

chloroform or other ozone-depleting substances may be needed in the future.

The timing of the process described above is such that in any given year the Parties review nominations for essential use exemptions from the production and consumption phaseout intended for the following year and subsequent years. This means that, if nominated, applications submitted in response to today's notice for an exemption in 2006 and 2007 will be considered by the Parties in 2005 for final action.

The quantities of controlled ODSs that are requested in response to this notice, if approved by the Parties to the Montreal Protocol in 2005, will then be allocated as essential use allowances (EUAs) to the specific U.S. companies through notice and comment rulemaking, to the extent that such allocations are consistent with the Act. EUAs for the year 2006 will be allocated to U.S. companies at the end of 2005, and EUAs for the year 2007 will be allocated at the end of 2006.

## II. Information Required for Essential Use Applications for Production or Importation of Class I Substances in 2006 and 2007

Through this action, EPA requests applications for essential use exemptions for all class I substances, except methyl bromide, for calendar years 2006 and 2007. (EPA requests and considers applications for critical use exemptions for methyl bromide through a separate process.) This notice is the last opportunity to submit new or revised applications for 2006. This notice is also the first opportunity to submit requests for 2007. Companies will have an opportunity to submit new, supplemental, or amended applications for 2007 next year. All requests for exemptions submitted to EPA must present information as prescribed in the current version of the TEAP "Handbook on Essential Use Nominations" (or "handbook"), which was published in June 2001. The handbook is available electronically on the Web at <http://www.teap.org>, or at <http://www.epa.gov/ozone>.

In brief, the TEAP Handbook states that applicants must present information on:

- Role of use in society;
- Alternatives to use;
- Steps to minimize use;
- Steps to minimize emissions;
- Recycling and stockpiling;
- Quantity of controlled substances requested; and
- Approval date and indications (for MDIs).

First, in order to obtain complete information from essential use

applicants for CFC MDIs, EPA requires that any person who requests CFCs for multiple companies make clear the amount of CFCs requested for each member company. Second, all essential use applications for CFCs must provide a breakdown of the quantity of CFCs necessary for each MDI product to be produced. This detailed breakdown of EUAs will allow EPA and the Food and Drug Administration to make informed decisions on the amount of CFC to be nominated by the U.S. Government for the years 2006 and 2007. Third, all new drug application (NDA) holders for CFC MDI products produced in the United States must submit a complete application for essential use allowances either on their own or in conjunction with their contract filler. In the case where a contract filler produces a portion of an NDA holder's CFC MDIs, the contract filler and the NDA holder must determine the total amount of CFCs necessary to produce the NDA holder's entire product line of CFC MDIs. The NDA holder must provide an estimate of how the CFCs would be split between the contract filler and the NDA holder in the allocation year. This estimate will be used only as a basis for determining the nomination amount, and may be adjusted prior to allocation of EUAs. Since the U.S. Government cannot forward incomplete or inadequate nominations to the Ozone Secretariat, it is important for applicants to provide all information requested in the Handbook, including the information specified in the Supplemental Research and Development form (page 45).

The accounting framework matrix in the handbook entitled "Table IV: Reporting Accounting Framework for Essential Uses Other Than Laboratory and Analytical" requests data for the year 2004 on the amount of ODS exempted for an essential use, the amount acquired by production, the amount acquired by import, the amount on hand at the start of the year, the amount available for use in 2004, the amount used for the essential use, the quantity contained in exported products, the amount destroyed, and the amount on hand at the end of 2004. Because all data necessary for applicants to complete Table IV will not be available until after January 1, 2005, companies should not include this chart with their EUA applications in response to this notice. Instead, companies should provide the required data as specified in 40 CFR 82.13(u)(2). EPA must compile companies' responses to complete the U.S. CFC Accounting Framework for submission to the Parties

to the Montreal Protocol by the end of January.

EPA anticipates that the Parties' review of MDI essential use requests will focus extensively on the United States' progress in phasing out CFC MDIs, including efforts by pharmaceutical companies to research, develop, and market non-CFC products. Accordingly, applicants are strongly advised to present detailed information on this subject. Applicants should submit their exemption requests to EPA as noted in the **ADDRESSES** section above.

Dated: September 28, 2004.

**Jeffrey R. Holmstead,**

*Assistant Administrator, Office of Air and Radiation.*

[FR Doc. 04-22487 Filed 10-5-04; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[AMS-FRL-7824-6]

### California State Motor Vehicle Pollution Control Standards; Notice of Within-the-Scope Determinations for Amendments to California's Heavy-Duty Vehicle and Engine Standards for 1995 Urban Bus and 1998 NO<sub>x</sub> Regulations

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice Regarding Within-the-Scope Determinations.

**SUMMARY:** The California Air Resources Board (CARB) requested that EPA confirm CARB's finding that amendments to its heavy-duty diesel powered vehicles and engines regulations, including its 1998 NO<sub>x</sub> standards, are within-the-scope of a prior waiver of Federal preemption issued under section 209(b) of the Clean Air Act (Act), 42 U.S.C. 7543(b). In a separate request CARB sought EPA confirmation that CARB's finding that amendments to its heavy-duty diesel powered vehicle and engine regulations, including its 1995 urban bus standards, are within-the-scope of a prior waiver of Federal preemption. EPA in this notice has made the requested confirmation for the amendments in CARB's requests.

**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 contained in the public docket. The official public docket is the collection of materials that is available for public

viewing. The EPA Docket Center 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 Public Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket is (202) 566-1743. The reference numbers for these dockets are A-2000-45 and A-2002-16. The location of the Docket Center is the Environmental Protection Agency, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. Copies of the Decision Document for this determination can also be obtained by contacting David Dickinson as noted below, or can be accessed on the EPA's Office of Transportation and Air Quality Web site, also noted below.

**FOR FURTHER INFORMATION CONTACT:**

David Dickinson, Attorney-Advisor, Certification and Compliance Division, (6405), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Telephone: (202) 343-9256, fax: (202) 343-2804, e-mail: [Dickinson.David@EPA.GOV](mailto:Dickinson.David@EPA.GOV).

**SUPPLEMENTARY INFORMATION:**

**I. Obtaining Electronic Copies of Documents**

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 Home Page and looking at the path entitled "Chronological List of All OTAQ Regulations." This service is free of charge, except for any cost you already incur for Internet connectivity. The official **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.

**II. 1998 NO<sub>x</sub> Regulations**

I have determined that amendments to the CARB's heavy-duty diesel powered vehicles and engines regulation are within-the-scope of a prior waivers issued under section 209(b) of the Clean Air Act (Act), 42 U.S.C. 7543(b), granted by EPA to CARB.<sup>1</sup> The amendments to the

regulations, outlined in CARB's request letter<sup>2</sup>, and fully described in CARB's submissions, provide for: (1) A mandatory 4.0 g/bhp-hr NO<sub>x</sub> standard for heavy-duty engines and vehicles for the 1998 and subsequent model years which parallels EPA's adoption of this standard; (2) optional, lower NO<sub>x</sub> emission standards beginning with the 1995 model year; (3) changing the "useful life" definition for heavy-duty engines and vehicles under Title 13, California Code of Regulations, section 2112, by extending the period of "useful life" from eight to ten years while maintaining the applicable, alternative mileage provisions that range from 110,000 to 290,000 miles (whichever occurs first); and (4) implementing new requirements for the California Motor Vehicle Emission Control Label Specifications in order to identify those engines which are certified to the optional, lower emission standards.

In a February 27, 1997, letter to EPA, CARB notified EPA of the above-described amendments to its heavy-duty vehicle and engine regulations and asked EPA to confirm that these amendments are within-the-scope of previous waivers. EPA can make such a confirmation if certain conditions are present. Specifically, if California acts to amend a previously waived standard or accompanying enforcement procedure, the amendments may be considered within-the-scope of a previously granted waiver provided that it does not undermine California's determination that its standards in the aggregate are as protective of public health and welfare as applicable Federal standards, does not affect the consistency with section 202(a) of the Act, and raises no new issues affecting EPA's previous authorization determination.<sup>3</sup>

In its request letter, CARB stated that the amendments will not cause the California standards, in the aggregate, to be less protective of public health and welfare than the applicable Federal standards. Regarding consistency with section 202(a), CARB stated that the amendments do not raise any concerns of inadequate leadtime or technological feasibility or impose any inconsistent certification requirements (compared to the Federal requirements). Finally, CARB stated that the amendments raise

comparable Federal standards and procedures. EPA granted waivers for the aligned gasoline engine standards (53 FR 7022 (March 4, 1988)) and diesel engine standards (53 FR 7021 (March 4, 1988) and 52 FR 20777 (June 3, 1987)).

<sup>2</sup> Docket entry A-2000-45, II-B-1, letter to EPA, from CARB, dated February 27, 1997.

<sup>3</sup> Decision Document accompanying scope of waiver determination in 51 FR 12391 (April 10, 1986).

no new issues affecting the prior EPA authorization determinations.

EPA received no comments in opposition to CARB's findings and thus there is nothing in the record to support a denial of CARB's request. In addition, EPA's analysis confirms CARB's finding that the criteria for these amendments meeting a within-the-scope designation have been met. Thus, EPA finds that these amendments are within-the-scope of previous authorizations. A full explanation of EPA's decision is contained in a Decision Document which may be obtained from EPA as noted above.

**III. CARB's 1995 Urban Bus Standards**

I have determined that amendments to the CARB's heavy-duty diesel powered vehicles and engines regulation are within-the-scope of prior waivers issued under section 209(b) of the Clean Air Act (Act), 42 U.S.C. 7543(b), granted by EPA to CARB.<sup>4</sup> The amendments to the regulations, outlined in CARB's request letter<sup>5</sup>, and fully described in CARB's submissions, provide for: (1) An alignment of California's particulate matter (PM) standards with Federal standards for such engines in the 1994 and 1995 model years and with the Federal PM standards starting in the 1996 model year; (2) a NO<sub>x</sub> standard starting in the 1996 model year for urban buses; (3) an adoption of the Federal urban bus definition; (4) an exemption from the 4.0 g/bhp-hr NO<sub>x</sub> standard for up to 10 percent of urban bus sales for model years 1996 and 1997; (5) an allowance to use California diesel fuel for certifying 1996 and 1997 model year urban buses and in 1998 and thereafter the applicable Federal test fuel; (6) an optional, lower NO<sub>x</sub> emission standard beginning with the 1994 model year; (7) changing the useful life definition for 1994 and later urban buses; and (8) new requirements for Label Specifications

In a December 26, 1995 letter to EPA, CARB notified EPA of the above-described amendments to its heavy-duty vehicle and engine regulations and asked EPA to confirm that these amendments are within the scope of previous waivers.

In its request letter, CARB stated that the amendments will not cause the California standards, in the aggregate, to

<sup>4</sup> CARB generally aligned the California heavy-duty engine and vehicle emission standards with the comparable Federal standards and procedures. EPA granted waivers for the aligned gasoline engine standards (53 FR 7022 (March 4, 1988)) and diesel engine standards (53 FR 7021 (March 4, 1988) and 52 FR 20777 (June 3, 1987)).

<sup>5</sup> Docket entry A-2002-16, II-A-1, letter to EPA, from CARB, dated December 26, 1995.

<sup>1</sup> CARB generally aligned the California heavy-duty engine emission standards with the

be less protective of public health and welfare than the applicable Federal standards. Regarding consistency with section 202(a), CARB stated that the amendments do not raise any concerns of inadequate leadtime or technological feasibility or impose any inconsistent certification requirements (compared to the Federal requirements). Finally, CARB stated that the amendments raise no new issues affecting the prior EPA authorization determinations.

EPA received no comments in opposition to CARB's findings and thus there is nothing in the record to support a denial of CARB's request. In addition, EPA's analysis confirms CARB's finding that the criteria for these amendments meeting a within-the-scope designation have been met. Thus, EPA finds that these amendments are within-the-scope of previous authorizations. A full explanation of EPA's decision is contained in a Decision Document which may be obtained from EPA as noted above.

My 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 heavy-duty diesel powered engines and 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 Appeals for the District of Columbia Circuit. Petitions for review must be filed by December 6, 2004. Under section 307(b)(2) of the Act, judicial review of this final action may not be obtained in subsequent enforcement proceedings.

EPA's determination that these California regulations are within-the-scope of prior authorizations by EPA does not constitute a significant regulatory action under the terms of Executive Order 12866 and this action is therefore not subject to Office of Management and Budget review.

In addition, this action is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2). Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule, for purposes of 5 U.S.C. 804(3).

Finally, the Administrator has delegated the authority to make

determinations regarding authorizations under section 209(b) of the Act to the Assistant Administrator for Air and Radiation.

Dated: September 28, 2004.

**Jeffrey R. Holmstead,**

*Assistant Administrator, Office of Air and Radiation.*

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## ENVIRONMENTAL PROTECTION AGENCY

[OPP-2004-0330; FRL-7682-7]

### The Association of American Pesticide Control Officials/State FIFRA Issues Research and Evaluation Group; Working Committee on Water Quality and Pesticide Disposal; Notice of Public Meeting

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

**ACTION:** Notice.

**SUMMARY:** The Association of American Pesticide Control Officials (AAPCO)/State FIFRA Issues Research and Evaluation Group (SFIREG) Working Committee on Water Quality and Pesticide Disposal (WC/WQ&PD) will hold a 2-day meeting, beginning on October 25, 2004, and ending October 26, 2004. This notice announces the location and times for the meeting and sets forth the tentative agenda topics.

**DATES:** The meeting will be held on Monday, October 25, 2004, from 8:30 a.m. to 5 p.m., and on Tuesday, October 26, 2004, from 8:30 a.m. to noon.

**ADDRESSES:** The meeting will be held at the Doubletree Hotel, 300 Army Navy Drive, Arlington, VA.

**FOR FURTHER INFORMATION CONTACT:** Georgia A. McDuffie, Field and External Affairs Division, (7506C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 605-0195; fax number: (703) 308-1850; e-mail address: [mcduffie.georgia@epa.gov](mailto:mcduffie.georgia@epa.gov) or

Philip H. Gray, SFIREG Executive Secretary, P.O. Box 1249, Hardwick, VT 05843-1249; telephone number: (802) 472-6956; fax number: (802) 472-6957; e-mail address: [aapco@plainfield.bypass.com](mailto:aapco@plainfield.bypass.com).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this Action Apply to Me?

You may be potentially affected by this action if you are interested in

SFIREG information exchange relationship with EPA regarding important issues related to human health, environmental exposure to pesticides, and insight into EPA's decision-making process. All interested parties are invited and encouraged to attend the meetings and participate as appropriate. Potentially affected entities may include, but are not limited to those persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. 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 Copies of this Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPP-2004-0330. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. 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. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 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 access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>.

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 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 not all docket materials may be available electronically, you may still access any of the publicly available