc., John Crane, Inc., Koosed Enterprises, Inc., Los Feliz Car Wash, Margus Auto Electric Exchange, Inc., Midway Drilling & Pump Company, MK Diamond Products, Inc., National Aeronautics and Space Administration, National Credit Corporation, North Hills Car Wash Company, Oil Well Service Company, Pacific Coast Drum Company, Pentair, Inc., Porcelain Metals Corporation, R.R. Kellogg, Inc., Ralphs Grocery Company, RCG Electronics Corp., dba Washington Caterers, Resco Holdings, LLC, Ryder System, Inc., Solar Turbines International Company, Standard Graphics Arts Corporation, Talley Brothers, Inc., Trans Harbor, Inc., Treasure-Craft, V & M Precision Grinding Co., V-M Enterprises, Inc., Valeant Pharmaceuticals International, Valley Proteins (DE), Inc., Vernon Sanitation Supply Co., Inc., Western & Fourth Car Wash, Inc., Westwood Car Wash, Wyeth, LLC.

[FR Doc. 2013-01593 Filed 1-25-13; 8:45 am]

**BILLING CODE 6560-50-P**

## EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice 2013-0106]

### Agency Information Collection Activities: Comment Request

**AGENCY:** Export-Import Bank of the United States.

**ACTION:** Submission for OMB Review and Comments Request.

**Form Title:** EIB 92-31 Notification by Insured of Amounts Payable Under Multi-Buyer Export Credit Insurance policy (Standard Assignment).

**SUMMARY:** The Export-Import Bank of the United States (Ex-Im Bank), as a part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995.

This form represents the exporter's directive to Ex-Im Bank to whom and where the insurance proceeds should be sent. The forms are typically part of the documentation required by financial institution lenders in order to provide financing of an exporter's foreign

accounts receivable. Foreign accounts receivable insured by Ex-Im Bank represent stronger collateral to secure the financing. By recording which policyholders have completed this form, Ex-Im Bank is able to determine how many of its exporter policyholders require Ex-Im Bank insurance policies to support lender financing. The application can be reviewed at: [www.exim.gov/pub/pending/eib92-31.pdf](http://www.exim.gov/pub/pending/eib92-31.pdf) Single Buyer Export Credit Insurance Policy.

**DATES:** Comments should be received on or before March 29, 2013 to be assured of consideration.

**ADDRESSES:** Comments maybe submitted electronically on [WWW.REGULATIONS.GOV](http://WWW.REGULATIONS.GOV) or by mail to Arnold Chow, Export-Import Bank of the United States, 811 Vermont Ave. NW., Washington, DC 20571.

### SUPPLEMENTARY INFORMATION:

**Titles and Form Number:** EIB 92-31 Notification by Insured of Amounts Payable Under Multi-Buyer Export Credit Insurance policy (Standard Assignment).

**OMB Number:** 3048-XXXX.

**Type of Review:** New.

**Need and Use:** The information requested enables the applicant to provide Ex-Im Bank with the information necessary to obtain legislatively required assurance of repayment and fulfills other statutory requirements.

**Annual Number of Respondents:** 150.

**Estimated Time per Respondent:** 1 hour.

**Frequency of Reporting or Use:** Annually.

**Government Review Time:** 1 hour.

**Total Hours:** 150 hours.

**Cost to the Government:** \$4,875.00.

**Benefits and Overhead:** 28%.

**Total Government Cost:** \$6,240.00.

**Sharon A. Whitt,**

Agency Clearance Officer.

[FR Doc. 2013-01651 Filed 1-25-13; 8:45 am]

**BILLING CODE 6690-01-P**

## FEDERAL ELECTION COMMISSION

### Sunshine Act Notice

**AGENCY:** Federal Election Commission.

**DATE AND TIME:** Thursday, January 31, 2013 at 10:00 a.m.

**PLACE:** 999 E Street NW., Washington, DC (Ninth Floor).

**STATUS:** This meeting will be open to the public.

### ITEMS TO BE DISCUSSED:

Correction and Approval of the Minutes for the Meeting of December 20, 2012