

preamble to the 1994 rule, EPA has historically interpreted the section 209(e)(2)(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).<sup>11</sup>

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 he 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 state testing procedures impose inconsistent certification requirements.<sup>12</sup>

When considering whether to grant authorizations for accompanying enforcement procedures tied to standards (such as record keeping and labeling requirements) for which an authorization has already been granted, EPA has evaluated (1) whether the enforcement procedures are so lax that they threaten the validity of California’s determination that its standards are as protective of public health and welfare

(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.

<sup>11</sup> 59 FR 36969 (July 20, 1994).

<sup>12</sup> *Id.* See also 78 FR 58090, 58092 (September 20, 2013).

as applicable federal standards, and (2) whether the federal and California enforcement procedures are consistent.<sup>13</sup>

### III. EPA’s Request for Comments

As stated above, EPA is offering the opportunity for a public hearing, and is requesting written comment on issues relevant to EPA’s consideration of the accompanying enforcement procedures established within the 2016 LSI Fleet Amendments. Specifically, we request comment on whether California’s 2016 LSI Fleet Amendments: (a) Undermine California’s previous determination that its standards, in the aggregate, are at least as protective of public health and welfare as comparable federal standards; (b) affect the consistency of California’s requirements with section 209 of the Act; or (c) raise any other new issues affecting EPA’s previous waiver or authorization determinations.

### IV. 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 October 12, 2021. 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 he deems pertinent. All information will be available for inspection at the EPA Air Docket No. EPA-HQ-OAR-2021-0327.

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 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.

<sup>13</sup> See *Motor and Equipment Manufacturers Association v Environmental Protection Agency*, 627 F.2d 1095 (D.C. Cir. 1979).

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 11, 2021.

**Karl Simon,**

*Director, Transportation and Climate Division, Office of Transportation and Air Quality, Office of Air and Radiation.*

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2012-0103; FRL 8840-01-OAR]

### Proposed Information Collection Request; Comment Request; Diesel Emissions Reduction Act (DERA) Rebate Program; EPA ICR No. 2461.04, OMB Control No. 2060-0686 Renewal

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

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), “Diesel Emissions Reduction Act (DERA) Rebate Program” (EPA ICR No. 2461.04, OMB Control No. 2060-0686) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through April 30, 2022. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

**DATES:** Comments must be submitted on or before October 15, 2021.

**ADDRESSES:** Submit your comments, referencing Docket ID No. EPA-HQ-OAR-2012-0103, online using [www.regulations.gov](http://www.regulations.gov) (our preferred method), by email to [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA’s policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other

information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:**

Jason Wilcox, Office of Transportation and Air Quality, (6406A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202-343-9571; fax number: 202-343-2803; email address: [wilcox.jason@epa.gov](mailto:wilcox.jason@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at [www.regulations.gov](http://www.regulations.gov) or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through 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. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

**Abstract:** This is an extension of the current Information Collection Request (ICR) for the Diesel Emissions Reduction Act program (DERA) authorized by Title VII, Subtitle G (Sections 791 to 797) of the Energy Policy Act of 2005 (Pub. L. 109-58), as amended by the Diesel Emissions Reduction Act of 2010 (Pub. L. 111-364) and Division S (Section 101) of the Consolidated Appropriations Act, 2021 (Pub. L. 116-260), codified at 42 U.S.C. 16131 *et seq.* DERA provides

the Environmental Protection Agency (EPA) with the authority to award grants, rebates or low-cost revolving loans on a competitive basis to eligible entities to fund the costs of projects that significantly reduce diesel emissions from mobile sources through implementation of a certified engine configuration, verified technology, or emerging technology. Eligible mobile sources include buses (including school buses), medium heavy-duty or heavy heavy-duty diesel trucks, marine engines, locomotives, or nonroad engines or diesel vehicles or equipment used in construction, handling of cargo (including at ports or airports), agriculture, mining, or energy production. In addition, eligible entities may also use funds awarded for programs or projects to reduce long-duration idling using verified technology involving a vehicle or equipment described above. The objective of the assistance under this program is to achieve significant reductions in diesel emissions in terms of tons of pollution produced and reductions in diesel emissions exposure, particularly from fleets operating in areas designated by the Administrator as poor air quality areas.

EPA uses approved procedures and forms to collect necessary information to operate its grant and rebate programs. EPA has been providing rebates under DERA since Fiscal Year 2012. EPA is requesting an extension of the current ICR, which is currently approved through April 30, 2022, for forms needed to collect necessary information to operate a rebate program as authorized by Congress under the DERA program.

EPA collects information from applicants to the DERA rebate program. Information collected is used to ensure eligibility of applicants and engines to receive funds under DERA, and to calculate estimated and actual emissions benefits that result from activities funded with rebates as required in DERA's authorizing legislation.

**Form Numbers:** 2060-0686.

**Respondents/affected entities:** Entities potentially affected by this action are those interested in applying for a rebate under EPA's Diesel Emission Reduction Act (DERA) Rebate Program and include but are not limited to the following NAICS (North American Industry Classification System) codes: 23 Construction; 482 Rail Transportation; 483 Water Transportation; 484 Truck Transportation; 485 Transit and Ground Passenger Transportation; 4854 School and Employee Bus Transportation; 48831 Port and Harbor Operations;

61111 Elementary and Secondary Schools; 61131 Colleges, Universities, and Professional Schools; 9211 Executive, Legislative, and Other Government Support; and 9221 Justice, Public Order, and Safety Activities.

**Respondent's obligation to respond:** Voluntary.

**Estimated number of respondents:** 564 (total).

**Frequency of response:** Voluntary as needed.

**Total estimated burden:** 2903 hours (per year). Burden is defined at 5 CFR 1320.03(b).

**Total estimated cost:** \$121,421.59 (per year), includes \$0 annualized capital or operation & maintenance costs.

**Changes in Estimates:** There is decrease of 42 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is the result of a reduction in annual responses in the program in 2018 and 2019 which offset a small increase in hours per response resulting from new estimates provided in the respondent consultation.

Dated: August 9, 2021.

**Michael Moltzen,**

*Acting Director, Transportation and Climate Division, Office of Air and Radiation.*

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## FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 92-237; FR ID 42991]

### Next Meeting of the North American Numbering Council

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In this document, the Commission released a public notice announcing the meeting of the North American Numbering Council (NANC), which will be held via video conference and available to the public via live internet feed.

**DATES:** Wednesday, October 13, 2021. The meeting will come to order at 2:00 p.m.

**ADDRESSES:** The meeting will be conducted via video conference and available to the public via the internet at <http://www.fcc.gov/live>.

**FOR FURTHER INFORMATION CONTACT:** Christi Shewman, Designated Federal Officer, at [christi.shewman@fcc.gov](mailto:christi.shewman@fcc.gov) or 202-418-0646. More information about the NANC is available at <https://www.fcc.gov/about-fcc/advisory->