

(8) The number of full-time staff of the NRC devoted to processing requests under the FOIA and the total amount expended for processing these requests.

(b) The NRC will make a copy of each report available to the public on the NRC homepage on the Internet that can be accessed at: <http://www.nrc.gov>. A copy will also be available for public inspection and copying in the NRC Public Document Room.

Dated at Rockville, Maryland, this 19th day of August, 1997.

For the Nuclear Regulatory Commission.

Arnold E. Levin

Arnold E. Levin, Acting Chief Information Officer.

[FR Doc. 97-23612 Filed 9-4-97; 8:45 am]

BILLING CODE 7590-01-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

[KY-215-FOR]

Kentucky Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Kentucky regulatory program (hereinafter the "Kentucky program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to the Kentucky regulations pertaining to subsidence, water replacement, impoundments, definitions, subsidence control, sedimentation ponds, hydrology, and permits. The amendment is intended to revise the Kentucky program to be consistent with the corresponding Federal regulations.

DATES: Written comments must be received by 4 p.m., [E.D.T.], October 6, 1997. If requested, a public hearing on the proposed amendment will be held on September 30, 1997. Requests to speak at the hearing must be received by 4 p.m., [E.D.T.], on September 22, 1997.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to William J. Kovacic, Director, at the address listed below.

Copies of the Kentucky program, the proposed amendment, a listing of any scheduled public hearings, and all

written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Lexington Field Office.

William J. Kovacic, Director, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 2675 Regency Road, Lexington, Kentucky 40503, Telephone: (606) 233-2896. Department of Surface Mining Reclamation and Enforcement, 2 Hudson Hollow Complex, Frankfurt, Kentucky 40601, Telephone: (502) 564-6940.

FOR FURTHER INFORMATION CONTACT:

William J. Kovacic, Director, Lexington Field Office, Telephone: (606) 233-2896.

SUPPLEMENTARY INFORMATION:

I. Background on the Kentucky Program

On May 18, 1982, the Secretary of the Interior conditionally approved the Kentucky program. Background information on the Kentucky program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the May 18, 1982 **Federal Register** (47 FR 21404). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 917.11, 917.13, 917.15, 917.16, and 917.17.

II. Description of the Proposed Amendment

By letter dated July 30, 1997 (Administrative Record No. KY-1410), Kentucky submitted a proposed amendment to its program revising section 405 of the Kentucky Administrative Regulations (KAR) at 8:001, 8:030, 8:040, 16:001, 16:060, 16:090, 16:100, 16:160, 18:001, 18:060, 18:090, 18:100, 18:160, and 18:210.

Specifically, Kentucky proposes to make the following changes. At section 8:001—Definitions (405 KAR Chapter 8), Kentucky is defining the following terms:

Community of Institutional Building means any structure, other than a public building or occupied dwelling, which is used primarily for meetings, gatherings, or functions of local civic organizations or other community groups; functions as an educational, cultural, historic, religious, scientific, correctional, mental health or physical health care facility; or is used for public services including,

but not limited to, water supply, power generation, or sewage treatment.

Impounding Structure means a dam, embankment, or other structure used to impound water, slurry, or other liquid or semi-liquid material.

Impoundment means a water, sediment, slurry, or other liquid or semi-liquid holding structure or depression, either naturally formed or artificially built.

Material Damage means (a) any functional impairment of surface lands, features, structures or facilities; (b) any physical change that has a significant adverse impact on the affected land's capability to support any current or reasonably foreseeable uses of causes significant loss in production or income; or (c) any significant change in the condition, appearance, or utility of any structure or facility from its pre-subsidence condition.

Noncommercial Building means any building, other than an occupied residential dwelling, that at the time subsidence occurs, is used on a regular or temporary basis as a public building or community or institutional building. Any building used only for commercial, agricultural, industrial, retail, or other commercial enterprises is excluded.

Occupied Residential Dwelling and Structures Related Thereto means any building or other structure, that at the time the subsidence occurs, is used either temporarily, occasionally, seasonally, or permanently for human habitation. This term also includes any building, structure, or facility installed on, above or below, or a combination thereof, the land surface if that building, structure, or facility is adjunct to or used in connection with an occupied residential dwelling.

Previously Mined Area means land that was affected by coal mining operations conducted prior to August 3, 1977, that has not been reclaimed to prescribed standards.

At section 8:030—Surface Coal Mining Permits, Kentucky is making the following changes. At subsection 16, Kentucky is requiring that a permit application identify and describe certain alternative water supply information if the determination of probable hydrologic consequences results in certain indications. At subsection 32(3)(e), Kentucky is requiring that a determination of probable hydrologic consequences include a finding on whether the proposed surface mining activities may proximately result in contamination, diminution, or interruption of an underground or surface source of water that is used for domestic, agricultural, industrial, or other legitimate use within the permit

area or adjacent areas at the time the application is submitted. At subsection 34(2), Kentucky is deleting the requirement that sedimentation ponds or earthen structures which will remain on the proposed permit area as a permanent water impoundment be designed to comply with the requirements of 405 KAR 16:100. Also deleted is the requirement that plans comply with Mine Safety and Health Administration (MSHA) requirements. At subsection 34(3)—Permanent and Temporary Impoundments, Kentucky is defining the criteria for plans for impoundments meeting the size or other criteria of MSHA, 30 CFR 77.216(a). The plan is to be submitted to the Kentucky Natural Resources and Environmental Protection Cabinet (Cabinet) for approval as part of the permit application. At subsection 34(4), the term "coal processing waste banks" is changed to "coal mine waste banks." At subsection 34(5)—Coal Mine Waste Dams and Embankments, Kentucky is requiring that plans for impounding structures be submitted to the Cabinet as part of the permit application. At subsection 34(6), Kentucky is specifying the plan requirements for Class B—moderate hazard structures, Class C—high hazard structures, and those structures meeting the size or other criteria of MSHA, 30 CFR 77.216(a).

At section 8:040—Underground Coal mining Permits, Kentucky is proposing the following revisions. At subsection 16, Kentucky is requiring that if the probable hydrologic consequences determination indicates that the proposed underground mining activities may proximately result in contamination, diminution, or interruption of an underground or surface source of water within the proposed permit area or adjacent area which is used for domestic, agricultural, industrial, or other legitimate use, the application must identify and describe the adequacy and suitability of the alternative sources of water supply that could be developed for existing premining uses and approved postmining land uses.

At subsection 26, Kentucky is requiring that a permit application contain certain information pertaining to subsidence control. In general terms, the application must contain a map showing the land, structures, and water supplies that may be adversely affected by subsidence. The application must also include a narrative indicating whether subsidence, if it occurred, could cause material damage or other specified adverse affects. The application must also include an example of a presubsidence survey

notification letter to the owners of all water supplies and structures. A subsidence control plan must be submitted if certain conditions are present. The subsidence plan must include certain descriptions and maps which detail the degree of subsidence and subsidence control measures to be implemented, along with other related information Kentucky deems necessary.

At subsection 32(1)(e), Kentucky is requiring the permit applications contain a determination that includes a finding on whether the proposed underground mining activities conducted after July 16, 1994, may be proximately result in contamination, diminution, or interruption of an underground or surface source of water that is used for domestic, agricultural, industrial, or other legitimate use within the permit area or adjacent areas at the time the application is submitted.

At subsections 34(2)–(6), Kentucky is making the same revisions described at the corresponding subsections for surface mines at section 8:030 above.

At section 16:001—Definitions (405 KAR Chapter 16), Kentucky is making the following changes. The definitions of "Impounding Structure," "Impoundment," and "Previously Mined Area" are identical to those described at section 8:001 above. The term "Other Treatment Facilities" is revised to mean any chemical treatments such as flocculation or neutralization, or mechanical structures such as clarifiers or precipitators, that have a point source discharge and are utilized to prevent additional contributions of dissolved or suspended solids to streamflow runoff outside the permit area or to comply with 405 KAR 16:070.

At section 16:060—Hydrologic Requirements, Kentucky is making the following changes. At subsection 8(1), Kentucky is requiring that the operator promptly replace the water supply as described. In addition to the baseline information required by the regulations, other relevant information available to the Cabinet will be used to determine the impact of mining activities upon the water supply.

At subsection 8(2), Kentucky specifies the permittee's obligations if replacement of a water supply is required. If the water supply to be replaced is a domestic supply, the permittee must provide water supply on both a temporary and permanent basis according to the specified conditions. If the water supply to be replaced is other than a domestic supply, the permittee must provide water supply on both a temporary and permanent basis on a schedule established by the Cabinet on

a case by case basis according to specified standards and pay certain operation and maintenance costs.

At subsection 8(3), Kentucky specifies the conditions for providing a suitable alternative water source. At subsection 8(4), Kentucky specifies the permittee's obligation to obtain an additional performance bond and the Cabinet's obligation to release the additional amount if the permittee has satisfactorily completed the required water replacement.

At section 16:090—Sedimentation Ponds, Kentucky is making the following changes. At subsection 1, Kentucky specifies the general design, construction, and certification requirements for sedimentation ponds. At subsection 2, Kentucky is requiring that the plan for clean-out operations include a time schedule or clean-out elevations, or a combination, that shall provide periodic sediment removal sufficient to maintain adequate volume for the sediment to be collected during the design precipitation event. At subsection 3, Kentucky is requiring that sedimentation ponds be designed, constructed, and maintained to contain and treat the runoff from 10 and 24 hour precipitation events according to certain specifications. At subsection 5, Kentucky is requiring that sediment be removed from sedimentation ponds in accordance with the approved clean-out plan. Spillways shall be provided in accordance with 405 KAR 16:100. Requirements that appear elsewhere in Kentucky's regulations have been deleted.

At section 16:100—Permanent and Temporary Impoundments, Kentucky is making the following changes. At subsection 1(3), Kentucky is requiring that all Class B and C impoundments have a minimum static safety factor of 1.5 for the normal pool and a seismic safety factor of at least 1.2. Impoundments not included above, except coal mine waste impoundments, shall have a minimum static safety factor of 1.3 for the normal pool with steady state seepage saturation conditions.

At subsection 1(5), Kentucky is requiring that foundation investigations be performed for all Class B and C impoundments. At subsection 1(6), Kentucky permits the use of a 24 hour duration in lieu of 6 hours of a design precipitation event specified in this subsection. Class A structures that do not meet MSHA criteria shall pass a 25 year, 6 hour precipitation event if it is a temporary structure, or a 50 year, 6 hour precipitation event if it is a permanent structure. Class A structures

meeting MSHA criteria shall pass a 100 year, 6 hour precipitation event.

At subsection 1(9)(c), Kentucky is providing an exemption for impoundments with no embankment structure, that is completely incised, or is created by a depression left by backfilling and grading, that is not a sedimentation pond or coal mine waste impoundment and is not otherwise intended to facilitate active mining, unless the Cabinet determines that engineering inspection and certification are necessary.

At subsection 1(10)(a), Kentucky is requiring that Class B and C impoundments be examined in accordance with 30 CFR 77.216-3. At subsection 1(10)(b), Kentucky is exempting impoundments with no embankment structure, that is completely incised, or is created by a depression left by backfilling and grading from periodic examination requirements.

At section 16:160—Coal Mine Waste Dams and Impoundments, Kentucky is making the following changes. At subsection 1(3), Kentucky is prohibiting the permanent retention as part of the approved postmining land use of impounding structures constructed of coal mine waste or intended to impound coal mine waste. At subsection 2(2), Kentucky is allowing the use of 24 hours instead of 6 hours for the duration of the 100 year design precipitation event. At subsection 3(1)(a), Kentucky is requiring that an impounding structure constructed of coal mine waste or intended to impound coal mine waste that meets the criteria of 30 CFR 77.216(a) has sufficient spillway capacity to safely pass, adequate storage capacity to safely contain, or a combination, to safely control the probable maximum precipitation of a 6 hour event, unless the Cabinet requires a longer duration. At subsection 3(1)(b), Kentucky is requiring that an impounding structure with a drainage area of 10 square miles or less that does not have an open channel emergency spillway have a closed conduit principal spillway that meets the requirements of this paragraph. The impounding structure must have sufficient storage capacity available to store the entire runoff from the probable maximum precipitation event while maintaining the required freeboard against overtopping, disregarding flow through the principal spillway. Other spillway and conduit specifications are provided. At subsection 4, Kentucky is requiring that for a dam or impoundment constructed of or impounding coal mine waste, at least 90% of the water stored during the design precipitation event must be

removed within the 10 day period following the design precipitation event.

At section 18:001—Definitions (KAR Chapter 18), Kentucky is making the following changes. The definitions of “Community or Institutional Building,” “Impounding Structure,” “Impoundment,” “Material Damage,” “Noncommercial Building,” “Occupied Residential Dwelling and Structures Related Thereto,” and “Previously Mined Area” are identical to those described at section 8:001 above. The definition of “Other Treatment Facilities” is identical to that described in section 16:001 above. The term “Angle of Draw” is revised to mean the angle of inclination between the vertical at the edge of the underground mine workings and the point of zero vertical displacement at the edge of a subsidence trough.

At section 18:060—Hydrologic Requirements, Kentucky’s revisions to subsections 12 (1)–(4) are identical to those at 16:060 subsections 8 (1)–(4) described above.

At section 18:090—Sedimentation Ponds, Kentucky’s revisions are identical to those at 16:090 described above.

At section 18:100—Permanent and Temporary Impoundments, Kentucky’s revisions are identical to those at 16:100 described above.

At section 18:060—Hydrologic Requirements, Kentucky is adding subsection 12(1). The provisions are identical to the regulations at 16:060 subsection 8(1) described above. Kentucky’s revisions to subsections 12 (2)–(4) are identical to those at 16:060 subsections (2)–(4).

At section 18:160—Coal Mine Waste Dams and Impoundments, Kentucky’s revisions are identical to those at 16:160 described above.

At section 18:210—Subsidence Control, Kentucky is proposing the following changes. At subsection 1, Kentucky specifies the general requirements a permittee must comply with. The permittee must either adopt measures consistent with known technology that prevent subsidence from causing material damage to the extent technologically and economically feasible, maximize mine stability, and maintain the value the reasonably foreseeable use of surface lands or adopt mining technology that provides for planned subsidence in a predictable and controlled manner. If a permittee employs mining technology that provides for planned subsidence in a predictable and controlled manner, the permittee shall take necessary and prudent measures, consistent with the mining method employed to minimize

material damage to the extent technologically and economically feasible to noncommercial buildings and occupied residential dwellings and related structures. The measures are not required if the permittee has the written consent of their owners or the anticipated damage would constitute a threat to health or safety, the costs of the measures exceed the anticipated costs of repair. The permittee is required to conduct a presubsidence survey of structures and water supplies. The permittee must pay for any technical assessment or engineering evaluation and must provide copies of the survey and assessments to the property owner and Cabinet. The owner’s or representative’s name must be included in the report if he or she is present at the time of the survey or assessment. If the owner disagrees with the results of the survey, he or she may submit in writing to the Cabinet a description of the areas of disagreement. Underground operations shall not be conducted within 1,500 feet horizontally of a structure or water supply for which a survey is required, with certain exceptions.

At subsection 2, Kentucky is requiring that the permittee mail a notification to all owners and occupants of surface property and structures within the area above the underground workings. The notification shall include dates that specific areas will be undermined and the location or locations where the permittee’s subsidence control plan may be examined.

At subsection 3, Kentucky is requiring the permittee to correct any material damage resulting from subsidence caused to surface lands, to the extent technologically and economically feasible, by restoring the land to a condition capable of maintaining the value and reasonably foreseeable uses that it was capable of supporting before subsidence damage. The permittee must promptly repair, or compensate the owner for, material damage resulting from subsidence caused to any noncommercial building or occupied residential dwelling or related structure that existed at the time of mining. For other structures, the permittee must repair the damage or compensate the owner for the full amount of the decrease in value resulting from the subsidence. A rebuttable presumption exists that the permittee caused the damage if damage to any noncommercial building or occupied residential dwelling occurs a result of earth movement within an area determined by projecting a specified angle of draw from the outermost boundary of any underground mine

workings to the surface of the land. A permittee may request that the presumption apply to an angle of draw different from that established above. No presumption where access for presubsidence survey is denied. All relevant and reasonably available information shall be considered by the Cabinet. If subsidence-related material damage to land, structures, or facilities occurs, the Cabinet shall require the permittee to obtain additional performance bond in the amount of the estimated cost of the repairs if the permittee will be repairing, or in the amount of the decrease in value if the permittee will be compensating the owner, until the repair or compensation is completed. Certain exceptions and conditions apply. The additional bond amount may be reduced by the amount of the insurance coverage a permittee has applicable to subsidence damage. The additional bond amount may be released if the permittee has satisfactorily completed the required repair of compensation.

At subsection 4, Kentucky is prohibiting underground mining activities beneath or adjacent to public buildings and facilities, churches, schools, and hospitals, or impoundments with a storage capacity of 20 acre-feet or more or bodies of water with a volume of 20 acre-feet or more. Unless the subsidence control plan demonstrates that subsidence will not cause material damage to, or reduce the reasonably foreseeable use of, the features or facilities. If subsidence causes material damage, the Cabinet may suspend mining until the subsidence plan is modified.

At subsection 5, Kentucky is requiring that within 45 days after the first day of January following each year in which underground mining activities are conducted, and at any other time upon written request by the Cabinet, the permittee shall submit two copies of a detailed plan of the existing and proposed underground workings.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Kentucky program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations.

Comments received after the time indicated under **DATES** or at locations other than the Lexington Field Office will not necessarily be considered in the final rulemaking or include in the Administrative Record.

Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m., (E.D.T.) on September 22, 1997. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested at it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by

section 2 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions 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 counterpart 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. Accordingly, this rule will ensure that existing requirements previously promulgated 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 counterpart Federal regulations.

Unfunded Mandates

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 917

Intergovernmental relations, Surface mining, Underground mining.

Dated: August 27, 1997.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 97-23583 Filed 9-4-97; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 9 and 86**

[FRL-5881-4]

Proposed Amendments to the Test Procedures for Heavy-Duty Engines, and Light-Duty Vehicles and Trucks and Proposed Amendments to the Emission Standard Provisions for Gaseous Fueled Vehicles and Engines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the promulgation of amendments to several sections of the heavy-duty engine test procedure regulations in 40 CFR part 86. These proposed changes are needed in order to accommodate the use of new testing equipment, to provide greater flexibility in the type of testing equipment used and to ensure uniform calibration and use of the testing equipment. The proposed amendments will ensure the continued validity of testing results and ensure that heavy-duty engines are being exercised appropriately over the test procedures. This document also proposes to make limited changes to the light-duty vehicle and truck test procedure regulations and the gaseous fuel emission standards in 40 CFR part 86. Because the Agency views the provisions of this proposed rulemaking as noncontroversial and does not expect to receive adverse comments, these provisions are also being issued as a direct final rule in the Final Rules section of this **Federal Register**.

DATES: Comments on the regulations proposed by this action must be received on or before October 6, 1997 or thirty days after the date of a public hearing, if one is held. If no party notifies EPA by October 6, 1997 that

adverse or critical comments will be submitted on this proposal, no further activity is contemplated in relation to this proposed rule and the direct final rule in the Final Rules section of this **Federal Register** will automatically go into effect on the date specified in that rule. If adverse comments are timely received on the direct final rule, the rule will be withdrawn and all public comment received on it will be addressed in a subsequent final rule based on the proposed rule. Because the Agency will not institute a second comment period on this proposed rule, any parties interested in commenting should do so during this comment period.

The Agency will hold a public hearing regarding these proposed amendments if it receives a request to testify at a hearing by October 6, 1997. Members of the public should call the contact person indicated below to notify EPA of their interest in testifying at a hearing. Interested parties may call the contact person after October 6, 1997 to determine whether and where the hearing will be held.

ADDRESSES: Interested parties may submit written comments in response to this document (in duplicate, if possible) to Public Docket A-96-07 at Air Docket Section, U.S. Environmental Protection Agency, First Floor, Waterside Mall, Room M-1500, 401 M Street SW., Washington, DC 20460. A copy of the comments should also be sent to the contact person listed below.

Materials relevant to this document have been placed in Docket No. A-96-07 by EPA. The docket is located at the above address and may be inspected from 8:00 a.m. to 5:30 p.m. on weekdays. EPA may charge a reasonable fee for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Mr. Jaime Pagán, U.S. EPA, Engine Programs and Compliance Division, 2565 Plymouth Road, Ann Arbor, MI 48105. Telephone (313) 668-4574.

SUPPLEMENTARY INFORMATION: EPA's Smoke Exhaust and Gaseous and Particulate Exhaust Test Procedures for certification and Selective Enforcement Audit (SEA) provide a consistent method for testing and obtaining emissions data from heavy-duty engines. This notice proposes the promulgation of amendments to the test procedures in order to accommodate the use of new testing equipment and clarify certain issues that have been identified since these procedures were first published.

Over the last few years, EPA and the Engine Manufacturers Association (EMA) have worked together to identify

the issues that needed revision or clarification. During these interactions, suggestions were made involving specific changes to the test procedures. In general, the technical amendments proposed in this action fall into two categories. First, many of the proposed amendments are simply clarifications that will help remove any potential ambiguities or inconsistencies. Second, another group of proposed amendments take into account testing equipment and/or engine technology that was not as widely used when the rule was first written.

The proposed changes to the Smoke Exhaust Test Procedure include clarifications regarding the operation of the dynamometer, accommodation of additional test equipment and more details on meter light sources to be used. The test procedures for SEA contain a new requirement that asks manufacturers to decide, before the initial cold cycle, whether they will measure background particulate matter (PM) or not. The amendments proposed for the Gaseous and Particulate Test Procedures cover the calibration requirements of gas analyzers, the use of accessory loads, conditions for use of charge air cooling devices and the permitted point deletions from regression analysis.

Lastly, three proposed minor changes to the Gaseous Fueled Vehicle Rule, established in a September 21, 1994 notice (59 FR 48472), are made. The regulatory text of that rule contained several minor errors and areas where the applicability of various standards to gaseous-fueled vehicles was not clear in the regulations, although all of the applicability issues were discussed in the preamble.

For further supplemental information, the detailed rationale for this proposal, and the regulatory revisions see the information provided in the direct final rule published in a separate part of this **Federal Register**.

List of Subjects**40 CFR Part 9**

Reporting and recordkeeping requirements.

40 CFR Part 86

Environmental protection, Administrative practice and procedures, Air pollution control, Confidential business information, Gasoline, Incorporation by reference, Labeling, Motor vehicles, Motor vehicle pollution, Reporting and recordkeeping requirements.