

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-R04-OAR-2013-0129; FRL-9900-02-Region4]

**Adequacy Status of the North Carolina Portion of the Charlotte-Gastonia-Rock Hill Bi-State Area Maintenance Plan 8-Hour Ozone Sub-Area Motor Vehicle Emission Budgets for Transportation Conformity Purposes**

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

**ACTION:** Notice of adequacy.

**SUMMARY:** EPA is notifying the public that the Agency has determined that the sub-area motor vehicle emissions budgets (MVEBs) for the North Carolina portion of the Charlotte-Gastonia-Rock Hill bi-state area (hereafter referred to as the bi-state Charlotte Area) are adequate for transportation conformity purposes. These MVEBs were submitted by the North Carolina Department of Environment and Natural Resources (NC DENR) as part of the state's 1997 8-Hour Ozone Maintenance plan on November 2, 2011, and later supplemented on February 8, 2013. The bi-state Charlotte moderate 1997 8-hour ozone area is comprised of Charlotte-Gastonia in North Carolina, and Rock Hill (a portion of York County), South Carolina. The North Carolina portion of the bi-state Charlotte Area is comprised of the following sub-areas or counties: Cabarrus, Gaston, partial of Iredell (Davidson and Coddle Creek Townships), Lincoln, Mecklenburg, Rowan, and Union. North Carolina's maintenance plan includes the required MVEBs for volatile organic compounds (VOC) and nitrogen oxides (NO<sub>x</sub>). This action relates only to the North Carolina portion of the bi-state Charlotte Area. EPA approved MVEBs for South Carolina's portion of York County in a separate action. As a result of EPA's finding, which is being announced in this notice, the North Carolina portion of the bi-state Charlotte Area must use the sub-area MVEBs for future conformity determinations for the 1997 8-hour ozone standard.

**DATES:** These sub-area MVEBs are effective August 28, 2013.

**FOR FURTHER INFORMATION CONTACT:** Dianna Smith, U.S. Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street SW., Atlanta, Georgia 30303. Ms. Smith can also be reached by telephone at (404) 562-9207, or via electronic mail at [smith.dianna@epa.gov](mailto:smith.dianna@epa.gov). The finding is available at EPA's conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/currrips.htm>.

**SUPPLEMENTARY INFORMATION:** This notice is simply an announcement of a finding that EPA has already made. EPA Region 4 sent a letter to NC DENR on July 25, 2013, stating that the sub-area MVEBs identified for the North Carolina portion of the bi-state Charlotte area in the 1997 8-hour ozone maintenance plan, submitted on November 2, 2011, and later supplemented on February 8, 2013, are adequate and must be used for transportation conformity determinations in the North Carolina portion of the bi-state Charlotte Area.

EPA posted the availability of the sub-area MVEBs contained in the North Carolina maintenance plan on EPA's Web site on February 21, 2013, as part of the adequacy process, for the purpose of soliciting comments. During EPA's adequacy comment period from February 21, 2013, through March 25, 2013, no comments, adverse or otherwise, were received on the MVEBs for the North Carolina portion of the bi-state Charlotte Area. Through this notice, EPA is informing the public that these sub-area MVEBs are adequate for transportation conformity. This finding has also been announced on EPA's conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/pastsips.htm>. The adequate sub-area MVEBs are provided in the following table:

CHARLOTTE (NORTH CAROLINA PORTION) 8-HOUR OZONE SUB-AREA MVEB		
	[Kilograms/day]	
	2013	2025
<b>Cabarrus-Rowan MPO</b>		
VOC .....	10,849	6,510
NO <sub>x</sub> .....	21,822	11,953
<b>Gaston Urban Area MPO/Lake Norman RPO</b>		
VOC .....	11,610	7,047
NO <sub>x</sub> .....	22,168	12,541
<b>Mecklenburg-Union MPO/Rocky River RPO</b>		
VOC .....	28,252	17,378
NO <sub>x</sub> .....	61,501	35,728

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule, 40 CFR Part 93, requires that transportation plans, programs and projects conform to state air quality implementation plans and establishes the criteria and procedures for determining whether or not they do so. Conformity to a state implementation plan (SIP) means that

transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which EPA determines whether a SIP's MVEBs are adequate for transportation conformity purposes are outlined in 40 CFR 93.118(e)(4). EPA has also described the process for determining the adequacy of submitted SIP budgets in a July 1, 2004, final rulemaking entitled, "Transportation Conformity Rule Amendments for the New 8-hour Ozone and PM<sub>2.5</sub> National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes" (69 FR 40004). Please note that an adequacy review is separate from EPA's completeness review, and it should not be used to prejudice EPA's ultimate approval of the maintenance plan for the North Carolina portion of the bi-state Charlotte Area. Even if EPA finds a budget adequate, the maintenance plan submittal could later be disapproved.

Within 24 months from the effective date of this notice, the transportation partners will need to demonstrate conformity to the new MVEBs, if the demonstration has not already been made, pursuant to 40 CFR 93.104(e). See 73 FR 4419 (January 24, 2008).

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: August 5, 2013.

**Beverly H. Banister,**

*Acting Regional Administrator, Region 4.*

[FR Doc. 2013-19629 Filed 8-12-13; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-SFUND-2013-0549; FRL-9846-1]

**Agency Information Collection Activities; Proposed Collection; Comment Request; Notification of Episodic Releases of Oil and Hazardous Substances (Renewal); EPA ICR No. 1049.13**

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

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request to renew an existing approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). This

ICR is scheduled to expire on March 31, 2014. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

**DATES:** Comments must be submitted on or before October 15, 2013.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-SFUND-2013-0549, by one of the following methods:

- *www.regulations.gov*: Follow the on-line instructions for submitting comments.
- *Email: superfund.docket@epa.gov.*
- *Fax: (202) 566-9744.*
- *Mail:* Environmental Protection Agency, Mailcode: [2822T], 1200 Pennsylvania Ave. NW., Washington, DC 20460.
- *Hand Delivery:* EPA Docket Center—Public Reading Room, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA-HQ-SFUND-2013-0549. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *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 *www.regulations.gov* or email. The *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 *www.regulations.gov* your email address will be automatically 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>.

**FOR FURTHER INFORMATION CONTACT:** Lynn Beasley, Office of Emergency Management, (5104A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564-1965; fax number: (202) 564-2625; email address: [Beasley.Lynn@epa.gov](mailto:Beasley.Lynn@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**How can I access the docket and/or submit comments?**

EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-SFUND-2013-0549, which is available for online viewing at *www.regulations.gov*, or in person viewing at the Superfund Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA/DC 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 Reading Room is 202-566-1744, and the telephone number for the Superfund Docket is 202-566-0276.

Use *www.regulations.gov* to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified in this document.

**What information is EPA particularly interested in?**

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits 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. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

**What should I consider when I prepare my comments for EPA?**

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Offer alternative ways to improve the collection activity.
6. Make sure to submit your comments by the deadline identified under **DATES**.
7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

**What information collection activity or ICR does this apply to?**

*Affected entities:* Entities potentially affected by this action are facilities or vessels that manufacture, process, transport, or otherwise use certain specified hazardous substances and oil.  
*Title:* Notification of Episodic Releases of Oil and Hazardous Substances (Renewal)

*ICR numbers:* EPA ICR No. 1049.13, OMB Control No. 2050-0046.

*ICR status:* This ICR is currently scheduled to expire on March 31, 2014. 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. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

*Abstract:* Section 103(a) of CERCLA, as amended, requires the person in

charge of a facility or vessel to immediately notify the National Response Center (NRC) of a hazardous substance release into the environment if the amount of the release equals or exceeds the substance's reportable quantity (RQ) limit. The RQ of every hazardous substance can be found in Table 302.4 of 40 CFR 302.4.

Section 311 of the CWA, as amended, requires the person in charge of a vessel to immediately notify the NRC of an oil spill into U.S. navigable waters if the spill causes a sheen, violates applicable water quality standards, or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

The reporting of a hazardous substance release that is at or above the substance's RQ allows the Federal government to determine whether a Federal response action is required to control or mitigate any potential adverse effects to public health or welfare or the environment. Likewise, the reporting of oil spills allows the Federal government to determine whether cleaning up the oil spill is necessary to mitigate or prevent damage to public health or welfare or the environment. The hazardous substance and oil release information collected under CERCLA section 103(a) and CWA section 311 also is available to EPA program offices and other Federal agencies that use the information to evaluate the potential need for additional regulations, new permitting requirements for specific substances or sources, or improved emergency response planning. Release notification information, which is stored in the national Emergency Response Notification System (ERNS) data base, is available to state and local government authorities as well as the general public. State and local government authorities and the regulated community use release information for purposes of local emergency response planning. Members of the general public, who have access to release information through the Freedom of Information Act, may request release information for purposes of maintaining an awareness of what types of releases are occurring in different localities and what actions, if any are being taken to protect public health and welfare and the environment. ERNS fact sheets, which provide summary and statistical information about hazardous substance and oil release notifications, also are available to the public. 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. The OMB control numbers for EPA's

regulations in 40 CFR are listed in 40 CFR part 9.

The EPA would like to solicit comments 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, other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information is estimated to average 4.1 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

*Estimated total number of potential respondents:* 23,864.

*Frequency of response:* On occasion.

*Estimated total average number of responses for each respondent:* 1.

*Estimated total annual burden hours:* 97,842.

*Estimated total annual costs:* \$3,319,936. This includes an estimated burden cost of \$3,319,936 and an estimated cost of \$0 for capital investment or maintenance and operational costs.

### Are there changes in the estimates from the last approval?

There is a decrease of 8,188 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This decrease reflects EPA's expected decrease in the projected number of release notifications per year.

### What is the next step in the process for this ICR?

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 pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: August 1, 2013.

**Lawrence M. Stanton,**

*Director, Office of Emergency Management.*

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**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

### Conflict of Interest Waiver

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of waiver of section 4(b) of the Communications Act of 1934.

**SUMMARY:** Notice is hereby given that the Commission granted a waiver of the financial relationship prohibition contained in section 4(b) of the Communications Act of 1924, as amended, 47 U.S.C. 154(b), for Mr. Theodore Marcus, Attorney Advisor, Enforcement Bureau, FCC, to retain time-limited financial interests in AT&T through a last distribution in March 2014 and a reasonable time thereafter for divestiture, not to exceed thirty (30) days. During that period, Mr. Marcus will recuse himself from participation in any matter involving or affecting AT&T in accord with section 208(a) of Title 18 of the United States Code, 18 U.S.C. 208(a), and the Office of Government Ethics implementing regulations, 5 CFR, part 2640.

**DATES:** Effective July 1, 2013.

**FOR FURTHER INFORMATION CONTACT:** Patrick J. Carney, Office of General Counsel, (202) 418-1720.