

under the provisions of this paragraph (b), the term "engine manufacturer" shall not apply to an individual or other entity that does not possess a current Certificate of Conformity issued by EPA under this part.

PART 91—CONTROL OF EMISSIONS FROM MARINE SPARK-IGNITION ENGINES

6. The authority citation of part 91 is revised to read as follows:

Authority: Secs. 202, 203, 204, 205, 206, 207, 208, 209, 213, 215, 216, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7521, 7522, 7523, 7524, 7525, 7541, 7542, 7543, 7547, 7549, 7550, and 7601(a).)

7. Section 91.207 is amended by adding paragraph (e) to read as follows:

§ 91.207 Credit calculation and manufacturer compliance with emission standards.

* * * * *

(e) Notwithstanding other provisions of this part, for model years beginning with MY 2000, a manufacturer having a negative credit balance during one period of up to four consecutive model years will not be considered to be in noncompliance in a model year up through and including model year 2009 where:

(1) The manufacturer has a total annual production of engines subject to regulation under this part of 1000 or less; and

(2) The manufacturer has not had a negative credit balance other than in three immediately preceding model years, except as permitted under paragraph (c) of this section; and

(3) The FEL (FELs) of the family or families produced by the manufacturer are no higher than those of the corresponding family or families in the previous model year, except as allowed by the Administrator; and

(4) The manufacturer submits a plan acceptable to the Administrator for coming into compliance with future model year standards including projected dates for the introduction or increased sales of engine families having FELs below standard and projected dates for discontinuing or reducing sales of engines having FELs above standard; and

(5)(i) The manufacturer has set its FEL using emission testing as prescribed in subpart E of this part; or

(ii) The manufacturer has set its FEL based on the equation and provisions of § 91.118(h)(1)(i) and the manufacturer has submitted appropriate test data and revised its FEL(s) and recalculated its credits pursuant to the provisions of § 91.118(h)(1); or

(iii) The manufacturer has set its FEL using good engineering judgement, pursuant to the provisions of § 91.118(h)(1)(ii) and (h)(2).

8. Section 91.1103 is amended by adding paragraph (b)(4)(v) to read as follows:

§ 91.1103 Prohibited acts.

* * * * *

(b) * * *

(4) * * *

(v) In cases where an engine is to be imported for replacement purposes under the provisions of this paragraph (b), the term "engine manufacturer" shall not apply to an individual or other entity that does not possess a current Certificate of Conformity issued by EPA under this part.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 745

[OPPTS-62156G; FRL-6060-9]

RIN 2070-AC63

Lead; Identification of Dangerous Levels of Lead; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; notice of public meeting.

SUMMARY: EPA will be holding a public meeting on a proposed rule for managing lead in paint, dust, and soil in residences and child-occupied facilities. This public meeting is in response to requests from various parties to provide for additional participation by the environmental justice community in the development of the proposed rule.

DATES: The public meeting will be held on February 16, 1999, from 9 a.m. to 12 noon. Written comments on the proposed rule must be received on or before March 1, 1999.

ADDRESSES: The meeting will be held at the Hyatt Regency Washington—Capitol Hill, 400 New Jersey Ave., NW., Washington D.C.

Each written comment must bear the docket control number OPPTS-62156G. All comments should be sent in triplicate to: OPPT Document Control Officer (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. G-099, East Tower, Washington, DC 20460.

Written comments and data may also be submitted electronically to:

oppt.ncic@epa.gov. Follow the instructions in Unit II. of this document. No Confidential Business Information (CBI) should be submitted through e-mail.

All written comments which contain information claimed as CBI must be clearly marked as such. Three copies, sanitized of any comments containing information claimed as CBI, must also be submitted and will be placed in the public record for this rulemaking. Persons submitting information, any portion of which they believe is entitled to treatment as CBI by EPA, must assert a business confidentiality claim in accordance with 40 CFR 2.203(b) for each such portion. This claim must be made at the time that the information is submitted to EPA. If a submitter does not assert a confidentiality claim at the time of submission, EPA will consider this as a waiver of any confidentiality claim and the information may be made available to the public by EPA without further notice to the submitter.

FOR FURTHER INFORMATION CONTACT: For general information: National Lead Information Center's Clearinghouse, 1-800-424-LEAD (5323). For technical and policy questions: Jonathan Jacobson; telephone: (202) 260-3779; e-mail address: jacobson.jonathan@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of June 3, 1998 (63 FR 30302) (FRL-5791-9), EPA published a proposed rule under section 403 of TSCA (15 U.S.C. 2683). This proposed rule identifies lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil in residences and child-occupied facilities. Section 402 of TSCA (15 U.S.C. 2682) directs EPA to promulgate regulations governing lead-based paint activities. Section 404 of TSCA (15 U.S.C. 2684) requires that any State that seeks to administer and enforce the requirements established by the Agency under section 402 of TSCA must submit to the Administrator a request for authorization of such a program.

On October 1 and November 5, 1998, EPA announced in the **Federal Register** two extensions to the comment period for this proposed rule (63 FR 52662 (FRL-6037-7) and 63 FR 59754 (FRL-6044-9), respectively). The latest extension was until December 31, 1998. EPA has received additional comments from various parties involved with environmental justice to extend the comment period and to provide additional participation by this community in the development of the

proposed rule. In response, EPA reopened the public comment period until March 1, 1999, in order to ensure that all parties, including those that may lack access to the various publications in which EPA has publicized the issuance of the proposal, have sufficient opportunity to submit their comments. Notice of this extension was published in the **Federal Register** of January 14, 1999 (43 FR 2460) (FRL-6056-1).

EPA has also decided to hold a public meeting with interested members of the Agency's National Environmental Justice Advisory Council (NEJAC) and the public to offer additional opportunity for representatives of the environmental justice community to participate in the rulemaking process. During the first hour of the meeting, EPA officials will provide an overview of the proposal, focusing on environmental justice-related. In the second hour of the meeting, NEJAC members will have the opportunity to offer oral comments on the proposed rule. Other members of the public may offer oral comment on a first come, first served basis. Individuals interested in speaking must register at the meeting and are requested to limit their presentations to 3 minutes in order to allow as many persons as possible a fair chance to participate.

II. Public Record and Electronic Submissions

The official record for this rulemaking, as well as the public version, has been established for this rulemaking under docket control number OPPTS-62156G (including comments and data submitted electronically as described in this unit). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located in the TSCA Nonconfidential Information Center, Rm. NE-B607, 401 M St., SW., Washington, DC. Electronic comments can be sent directly to EPA at:

oppt.ncic@epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number OPPTS-62156G. Electronic comments on this

proposed rule may be filed online at many Federal Depository Libraries.

List of Subjects in 40 CFR Part 745

Environmental protection, Hazardous substances, Lead-based paint, Lead poisoning, Reporting and recordkeeping requirements.

Dated: January 28, 1999.

William H. Sanders, III,

Director, Office of Pollution Prevention and Toxics.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA 99-5045]

RIN 2127-AH11

Federal Motor Vehicle Safety Standards: Air Brake Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking; partial grant/partial denial of petition for rulemaking.

SUMMARY: Pursuant to the agency's partial grant of a petition for rulemaking from the Truck Manufacturers Association, NHTSA proposes to amend the air brake standard to correct an inconsistency between two provisions concerning emergency brake stops, provide that single-unit truck axles should not be overloaded, clarify the wheel-lock provisions by adding a definition of "tandem axle," and permit the use of roll bars on vehicles undergoing brake testing.

NHTSA denies requests by the petitioner to amend the standard by revising the braking test sequence, changing the provisions regarding manual brake adjustments, changing the burnish procedure, specifying application of the service brake prior to applying the parking brake, and clarifying that emergency brake requirements for trucks and buses do not become effective until March 1, 1998.

DATES: Comment closing date: Comments on this notice must be received by NHTSA not later than April 5, 1999.

Proposed effective date: If adopted, the amendments proposed in this notice would become effective 30 days after publication of the final rule. Optional

early compliance would be permitted on and after the date of publication of a final rule in the **Federal Register**.

ADDRESSES: Comments should refer to the docket number for this rule noted above and be submitted to: Docket Management Room, PL-401, 400 Seventh Street, SW, Washington, DC 20590. Docket Room hours are from 10 a.m. to 5 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

For technical issues: Mr. Joseph Scott, Safety Standards Engineer, Office of Crash Avoidance Standards, Vehicle Dynamics Division, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590; telephone (202) 366-2720, fax (202) 493-2739.

For legal issues: Mr. Walter Myers, Attorney-Advisor, Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590; telephone (202) 366-2992, fax (202) 366-3820.

SUPPLEMENTARY INFORMATION:

1. Background

Federal Motor Vehicle Safety Standard (Standard) No. 121, *Air brake systems*, specifies performance and equipment requirements for trucks, buses, and trailers equipped with air brake systems to ensure safe braking performance under normal and emergency conditions.

Pursuant to the March 4, 1995 directive entitled "Regulatory Reinvention Initiative" from the President to the heads of departments and agencies of the Federal government, NHTSA reviewed its standards and regulations to identify superseded or unneeded regulations as well as to amend and update regulations as appropriate. One such regulation identified by NHTSA for revising and upgrading was Standard No. 121. Consequently, on May 31, 1996, NHTSA published a revision of Standard No. 121 in the **Federal Register** to remove obsolete provisions and update and reorganize the standard (61 FR 27288). The revision substantially clarified and simplified the standard without changing any of its substantive requirements. The effective date of this revision was March 1, 1997. Optional early compliance with the revised standard was permitted for vehicles manufactured prior to that date.

2. The Petition

The Truck Manufacturers Association (TMA) submitted a petition for rulemaking to NHTSA dated January 6, 1997. The TMA is a trade association