

are not inconsistent with section 202(a) of the Act.

#### D. Other Issues

The 2000 rulemaking required the addition of information to the emission control label for urban bus engines to help identify the engines certified to the optional emission standards.<sup>56</sup> CARB asserts that because the labels do not pertain to a manufacturer's ability to certify and produce engines that comply with the applicable emission standards, the emission control label specifications are not standards or accompanying enforcement procedures.<sup>57</sup> The specifications are, however, subject to federal preemption under CAA section 209(a) because the specifications are a condition precedent to the initial retail sale of the new engines in California.<sup>58</sup> EPA has stated that "once California has received a waiver of federal preemption for its standards and enforcement procedures for a class of vehicles, it may adopt other conditions precedent to initial retail sale, titling or registration of the subject class of vehicles without the necessity of receiving a further waiver of federal preemption."<sup>59</sup> In the instant case, CARB states that it has received previous waivers for urban bus engines.<sup>60</sup> Therefore, CARB need not demonstrate that the labeling specifications independently meet the waiver criteria. EPA agrees with this assessment and the labeling specifications may be enforced in California without further action by the Administrator.<sup>61</sup>

#### E. Full Waiver of Preemption Determination for California's Urban Bus Standards

After a review of the information submitted by CARB, and given there were no parties opposing California's request, EPA finds that California's urban bus standards should receive a full waiver of preemption.

### III. Decision

The Administrator has delegated the authority to grant California section 209(b) waivers of preemption and section 209(e) authorizations to the Assistant Administrator for Air and

Radiation. After evaluating CARB's urban bus emission standards and test procedures and CARB's submissions, EPA is taking the following action. EPA is granting a waiver of preemption to California for its urban bus emission standards and test procedures as they affect the 2002 and later model years.

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 vehicles 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 September 23, 2013. Judicial review of this final action may not be obtained in subsequent enforcement proceedings, pursuant to section 307(b)(2) of the Act.

#### IV. Statutory and Executive Order Reviews

As with past authorization and 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 purposes of 5 U.S.C. 804(3).

Dated: July 15, 2013.

**Gina McCarthy,**

*Assistant Administrator, Office of Air and Radiation.*

[FR Doc. 2013-17700 Filed 7-22-13; 8:45 am]

**BILLING CODE P**

### ENVIRONMENTAL PROTECTION AGENCY

**[FRL-9836-4; Docket ID No. EPA-HQ-ORD-2006-0756]**

#### Notice of a Public Comment Period on the Draft IRIS Carcinogenicity Assessment for Ethylene Oxide

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

**ACTION:** Notice of public comment period.

**SUMMARY:** EPA is announcing a 45-day public comment period on the draft IRIS assessment titled, "Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide" (EPA/635/R-13/128a) and on the draft peer review charge questions. The draft assessment and draft peer review charge questions were prepared by the National Center for Environmental Assessment (NCEA) within the EPA Office of Research and Development (ORD). The 45-day public comment period on the draft Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide and on the draft peer review charge questions begins on the day EPA posts the draft assessment and the draft peer review charge questions on the IRIS Web site and ends 45 days later. EPA anticipates posting the draft assessment and draft charge questions on or around July 23, 2013. Shortly after the draft carcinogenicity assessment is posted on the IRIS Web site, EPA will initiate a peer review of the draft assessment, which EPA anticipates will be undertaken by the Science Advisory Board. EPA is releasing this draft carcinogenicity assessment for the purpose of public comment. This draft assessment is not final, as described in EPA's information quality guidelines, and it does not represent and should not be construed to represent Agency policy or views.

**DATES:** The 45-day public comment period on the draft Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide and on the draft peer review charge questions begins on the day EPA posts the draft assessment and the draft peer review charge questions on the IRIS Web site and ends 45 days later. The draft assessment and peer review charge questions will be posted to the IRIS Web site at <http://www.epa.gov/IRIS>. Comments should be in writing and received by EPA within 45 days after posting the draft carcinogenicity assessment and the draft peer review charge questions on the IRIS Web site. EPA anticipates posting the draft assessment and draft charge questions on or around July 23, 2013.

**ADDRESSES:** The draft IRIS carcinogenicity assessment titled, "Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide" is available primarily via the Internet on the IRIS Web site at <http://www.epa.gov/IRIS>. A limited number of paper copies are available from the Information Management Team (Address: Information Management Team, National Center for Environmental

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> See, e.g., 49 FR 18887 (May 5, 1984), 47 FR 1015 (January 8, 1982), and 46 FR 36237 (July 14, 1981).

<sup>59</sup> 46 FR 36742 (July 15, 1981), 45 FR 54131 (August 14, 1980), and 43 FR 36579 (August 18, 1978).

<sup>60</sup> See, e.g., 68 FR 75500 (December 31, 2003).

<sup>61</sup> CARB, "Clean Air Act § 209(b) Waiver Support Document Submitted by the California Air Resources Board," EPA-HQ-OAR-2012-0745-0004, (November 2009), at page 21.

Assessment [Mail Code: 8601P], U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone: 703-347-8561; facsimile: 703-347-8691. If you request a paper copy, please provide your name, mailing address, and the draft assessment title. Comments may be submitted electronically via <http://www.regulations.gov>, by email, by mail, by facsimile, or by hand delivery/courier. Please follow the detailed instructions provided in the **SUPPLEMENTARY INFORMATION** section of this notice.

**FOR FURTHER INFORMATION CONTACT:** For information on the draft assessment, please contact Jennifer Jinot, U.S. Environmental Protection Agency, National Center for Environmental Assessment, Mail Code 8623P, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone: 703-347-8597; facsimile: 703-347-8690; or email: [jinot.jennifer@epa.gov](mailto:jinot.jennifer@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The draft IRIS assessment of the inhalation carcinogenicity of ethylene oxide was prepared by the National Center for Environmental Assessment (NCEA) within the EPA Office of Research and Development (ORD). The public has been provided an opportunity to comment on a previous external review draft of the Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide. On September 22, 2006, EPA released an external review draft "Evaluation of the Carcinogenicity of Ethylene Oxide" (EPA/635/R-06/003) for public comment. This draft was reviewed by EPA's Science Advisory Board on January 18 and 19, 2007. The expert panel's final report, Review of the Office of Research and Development (ORD) Draft Assessment entitled, "Evaluation of the Carcinogenicity of Ethylene Oxide" (EPA-SAB-08-004), was made available on December 21, 2007.

The draft IRIS carcinogenicity assessment titled, "Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide" (EPA/635/R-13/128a) has been revised in response to the peer review and public comments received on the external review draft released in September 2006. This notice announces a new public comment period on the current revised draft carcinogenicity assessment in advance of an upcoming peer review and in accordance with applicable information quality guidelines. The external peer review comments and EPA responses on the previous draft assessment are

summarized in Appendix H of the draft. EPA is releasing this revised draft assessment for the purposes of additional public comment and subsequent peer review. This draft assessment is not final, as described in EPA's information quality guidelines, and it does not represent and should not be construed to represent Agency policy or views.

In addition to an opportunity for public comment announced in this notice, EPA will initiate a peer review of the draft IRIS carcinogenicity assessment and will announce the details of the peer review in a separate **Federal Register** Notice. EPA seeks additional external peer review on how the Agency responded to the SAB panel recommendations, the exposure-response modeling of epidemiologic data, including new analyses since the 2007 external peer review, and on the adequacy, transparency, and clarity of the revised draft. The peer review will include an opportunity for the public to address the peer reviewers. EPA will announce the date, time and procedures for public participation in the peer review meeting in a separate **Federal Register** Notice and in an announcement on the IRIS Web site.

**II. Information About IRIS**

EPA's IRIS Program is a human health assessment program that evaluates quantitative and qualitative risk information on effects that may result from exposure to chemical substances found in the environment. Through the IRIS Program, EPA provides the highest quality science-based human health information for more than 550 chemical substances that can be used in human health risk assessments to support the Agency's regulatory activities and decisions to protect public health. When supported by available data, IRIS provides health effects information and toxicity values for chronic health effects (including cancer and effects other than cancer). Government agencies and others combine IRIS toxicity values with exposure information to characterize public health risks of chemical substances; this information is then used to support risk management decisions designed to protect public health.

**III. How To Submit Comments to the Docket at <http://www.regulations.gov>**

Submit your comments, identified by Docket ID No. EPA-HQ-ORD-2006-0756, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.
- *Email:* [ORD\\_Docket@epa.gov](mailto:ORD_Docket@epa.gov).

- *Facsimile:* 202-566-9744.
- *Mail:* Office of Environmental Information (OEI) Docket (Mail Code: 28221T), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460. The telephone number is 202-566-1752. If you provide comments by mail, please submit one unbound original with pages numbered consecutively, and three copies of the comments. For attachments, provide an index, number pages consecutively with the comments, and submit an unbound original and three copies.

- *Hand Delivery:* The OEI Docket is located in the EPA Headquarters Docket Center, EPA West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is 202-566-1744. Deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. If you provide comments by hand delivery, please submit one unbound original with pages numbered consecutively, and three copies of the comments. For attachments, provide an index, number pages consecutively with the comments, and submit an unbound original and three copies.

*Instructions:* Direct your comments to Docket ID No. EPA-HQ-ORD-2006-0756. Please ensure that your comments are submitted within the specified comment period. Comments received after the closing date will be marked "late," and may only be considered if time permits. It is EPA's policy to include all comments it receives in the public docket without change and to make the comments available online at <http://www.regulations.gov>, including any personal information provided, unless comments include 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 that EPA will not know your identity or contact information unless you provide it in the body of your comments. If you send email comments directly to EPA without going through <http://www.regulations.gov>, your email address will be automatically captured and included as part of the comments that are placed in the public docket and made available on the Internet. If you

submit electronic comments, EPA recommends that you include your name and other contact information in the body of your comments and with any disk or CD-ROM you submit. If EPA cannot read your comments due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comments. Electronic files should avoid the use of special characters and 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>.

**Docket:** All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at <http://www.regulations.gov> or in hard copy at the OEI Docket in the EPA Headquarters Docket Center.

Dated: July 15, 2013.

**Abdel M. Kadry,**

*Acting Director, National Center for Environmental Assessment.*

[FR Doc. 2013-17675 Filed 7-22-13; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9837-3; CERCLA-04-2013-3760]

### Circle Environmental #1 Superfund Site; Dawson, Terrell County, Georgia; Notice of Settlement

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

**ACTION:** Notice of settlement.

**SUMMARY:** Under 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency has entered into a settlement with Walter G. Mercer, Jr. concerning the Circle Environmental #1 Superfund Site located in Dawson, Terrell County, Georgia. The settlement addresses cost incurred by the agency in conducting a fund lead Removal.

**DATES:** The Agency will consider public comments on the settlement until August 22, 2013. 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. **ADDRESSES:** Copies of the settlement are available from the Agency by contacting Ms. Paula V. Painter, Environmental Protection Specialist using the contact information provided in this Notice. Comments may also be submitted by referencing the Site's name through one of the following methods:

- *Internet:* [www.epa.gov/region4/superfund/programs/enforcement/enforcement.html](http://www.epa.gov/region4/superfund/programs/enforcement/enforcement.html)
- *U.S. Mail:* U.S. Environmental Protection Agency, Attn: Paula V. Painter, 61 Forsyth Street SW., Atlanta, Georgia 30303.
- *Email:* [Painter.Paula@epa.gov](mailto:Painter.Paula@epa.gov)

**FOR FURTHER INFORMATION CONTACT:** Paula V. Painter at (404) 562-8887.

Dated: May 21, 2013.

**Anita L. Davis,**

*Chief, Superfund Enforcement & Information Management Branch, Superfund Division.*

[FR Doc. 2013-17701 Filed 7-22-13; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

### Information Collections Being Submitted for Review and Approval to the Office of Management and Budget

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Federal Communications Commission (FCC), as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act (PRA) of 1995. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid control number. Comments are requested concerning whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize

the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

**DATES:** Written comments should be submitted on or before August 22, 2013. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Nicholas A. Fraser, OMB, via fax 202-395-5167, or via email [Nicholas\\_A\\_Fraser@omb.eop.gov](mailto:Nicholas_A_Fraser@omb.eop.gov); and to Cathy Williams, FCC, via email [PRA@fcc.gov](mailto:PRA@fcc.gov) or [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@fcc.gov). Include in the comments the OMB control number as shown in the "Supplementary Information" section below.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collection, contact Cathy Williams at (202) 418-2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page <http://www.reginfo.gov/public/do/PRAMain>, (2) look for the section of the Web page called "Currently Under Review," (3) click on the downward-pointing arrow in the "Select Agency" box below the "Currently Under Review" heading, (4) select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

#### SUPPLEMENTARY INFORMATION:

*OMB Control Number:* 3060-0874.  
*Title:* FCC Form 2000 A through H, FCC Form RDA, FCC Form 475-B, FCC Form 1088 A through H, and FCC Form 501-Consumer Complaint Forms: General Complaints, Obscenity or Indecency Complaints, Complaints under the Telephone Consumer