

Dated: August 3, 2016.

Thomas H. Brennan,

Deputy Director, Science Advisory Board Staff Office.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2015-0224; FRL-9950-43-OAR]

California State Nonroad Engine Pollution Control Standards; Evaporative Emission Standards and Test Procedures for Off-Highway Recreational Vehicles (OHRVs); Request for Authorization; Opportunity for Public Hearing and Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of opportunity for public hearing and comment.

SUMMARY: The California Air Resources Board (CARB) has notified EPA that it has adopted amendments to its off-highway recreational vehicles (ORVR) regulation that establish new evaporative emission standards and associated test procedures for 2018 and subsequent model year OHRVs (OHRV Evaporative Emission Amendments). By letter dated February 26, 2016, CARB asked that EPA authorize these amendments pursuant to section 209(e) of the Clean Air Act. This notice announces that EPA has tentatively scheduled a public hearing to consider California's authorization request and that EPA is now accepting written comment on the request.

DATES: EPA has tentatively scheduled a public hearing concerning CARB's request on September 28, 2016, at 10 a.m. EPA will hold a hearing only if any party notifies EPA by September 21, 2016 to express interest in presenting the Agency with oral testimony. Parties wishing to present oral testimony at the public hearing should provide written notice to David Dickinson at the email address noted below. If EPA receives a request for a public hearing, that hearing will be held at the William Jefferson Clinton Building (North), Room 5528 at 1200 Pennsylvania Ave. NW., Washington, DC 20460. If EPA does not receive a request for a public hearing, then EPA will not hold a hearing, and instead will consider CARB's request based on written submissions to the docket. Any party may submit written comments until November 1, 2016.

Any person who wishes to know whether a hearing will be held may call

David Dickinson at (202) 343-9256 on or after September 21, 2016.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2016-0181, by one of the following methods:

- *Online at:* <http://www.regulations.gov>

Follow the Online Instructions for Submitting Comments.

- *Email:* a-and-r-docket@epa.gov.

- *Fax:* (202) 566-9744.

- *Mail:* Air and Radiation Docket, Docket ID No. EPA-HQ-OAR-2016-0181, U.S. Environmental Protection Agency, Mail code: 6102T, 1200 Pennsylvania Avenue NW., Washington, DC 20460. Please include a total of two copies.

- *Hand Delivery:* EPA Docket Center, Public Reading Room, EPA West Building, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Online Instructions for Submitting Comments: Direct your comments to Docket ID No. EPA-HQ-OAR-2016-0181. EPA's policy is that all comments we receive will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or email. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through <http://www.regulations.gov>, your email address will automatically be captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or

viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

EPA will make available for public inspection materials submitted by CARB, written comments received from any interested parties, and any testimony given at the public hearing. Materials relevant to this proceeding are contained in the Air and Radiation Docket and Information Center, maintained in Docket ID No. EPA-HQ-OAR-2016-0181. Publicly available docket materials are available either electronically through <http://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 work 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 <http://www.regulations.gov> Web site, enter, 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.

FOR FURTHER INFORMATION CONTACT: David Dickinson (6405J), Office of Transportation and Air Quality, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Telephone: (202) 343-9256. Fax: (202) 343-2804. Email: dickinson.david@epa.gov.

SUPPLEMENTARY INFORMATION:

(A) CARB's Authorization Request for Its OHRV Evaporative Emission Amendments

The California OHRV category encompasses a wide variety of vehicles, including off-road motorcycles, all-terrain vehicles (ATVs), off-road sport and utility vehicles, sand cars, and golf carts. CARB's OHRV Evaporative

Emission Amendments establish a new test procedure and evaporative emission standard of 1.0 gram per day (g/day) of total organic gas (TOG) for a 3-day diurnal period, which may be achieved utilizing the available evaporative emissions technology currently used in the on-road sector.

By letter dated February 26, 2016, CARB submitted a request to EPA pursuant to section 209(e) of the Clean Air Act (CAA or the Act) for authorization for the OHRV Evaporative Emission Amendments.

(B) Clean Air Act Nonroad Engine and Vehicle Authorizations

Section 209(e)(1) of the CAA prohibits states and local governments from adopting or attempting to enforce any standard or requirement relating to the control of emissions from certain types of new nonroad vehicles or engines. The Act also preempts states from adopting and enforcing standards and other requirements related to the control of emissions from other types of new nonroad vehicles or engines as well as non-new nonroad engines or vehicles. Section 209(e)(2), however, requires the Administrator, after notice and opportunity for public hearing, to authorize California to adopt and enforce standards and other requirements relating to the control of emissions from such preempted vehicles or engines if California determines that California standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards. However, EPA shall not grant such authorization if it finds that (1) the determination of California is arbitrary and capricious; (2) California does not need such California standards to meet compelling and extraordinary conditions; or (3) California standards and accompanying enforcement procedures are not consistent with [CAA section 209]. In addition, other states with air quality attainment plans may adopt and enforce such regulations if the standards and the implementation and enforcement procedures are identical to California's standards. On July 20, 1994, EPA promulgated a rule that sets forth, among other things, regulations providing the criteria, as found in section 209(e)(2), which EPA must consider before granting any California authorization request for new nonroad engine or vehicle emission standards.¹ EPA revised these

regulations in 1997.² As stated in the preamble to the 1994 rule, EPA has historically interpreted the section 209(e)(2)(A)(iii) "consistency" inquiry to require, at minimum, that California standards and enforcement procedures be consistent with section 209(a), section 209(e)(1), and section 209(b)(1)(C) (as EPA has interpreted that subsection in the context of section 209(b) motor vehicle waivers).³

In order to be consistent with section 209(a), California's nonroad standards and enforcement procedures must not apply to new motor vehicles or new motor vehicle engines. To be consistent with section 209(e)(1), California's nonroad standards and enforcement procedures must not attempt to regulate engine categories that are permanently preempted from state regulation. To determine consistency with section 209(b)(1)(C), EPA typically reviews nonroad authorization requests under the same "consistency" criteria that are applied to motor vehicle waiver requests. Pursuant to section 209(b)(1)(C), the Administrator shall not grant California a motor vehicle waiver if she finds that California "standards and accompanying enforcement procedures are not consistent with [section 202(a)]" of the Act. Previous decisions granting waivers and authorizations have noted that state standards and enforcement procedures are inconsistent with section 202(a) if: (1) There is inadequate lead time to permit the development of the necessary technology giving appropriate consideration to the cost of compliance within that time, or (2) the federal and

² 62 FR 67733 (December 30, 1997). The applicable regulations, now in 40 CFR part 1074, subpart B, § 1074.105, provide:

(a) The Administrator will grant the authorization if California determines that its standards will be, in the aggregate, at least as protective of public health and welfare as otherwise applicable federal standards.

(b) The authorization will not be granted if the Administrator finds that any of the following are true:

(1) California's determination is arbitrary and capricious.

(2) California does not need such standards to meet compelling and extraordinary conditions.

(3) The California standards and accompanying enforcement procedures are not consistent with section 209 of the Act.

(c) In considering any request to authorize California to adopt or enforce standards or other requirements relating to the control of emissions from new nonroad spark-ignition engines smaller than 50 horsepower, the Administrator will give appropriate consideration to safety factors (including the potential increased risk of burn or fire) associated with compliance with the California standard.

³ 59 FR 36969 (July 20, 1994).

state testing procedures impose inconsistent certification requirements.⁴

In considering whether to grant authorizations for accompanying enforcement procedures tied to standards for which an authorization has already been granted, EPA addresses questions as to whether the enforcement procedures undermine California's determination that its standards are as protective of public health and welfare as applicable federal standards, and whether the enforcement procedures are consistent with section 202(a).⁵

(C) EPA's Request for Comments

EPA requests comment on whether the OHRV Evaporative Emission Amendments meet the criteria for an authorization. Specifically, we request comment on: (a) Whether CARB's determination that its standards, in the aggregate, are at least as protective of public health and welfare as applicable federal standards is arbitrary and capricious; (b) whether California needs such standards to meet compelling and extraordinary conditions; and (c) whether California's standards and accompanying enforcement procedures are consistent with section 209 of the Act.

Procedures for Public Participation

If a hearing is held, the Agency will make a verbatim record of the proceedings. Interested parties may arrange with the reporter at the hearing to obtain a copy of the transcript at their own expense. Regardless of whether a public hearing is held, EPA will keep the record open until November 1, 2016. Upon expiration of the comment period, the Administrator will render a decision on CARB's request based on the record from the public hearing, if any, all relevant written submissions, and other information that she deems pertinent. All information will be available for inspection at the EPA Air Docket No. EPA-HQ-OAR-2016-0181.

Persons with comments containing proprietary information must distinguish such information from other comments to the greatest extent possible and label it as "Confidential Business Information" (CBI). If a person making comments wants EPA to base its decision on a submission labeled as CBI, then a non-confidential version of the document that summarizes the key data or information should be submitted to the public docket. To ensure that proprietary information is not

⁴ *Id.* See also 78 FR 58090, 58092 (September 20, 2013).

⁵ See CAA section 209(e)(2)(A)(i) and (iii), 42 U.S.C. 7543(e)(2)(A) (i) and (iii).

¹ 59 FR 36969 (July 20, 1994).

inadvertently placed in the public docket, submissions containing such information should be sent directly to the contact person listed above and not to the public docket. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent allowed, and according to the procedures set forth in 40 CFR part 2. If no claim of confidentiality accompanies the submission when EPA receives it, EPA will make it available to the public without further notice to the person making comments.

Dated: August 3, 2016.

Christopher Grundler,

Director, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2016-18873 Filed 8-8-16; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[CG Docket No. 16-16; DA 16-761]

Termination of Dormant Proceedings

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Consumer and Governmental Affairs Bureau (CGB), terminates, as dormant, certain docketed Commission proceedings. The Commission believes that termination of these proceedings furthers the Commission's organizational goals of increasing the efficiency of its decision-making, modernizing the agency's processes in the digital age, and enhancing the openness and transparency of Commission proceedings for practitioners and the public.

DATES: Effective August 9, 2016.

FOR FURTHER INFORMATION CONTACT: Lauren Wilson, Consumer and Governmental Affairs Bureau at (202) 418-1607 or by email at lauren.wilson@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Order, *Termination of Certain Proceedings as Dormant*, document DA 16-761, adopted on July 21, 2016, and released on July 25, 2016 in CG Docket No. 16-16.

The full text of document DA 16-761 and copies of any subsequently filed documents in this matter will be available for public inspection and copying via ECFS, and during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY-A257,

Washington, DC 20554. Document DA 16-761 can also be downloaded in Word or Portable Document Format (PDF) at: https://apps.fcc.gov/edocs_public/attachmatch/DA-16-761A1.docx or https://apps.fcc.gov/edocs_public/attachmatch/DA-16-761A1.pdf. The spreadsheet associated with document DA 16-761 listing the proceedings proposed for termination for dormancy is available in Excel or Portable Document Format at: https://apps.fcc.gov/edocs_public/attachmatch/DA-16-761A2.xls or https://apps.fcc.gov/edocs_public/attachmatch/DA-16-761A2.pdf.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY).

Final Paperwork Reduction Act of 1995 Analysis

Document DA 16-761 does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4).

SYNOPSIS

1. In document DA 16-761, the Consumer and Governmental Affairs Bureau (CGB) terminates, as dormant, the proceedings listed on the Attachment hereto. CGB believes that termination of these proceedings furthers the Commission's organizational goals of increasing the efficiency of its decision-making, modernizing the agency's processes in the digital age, and enhancing the openness and transparency of Commission proceedings for practitioners and the public. In addition, on the basis of further evaluation, CGB leaves open two proceedings included in the *Fifth Dormant Proceedings Termination Public Notice*, published at 81 FR 26229, May 2, 2016, namely *Amendment of the Commission's Rules Relating to Program Exclusivity in the Cable and Broadcast Industries*, GN Docket No. 87-24, and *Amendment of the Commission's Rules to Extend Its Network and Non-Network Territorial Exclusivity, Syndicated Exclusivity, and Network Non-Duplication Protection Rules*, RM-10335.

2. On February 4, 2011, the Commission released a Report and Order that, *inter alia*, amended § 0.141 of the Commission's organizational rules to delegate authority to the Chief, CGB, to conduct periodic review of all open dockets with the objective of terminating those that were inactive. The Commission stated that termination of such proceedings also will include the dismissal as moot of any pending petition, motion, or other request for relief in the terminated proceeding that is procedural in nature or otherwise does not address the merits of the proceeding.

3. Following the release of the *Procedure Order*, published at 76 FR 24383, May 2, 2011, CGB, in consultation with the relevant other bureaus and offices, conducted a review of all open dockets and identified those dockets that could potentially be terminated. As a result of that process, CGB issued the *First Dormant Proceedings Termination Public Notice*, published at 76 FR 35892, June 20, 2011, listing the open dockets under consideration for termination, and providing interested parties the opportunity to file comments on these proposed terminations. Following these procedures, by Order released November 1, 2011, CGB terminated, as dormant the docketed proceedings listed in the attachment thereto. See 76 FR 70902, November 16, 2011. Further dormant proceeding terminations followed. See *Second Dormant Proceedings Termination Order*, published at 77 FR 60934, October 5, 2012; *Third Dormant Proceedings Termination Order*, published at 79 FR 58344, September 29, 2014; *Fourth Dormant Proceedings Termination Order*, published at 80 FR 4920, January 29, 2015.

4. Based on CGB's review of the record received in response to the *Fifth Dormant Proceedings Termination Public Notice*, it terminates the proceedings listed in document DA 16-761 and leaves open two proceedings that had been listed in Attachment A to the *Fifth Dormant Proceedings Termination Public Notice*. See https://apps.fcc.gov/edocs_public/attachmatch/DA-16-761A2.xls or https://apps.fcc.gov/edocs_public/attachmatch/DA-16-761A2.pdf. After review of the comment and CGB's further evaluation, it has determined that GN Docket No. 87-24 and RM-10335 will remain open and will not be terminated at this time.

5. *Venture Technologies (GN Docket No. 87-24, RM-10335)*. Venture Technologies Group, LLC asks that GN Docket No. 87-24 (*Amendment of the Commission's Rules Relating to Program*