

As stated in the 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).⁹

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 state testing procedures impose inconsistent certification requirements.

If California amends regulations that were previously granted an authorization, EPA can confirm that the amended regulations are within the scope of the previously granted authorization. Such within-the-scope amendments are permissible without a full authorization review if three conditions are met. First, the amended regulations must not undermine California’s determination that its standards, in the aggregate, are as protective of public health and welfare as applicable federal standards. Second, the amended regulations must not affect consistency with section 202(a) of the Act. Third, the amended regulations must not raise any “new issues” affecting EPA’s prior authorizations.

III. EPA’s Request for Comments

EPA invites public comment on CARB’s entire request, including but not limited to the following issues.

A. 2008 Within-the-Scope or New Authorization

First, we request comment on whether CARB’s 2008 Amendments, summarized in CARB’s November 2012 letter, each individually assessed, should be considered under the within-the-scope analysis or whether they should be considered under the full authorization criteria. Specifically, we request comment on whether California’s 2008 Amendments (1) 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, (2) affect the consistency of California’s requirements with section 209 of the Act, and (3) raise any other “new issue” affecting EPA’s previous waiver or authorization determinations.

In determining whether amendments can be viewed as within-the-scope of previous waivers, EPA does not evaluate how “significant” the changes to the regulations are, or whether cost or emission benefit projections have changed, but rather EPA evaluates whether CARB has either made minor technical amendments to previously waived regulations or whether the amendments can reasonably be viewed as modifying the regulations in order to provide manufacturers with additional compliance flexibilities or otherwise reduce the overall stringency of the requirements.

Should any party believe that the 2008 Amendments for which California requested within-the-scope authorization do not merit consideration as within-the-scope of the previous Marine SI authorization, EPA also requests comment on whether those amendments meet the criteria for full 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.

EPA similarly requests comment on whether the amendments for which CARB requested full authorization meet the criteria set forth above for making a new authorization determination.

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 18, 2013. 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-2013-0024.

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. 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 9, 2013.

Christopher Grundler,

Director, Office of Transportation and Air Quality.

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EXPORT-IMPORT BANK

[Public Notice: 2013-0040]

Application for Final Commitment for a Long-Term Loan or Financial Guarantee in Excess of \$100 million: AP086942XX

AGENCY: Export-Import Bank of the United States.

ACTION: Notice.

SUMMARY: This Notice is to inform the public, in accordance with Section 3(c)(10) of the Charter of the Export-Import Bank of the United States (“Ex-Im Bank”), that Ex-Im Bank has received an application for final commitment for a long-term loan or financial guarantee

⁹ See 59 FR 36969 (July 20, 1994).

in excess of \$100 million (as calculated in accordance with Section 3(c)(10) of the Charter). Comments received within the comment period specified below will be presented to the Ex-Im Bank Board of Directors prior to final action on this transaction.

Reference: AP086942XX.

Purpose and Use:

Brief description of the purpose of the transaction:

To support the export of U.S.-manufactured equipment for an oil refinery to be built in Turkey.

Brief non-proprietary description of the anticipated use of the items being exported:

Construction of a new crude oil refinery in Turkey.

To the extent that Ex-Im Bank is reasonably aware, the item(s) being exported may be used to produce exports or provide services in competition with the exportation of goods or provision of services by a United States industry.

Parties:

Principal Supplier: Foster Wheeler.

Obligor: STAR Rafineri A.Ş.

Guarantor(s): N/A.

Description of Items Being Exported:

The items being exported are coker heaters, furnaces, flare, and various other components.

Information on Decision: Information on the final decision for this transaction will be available in the "Summary Minutes of Meetings of Board of Directors" on <http://exim.gov/newsandevents/boardmeetings/board/>.

Confidential Information: Please note that this notice does not include confidential or proprietary business information; information which, if disclosed, would violate the Trade Secrets Act; or information which would jeopardize jobs in the United States by supplying information that competitors could use to compete with companies in the United States.

DATES: Comments must be received on or before September 13, 2013 to be assured of consideration before final consideration of the transaction by the Board of Directors of Ex-Im Bank.

ADDRESSES: Comments may be submitted through [Regulations.gov](http://www.Regulations.gov) at WWW.REGULATIONS.GOV. To submit a comment, enter EIB-2013-0040 under the heading "Enter Keyword or ID" and select Search. Follow the instructions provided at the Submit a Comment screen. Please include your name,

company name (if any) and EIB-2013-0040 on any attached document.

Cristopolis A. Dieguez,

Program Specialist, Office of the General Counsel.

[FR Doc. 2013-20122 Filed 8-16-13; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[WC Docket No. 06-122; DA 13-1700]

Wireline Competition Bureau Seeks Comment on Proposed Sample Reseller Certification Language for FCC Form 499-A Instructions

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Federal Communications Commission's Wireline Competition Bureau (Bureau) seeks comment on a proposal filed by a group of 8 industry participants (available at <http://appsint.fcc.gov/ecfs/document/view?id=7520933957>) regarding revisions to sample reseller certification language and accompanying sections of the FCC Form 499-A instructions. In the 2012 *Wholesaler-Reseller Clarification Order*, (FCC 12-134), the Commission directed the Bureau to revise the sample language to reflect the clarifications provided in that order, and allowed contributors to rely on existing sample language through December 31, 2013. The Bureau seeks comment on whether it should include the industry participants' proposed revisions in the 2014 FCC Form 499-A instructions.

DATES: Comments are due on or before September 6, 2013 and reply comments are due on September 13, 2013.

ADDRESSES: You may submit comments, identified by WC Docket No. 06-122; DA 13-1700, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Federal Communications Commission's Web site:* <http://fjallfoss.fcc.gov/ecfs2/>. Follow the instructions for submitting comments.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: FCC504@fcc.gov or phone: (202) 418-0530 or TTY: (202) 418-0432.

For detailed instructions for submitting comments and additional

information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Carol Pomponio, Wireline Competition Bureau, (202) 418-7400 or TTY: (202) 418-0484.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Wireline Competition Bureau's Public Notice in WC Docket No. 06-122; DA 13-1700, released August 2, 2013. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY-A257, Washington, DC 20554. The document may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), 445 12th Street SW., Room CY-B402, Washington, DC 20554, telephone (800) 378-3160 or (202) 863-2893, facsimile (202) 863-2898, or via the Internet at <http://www.bcpweb.com>. It is also available on the Commission's Web site at <http://www.fcc.gov>.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments on or before September 6, 2013 and reply comments on or before September 13, 2013. All pleadings are to reference WC Docket 06-122. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121, May 1, 1998.

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.

- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW., Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any