

concentration of certain emission products, and (2) any available information regarding the health and welfare effects of the whole and speciated emissions. 40 CFR 79.52. Tier 2 requires that combustion emissions of each F/FA subject to the testing requirements be tested for subchronic systemic and organic toxicity, as well as the assessment of specific health-effect endpoints. 40 CFR 79.53. Tier 3 testing may be required, at EPA's discretion, when remaining uncertainties as to the significance of observed health or welfare effects, or emissions exposures, interfere with EPA's ability to reasonably assess the potential risks posed by the emissions from a F/FA. 40 CFR 79.54. EPA's regulations permit submission of adequate existing test data in lieu of conducting new, duplicative tests. 40 CFR 79.53(b).

At its discretion, EPA may modify the standard Tier 2 health-effects testing requirements for a F/FA (or group thereof) by substituting, adding, or deleting testing requirements, or changing the underlying vehicle/engine specifications. 40 CFR 79.58(c). EPA will not, however, delete a testing requirement for a specific end point in the absence of existing adequate information, or an alternative testing requirement for that endpoint. 40 CFR 79.58(c).

II. Proposed Alternative Tier 2 Requirements for PuriNO_x

The purpose of this document is to announce that EPA has notified Lubrizol of proposed Alternative Tier 2 testing requirements under 40 CFR 79.58(c) for Lubrizol's Winter PuriNO_x formulation. The proposed Alternative Tier 2 testing requirements are identical to the standard Tier 2 requirements with the exception that the test fuel will be the Winter PuriNO_x formulation, consisting of 74% diesel fuel, 16.8% water, 5.7% methanol, and 3.5% PuriNO_x Generation 2 Additive Package. Under the standard Tier 2 requirements the water and methanol would have been tested separately in diesel fuel. EPA believes that, since such separate formulations will never occur in the production of Winter PuriNO_x, testing of the proposed test fuel, which corresponds with its commercial composition, will produce more meaningful health-effects testing results.

Lubrizol has already conducted standard Tier 2 testing on a warm-climate PuriNO_x formulation, consisting of 77% diesel fuel, 20% water, and 3% PuriNO_x 1121A Additive Package. We propose that this testing, in conjunction with the Alternative Tier 2 testing for

Winter PuriNO_x, will be sufficient to meet the Tier 2 requirements for intermediate PuriNO_x combinations of diesel fuel, water, methanol, and additive package.¹

EPA requests public comment on these proposals. A copy of the notification to Lubrizol has been placed in Public Docket No. A-2002-07 noted above. The notification is also available from the contact noted above and at www.epa.gov/otaq/fuels.

III. Environmental Impact

This document will result in no immediate environmental impact, but may provide a basis for further regulatory action, should the collected data indicate that there may be a risk to public health or welfare.

IV. Economic Impact

This document will reduce the testing expense for Lubrizol by reducing the number of test fuels. Since this applies only to Lubrizol, which is not a small entity, there is no economic impact on small entities.

Dated: May 14, 2002.

Robert Brenner,

Acting Assistant Administrator, Office of Air and Radiation.

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ENVIRONMENTAL PROTECTION AGENCY

[AMS-FRL-7214-3]

California State Motor Vehicle Pollution Control Standards; Request for Waiver of Federal Preemption; Within the Scope Request; Opportunity for Public Hearing

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 Low-Emission Vehicle (LEV) regulations including amendments to its exhaust emission standards, evaporative emission standards, its certification requirements, and to its Zero-Emission-Vehicle (ZEV) program (collectively the "LEVII" amendments; the ZEV amendments are referred to as the "1999

¹ Thus, if the Winter PuriNO_x Alternative Tier 2 testing is successfully completed, the Tier 2 health effects testing requirements would be met for PuriNO_x formulations consisting of 100%-74% diesel fuel, 0%-20% water, 0%-5.7% methanol, 0%-3.5% PuriNO_x Generation 2 Additive, or 0%-3% PuriNO_x 1121A.

ZEV amendments"). By letter dated May 30, 2001, California requested that EPA grant a waiver of preemption under section 209(b) of the Clean Air Act (CAA), 42 U.S.C. 7543(b) for the LEVII amendments. By letter dated February 7, 2002, California requested that EPA confirm CARB's determination that a limited portion of the LEVII amendments, the 1999 ZEV amendments, are within-the-scope of previously issued waivers granted by EPA. This notice announces that EPA has tentatively scheduled two successive public hearings concerning California's requests and that EPA is accepting comments on these requests. EPA invites comments on all relevant aspects of California's requests, in particular, whether EPA should waive preemption of California's LEVII amendments, and whether the 1999 ZEV amendments are within the scope of previous waivers and, if not, whether EPA should waive preemption for the 1999 ZEV amendments.

DATES: EPA has tentatively scheduled a public hearing concerning the 1999 ZEV amendments on June 20, 2002 beginning at 10:00 a.m. EPA has also tentatively scheduled a public hearing concerning the LEVII amendments to commence immediately following the hearing for the 1999 ZEV amendments and may carry over until the following day. EPA will hold hearings only if a party notifies EPA by June 10, 2002, expressing its interest in presenting oral testimony regarding the 1999 ZEV amendments and/or the LEVII amendments. By June 17, 2002, any person who plans to attend the hearing(s) should call David Dickinson at (202) 564-9256 to learn if either hearing will be held. If EPA does not receive a request for one or both public hearings, then EPA will not hold one or both hearings, and instead consider CARB's requests based on written submissions to the docket. Any party may submit written comments by July 22, 2002.

ADDRESSES: EPA will make available for public inspection at the Air and Radiation Docket and Information Center written comments received from interested parties, in addition to any testimony given at the public hearing. The Air Docket is open during working hours from 8 a.m. to 4 p.m. at EPA, Air Docket (6102), Room M-1500, Waterside Mall, 401 M St., SW., Washington, DC 20460. The reference number for this docket is A-99-26. Parties wishing to present oral testimony at either public hearing should provide written notice to David Dickinson at the address noted below;

parties should submit any written comments to David Dickinson. If EPA receives a request for a public hearing, EPA will hold the public hearing in the first floor conference room at 501 3rd Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: David Dickinson, Certification and Compliance Division (6405J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave, NW., Washington, DC 20460. Telephone: (202) 564-9256, Fax: (202) 565-2057, e-mail address: Dickinson.David@EPA.GOV. EPA makes available an electronic copy of this Notice on the Office of Transportation and Air Quality's (OTAQ's) homepage (<http://www.epa.gov/otaq/>). Users can find this document by accessing the OTAQ homepage and looking at the path entitled "Regulations." This service is free of charge, except any cost you already incur for Internet connectivity. Users can also get the official **Federal Register** version of the Notice on the day of publication on the primary website: (<http://www.epa.gov/docs/fedrgstr/EPA-AIR/>).

Please note that due to differences between the software used to develop the documents and the software into which the documents may be downloaded, changes in format, page length, etc., may occur.

SUPPLEMENTARY INFORMATION:

(A) Procedural History

On January 13, 1993, EPA published a Notice Regarding Waiver of Federal Preemption granting California a waiver of federal preemption for the California LEV program (58 FR 4166). The California LEV waiver included California's original ZEV requirements.

In March 1996, CARB amended the LEV program by eliminating the ZEV sales requirement for model years 1998 through 2002 (1996 ZEV amendments). On February 26, 1997, CARB submitted to the Administrator a request that EPA confirm the CARB Board's determination that the 1996 ZEV amendments to its LEV program (primarily repealing the ZEV requirements for 1998 through 2002), but also creating multiple ZEV credits for vehicles produced prior to the 2003 model year and test procedures for determining All-Electric Vehicle Range) are within-the-scope of the existing California LEV program which had previously received a waiver. On January 25, 2001, EPA published a document (66 FR 7751) confirming CARB's within the scope determination.

On May 30, 2001, CARB submitted to the Administrator its request that EPA grant a waiver of preemption for its

LEVII regulations. (May 2001 letter) These LEVII regulations include amendments to its exhaust emission standards, evaporative emission standards, certification requirements, and to its Zero-Emission Vehicle program. Subsequently, on February 7, 2002, CARB submitted to the Administrator its request that EPA confirm CARB's determination that the limited portion of the previously submitted LEVII amendments that pertains to ZEVs does not require a new waiver of preemption but rather is within the scope of previously issued waivers. (February 2002 letter)

(B) Background and Discussion

Section 209(a) of the Clean Air Act, as amended ("Act"), 42 U.S.C. 7543(a), provides:

No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part. No state shall require certification, inspection or any other approval relating to the control of emission from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment.

Section 209(b)(1) of the Act requires the Administrator, after notice and opportunity for public hearing, to waive application of the prohibitions of section 209(a) for any state that has adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, if the state determines that the state standards will be, in the aggregate, at least as protective of public health and welfare as applicable federal standards. California is the only state that is qualified to seek and receive a waiver under section 209(b). The Administrator must grant a waiver unless she finds that (A) the determination of the state is arbitrary and capricious, (B) the state does not need the state standards to meet compelling and extraordinary conditions, or (C) the state standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act.

CARB's May 2001 letter to the Administrator notified EPA that it had adopted amendments to its LEV program. These amendments include (1) imposing passenger car exhaust emission standards on most sport utility vehicles (SUVs), pick-up trucks, and mini-vans; (2) lower exhaust emission standards for all light- and medium-duty vehicles; (3) reductions in

evaporative emission standards; (4) additional mechanisms for the generation of ZEV credits; and (5) establishment of "CAP 2000" certification requirements.

When EPA receives new waiver requests from CARB, EPA traditionally publishes a notice of opportunity for public hearing and comment and then publishes a decision in the **Federal Register** following the public comment period. In contrast, when EPA receives within the scope waiver requests from CARB, EPA traditionally publishes a decision in the **Federal Register** and concurrently invites public comment if an interested part is opposed to EPA's decision.

Because CARB seeks a new waiver for nearly all of the requirements in its LEVII regulations, and because EPA has already received written comment on CARB's within the scope request for its 1999 ZEV amendments, EPA invites comment on the following issues: (1) Whether California's 1999 ZEV 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 202(a) of the Act, and (c) raise new issues affecting EPA's previous waiver determinations; and (2) Whether (a) California's determination that its standards (including its LEVII standards and including the 1999 ZEV amendments to the extent they are not within the scope of previous waivers), as referenced in its May 2001 request letter, are at least as protective of public health and welfare as applicable federal standards is arbitrary and capricious, (b) California needs separate standards to meet compelling and extraordinary conditions, and (c) California's standards and accompanying enforcement procedures are consistent with section 202(a) of the CAA?

Procedures for Public Participation

In recognition that public hearings are designed to give interested parties an opportunity to participate in this proceeding, there are no adverse parties as such. Statements by participants will not be subject to cross-examination by other participants without special approval by the presiding officer. The presiding officer is authorized to strike from the record statements that he or she deems irrelevant or repetitious and to impose reasonable time limits on the duration of the statement of any participant.

If hearing(s) are held, the Agency will make a verbatim record of the

proceedings. Interested parties may arrange with the reporter at the hearing(s) to obtain a copy of the transcript at their own expense. Regardless of whether public hearing(s) are held, EPA will keep the record open until July 22, 2002. Upon expiration of the comment period, the Administrator will render a decision on CARB's request based on the record of the public hearing(s), if any, relevant written submissions, and other information that she deems pertinent. All information will be available for inspection at EPA Air Docket. (Docket No. A-99-26).

EPA requests that parties wishing to submit comments specify which issue, noted above, they are addressing. Commenters may submit one document which addresses several issues but they should separate, to the extent possible, those comments that relate to the 1999 ZEV amendments from those that relate to the LEVII amendments.

Persons with comments containing proprietary information must distinguish such information from other comments to the greatest possible extent and label it as "Confidential Business Information" (CBI). If a person making comments wants EPA to base its decision in part on a submission labeled CBI, then a nonconfidential version of the document that summarizes the key data or information should be submitted for the public docket. To ensure that proprietary information is not inadvertently placed in the 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 by 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: May 14, 2002.

Robert D. Brenner,

Deputy Assistant Administrator for Air and Radiation.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7215-2]

EPA Science Advisory Board; Notification of Public Advisory Committee Meetings; Environmental Health Committee's Trichloroethylene (TCE) Health Risk Assessment Synthesis and Characterization Review Panel

Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given of three meetings of the Environmental Health Committee's Trichloroethylene (TCE) Health Risk Assessment Synthesis and Characterization Review Panel (TCE Review Panel) of the US EPA Science Advisory Board (SAB). The Panel will meet on the dates and times noted below. All times noted are Eastern Time. All meetings are open to the public, however, seating is limited and available on a first come basis. For teleconference meetings, available lines may also be limited. *Important Notice:* Documents that are the subject of SAB reviews are normally available from the originating EPA office and are not available from the SAB Office—information concerning availability of documents from the relevant Program Office is included below.

Background: The background for this review and the charge to the panel were published in the **Federal Register** (66 FR 54768-54769) on October 30, 2001. The notice also included a call for nominations for members of the panel in certain technical expertise areas needed to address the charge and described the process to be used in forming the panel.

1. Environmental Health Committee's Trichloroethylene (TCE) Health Risk Assessment Synthesis and Characterization Review Panel—June 5, 2002 Teleconference

The TCE Review Panel will meet on June 5, 2002 via teleconference from 1:00 pm to 3:00 pm Eastern Time. This teleconference meeting will be hosted out of Conference Room 6013, USEPA, Ariel Rios Building North, 1200 Pennsylvania Avenue, NW, Washington, DC 20004. The meeting is open to the public, but, due to limited space, seating will be on a first-come basis. The public may also attend via telephone, however, lines may be limited. For further information concerning the meeting or how to obtain the phone number, please contact the individuals listed at the end of this FR notice.

*Purpose of the Meeting—*The purpose of this public teleconference meeting is

to: (a) Discuss the charge and the adequacy of the review materials provided to the TCE Review Panel; (b) to clarify any questions and issues relating to the charge and the review materials; (c) to discuss specific charge assignments to the TCE Review Panelists; and (d) to clarify specific points of interest raised by the Panelists in preparation for the face-to-face meeting to be held on June 18 and June 19, 2002. This teleconference meeting of the TCE Review Panel will provide focus on the charge and issues prior to the June 18-19, 2002 meeting of the Panel.

See below for availability of review materials, the charge to the review panel, and contact information.

2. Environmental Health Committee's Trichloroethylene (TCE) Health Risk Assessment Synthesis and Characterization Review Panel—June 18 and 19, 2002 Meeting

The TCE Review Panel of the Science Advisory Board (SAB) will conduct a public meeting on June 18 and June 19, 2002. The meeting will begin on June 18, 2002 at 9:00 am and adjourn no later than 5:30 pm that day. On June 19, 2002, the meeting may begin at 9:00 am and adjourn no later than 1:00 pm. The meeting will take place at RESOLVE, 1255 23rd Street, Suite 275, NW Washington, DC 20037. For further information concerning the meeting, please contact the individuals listed at the end of this FR notice.

The need for subsequent meetings of the Review Panel will be discussed at this meeting and schedules of any future meetings to complete review of this topic will be discussed. However, a contingency date of July 18, 2002 from 1:00 pm to 3:00 pm Eastern Standard Time has been reserved for a conference call. Information concerning any future public meetings will appear in **Federal Register** notices as appropriate.

*Purpose of the Meeting—*The purpose of this meeting is to conduct a review of an Agency draft document, Trichloroethylene Health Risk Assessment: Synthesis and Characterization, Draft Report, Prepared for the U.S. Environmental Protection Agency, Office of Research and Development, EPA/600/P-01/002A, August 2001 External Review Draft. In particular, the Review Panel will: (1) Engage in dialogue with appropriate officials from the Agency who are responsible for its preparation; (2) begin to prepare responses to the charge questions; (3) receive public comments as appropriate; and (4) plan and schedule subsequent meetings (if needed) to complete this review.