

widgets that each focus on a specific type of alternative fuel vehicle (biodiesel, compressed natural gas, E85, and electric drive).

Finally, DOE launched the Alternative Fueling Station Locator widget on the AFDC in August 2012. The full tool allows users to obtain addresses, maps, and driving directions for charging and alternative fueling stations near a particular address. The widget version allows users to embed a specific section of the locator map on their Web site, so that they can highlight a particular geographic area or a particular fuel.

Working with outside partners to modify and distribute both these tools and their accompanying widgets will expose this information to a larger pool of users and help consumers find it on Web sites that they already frequent.

II. Public Participation

A. Submission of Comments

DOE will accept comments in response to this RFI under the timeline provided in the **DATES** section above. Comments submitted to the Department through the eRulemaking Portal or by email should be provided in WordPerfect, Microsoft Word, PDF, or text file format. Those responding should avoid the use of special characters or any form of encryption, and wherever possible, comments should include the electronic signature of the author. Comments submitted to the Department by mail or hand delivery/courier should include one signed original paper copy. No telefacsimiles will be accepted.

The Department encourages interested parties to contact DOE if they would like to meet in person to discuss their comments. The Department's policy governing ex parte communications is posted on the Office of the General Counsel's Web site at: <http://www.gc.energy.gov/1309.htm>.

Confidential Business Information. According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery two well-marked copies: one copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked non-confidential with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include: (1) A description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person that would result from public disclosure; (6) when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

B. Issues on Which DOE Seeks Information

Although DOE welcomes comments on any aspect of this request for information, DOE is particularly interested in receiving comments and views of interested parties concerning the availability of DOE's transportation-oriented electronic tools, as well as the potential to partner with Internet information providers, as set forth below.

(1) Current Electronic Tools and Content

DOE would like to expand the reach of its current electronic tools designed to reduce petroleum use in transportation. The Vehicle Cost Calculator and the Alternative Fueling Station Locator on the AFDC, as well as the Find-A-Car tool and Gas Saving Tips on *FuelEconomy.gov*, are all currently available in "widget" form. Are the full tools currently available useful? Are the widget versions of these tools useful? Are there other existing tools on the AFDC or *FuelEconomy.gov* that your company would like available as widgets? Would your company embed the current widgets on its Web site? Why or why not? Are there other types of content on the AFDC and *FuelEconomy.gov* sites besides the current electronic tools that Web site operators would like to use?

(2) Interest in Partnering on Electronic Tool Customization

While any independent Web site can use the tools in widget form, DOE is interested in partnering with major Web sites that provide information on

vehicles to consumers and fleet managers to offer customized versions of these widgets. Ideal candidates are entities whose users, stakeholders, or members look to them for information about vehicle purchases. The primary objective of the effort is to pair the capabilities of interested entities with DOE's electronic tools to provide additional value to partner Web sites, and in turn, more value and education about transportation options to end users. DOE seeks to identify entities with whom to collaborate on this effort. Note that DOE is not offering funding related to this request. What companies would be interested in such a collaboration? What services do they currently offer to users and how would these widgets complement those services? What is the membership or user base of these existing Web sites? What types of customization would these Web sites want for the widgets described previously?

Issued in Washington, DC, on November 19, 2012.

Patrick B. Davis,

Program Manager, Vehicle Technologies Program, Energy Efficiency and Renewable Energy.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-9759-4]

California State Motor Vehicle Pollution Control Standards; Notice of Waiver of Clean Air Act Preemption; California's 2010 Model Year Heavy-Duty Vehicle and Engine On-Board Diagnostic Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of decision.

SUMMARY: EPA has granted the California Air Resources Board (CARB) its request to confirm that its amendments to California's heavy-duty vehicle and engine on-board diagnostic (HD OBD) requirements that relax the standards for 2010-2012 model years (MYs) are within the scope of a previous waiver of preemption of the Clean Air Act (Act). The amendments to the HD OBD requirements for MY 2013 and later are granted a new waiver of preemption.

ADDRESSES: EPA has established a docket for this action under Docket ID EPA-HQ-OAR-2011-0816. All documents relied upon in making this decision, including those submitted to

EPA by CARB, are contained in the public docket. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy at the Air and Radiation docket in the EPA Headquarters Library, EPA West Building, Room 3334, located at 1301 Constitution Avenue NW., Washington, DC. The Public Reading Room is open to the public on all federal government working days from 8:30 a.m. to 4:30 p.m.; generally it is open Monday through Friday, excluding holidays. The telephone number for the Reading room is (202) 566-1744. The Air and Radiation Docket and Information Center's Web site is <http://www.epa.gov/oar/docket.html>. The electronic mail (email) address for the Air and Radiation Docket is: a-and-r-Docket@epa.gov, the telephone number is (202) 566-1742, and the fax number is (202) 566-9744. An electronic version of the public docket is available through the federal government's electronic public docket and comment system. You may access EPA dockets at <http://www.regulations.gov>. After opening the www.regulations.gov Web site, enter EPA-HQ-OAR-2011-0816 in the "Enter Keyword or ID" fill-in box to view documents in the record. Although a part of the official docket, the public docket does not include Confidential Business Information ("CBI") or other information whose disclosure is restricted by statute.

EPA's Office of Transportation and Air Quality ("OTAQ") maintains a Web page that contains general information on its review of California waiver requests. Included on that page are links to prior waiver **Federal Register** notices, some of which are cited in today's notice; the page can be accessed at <http://www.epa.gov/otaq/cafr.htm>.

FOR FURTHER INFORMATION CONTACT:

David Dickinson, Compliance Division, U.S. Environmental Protection Agency, Ariel Rios Building (6405J), 1200 Pennsylvania Avenue NW., Washington, DC 20460. Telephone: (202) 343-9256. EMail Address: Dickinson.David@EPA.GOV.

SUPPLEMENTARY INFORMATION: I confirm that the amendments to California's HD OBD requirements that relax the requirements for the 2010-2012 MYs are within the scope of a previous waiver of Clean Air Act preemption. I am also granting a new waiver of Clean Air Act preemption for the amendments to California's HD OBD requirements that create more stringent requirements for

MYs 2013 and later pursuant to section 209(b) of the Act.¹

Section 209(b) of the Act provides that, if certain criteria are met, the Administrator shall waive preemption for California to enforce new motor vehicle emissions standards and accompanying enforcement procedures. The criteria include consideration of whether California arbitrarily and capriciously determined that its standards are, in the aggregate, at least as protective of public health and welfare as the applicable Federal standards, whether California needs State standards to meet compelling and extraordinary conditions, and whether the standards are consistent with section 202(a) of the Act.

If California acts to amend a previously waived standard or accompanying enforcement procedure, the amendment may be considered within the scope of the previously granted waiver, provided that it doesn't undermine California's determination that its standards, in the aggregate, are at least as protective of public health and welfare as the applicable Federal standards, does not affect its consistency with section 202(a) of the Act, and raises no new issues affecting EPA's previous waiver decisions.

In its request letter to EPA, CARB asked EPA to confirm that the HD OBD amendments that relax the requirements for the 2010-2012 MYs are within the scope of an earlier waiver. CARB stated that these amendments will not cause the California standards, in the aggregate, to be less protective of public health and welfare than the applicable Federal standards. EPA received no information during this proceeding that questioned whether CARB's HD OBD requirements are less protective than applicable Federal standards. Therefore, I cannot find that CARB's HD OBD regulations would cause the California motor vehicle emissions standards, in the aggregate, to be less protective of public health and welfare than applicable Federal standards.

CARB stated in its request letters that the amendments do not raise any concerns of technological infeasibility, inadequate lead-time or imposition of any inconsistent certification requirements. Because EPA has not received any adverse public comment, or any other relevant information on this issue, I cannot find that CARB's HD OBD regulations, as noted, would cause the California motor vehicle emission

standards to be inconsistent with section 202(a).

EPA has received no comments on whether the amendments to California's HD OBD regulations that relax the requirements for the 2010-2012 MYs raise any new issues. Therefore, I find that these particular amendments do not raise any new issues.

Given the above, EPA can confirm that the amendments that relax the requirements for the 2010-2012 MYs are within the scope of the previous waiver of preemption.

In its request letter to EPA, CARB also asked EPA to confirm that the HD OBD amendments for MYs 2013 and later are within the scope of an earlier waiver. EPA cannot confirm that the amendments to California's HD OBD requirements that create new, more stringent standards for 2013 and later model year engines, and the new enforcement procedures are within the scope of the previous waiver of preemption. EPA has stated in prior waiver and authorization determinations that increases in the stringency of standards are "new issues" for which full waiver or authorization is required.² Because the amendments for MY 2013 and later increase the stringency of the standards, they are not within the scope of the previous waiver, and must be evaluated under the standards for a full waiver of preemption.

In its request letter to EPA, CARB asked EPA, in the alternative, to grant a full waiver of preemption for the amendments that create new, more stringent requirements for 2013 and later MYs, and the accompanying enforcement procedures. Therefore, EPA has applied the traditional, full waiver analysis to these particular amendments.

CARB stated in its request that the HD OBD regulations, as amended, are at least as protective of public health and safety as the comparable Federal standards. EPA has not received any information suggesting that the new standards are any less protective of public health and safety as the comparable Federal standards. Therefore, I cannot find that CARB acted arbitrarily and capriciously in determining that its OBD regulations would not cause the California motor vehicle emission standards, in the aggregate, to be less protective of public health and welfare than applicable Federal standards.

¹ The CARB Board approved the OBD amendments by Resolution 09-37 on May 28, 2009 and the California Office of Administrative Law approved the regulations on May 18, 2010.

² See, e.g., 71 FR 44027 at 44028 (August 3, 2006) ("EPA believed it possible that CARB's amendments do in fact raise 'new issues' as they impose new more stringent standards * * *").

CARB has repeatedly demonstrated the existence of compelling and extraordinary conditions in California. EPA has not received any adverse comments to suggest that California no longer suffers from compelling and extraordinary conditions. Because EPA has not received adverse public comment, or any other relevant information, challenging the need for CARB's own motor vehicle pollution control program based on lack of compelling and extraordinary conditions for the purposes of this waiver request, I cannot deny the waiver based on a lack of compelling and extraordinary conditions.

CARB stated in its request letter that the amendments and accompanying enforcement procedures do not raise any concerns of technological infeasibility, inadequate lead time or impose any inconsistent certification requirements. Because EPA has not received adverse public comment, or any other relevant information regarding the consistency of California's HD OBD amendments with section 202(a) of the Clean Air Act, I cannot find that CARB's HD OBD regulations, as noted, would cause the California motor vehicle emissions standards to be inconsistent with section 202(a).

Therefore, as to the amendments that create new, more stringent requirements for the 2013 and later MYs, and the new enforcement procedures, there is insufficient basis to deny a full waiver of preemption under the criteria set forth in section 209(b) of the Act.

A full explanation of EPA's decision is contained in a Decision Document which may be obtained as explained above.

The Administrator has delegated the authority to grant California section 209(b) waivers of preemption to the Assistant Administrator for Air and Radiation. After evaluating California's HD OBD amendments and CARB's submissions, EPA is taking the following actions. First, EPA is confirming that the amendments that relax the HD OBD requirements for 2010–2012 MYs are within the scope of the previous waiver of preemption. Second, EPA is granting a new waiver of preemption for the amendments to the HD OBD regulations that create new, more stringent requirements for MY 2013 and later, along with the accompanying enforcement procedures.

My decision will affect not only persons in California but also the manufacturers outside the State who must comply with California's requirements in order to produce heavy-duty vehicles and engines for sale in California. For this reason, I hereby

determine and find that this is a final action of national applicability for the 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 February 8, 2013. Judicial review of this action may not be obtained in subsequent enforcement proceedings, pursuant to section 307(b)(2) of the Act.

As with past waiver decisions, this action is not a rule as defined by Executive Order 12866. Therefore, it is exempt from review by the Office of Management and Budget as required for rules and regulations by Executive Order 12866.

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 the purposes of 5 U.S.C. 804(3).

Dated: November 29, 2012.

Gina McCarthy,

Assistant Administrator, Office of Air and Radiation.

[FR Doc. 2012–29792 Filed 12–7–12; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[MB Docket Nos. 09–182 and 07–294; DA 12–1946]

Commission Seeks Comment on Broadcast Ownership Report

AGENCY: Federal Communications Commission.

ACTION: Notice; solicitation of comments.

SUMMARY: This document solicits comment on data contained in the Media Bureau's recently released report on the ownership of commercial broadcast stations, which provides detailed information by race, ethnicity, and gender concerning ownership of commercial television, radio, Class A television, and low-power television stations.

DATES: Comments may be filed on or before December 26, 2012, and reply comments may be filed on or before January 4, 2013.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Hillary DeNigro, Industry Analysis Division, Media Bureau, FCC, (202) 418–2330.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Public Notice in MB Docket Nos. 09–182, 07–294, DA 12–1946, released December 3, 2012. The complete text of the document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street SW., Washington, DC 20554, and may also be purchased from the Commission's copy contractor, BCPI, Inc., Portals II, 445 12th Street SW., Washington, DC 20054. Customers may contact BCPI, Inc. at their Web site <http://www.bcpi.com> or call 1–800–378–3160.

Synopsis of the Public Notice

1. The Public Notice offers an opportunity for additional comment on data contained in the Media Bureau's recently released report on the ownership of commercial broadcast stations ("Ownership Report"). The Ownership Report provides detailed information by race, ethnicity, and gender concerning ownership of commercial television, radio, Class A television, and low-power television stations.

2. As the Commission has long recognized, minorities and women own broadcast stations in disproportionately small numbers. This fact has been well established in our media ownership docket, including in the 2009 biennial ownership data detailed in the *NPRM* prior to the release of the final Ownership Report. The recently released Ownership Report confirms that minority and female ownership numbers remain low and provides more detailed ownership figures. These data are part of the record and have been considered in our current quadrennial review and, along with additional data gathered in subsequent biennial filings, will be considered in our succeeding quadrennial reviews.

3. The Ownership Report represents the latest step in the Commission's ongoing efforts to collect and publicly release minority and female ownership data. As explained in the *NPRM*, the Commission has sought actively in recent years to improve its collection and analysis of broadcast ownership information. These initiatives include improvements to the reliability and utility of the data reported in FCC Form 323. Although refinements to the