

permits (permits that cover a category or categories of similar discharges). States with existing NPDES programs must submit requests for program modifications to add Federal facilities, or general permit authority. In addition, as federal statutes and regulations are modified, States must submit program modifications to ensure that their program continues to meet Federal requirements.

States have the option of obtaining a sludge management program. This program may be a component of a State NPDES Program, or it may be administered as a separate program. To obtain a NPDES or sludge program, a State must submit an application that includes a program description, an Attorney General's Statement, draft Memorandum of Agreement (MOA) with the EPA Region, and copies of the State's statutes and regulations.

Once a State obtains authority for an NPDES or sludge program, it becomes responsible for implementing the program in that jurisdiction.

The State must retain records on the permittees and perform inspections. In addition, when a State obtains NPDES or sludge authority, EPA must oversee the program. Thus, States must submit permit information and compliance reports to the EPA.

When EPA issues a permit in an unauthorized State, that State must certify that the permit requirements comply with State water laws. According to the Clean Water Act (CWA) (section 510), States may adopt discharge requirements that are equal to or more stringent than requirements in the CWA or Federal regulations.

There are three categories of reporting requirements that are covered by this ICR. The first category, "State Program Requests," includes the activities States must complete to request a new NPDES or sludge program, or to modify an existing program. The second category, "State Program Implementation," includes the activities that approved States must complete to implement an existing program, such as certification of EPA-issued permits by non-NPDES States. The third category, "State Program Oversight," includes activities required of NPDES States so that EPA may satisfy its statutory requirements for state program oversight.

The information collected by EPA is used to evaluate the adequacy of a State's NPDES or sludge program and to provide EPA with the information necessary to fulfill its statutory oversight functions over State program performance and individual permit actions. EPA will use this information to evaluate State requests for full or partial

program approval and program modifications. In order to evaluate the adequacy of a State's proposed program, appropriate information must be provided to ensure that proper procedures, regulations, and statutes are in place and consistent with the CWA requirements.

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 are listed in 40 CFR part 9 and 48 CFR chapter 15, and are identified on the form and/or instrument, if applicable.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 50.3 hours per response for each state activity. 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; 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.

Respondents/Affected Entities: States, Territories, and American Indian Tribal Entities.

Estimated Number of Respondents: 613.

Frequency of Response: Semi-annually, quarterly, on occasion, every 5 years, on-going.

Estimated Total Annual Hour Burden: 966,966 hours.

Estimated Total Annual Cost: \$30,169,349, includes \$0 annualized capital or O&M costs.

Changes in the Estimates: There is a decrease of 173,828 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This decrease in the applicant respondent and NPDES-authorized state burden is due primarily to a significant cleanup of the database used to track NPDES permittees.

Dated: April 10, 2003.

Oscar Morales,

Director, Collection Strategies Division.

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ENVIRONMENTAL PROTECTION AGENCY

[AMS-FRL-7485-4]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

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 Low-Emission Vehicle amendments (LEV II Amendments) to its Low-Emission Vehicle (LEV) program. By letter dated May 30, 2001, the California Air Resources Board (CARB) requested that EPA grant California a waiver of federal preemption for its LEV II Amendments and its 1999 zero-emission vehicle amendments (1999 ZEV Amendments), which primarily: Impose more stringent passenger car exhaust emission standards on most sport utility vehicles, pick-up trucks, and mini-vans; create lower tailpipe standards for all light- and medium-duty vehicles; establish more stringent requirements for phasing in cleaner vehicles; establish more stringent evaporative emission standards; and include new mechanisms for the generation of ZEV credits. CARB submitted subsequent letters to EPA which initially requested EPA to confirm CARB's determination that its 1999 and 2001 ZEV amendments are within the scope of waivers EPA had previously granted; ultimately CARB withdrew its requests regarding the 1999 and 2001 ZEV amendments. Today's decision does not address CARB's 1999 or 2001 ZEV amendments.

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 rulemaking are contained in Docket No. A-2002-11. 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.

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 website 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, Certification and Compliance Division, U.S. Environmental Protection Agency, Ariel Rios Building (6405J), 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Telephone: (202) 564-9256. Fax: (202) 565-2057. 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 LEV II Amendments¹ to its LEV program. As

explained further in EPA's Decision Document for today's decision, CARB had originally submitted a request for a waiver of federal preemption for amendments made to its ZEV program (1999 ZEV Amendments). CARB subsequently sought a "within the scope of previous waivers" confirmation from EPA for its 1999 ZEV Amendments. Subsequently, CARB also initially sought a within the scope of previous waivers confirmation for its 2001 ZEV Amendments when they were adopted. As explained in EPA's notice dated September 26, 2002 (67 FR 60680), CARB withdrew its requests for any EPA consideration of its 1999 and 2001 ZEV Amendments. By today's decision EPA makes no findings regarding such Amendments.

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

Exhaust Emission Standards and Test Procedures for 2003 and Subsequent Model Zero-Emission Vehicles and 2001 and Subsequent Model Hybrid Electric Vehicles in the Passenger Car, Light-Duty Truck and Medium-Duty Vehicle Classes" (all portions of this incorporated document that may pertain to ZEVs only are not considered by EPA in this determination and all portions of this incorporated document that pertain to both ZEVs and HEVs or to other types of vehicles are only considered to the extent they do not pertain to ZEVs); section 1965 and the incorporated "California Motor Vehicle Emission Control and Smog Index Label Specifications"; section 1968.1; 1976 and the incorporated "California Evaporative Emission Standards and Test Procedures for 1978 through 2000 Model Motor Vehicles" and the new "California Evaporative Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles" (EPA's decision applies to CARB's evaporative emission standards and test procedures only for 2004 and later model years); sections 2037, 2038, 2062 and the incorporated "California Assembly-Line Test Procedures for 1998 through 2000 Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles" and "California Assembly-Line Test Procedures for 2001 and Subsequent Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles"; section 2101 and the incorporated "California New Vehicle Compliance Test Procedures"; and sections 2106, 2107, 2110, 2112, 2114, 2119, 2130, 2137-2140, and 2143-2148. EPA also includes CARB's "LEV II follow-up amendments" in today's waiver determination. These amendments, adopted December 27, 2000, were to section 1961 and the "California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles" and as explained below, have the effect of not allowing a manufacturer to certify a "California-only" vehicle family to California exhaust emission standards that are less stringent than the federal standards to which an equivalent federal model is certified—in such case the model sold in California must meet the federal exhaust emission standards to which the federal model is certified. CARB's waiver request did not include nor does today's waiver determination include other provisions of the LEV II follow-up amendments such as the California emission standards for heavy-duty Otto-Cycle engines that were harmonized with standards adopted by EPA and are found at section 1956.8.

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.

CARB determined that its LEV II Amendments 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 LEV II Amendments 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 LEV II Amendments. 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 LEV II Amendments 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 CARB's requirements are inconsistent with section 202(a). Thus, I cannot find that California's LEV II Amendments 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

¹ As set forth in the August 5, 1999 adoption of or amendments to Title 13, California Code of Regulations (CCR), section 1961, the incorporated "California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," and, with respect to HEVs (hybrid-electric vehicles), the incorporated "California Exhaust Emission Standards and Test Procedures for 2003 and Subsequent Model Zero-Emission Vehicles and 2001 and Subsequent Model Hybrid Electric Vehicles in the Passenger Car, Light-Duty Truck and Medium-Duty Vehicle Classes" (all portions of this incorporated document that may pertain to ZEVs only are not considered by EPA in this determination and all portions of this incorporated document that pertain to both ZEVs and HEVs or to other types of vehicles are only considered to the extent they do not pertain to ZEVs); section 1900; section 1960.1 (with the exceptions noted in CARB's letter to David Dickinson, EPA, dated August 16, 2002), the incorporated "California Non-Methane Organic Gas Test Procedures," "California Exhaust Emission Standards and Test Procedures for 1988 through 2000 Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles" and "California Non-Methane Organic Gas Test Procedures" (with the exceptions noted in CARB's letter to David Dickinson, EPA, dated August 16, 2002), and, with respect to HEVs, "California

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 June 23, 2003. 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: April 11, 2003.

Robert Brenner,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 03-9910 Filed 4-21-03; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7486-5]

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund, Section 311(c); Request for Applications (RFA)—Grants

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: On April 22, 2003, the Environmental Protection Agency (EPA) will begin to accept proposals from non-profit organizations and educational institutions for grants to support research on improving meaningful non-Federal stakeholder involvement in decisions concerning the cleanup of hazardous waste at Federal facilities. EPA believes meaningful stakeholder involvement in the cleanup decision making process has resulted in significantly reducing costs, increasing effectiveness, and promoting decisions

which reflect the diverse interests of those responsible for or affected by Federal facilities.

DATES: Please submit applications on or before June 23, 2003.

ADDRESSES: U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460 (mailing address); Crystal Gateway (1st Floor), 1235 Jefferson Davis Highway, Arlington, VA 22202 (building address); <http://epa.gov/swerfjr/index.htm> (Web site address).

FOR FURTHER INFORMATION CONTACT: Sean M. Flynn with EPA's Office of Solid Waste and Emergency Response, Federal Facilities Restoration and Reuse Office: (703) 603-0080 or flynn.sean@epa.gov.

SUPPLEMENTARY INFORMATION:

Instructions for Submitting a Proposal (See http://www.epa.gov/ogd/grants/how_to_apply.htm.)

EPA will accept proposals either postmarked or received by EPA via registered or tracked mail by 12 PM (Eastern) on (60 days after date of publication). Copies of Standard Form 424 (SF 424), Application for Federal Assistance may be obtained by following the links to standard forms on the following Web site: <http://www.gsa.gov/forms>. Applicants should send one (1) original (clearly labeled as such) and five (5) copies of their proposal to Sean M. Flynn, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW. (5106G), Washington, DC 20460, RE: RFA #03-OSWER-001.

Applicants must clearly mark any information in their proposal that they consider confidential. EPA will make final confidentiality decisions in accordance with Agency regulations found at 40 CFR part 2, subpart B.

Authority: The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 311(c) authorizes EPA to use appropriated Superfund money to fund research projects for the conduct and dissemination of scientific, socioeconomic, institutional, and public policy related to the effects, risks, and detection of hazardous substances in the environment, including that found on current or former Federal facilities.

As required by statute, all research must relate to hazardous substances. Furthermore, available funding is restricted to "research" as defined at 40 Code of Federal Regulations (CFR) 30.2(dd). EPA has interpreted "research" under CERCLA section 311(c) to include study that extends to socioeconomic, institutional, and public policy issues, as well as the "natural" sciences.

Background: This solicitation is targeted at non-profit organizations and educational institutions interested in researching ways to improve meaningful non-Federal stakeholder participation in the discussion and resolution of issues concerning hazardous waste contamination caused, generated, or managed by Federal agencies and departments. Historically, most of EPA's work in the Federal facilities program has been focused on addressing hazardous waste contamination at DoD and DOE sites on the National Priorities List (NPL) and at Base Realignment and Closure (BRAC) properties. Greater attention, however, is increasingly being given to contamination at other Federal agency/department sites, including properties formerly owned or operated by the Federal government.

In order to promote citizen involvement, EPA's Federal Facilities Restoration and Reuse Office (FFRRO) collaborates with States and tribes, local governments, environmental and community groups, labor organizations, and universities to provide the maximum possible level of stakeholder involvement in decision making and priority setting for the cleanup of Federal facilities. This collaboration is often accomplished via the award of grants and cooperative agreements to outside parties. Such is the purpose of this solicitation.

The research grants resulting from this solicitation will directly benefit non-Federal stakeholders in the Federal facility cleanup process. The research is not meant to directly benefit EPA or other Federal agencies, although EPA and other Federal agencies may derive indirect benefits. Grants, unlike cooperative agreements, provide for little or no involvement on the part of the Federal government. By awarding a grant, EPA does not expect to have any substantial involvement in the research process. Nevertheless, EPA will be in contact with the grant recipients periodically via phone, e-mail, and, as appropriate, site visits.

For Federal fiscal year '04, EPA anticipates awarding between one and three grants and will consider funding requests up to a maximum of \$150,000 per grant. Furthermore, the anticipated project period is September 2003—August 2004.

Eligibility for Funding: Interested non-profit organizations and educational institutions must structure their research in a way that generates recommendations for use by non-Federal stakeholders, rather than by EPA, DoD, DOE, or another Federal agency or department. Projects which provide services for the direct use or