*Minutes:* We will make the minutes of this meeting available for public review and copying by May 23, 1999. Please come to the Freedom of Information Public Reading Room (Room 1E–190) in the Forrestal Building to view these documents. The Room is open Monday through Friday from 9:00 a.m.—4:00 p.m. except on Federal holidays.

Issued in Washington, D.C. on March 22, 1999.

**Rachel M. Samuel,**

*Deputy Advisory Committee Management Officer.*

[FR Doc. 99–7488 Filed 3–25–99; 8:45 am]

BILLING CODE 6450–01–P

## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board, Paducah

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah Gaseous Diffusion Plant. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

**DATES:** Thursday, April 15, 1999: 5:30 p.m.–10:00 p.m.

**ADDRESSES:** Paducah Information Age Park Resource Center, 2000 McCracken Boulevard, Paducah, Kentucky.

**FOR FURTHER INFORMATION CONTACT:** John D. Sheppard, Site-Specific Advisory Board Coordinator, Department of Energy Paducah Site Office, Post Office Box 1410, MS–103, Paducah, Kentucky 42001, (502) 441–6804.

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Board:* The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

*Tentative Agenda*

5:30 p.m. Call to Order
5:45 p.m. Approve Meeting Minutes
6:00 p.m. Public Comment/Questions
6:30 p.m. Presentations
7:30 p.m. Break
7:45 p.m. Presentations
9:00 p.m. Public Comment
9:30 p.m. Administrative Issues
10:00 p.m. Adjourn

Copies of the final agenda will be available at the meeting.

*Public Participation:* The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact John D. Sheppard at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments at the times indicated on the agenda.

*Minutes:* The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available at the Department of Energy's Environmental Information and Reading Room at 175 Freedom Boulevard, Highway 60, Kevil, Kentucky between 8:00 a.m. and 5:00 p.m. on Monday through Friday, or by writing to John D. Sheppard, Department of Energy Paducah Site Office, Post Office Box 1410, MS–103, Paducah, Kentucky 42001, or by calling him at (502) 441–6804.

Issued at Washington, DC on March 22, 1999.

**Rachel M. Samuel,**

*Deputy Advisory Committee Management Officer.*

[FR Doc. 99–7489 Filed 3–25–99; 8:45 am]

BILLING CODE 6450–01–P

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–6316–3]**

### California State Motor Vehicle Pollution Control Standards; Within the Scope Request; Opportunity for Public Hearing

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

**ACTION:** Notice of opportunity for public hearing and public comment.

**SUMMARY:** The California Air Resources Board (CARB) has notified EPA that it has approved amendments to the zero-emission vehicle (ZEV) requirements of the low-emission vehicle (LEV) program, including the repeal of the ZEV requirements for model years 1998 through 2002. By letter dated February 26, 1997, California requested that EPA confirm CARB's finding that its amendments are within-the-scope of section 209(b) of the Clean Air Act (Act), 42 U.S.C. 7543(b), of a waiver of federal preemption for the California LEV program regulations, which EPA approved on January 13, 1993.

EPA has tentatively scheduled a public hearing for April 23, 1999, to hear comments concerning CARB's request. Before this notice, EPA received submissions to the docket on this matter from the state of Massachusetts, CARB, and aftermarket associations. EPA requests comments from interested parties as to the relevance and merit of these previous submissions to the within-the-scope waiver request. If EPA does not receive a request for a public hearing, then EPA will not hold a hearing, and instead consider CARB's request based on written submissions to the docket.

**DATES:** EPA has tentatively scheduled a public hearing for April 23, 1999, beginning at 10:00 a.m. EPA will hold a hearing only if a party notifies EPA by April 5, 1999, expressing its interest in presenting oral testimony regarding CARB's requests or other issues noted in this notice. By April 7, 1999, any person who plans to attend the hearing should call David Dickinson of EPA's Vehicle Programs and Compliance Division at (202) 564–9256 to learn if we will hold a hearing. Any party may submit written comments by May 10, 1999.

**ADDRESSES:** EPA will make available for public inspection at the Air and Radiation Docket and Information Center written comments received from interested parties, in addition to any testimony given at the public hearing. The Air Docket is open during working hours from 8:00 a.m. to 4:00 p.m. at EPA, Air Docket (6102), Room M–1500, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. The reference number for this docket is A–97–20. Parties wishing to present oral testimony at the public hearing should provide written notice to David Dickinson at the address noted below. In addition, parties should send their written comments (in duplicate) regarding the within-the-scope waiver request to David Dickinson at the same address. If EPA receives a request for a public hearing, EPA will hold the public hearing in the first floor conference room at 501 3rd Street, N.W., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** David Dickinson, Group Manager, Vehicle Programs and Compliance Division (6405J), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Telephone:

(202) 564–9256, Fax:(202) 565–2057, E-Mail: Dickinson.David@EPAMAIL.EPA.GOV.

**SUPPLEMENTARY INFORMATION:**

## I. Obtaining Electronic Copies of Documents

EPA makes available an electronic copy of this Notice on the Office of Mobile Sources' (OMS) homepage (http://www.epa.gov/OMSWWW/). Users can find this document by accessing the OMS homepage and looking at the path entitled ''Regulations.'' This service is free of charge, except any cost you already incur for Internet connectivity. Users can also get the official **Federal Register** version of the Notice on the day of publication on the primary website: (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. Background

### *A. Procedural History*

On January 13, 1993, EPA published a Notice Regarding Waiver of Federal Preemption granting California a waiver of federal preemption for the California LEV program. (58 FR 4166). The California LEV waiver included California's original ZEV requirements.

In March 1996, CARB amended the LEV program by eliminating the ZEV sales requirement for model years 1998 through 2002.

On February 26, 1997, CARB submitted to the Administrator a request that EPA confirm CARB Board's determination that the amendments to its regulations noted below (primarily repealing the ZEV requirements for model years 1998 through 2002) are within-the-scope of the existing California LEV waiver. CARB also entered into, on March 29, 1996, what it terms memorandum of agreements (MOAs) with the seven largest vehicle manufacturers. These MOAs provide for the introduction of a certain number of ZEVs into the California market for calendar years 1998–2000 and require CARB to perform certain tasks.

### *B. Background and Discussion*

Section 209(a) of the Clean Air Act, as amended (''Act''), 42 U.S.C. 7543(a), provides:

> No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part. No state shall require certification, inspection or any other approval relating to the control of emission from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment.

Section 209(b)(1) of the Act requires the Administrator, after notice and opportunity for public hearing, to waive application of the prohibitions of section 209(a) for any state that has adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, if the state determines that the state standards will be, in the aggregate, at least as protective of public health and welfare as applicable federal standards. The Administrator must grant a waiver unless she finds that (A) the determination of the state is arbitrary and capricious, (B) the state does not need the state standards to meet compelling and extraordinary conditions, or (C) the state standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act.

CARB submitted a letter to the Administrator notifying EPA that it had adopted amendments to its LEV program. These amendments provide for (1) the elimination of the requirement upon manufacturers to certify, produce, and offer for sale in California ZEVs in amounts equal to two percent of their total California sales of passenger cars and light-duty trucks weighing less than 3,750 pounds beginning with the 1998 model year, increasing to five percent in the 2001 model year and ten percent in the 2003 model year (the ten percent ZEV requirement for the 2003 model year has been retained by California); (2) the creation of multiple ZEV credits for vehicles produced prior to the 2003 model year; and (3) the creation of test procedures for determining All-Electric Vehicle Range.

CARB asserts, and requests that the Administrator determine, that each of these three amendments to its LEV regulations fall within-the-scope of EPA's previously granted waiver, thereby obviating the independent need to meet the requirements of section 209(b) of the Act set forth above. EPA has decided in the past where California's amendments do not undermine California's previous determination that its standards, in the aggregate, are at least as protective of public health and welfare as comparable Federal standards; do not affect the consistency of California's requirements with section 202(a) of the Act; and raise no new issues affecting EPA's previous waiver determinations that a within-the-scope waiver determination is acceptable.

When EPA receives new waiver requests from CARB, EPA publishes a notice of opportunity for public hearing and comment and then publishes a decision in the **Federal Register** following the public comment period. In contrast, when EPA receives within-the-scope waiver requests from CARB, EPA traditionally publishes a decision in the **Federal Register** and concurrently invites public comment if an interested party is opposed to EPA's decision.

Because EPA has already received written comment on this within-the-scope request, EPA invites comment on the following issues before determining CARB's within-the-scope request: (1) Should EPA consider CARB's request as a within-the-scope of a previous waiver request or should it be considered and examined as a new waiver request?; (2) If EPA should consider CARB's request as a within-the-scope request then do California's amendments (a) undermine California's previous determination that its standards, in the aggregate, are at least as protective of public health and welfare as comparable Federal standards, (b) affect the consistency of California's requirements with section 202(a) of the Act, and (c) raise new issues affecting EPA's previous waiver determinations?; (3) Should EPA consider CARB's request as a new waiver request then provide comment on (a) Whether California's determination that its standards are at least as protective of public health and welfare as applicable federal standards is arbitrary and capricious, (b) Whether California needs separate standards to meet compelling and extraordinary conditions, and (c) Whether California's standards and accompanying enforcement procedures are consistent with section 202(a) of the Act?; and (4) the significance of the MOAs and issues that may arise out of the MOAs and their relevance to the within-the-scope waiver request CARB has submitted to EPA, addressing how the MOAs and related issues affect EPA's consideration either under the within-the-scope or waiver criteria.

## III. Procedures for Public Participation

Any party desiring to make an oral statement on the record should file ten (10) copies of its proposed testimony and other relevant material with David Dickinson at the address listed above no later than April 21, 1999. In addition, the party should submit 25 copies, if feasible, of the planned statement to the

presiding officer at the time of the hearing.

In recognition that a public hearing is designed to give interested parties an opportunity to participate in this proceeding, there are no adverse parties as such. Statements by participants will not be subject to cross-examination by other participants with special approval by the presiding officer. The presiding officer is authorized to strike from the record statements that he or she deems irrelevant or repetitious and to impose reasonable time limits on the duration of the statement of any participant.

If a hearing is held, the Agency will make a verbatim record of the proceedings. Interested parties may arrange with the reporter at the hearing to obtain a copy of the transcript at their own expense. Regardless of whether a public hearing is held, EPA will keep the record open until May 24, 1999. Upon expiration of the comment period, the Administrator will render a decision on CARB's request based on the record of the public hearing, if any, relevant written submissions, and other information that she deems pertinent. All information will be available for inspection at EPA Air Docket. (Docket No. A–97–20).

Persons with comments containing proprietary information must distinguish such information from other comments to the greatest possible extent and label it as ''Confidential Business Information'' (CBI). If a person making comments wants EPA to base its decision in part on a submission labeled CBI, then a nonconfidential version of the document that summarizes the key data or information should be submitted for the public docket. To ensure that proprietary information is not inadvertently placed in the docket, submissions containing such information should be sent directly to the contact person listed above and not to the public docket. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent allowed and by the procedures set forth in 40 CFR part 2. If no claim of confidentiality accompanies the submission when EPA receives it, EPA will make it available to the public without further notice to the person making comments.

Dated: March 17, 1999.

**Robert D. Brenner,**

*Acting Assistant Administrator for Air and Radiation.*

[FR Doc. 99–7429 Filed 3–25–99; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–6316–2]**

## Request From Massachusetts Concerning Zero Emission Vehicle Requirements

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

**ACTION:** Notice; request for comment.

**SUMMARY:** The Attorney General of the Commonwealth of Massachusetts has requested that EPA respond to certain questions related to whether Massachusetts's regulations requiring the sale of a certain number of zero emission vehicles in the calendar years 1998–2000 are preempted by the Clean Air Act. The questions have arisen in the context of a decision by the United States Court of Appeals for the First Circuit in a litigation between Massachusetts and automobile manufacturers. This notice announces the opening of a thirty day period for the submission of written comments regarding the issues raised by the Court decision and the request from Massachusetts.

**DATES:** Written comments must be received on or before April 26, 1999

**ADDRESSES:** Written comments regarding the request should be submitted, in duplicate, to Public Docket No. A–99–08 at the following address: U.S. Environmental Protection Agency, Air Docket (6102), Room M–1500, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. The Agency also requests that a separate written copy be sent to the contact person at the address noted below. The information received from Massachusetts, as well as any written comments received from interested parties, is available for public inspection in the Air Docket at the above address during from 8:00 a.m. to 5:30 p.m Monday to Friday, except on government holidays. The telephone number for EPA's Air Docket is (202) 260–7548. A reasonable fee may be charged by EPA for copying docket materials, as provided in 40 CFR part 2.

**FOR FURTHER INFORMATION CONTACT:** For more information about this document, please contact Michael Horowitz, Office of General Counsel (2344), 401 M St., SW, Washington, DC 20460; telephone (202) 260–8883; fax (202) 260–0586; and e-mail:
horowitz.michael@epamail.epa.gov

**SUPPLEMENTARY INFORMATION:** On December 29, 1998, the U.S. Court of Appeals for the First Circuit issued a decision in *American Automobile Manufacturers Ass'n* v. *Massachusetts Department of Environmental Protection*, 163 F.3d 74 (1st Cir. 1998). In that decision, the court determined that it would allow EPA an opportunity to rule on certain issues relevant to whether Massachusetts's requirement that automobile manufacturers deliver for sale a certain number of zero emission vehicles (''ZEVs'') in the years 1998–2000 violated the Clean Air Act. The court therefore provided Massachusetts with ''a reasonable opportunity to obtain a ruling from the EPA. * * * However, if no agency ruling is forthcoming within 180 days from the date this opinion issues, the parties shall so notify this court. We will then decide the issues before us without the EPA's guidance.''

Pursuant to the court's decision, on January 28, 1999, the Attorney General of the Commonwealth of Massachusetts sent a letter to the Administrator requesting EPA's opinion regarding the questions arising from the case.

### I. Background

This case arises from Massachusetts's regulations requiring that certain automobile manufacturers produce and deliver for sale in Massachusetts a combined total of 750 ZEVs during calendar years 1998 and 1500 ZEVs during each calendar years 1999 and 2000. There are also certain reporting requirements related to these regulations. This case is the latest in a series of law suits that automobile manufacturers have brought against Massachusetts and New York related to those states' incorporation of California's Low Emission Vehicle program into their state laws. The following is a brief summary of the critical federal statutory provisions and the events leading up to the Court's decision. For further information, please review the December 28, 1998 decision and the briefs filed in that case, as well as the earlier decisions resulting from the suits brought by manufacturers against New York and Massachusetts. [1]

[1] The briefs have been placed in the docket. The significant prior decisions in the Massachusetts litigation are as follows: *AAMA* v. *Massachusetts DEP*, 998 F. Supp. 10 (D. Mass. 1997); *AAMA* v. *Massachusetts DEP*, 31 F.3d 18 (1st Cir. 1994); *AAMA* v. *Greenbaum*, No.93–10799–MA, 1993 WL 443946 (D. Mass. Oct. 27, 1993). The significant decisions in the New York litigations are: *AAMA* v. *Cahill*, 152 F.3d 196 (2d Cir. 1998); *AAMA* v. *Cahill*, 973 F. Supp. 288 (N.D.N.Y. 1997); *Motor Vehicle Mfrs. Ass'n. (''MVMA'')* v. *New York Dep't of Envtl. Cons. (''New York DEC'')*, 79 F.3d 1298 (2d Cir. 1996); *MVMA* v. *New York DEC*, 869 F. Supp. 1012 (N.D.N.Y. 1994); *MVMA* v. *New York DEC*, 17 F.3d 521 (2nd Cir. 1994).