

ambiguous (extensions are granted by CARB if the VDECS are “not available” and “not feasible”) by pointing to its initial request to EPA for a waiver and authorization where CARB discussed compliance flexibility and relief.<sup>38</sup> CARB maintains that nothing in the comments contradicts CARB’s reasons for the provisions or that the terms of the provisions are illusory. CARB notes that to date SSAT has never requested an extension and Ports America has requested and received an extension. CARB also provides an accounting of 88 compliance extension requests it has received with no indication of any problems. In addition, CARB provides a detailed explanation of its administrative process for handling such requests.

Based on the lack of concrete evidence from the commenters that it has incurred unreasonable delays or other difficulties making its compliance with the CHE regulations infeasible, EPA cannot deny CARB’s request based on the infeasibility of CARB’s compliance provisions.

Finally, with regard to the costs associated with VDECS the commenters note “The cost of [VDECS] typically cost 40k each dropped 50% on ‘some’ systems when the economy took a down turn. We are looking at spending millions of dollars to one or two vendors who charge whatever they feel they can get away with.” CARB replies by noting that nowhere do the commenters assert that the costs make the CHE regulation infeasible. CARB notes that the nature or port terminals and intermodal railroads make them multimillion-dollar businesses with highly polluting equipment. Without hard evidence from the commenters as to why the costs render the regulations infeasible, CARB suggests that costs are a policy question for CARB to consider when adopting the regulation and that EPA should follow its historical practice of deference.

EPA notes that it is required to closely examine costs when making a determination of whether there is evidence in the record to support a finding that CARB’s regulations are technologically infeasible. In this instance there is insufficient evidence in the record to demonstrate why the costs of VDECS are inappropriately high when compared to the costs of the underlying vehicles or why the costs are otherwise inappropriately prohibitive. Therefore, based on the record, EPA

cannot make a finding that CARB’s CHE regulations are inconsistent with section 202(a) based on considerations of costs.

As noted above, EPA’s consideration of the consistency with section 202(a) includes a review of whether California’s test procedures impose requirements inconsistent with federal test procedures. Because CARB’s test procedures are incorporated in previously waived and authorized regulations (e.g., the Tier 4 nonroad standards and the 2007 heavy-duty diesel engine regulations) and such regulations harmonize their test procedures with applicable federal test procedures CARB maintains there is no test procedure inconsistency. We have received no comments presented otherwise; therefore, based on the record before me I cannot deny CARB’s request based on a lack of test procedure consistency.

### III. Decision

EPA’s analysis finds that the criteria for granting a full authorization and a full waiver of preemption have been met for CARB’s CHE regulations.

The Administrator has delegated the authority to grant California a section 209(b) waiver to enforce its own emission standards for new motor vehicles and engines and to grant California a section 209(e) authorization to enforce its own emission standards for nonroad engines and equipment to the Assistant Administrator for the Office of Air and Radiation. Having given consideration to all the material submitted for this record, and other relevant information, I find that I cannot make the determinations required for a denial of a waiver request pursuant to section 209(b) of the Act nor can I make the determination required for a denial of an authorization pursuant to section 209(e) of the Act. Therefore I grant both a waiver of preemption and authorization to the State of California with respect to its CHE regulations as set for the above.

My decision will affect not only persons in California but also manufacturers outside the State who must comply with California’s requirements in order to produce engines for sale in California. For this reason, I determine and find that this is a final action of national applicability for purposes of section 307(b)(1) of the Act.

Pursuant to section 307(b)(1) of the Act, judicial review of this final action may be sought only in the United States Court of Appeals for the District of Columbia Circuit. Petitions for review must be filed by April 23, 2012. Judicial review of this final action may not be

obtained in subsequent enforcement proceedings, pursuant to section 307(b)(2) of the Act.

In addition, this action is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2). Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

Further, the Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule for purposes of 5 U.S.C. 804(3).

Dated: November 28, 2011.

**Gina McCarthy,**

*Assistant Administrator, Office of Air and Radiation.*

[FR Doc. 2012-3793 Filed 2-17-12; 8:45 am]

**BILLING CODE 6560-50-P**

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### Agency Information Collection Activities

**AGENCY:** Equal Employment Opportunity Commission.

**ACTION:** Notice of Information Collection—Extension Without Change: Demographic Information on Applicants for Federal Employment.

**SUMMARY:** In accordance with the Paperwork Reduction Act, the Equal Employment Opportunity Commission (EEOC or Commission) announces that it intends to submit to the Office of Management and Budget (OMB) a request for a one-year extension of the Demographic Information on Applicants, OMB No. 3046-0046.

**DATES:** Written comments on this notice must be submitted on or before April 23, 2012.

**ADDRESSES:** Comments should be sent to the Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, 131 M Street NE., Washington, DC 20507. As a convenience to commenters, the Executive Secretariat will accept comments totaling six or fewer pages by facsimile (“FAX”) machine. This limitation is necessary to assure access to the equipment. The telephone number of the fax receiver is (202) 663-4114. (This is not a toll-free number). Receipt of FAX transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat staff at (202) 663-4070 (voice) or (202) 663-4074 (TTY). (These are not toll-free

<sup>38</sup> See CARB’s January 29, 2007 request at pp. 11-12, and 34 where CARB sets out 5 different types of extensions (e.g., a one year extension if an engine is within one year of retirement, a two-year extension if no VDECS is available, etc.).

telephone numbers.) Instead of sending written comments to the EEOC, you may submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments. All comments received through this portal will be posted without change, including any personal information you provide. Copies of comments submitted by the public to the EEOC directly or through the Federal eRulemaking Portal will be available for review, by advance appointment only, at the Commission's library between the hours of 9:00 a.m. and 5 p.m. or can be reviewed at <http://www.regulations.gov>. To schedule an appointment to inspect the comments at EEOC's library, contact the library staff at (202) 663-4630 (voice) or (202) 663-4641 (TTY). (These are not toll-free numbers.)

**FOR FURTHER INFORMATION CONTACT:** Veta Hurst, Federal Sector Programs, Office of Federal Operations, 131 M Street NE., Washington, DC 20507, (202) 663-4498 (voice); (202) 663-4593 (TTY). Copies of this notice are available in the following alternate formats: large print, Braille, electronic computer disk, and audio-tape. Requests for this notice in an alternate format should be made to the Publications Center at 1-800-699-3362 (voice), 1-800-800-3302 (TTY), or (301) 206-9789 (FAX—this is not a toll free number). A copy of the form may be accessed on the EEOC's Web site at <http://www.eeoc.gov/federal/upload/OMB-3046-0046.pdf>.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Paperwork Reduction Act of 1995 and OMB regulation 5 *CFR* 1320.8(d)(1), the Commission solicits public comment to enable it to:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the Commission's functions, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

### Overview of Information Collection

*Collection Title:* Demographic Information on Applicants.

*OMB Control No.:* 3046-0046.

*Description of Affected Public:* Individuals submitting applications for federal employment.

*Number of Responses:* 26,854,281.

*Estimated Time Per Response:* 3 minutes.

*Total Burden Hours:* 1,342,714 [(26,854,281 × 3)/60].

*Number of Forms:* One.

*Federal Cost:* None.

*Abstract:* Under section 717 of Title VII of the Civil Rights Act (Title VII) and section 501 of the Rehabilitation Act, the Commission is charged with reviewing and approving federal agencies' plans to affirmatively address potential discrimination before it occurs. Pursuant to such oversight responsibilities, the Commission has established systems to monitor compliance with Title VII and the Rehabilitation Act by requiring federal agencies to evaluate their employment practices through the collection and analysis of data on the race, national origin, sex, and disability status of applicants for both permanent and temporary employment.

While several federal agencies (or components of such agencies) have obtained OMB approval for the use of forms collecting data on the race, national origin, sex, and disability status of applicants, it is not an efficient use of government resources for each federal agency to separately seek OMB approval. Accordingly, in order to avoid unnecessary duplication of effort and a proliferation of forms, the EEOC seeks approval of a form that may be used by all (?) federal agencies.

Response by applicants is optional. The information obtained will be used by federal agencies only for evaluating whether an agency's recruitment activities are effectively reaching all segments of the relevant labor pool and whether the agency's selection procedures allow all applicants to compete on a level playing field regardless of race, national origin, sex, or disability status. The voluntary responses are treated in a highly confidential manner and play no part in the job selection process. The information is not provided to any panel rating the applications, to selecting officials, to anyone who can affect the application, or to the public. Rather, the information is used in summary form to determine trends over many selections within a given occupational or organization area. No information from the form is entered into an official personnel file.

*Burden Statement:* In fiscal year 2011, the EEOC gathered data on the number of applicants during fiscal year 2010 from the 59 federal agencies required to collect applicant data. Based on the agency responses, we expect that 26,854,281 applicants will be asked to complete the form.

Because of the predominant use of online application systems, which require only pointing and clicking on the selected responses, and because the form requests only eight questions regarding basic information, the EEOC estimates that an applicant can complete the form in approximately 3 minutes or less.

Dated: February 13, 2012.

For the Commission.

**Jacqueline A. Berrien,**

*Chair.*

[FR Doc. 2012-3812 Filed 2-17-12; 8:45 am]

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## FEDERAL DEPOSIT INSURANCE CORPORATION

### Update to Notice of Financial Institutions for Which the Federal Deposit Insurance Corporation Has Been Appointed Either Receiver, Liquidator, or Manager

**AGENCY:** Federal Deposit Insurance Corporation.

**ACTION:** Update listing of financial institutions in liquidation.

**SUMMARY:** Notice is hereby given that the Federal Deposit Insurance Corporation (Corporation) has been appointed the sole receiver for the following financial institutions effective as of the Date Closed as indicated in the listing. This list (as updated from time to time in the **Federal Register**) may be relied upon as "of record" notice that the Corporation has been appointed receiver for purposes of the statement of policy published in the July 2, 1992 issue of the **Federal Register** (57 FR 29491). For further information concerning the identification of any institutions which have been placed in liquidation, please visit the Corporation Web site at [www.fdic.gov/bank/individual/failed/banklist.html](http://www.fdic.gov/bank/individual/failed/banklist.html) or contact the Manager of Receivership Oversight in the appropriate service center.

Dated: February 13, 2012.

Federal Deposit Insurance Corporation

**Pamela Johnson,**

*Regulatory Editing Specialist.*