

within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Therefore, this rule will ensure that existing requirements previously published by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

Unfunded Mandates

OSM has determined and certifies under the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of \$100 million or more in any given year on local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 936

Intergovernmental relations, Surface mining, Underground mining.

Dated: October 15, 1999.

Richard J. Seibel,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 85 and 86

[AMS-FRL-6462-6]

RIN 2060-A112, 2060-A123

Control of Emissions of Air Pollution From 2004 and Later Model Year Highway Engines and Vehicles; Revision of Light-duty Truck Definition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public hearing.

SUMMARY: This document announces the time and place for a public hearing regarding EPA's proposed rule to implement new emission standards for highway vehicles and engines. The proposed rule was signed by the EPA Administrator on October 6, 1999, and will be published in the **Federal Register** prior to the hearing. See **ADDRESSES** for availability of the proposed rule.

DATES: EPA will conduct a public hearing on the proposed rule on November 2, 1999, in Philadelphia, PA beginning at 10:00 a.m. We must receive your comments on this NPRM by December 2, 1999. EPA requests that parties who want to testify notify the contact person listed in the **ADDRESSES** section of this document one week before the date of the hearing.

ADDRESSES: The public hearing will be held at Top of the Tower, 1717 Arch Street, 51st Floor, Philadelphia, PA 19103, telephone: 215-567-8787, fax: 215-557-5171. Materials relevant to the proposal have been placed in Docket Nos. A-98-32 and A-95-27. The docket is located at the Air Docket Section, Mail Code 6102, U.S. Environmental Protection Agency, 401 M Street, SW, Washington DC 20460, in room M-1500 Waterside Mall. Documents may be inspected Monday through Friday from 8:00 a.m. to 5:30 p.m. The telephone number is (202) 260-7548 and the facsimile number is (202) 260-4400. A reasonable fee may be charged by EPA for copying docket materials.

The proposed rule is available in the public docket for review, and was also made available on the EPA web page on October 6, 1999. See: <http://www.epa.gov/oms/hd-hwy.htm>.

Written comments should be submitted (in duplicate, if possible) to: EPA Air and Radiation Docket, Attn: Docket No. A-98-32, Room M-1500 (Mail Code 6102), 401 M Street SW, Washington, DC 20460. EPA requests that a copy of the comments also be sent to the contact person listed below.

FOR FURTHER INFORMATION CONTACT: Margaret Borushko, U.S. Environmental Protection Agency, Engine Programs and Compliance Division, 2000 Traverwood Drive, Ann Arbor, MI, 48105-2498. Telephone (734) 214-4334; Fax (734) 214-4816; e-mail borushko.margaret@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Procedures for Public Participation

A. Comments and the Public Docket

The Agency encourages all parties that have an interest in this proposal to

offer comment on various topics. The most useful comments are those supported by appropriate and detailed rationales, data, and analyses. The Agency also encourages commenters that disagree with elements of the proposal to suggest and analyze alternate approaches to meeting the air quality goals of this proposal. All comments, with the exception of proprietary information, should be directed to the EPA Air Docket Section, Docket No. A-98-32 before the date specified above. Information related to this rulemaking is also found in dockets A-95-27 and A-97-10.

Commenters who wish to submit proprietary information for consideration should clearly separate such information from other comments by (1) labeling proprietary information "Confidential Business Information" and (2) sending proprietary information directly to the contact person listed (see **FOR FURTHER INFORMATION CONTACT**) and not to the public docket. This will help ensure that proprietary information is not inadvertently placed in the docket. If a commenter wants EPA to use a submission of confidential information as part of the basis for the final rule, then a non-confidential version of the document that summarizes the key data or information should be sent to the docket. Any information or data that constitutes, in whole or in part, a basis of EPA's regulatory actions will be made public.

Information covered by a claim of confidentiality will be disclosed by EPA only to the extent allowed and in accordance with the procedures set forth in 40 CFR part 2. If no claim of confidentiality accompanies the submission when it is received by EPA, it will be made available to the public without further notice to the commenter.

B. Public Hearing

The Agency will hold a public hearing as noted in the **DATES** section above. Any person desiring to present testimony at the public hearing is asked to notify the contact person listed above at least one week prior to the date of the hearing. This notification should include an estimate of the time required for the presentation of the testimony and any need for audio/visual equipment. EPA suggests that sufficient copies of the statement or material to be presented be available to the audience. In addition, it is helpful if the contact person receives a copy of the testimony or material prior to the hearing.

The hearing will be conducted informally, and technical rules of evidence will not apply. A sign-up sheet

will be available at the hearing for scheduling the order of testimony. A written transcript of the hearing will be prepared. The official record of the hearing will be kept open for 30 days after the hearing to allow submittal of supplementary information.

Dated: October 18, 1999.

Robert Perciasepe,

Assistant Administrator for Air and Radiation.

[FR Doc. 99-27674 Filed 10-21-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 147

[FRL-6461-5]

State of Alabama; Underground Injection Control (UIC) Program Revision; Approval of Alabama's Class II UIC Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: EPA announces a proposed rulemaking, public hearing and public comment period regarding approval of Alabama's Class II Underground Injection Control (UIC) Program Revision to regulate as "underground injection" hydraulic fracturing associated with coal bed methane gas production. Section 1422(b)(4) of the Safe Drinking Water Act (SDWA) requires that prior to approving, disapproving, or approving in part a State's UIC program, the Administrator provide opportunity for a public hearing. This notification advises the public of the date, time and location of the public hearing. The public comment period and public hearing will provide EPA with information and public opinion necessary to approve, disapprove, or approve in part under provisions of section 1425 of the SDWA, the revision application from the Alabama Oil and Gas Board to regulate hydraulic fracturing of coal beds. The proposed rulemaking is the Agency's preliminary determination to approve revision to Alabama's Class II UIC program administered by the State Oil and Gas Board.

DATES: Written comments on EPA's proposed rule approving the Alabama Class II UIC Program Revision must be received by the close of business Monday, November 29, 1999. A public hearing will be held Monday, November 22, 1999, at 5:00 p.m. Central Standard Time (CST) to discuss approval of the

Alabama Class II UIC Program revision to regulate hydraulic fracturing of coal beds. Registration for the hearing will begin at 4:00 pm; however, speakers may also register prior to the meeting.

ADDRESSES: Persons wishing to comment upon or object to any aspects of this proposed approval action of Alabama's revision to its Class II Program are invited to submit oral or written comments at the public hearing or submit written comments to the Ground Water/Drinking Water Branch, Ground Water & UIC Section, United States Environmental Protection Agency, Region 4, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, S.W., Atlanta, GA 30303-8960, Attention: Mr. Larry Cole. Copies of documents regarding this action are available for inspection and copying between 8:30 a.m. and 4:00 p.m. Monday through Friday at the following locations: Environmental Protection Agency, Region 4, 9th Floor Library, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, S.W., Atlanta, GA 30303-8960, PH: (404) 562-8190; and the State Oil & Gas Board of Alabama, 420 Hackberry Lane, Tuscaloosa, AL 35489-9780, PH: (205) 349-2852.

The public hearing will be held at the University of Alabama in the Sellers Auditorium of the Bryant Conference Center, 240 Bryant Drive, Tuscaloosa, Alabama 35401. Those interested should contact the Bryant Conference Center at (205) 348-8751 for directions.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Cole, at (404) 562-9474 or at the following address: Environmental Protection Agency, Water Management Division, Ground Water/Drinking Water Branch, Ground Water & UIC Section, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, S.W., Atlanta, GA 30303-8960.

SUPPLEMENTARY INFORMATION:

I. Background Information

On August 2, 1982, EPA granted primary enforcement responsibility (primacy) for the Class II Underground Injection Control (UIC) Program under section 1425 of the Safe Drinking Water Act (SDWA) to the State of Alabama. The SDWA requires EPA to approve an effective in-place state UIC Program to protect Underground Sources of Drinking Water (USDW) from endangerment that could result from the improper injection of fluids associated with, among other things, oil and gas production. On May 3, 1994, the Legal Environmental Assistance Foundation, Inc. (LEAF) submitted a petition to EPA to withdraw Alabama's UIC Program asserting that the State was not

regulating activities associated with coal bed methane gas production wells. Following EPA's May 5, 1995 denial of the petition, LEAF sought review of this decision by the United States Court of Appeals for the Eleventh Circuit. On August 7, 1997, in *LEAF v. EPA*, 118 F. 3d 1467 (11th Cir. 1997), the Court held as follows: hydraulic fracturing activities constitute "underground injection" under Part C of the Safe Drinking Water Act, *id.* at 1478; all underground injection is required to be regulated (by permit or rule), *id.* at 1474; and hydraulic fracturing associated with coal bed methane gas production is not currently regulated under Alabama's UIC Program, *id.* at 1471. On February 18, 1999, the Eleventh Circuit issued a Writ of Mandamus directed at EPA to enforce its August 1997 decision. The Writ established a schedule for EPA to follow to determine whether, in light of the Court's ruling regarding hydraulic fracturing, EPA should withdraw approval of Alabama's UIC Program. The Writ also stated that once hydraulic fracturing associated with methane gas production is regulated as underground injection by the State of Alabama and the program revision is approved by EPA, the withdrawal proceedings may cease. To date, EPA has been following the Writ of Mandamus withdrawal schedule pending approval of Alabama's program revision.

Withdrawal Activities to Date

Section 1425 of the SDWA and subsequent published EPA guidance documents do not contain express procedures for the withdrawal of a section 1425 program. EPA has promulgated procedures for withdrawing a section 1422 program at 40 CFR 145.34(b). In light of the Court's Writ of Mandamus, which essentially tracks the withdrawal procedures in section 145.34(b), EPA followed these procedures in proposing to withdraw Alabama's section 1425 program.

On March 19, 1999, the Regional Administrator of EPA Region 4 notified the Supervisor of the State Oil and Gas Board of Alabama of EPA's decision to initiate the process to withdraw approval of the Alabama UIC Program. The Regional Administrator's notice to the Supervisor of the State Oil and Gas Board of Alabama constituted the first step in the withdrawal process. According to the procedures established in 40 CFR 145.34(b) and the Writ of Mandamus, the State was given 30 days after the notice to demonstrate that its UIC Program is in compliance with the SDWA and 40 CFR part 145 (i.e., that hydraulic fracturing associated with methane gas production is regulated as