

Winter PuriNO<sub>x</sub> and a warm-climate PuriNO<sub>x</sub> will be sufficient to cover intermediate versions of PuriNO<sub>x</sub>.

**DATES:** The Alternative Tier 2 testing requirements for Winter PuriNO<sub>x</sub> are effective upon receipt by Lubrizol of the notification letter discussed in this notice.

**ADDRESSES:** A copy of the notification to Lubrizol has been placed in Public Docket No. A-2002-07, Waterside Mall (Room M-1500), Environmental Protection Agency, Air Docket Section, 401 M Street, SW., Washington, DC 20460-0001. Relevant materials have been placed in this docket. It may be inspected from 8:00 a.m. to 5:30 p.m., Monday through Friday. A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** James W. Caldwell, Environmental Engineer, U.S. Environmental Protection Agency, Office of Transportation and Air Quality, Mail Code 6406J, 1200 Pennsylvania Avenue, NW, Washington, DC 20460-0001, (202) 564-9303, fax (202) 565-2085, [caldwell.jim@epa.gov](mailto:caldwell.jim@epa.gov).

**SUPPLEMENTARY INFORMATION:** *Regulated Entity.* The entity regulated by this action is Lubrizol.

### I. Introduction

Pursuant to sections 211(b)(2) and 211(e) of the Clean Air Act (CAA) EPA promulgated regulations requiring manufacturers of designated fuels and fuel additives (F/FA) to conduct tests to determine the potential health effects of the F/FA emissions. The final rule, promulgated May 27, 1994, established new health-effects testing requirements for the registration of designated F/FAs (59 FR 33042).

The registration requirements are organized within a three-tier structure. Tier 1 requires F/FA manufacturers to supply to EPA (1) the identity and 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<sub>x</sub>

On May 3, 2002 EPA notified Lubrizol of proposed Alternative Tier 2 testing requirements under 40 CFR 79.58(c) for Lubrizol's Winter PuriNO<sub>x</sub> formulation. The proposed Alternative Tier 2 testing requirements were identical to the standard Tier 2 requirements with the exception that the test fuel would be the Winter PuriNO<sub>x</sub> formulation, consisting of 74% diesel fuel, 16.8% water, 5.7% methanol, and 3.5% PuriNO<sub>x</sub> Generation 2 Additive Package. Under the standard Tier 2 requirements the water and methanol would have been tested separately in diesel fuel. EPA believed that, since such separate formulations would never occur in the production of Winter PuriNO<sub>x</sub>, testing of the proposed test fuel, which corresponds with its commercial composition, would produce more meaningful health-effects testing results.

Lubrizol has already conducted standard Tier 2 testing on a warm-climate PuriNO<sub>x</sub> formulation, consisting of 77% diesel fuel, 20% water, and 3% PuriNO<sub>x</sub> 1121A Additive Package. EPA also proposed that this testing, in conjunction with the Alternative Tier 2 testing for Winter PuriNO<sub>x</sub>, would be sufficient to meet the Tier 2 requirements for intermediate PuriNO<sub>x</sub> combinations of diesel fuel, water, methanol, and additive package.<sup>1</sup> An associated **Federal Register** notice (67 FR 35808, May 21, 2002) initiated a 30-day public comment period. Only one comment was received, and it did not address either proposal. The EPA has concluded that both proposals will be finalized without change, and has notified Lubrizol by letter. A copy of the

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

letter has been placed in the docket referenced above.

### III. Environmental Impact

This action 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 action 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.

### List of Subjects in 40 CFR Part 79

Environmental protection, Air pollution control, Diesel fuel, and Motor vehicle pollution.

Dated: August 19, 2002.

**Robert Brenner,**

*Acting Assistant Administrator, Office of Air and Radiation.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7267-7]

### National Drinking Water Advisory Council; Request for Nominations

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice.

The U.S. Environmental Protection Agency (EPA) invites all interested persons to nominate qualified individuals to serve a three-year term as members of the National Drinking Water Advisory Council (Council). This Council was established by the Safe Drinking Water Act (SDWA) to provide practical and independent advice, consultation and recommendations to the Agency on the activities, functions and policies related to the implementation of the SDWA. The Council consists of fifteen members, including a Chairperson, appointed by the Deputy Administrator. Five members represent the general public; five members represent appropriate State and local agencies concerned with water hygiene and public water supply; and five members represent private organizations or groups demonstrating an active interest in the field of water hygiene and public water supply. The SDWA requires that at least two members of the Council represent small, rural water systems. On December 15 of

each year, five members complete their appointment. Therefore, this notice solicits names to fill the five vacancies, with appointed terms ending on December 15, 2005.

Any interested person or organization may nominate qualified individuals for membership. Nominees should be identified by name, occupation, position, address and telephone number. To be considered, all nominations must include a current resume providing the nominee's background, experience and qualifications.

Persons selected for membership will receive compensation for travel and a nominal daily compensation while attending meetings. The Council holds two face-to-face meetings each year, generally in the Spring and Fall. Additionally, members may be asked to serve on one of the Council's workgroups that are formed each year to assist the EPA in addressing specific programmatic issues. These workgroup meetings are held approximately four times a year, typically with two meetings by conference call.

Please submit nominations to Brenda P. Johnson, Designated Federal Officer, National Drinking Water Advisory Council, U.S. Environmental Protection Agency, Office of Ground Water and Drinking Water (4601), 1200 Pennsylvania Avenue, NW, Washington, DC 20460-0001, no later than October 15, 2002. For additional information send an e-mail to [Johnson.BrendaP@epa.gov](mailto:Johnson.BrendaP@epa.gov) or call 202/564-3791.

Dated: August 16, 2002.

**William R. Diamond,**

*Acting Director, Office of Ground Water and Drinking Water.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7267-4]

### Supplemental Guidelines for the Award of Section 319 Nonpoint Source Grants to States and Territories in FY 2003

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

**ACTION:** Notice of availability.

**SUMMARY:** EPA has developed guidelines that describe the process and criteria to be used to award Clean Water Act (CWA) Section 319 nonpoint source grants to States and Territories (hereinafter referred to collectively as "States") in FY 2003. The process and

criteria for FY 2003 are similar to those established for FY 2002, but are modified as described below. The guidelines continue to emphasize a concentrated focus on the implementation of projects that are designed to improve waters that have been listed as impaired under Section 303(d) of the CWA. After the President signs EPA's FY 2003 appropriations bill later this year, EPA will immediately provide to States their allocations based upon the appropriation level and the long-standing Section 319 allocation formula. EPA also intends to publish separate guidance addressing Tribal FY 2003 allocations later this year.

**DATES:** The guidelines are effective August 26, 2002.

**ADDRESSES:** Persons requesting additional information should contact Romell Nandi at (202) 566-1203; [nandi.romell@epa.gov](mailto:nandi.romell@epa.gov); or U.S. Environmental Protection Agency (4503T), 1200 Pennsylvania Avenue, NW, Washington, DC 20460. The complete text of today's guidelines is also available at EPA's Nonpoint Source Web site: <http://www.epa.gov/owow/nps/cwact.html>

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

In FY 1999 and 2000, EPA stated that \$100 million additional grant dollars appropriated by Congress under Section 319 of the CWA (referred to as "incremental funds") were to be focused on implementing watershed restoration action strategies ("WRASs") in high-priority watersheds identified by States as being "in need of restoration." In FY 2001, EPA recognized the need to increasingly focus Section 319 grant dollars on implementing approved total maximum daily loads ("TMDLs") for waters that are impaired in whole or in part by nonpoint sources (hereinafter "NPS TMDLs"), under EPA's existing effective TMDL regulations and guidance. Based on this need, EPA stated that incremental funds may be used in FY 2001, in addition to the activities authorized in FY 1999 and 2000, to fund the development and implementation of approved NPS TMDLs for Section 303(d)-listed waterbodies, as well as to develop and implement WRASs.

On September 13, 2001, EPA published Supplemental Guidelines for the Award of Section 319 Nonpoint Source Grants to States and Territories in FY 2002 and Subsequent Years (66 FR 47653-47657). These guidelines modified the approach of FY 1999-2001 by focusing the incremental funds entirely on NPS TMDLs rather than on

WRASs. Specifically, EPA required that States use the incremental funds only within 303(d)-listed waters to develop NPS TMDLs; develop watershed-based plans that describe the actions that are necessary to implement NPS TMDLs; and to implement NPS TMDLs for which watershed plans have been completed.

Since the publication of the FY 2002 NPS guidance on September 13, 2001, EPA has held numerous public meetings around the country with States and other interested parties regarding the most appropriate means to restore waters that are listed by States as impaired under Section 303(d) of the CWA. A significant amount of discussion at these meetings and in other fora has focused upon the FY 2002 NPS guidance and generated further thinking as to the most effective means to promote expeditious implementation of nonpoint source controls needed to achieve water quality standards. Based upon these discussions and upon further reflection by EPA, EPA has decided that, for FY 2003 and subsequent years, we will somewhat modify the approach taken in the FY 2002 guidelines. The modified approach is discussed below.

Several earlier guidance documents govern the Section 319 grants process, and they remain in effect for FY 2003 and subsequent years except to the extent that they are specifically modified in this memorandum. These are summarized in Appendix A to this memorandum and may all be accessed at <http://www.epa.gov/owow/nps>.

##### II. Continued Focus on Restoring Waters Impaired by NPS Pollution

The priority objective for the use of Section 319 grant funds is to implement the national policy, set forth in Section 101(a) of the CWA, that nonpoint source programs be implemented expeditiously to achieve the goals of the CWA, including the restoration and maintenance of the chemical, physical, and biological integrity of the Nation's waters. To achieve this objective, the guidance places top priority on implementing on-the-ground measures and practices that will reduce pollutant loads and contribute to the restoration of impaired waters. The process described below achieves this objective by directing the use of incremental Section 319 funds (\$100 million) to the development and implementation of watershed-based plans that are designed to restore waters that have been listed by States as impaired under Section 303(d) of the Clean Water Act.

This guidance also facilitates smooth and effective integration of Section 319