

the Navajo Nation primacy for the SDWA Class II UIC program (as defined in § 147.3400), is November 25, 1988.

#### Subpart GG—[Amended]

■ 3. Section 147.1603 is amended by revising the first sentence of paragraph (a) and paragraph (b) to read as follows:

##### § 147.1603 EPA-administered program—Indian Lands.

(a) *Contents.* The UIC program for all classes of wells on Indian lands in New Mexico, except for Class II wells on Navajo Indian lands for which EPA has granted the Navajo Nation primacy for the SDWA Class II UIC program (as defined in § 147.3400), is administered by EPA. \* \* \*

(b) *Effective date.* The effective date for the UIC program on Indian lands in New Mexico, except for Class II wells on Navajo Indian lands for which EPA has granted the Navajo Nation primacy for the SDWA Class II UIC program (as defined in § 147.3400), is November 25, 1988.

#### Subpart TT—[Amended]

■ 4. Section 147.2253 is amended by revising the first two sentences of paragraph (a) and paragraph (b) to read as follows:

##### § 147.2253 EPA-administered program.

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of Utah, except for Class II wells on Navajo Indian lands for which EPA has granted the Navajo Nation primacy for the SDWA Class II UIC program (as defined in § 147.3400), is administered by EPA. The program for wells on Navajo Indian lands, except for Class II wells on Navajo Indian lands for which EPA has granted the Navajo Nation primacy for the SDWA Class II UIC program, and for Ute Mountain Ute consists of the requirements set forth at subpart HHH of this part. \* \* \*

(b) *Effective date.* The effective date for this program for all other Indian lands in Utah, except for Class II wells on Navajo Indian lands for which EPA has granted the Navajo Nation primacy for the SDWA Class II UIC program (as defined in § 147.3400), is November 25, 1988.

#### Subpart HHH—[Amended]

■ 5. Section 147.3000 is amended by revising the first sentence of paragraph (a) and paragraph (b) to read as follows:

##### § 147.3000 EPA-administered program.

(a) *Contents.* The UIC program for Navajo Indian lands, except for Class II wells on Navajo Indian lands for which

EPA has granted the Navajo Nation primacy for the SDWA Class II UIC program (as defined in § 147.3400), the Ute Mountain Ute (Class II wells only on Ute Mountain Ute lands in Colorado and all wells on Ute Mountain Ute lands in Utah and New Mexico), and all wells on other Indian lands in New Mexico is administered by EPA. \* \* \*

(b) *Effective date.* The effective date for the UIC program on these lands, except for Class II wells on Navajo Indian lands for which EPA has granted the Navajo Nation primacy for the SDWA Class II UIC program (as defined in § 147.3400), is November 25, 1988.

■ 6. Subpart KKK is added and reserved to read as follows:

#### Subpart KKK—[Reserved]

■ 7. Subpart LLL consisting of § 147.3400 is added to read as follows:

##### Subpart LLL—Navajo Indian Lands

##### § 147.3400 Navajo Indian Lands—Class II wells.

The UIC program for Class II injection wells located: Within the exterior boundaries of the formal Navajo Reservation, including the three satellite reservations (Alamo, Canonicito and Ramah), but excluding the former Bennett Freeze Area, the Four Corners Power Plant and the Navajo Generating Station; and on Navajo Nation tribal trust lands and trust allotments outside those exterior boundaries (collectively referred to as “Navajo Indian lands for which EPA has granted the Navajo Nation primacy for the SDWA Class II UIC program”), is the program administered by the Navajo Nation approved by EPA pursuant to section 1425 of the SDWA. Notice of this approval was published in the **Federal Register** on November 4, 2008; the effective date of this program is December 4, 2008. This program consists of the following elements as submitted to EPA in the Navajo Nation’s program application:

(a) *Incorporation by Reference.* The requirements set forth in the Navajo Nation Statutes, Regulations and Resolution notebook, dated October 2008, are hereby incorporated by reference and made part of the applicable UIC program under the SDWA for Class II injection wells on Navajo Indian lands for which EPA has granted the Navajo Nation primacy for the SDWA Class II UIC program (as defined in this section). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may

be obtained or inspected at the Navajo Nation Environmental Protection Agency UIC Office, Old NAPA Auto Parts Building (Tribal Bldg. #S009-080), Highway 64, Shiprock, New Mexico 87420 (505-368-1040), at the Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, California 94105-3920 (415-972-3533), or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(b) *Memorandum of Agreement (MOA).* The MOA between EPA Region 9 and the Navajo Nation, signed by the EPA Regional Administrator on August 21, 2001. The Criminal Enforcement MOA between EPA Region 9 and the Navajo Nation, signed by EPA on October 30, 2006.

(c) *Statement of Legal Authority.* (1) “Statement of the Attorney General of the Navajo Nation Pursuant to 40 CFR 145.24”, August 27, 2001.

(2) “Statement of the Attorney General of the Navajo Nation Regarding the Regulatory Authority and Jurisdiction of the Navajo Nation with Respect To Its Underground Injection Control Program”, July 3, 2002.

(3) “Supplemental Statement of the Navajo Nation Attorney General Regarding the Regulatory Authority and Jurisdiction of the Navajo Nation to Operate an Underground Injection Control Program under the Safe Drinking Water Act”, October 11, 2006.

(d) *Program Description.* The Program Description submitted as part of the Navajo Nation’s application, and any other materials submitted as part of this application or as a supplement thereto.

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### 49 CFR Parts 385 and 395

[Docket No. FMCSA-2004-19608]

FRN 2126-AB14

#### Hours of Service of Drivers; Availability of Supplemental Document

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of availability of supplemental document.

**SUMMARY:** This notice advises the public that FMCSA is placing in the public docket an additional document concerning hours of service (HOS) for commercial motor vehicle drivers. FMCSA published an interim final rule (IFR) on this issue on December 17, 2007.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations. Telephone (202) 366-4325 or E-mail [MCPSD@dot.gov](mailto:MCPSD@dot.gov). Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** On August, 25, 2005, FMCSA published a final HOS rule (“2005 rule”) (70 FR 49978). On July 24, 2007, the DC Circuit Court vacated the 11-hour driving time

and 34-hour restart provisions of the 2005 rule (*Owner-Operator Independent Drivers Association, Inc. v. Federal Motor Carrier Safety Administration*, 494 F.3d 188 (DC Cir. 2007)). In response to the DC Circuit Court decision, FMCSA published an interim final rule (IFR) on December 17, 2007 (72 FR 71247) that reinstated the two provisions vacated by the Court and sought further comments on those provisions.

For a full background on this rulemaking, please see the preamble to the December 2007 HOS IFR. The docket for this rulemaking (FMCSA-2004-19608) contains all of the background information for this rulemaking, including comments.

This notice calls attention to an additional supplemental document that

FMCSA has placed in the docket at FMCSA-2004-19608:

Belenky, G., and Wu, L.J., “Literature Review on Fatigue and Health Issues Associated with Commercial Motor Vehicle Driver Hours of Service: Update from 2004,” Washington State University, 2008.

This report summarizes the scientific and technical literature in two topical areas related to HOS: (1) Driver fatigue and (2) driver health. This review is limited to research that was published between 2004 and 2007.

Issued on: October 29, 2008.

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

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