

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: December 20, 2005.

William Lamson,

Acting Director, Emissions Monitoring and Analysis Division.

[FR Doc. E5-8269 Filed 1-3-06; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[AMS-FRL-8018-3]

California State Motor Vehicle Pollution Control Standards; Waivers of Federal Preemption; Notice of Decision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice regarding waiver of federal preemption.

SUMMARY: EPA today, pursuant to section 209(b) of the Clean Air Act (Act), 42 U.S.C. 7543(b), is granting California its request for a waiver of Federal preemption for its Engine Manufacturers Diagnostics regulations for 2007 and subsequent model year heavy-duty vehicle engines (2007 EMD standards). By letter dated March 7, 2005, the California Air Resources Board (CARB) requested that EPA grant California a waiver of federal preemption for its 2007 EMD standards, which require the functional monitoring of major emission control components/systems.

ADDRESSES: The Agency's Decision Document, containing an explanation of the Assistant Administrator's decision, as well as all documents relied upon in making that decision, including those submitted to EPA by CARB, are available at the EPA's Air and Radiation Docket and Information Center (Air Docket). Materials relevant to this decision are contained in Docket No. OAR-2005-100. The docket is located at The Air Docket, room B-108, 1301 Constitution Avenue, NW., Washington,

DC 20460, and may be viewed between 8 a.m. and 5:30 p.m., Monday through Friday. The telephone number is (202) 566-1742. A reasonable fee may be charged by EPA for copying docket material. Additionally, an electronic version of the public docket is available through EPA's electronic public docket and comment system. You may use EPA dockets at <http://www.epa.gov/edocket/> to view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Once in the electronic docket system, select "search," then key in the appropriate docket ID number for Docket OAR-2005-100.

Electronic copies of this Notice and the accompanying Decision Document are available via the Internet on the Office of Transportation and Air Quality (OTAQ) Web site <http://www.epa.gov/OTAQ>. Users can find these documents by accessing the OTAQ Web site and looking at the path entitled, "Regulations." This service is free of charge, except for any cost you already incur for Internet connectivity. The electronic **Federal Register** version of the Notice is made available on the day of publication on the primary Web site <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.

FOR FURTHER INFORMATION CONTACT: David J. Dickinson, Compliance and Innovative Strategies Division, U.S. Environmental Protection Agency, Ariel Rios Building (6405J), 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Telephone: (202) 343-9256. E-Mail Address: Dickinson.David@EPA.GOV.

SUPPLEMENTARY INFORMATION: I have decided to grant California a waiver of Federal preemption pursuant to section 209(b) of the Act for the 2007 EMD regulations.¹

¹ The CARB Board approved the 2007 EMD standards by Resolution 04-16 on May 20, 2004 (See Attachment 3 to CARB's March 7, 2005, Waiver Request Letter). The regulations covered by today's waiver include title 13, California Code of Regulations (CCR), section 1971. For further discussion of the regulations covered by today's decision please see the Decision Document.

Section 209(b) of the Act provides that, if certain criteria are met, the Administrator shall waive federal preemption for California to enforce new motor vehicle emission standards and accompanying enforcement procedures. The criteria include consideration of whether California arbitrarily and capriciously determined that its standards are, in the aggregate, at least as protective of public health and welfare as the applicable Federal standards; whether California needs State standards to meet compelling and extraordinary conditions; and whether California's amendments are consistent with section 202(a) of the Act.

As further explained in the Decision Document supporting today's decision, EPA did not receive any comment suggesting that CARB's request should be denied based on the criteria set forth in section 209(b) of the Act.²

CARB determined that its 2007 EMD standards do not cause California's standards, in the aggregate, to be less protective of public health and welfare than the applicable Federal standards. No information has been submitted to demonstrate that California's standards, in the aggregate, are less protective of public health and welfare than the applicable Federal standards. Thus, EPA cannot make a finding that CARB's determination, that its 2007 EMD standards are, in the aggregate, at least as protective of public health and welfare, is arbitrary and capricious.

CARB has continually demonstrated the existence of compelling and extraordinary conditions justifying the need for its own motor vehicle pollution control program, which includes the subject 2007 EMD standards. No information has been submitted to demonstrate that California no longer has a compelling and extraordinary need for its own program. Therefore, I agree that California continues to have compelling and extraordinary conditions which require its own program, and, thus, I cannot deny the waiver on the basis of the lack of compelling and extraordinary conditions.

CARB has submitted information that the requirements of its 2007 EMD standards are technologically feasible and present no inconsistency with federal requirements and are, therefore, consistent with section 202(a) of the Act. No information has been presented to demonstrate that CARB's requirements are inconsistent with section 202(a) of the Act, nor does EPA have any other reason to believe that

² EPA published a notice for hearing and comment on July 18, 2005 (70 FR 41218).

CARB's requirements are inconsistent with section 202(a). Thus, I cannot find that California's 2007 California EMD standards are inconsistent with section 202(a) of the Act. Accordingly, I hereby grant the waiver requested by California.

This decision will affect not only persons in California but also the manufacturers outside the State who must comply with California's requirements in order to produce motor vehicles for sale in California. For this reason, I hereby determine and find that this is a final action of national applicability.

Under section 307(b)(1) of the Act, judicial review of this final action may be sought only in the United States Court of Appeal for the District of Columbia Circuit. Petitions for review must be filed by March 6, 2006. Under section 307(b)(2) of the Act, judicial review of this final action may not be obtained in subsequent enforcement proceedings.

As with past 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. sec. 601(2). Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

Finally, the Administrator has delegated the authority to make determinations regarding waivers of Federal preemption under section 209(b) of the Act to the Assistant Administrator for Air and Radiation.

Dated: December 22, 2005.

William L. Wehrum,

Acting Assistant Administrator, Office of Air and Radiation.

[FR Doc. E5-8263 Filed 1-3-06; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[OPP-2005-0268; FRL-7725-3]

Minor and Specialty Crops Integrated Pest Management (IPM) Special Projects; Request for Proposals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA's Office of Prevention, Pesticides and Toxic Substances (OPPTS) announces the availability of

up to \$615,000 to address critical pest management needs of U.S. minor and specialty crop growers. The Agency anticipates funding up to five projects. The project period of performance is 3 years, with the possibility of extension. Proposed projects should address minor and specialty crop producers' critical pest management needs and demonstrate the importance and relevancy of the project to implementation of the Food Quality Protection Act (FQPA). This request for proposal was developed in response to recommendations made by the Committee to Advise on Reassessment and Transition (CARAT), a joint EPA and U.S. Department of Agriculture-sponsored federal advisory committee established to advise on the implementation of the FQPA, that the Agency facilitate the transition to reduced-risk pest management approaches for minor and specialty crops. You may access the full text of the grant announcement at <http://www.epa.gov/pesticides/grants/index.htm>.

DATES: Proposals must be postmarked on or before February 21, 2006.

FOR FURTHER INFORMATION CONTACT: Pat Cimino, Office of Pesticide Programs (7501C), Minor Crop Advisor, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-9357; e-mail: cimino.patricia@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the 50 states, District of Columbia, U.S. territories or possessions, federally recognized Indian tribal governments and Native American Organizations, public and private universities and colleges, hospitals, laboratories, other public or private nonprofit institutions, and individuals.

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPP-2005-0268. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records

Integrity Branch (PIRIB), Room 119, Crystal Mall #2, 1800 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

2. *Electronic access.* You may obtain electronic copies of this document through the EPA Internet under the "Federal Register" listings at <http://www.epa.gov/fedrgstr/>.

EDOCKET, EPA's electronic public docket and comment system was replaced on November 25, 2005, by an enhanced federal-wide electronic docket management and comment system located at <http://www.regulations.gov/>. Follow the on-line instructions.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select "search," then key in the appropriate docket ID number.

You may access the full text of the grant announcement at <http://www.epa.gov/pesticides/grants/index.htm>. Go to <http://www.grants.gov> to electronically find and apply for competitive grant opportunities from all Federal grant-making agencies. Grants.gov is the single access point for over 1,000 grant programs offered by the 26 Federal grant-making agencies.

II. Overview

The following list provides key information concerning this funding opportunity:

- *Federal agency name:* Environmental Protection Agency (EPA).
- *Funding opportunity title:* Minor and Specialty Crops Integrated Pest Management Special Projects; Request for Proposals.
- *Funding opportunity number:* EPA-OPP-005.
- *Announcement type:* Announcement of a funding opportunity.
- *Catalog of Federal Domestic Assistance (CFDA) number:* 66.716.
- *Dates:* Proposals must be postmarked on or before February 21, 2006.