

**SUMMARY:** EPA proposes to convert our conditional approval of the Maryland's State Implementation Plan (SIP) revision for an enhanced vehicle inspection and maintenance (I/M) program to a full approval. In the Final Rules section of this **Federal Register**, EPA is converting its conditional approval to a full approval as a direct final rule without prior proposal because the Agency views this as noncontroversial and anticipates no adverse comments. A detailed rationale for the full approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Parties interested in commenting on this action should do so at this time.

**DATES:** Comments must be received in writing by November 29, 1999.

**ADDRESSES:** Written comments should be mailed to David L. Arnold, Chief, Ozone and Mobile Sources Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and the Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224. Please contact Christopher Cripps at (215) 814-2179 if you wish to arrange an appointment to view the docket at the Philadelphia office.

**FOR FURTHER INFORMATION CONTACT:** Christopher Cripps, (215) 814-2179, at the EPA Region III address above, or by e-mail at [cripps.christopher@epa.gov](mailto:cripps.christopher@epa.gov).

**SUPPLEMENTARY INFORMATION:** For further information, please see the information provided in the direct final action, with the same title, that is located in the "Rules and Regulations" section of this **Federal Register** publication.

Dated: September 20, 1999.

**W. Michael McCabe,**

*Regional Administrator, Region III.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 372

[OPPTS-400140B; FRL-6391-6]

RIN 2070-AD38

#### Lead and Lead Compounds; Lowering of Reporting Thresholds; Community Right-to-Know Toxic Chemical Release Reporting; Extension of Comment Period

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

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** On August 3, 1999, EPA issued a proposed rule to lower the reporting thresholds for lead and lead compounds which are subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and section 6607 of the Pollution Prevention Act of 1990 (PPA). The proposed rule also included a limitation on the reporting of lead when contained in certain alloys and proposed modifications to certain reporting exemptions and requirements for lead and lead compounds. On September 21, 1999, EPA issued a **Federal Register** document extending the comment period 45 days until November 1, 1999. The purpose of today's action is to inform interested parties that, in an effort to ensure adequate opportunities for input from all affected parties, including small businesses, EPA is extending the comment period by another 45 days until December 16, 1999. The comment period for the proposed rule was initially scheduled to close on September 17, 1999, and was extended 45 days to November 1, 1999. **DATES:** Written comments, identified by the docket control number OPPTS-400140, must be received by EPA on or before December 16, 1999.

**ADDRESSES:** Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the SUPPLEMENTARY INFORMATION section of this document.

**FOR FURTHER INFORMATION CONTACT:** For technical information on this action contact: Daniel R. Bushman, Petitions

Coordinator, Environmental Protection Agency, Mail Code 7408, 401 M St., SW., Washington, DC 20460; telephone number 202-260-3882, e-mail address: [bushman.daniel@epa.gov](mailto:bushman.daniel@epa.gov). For general information on EPCRA section 313, contact the Emergency Planning and Community Right-to-Know Hotline, Environmental Protection Agency, Mail Code 5101, 401 M St., SW., Washington, DC 20460, Toll free: 1-800-535-0202, in Virginia and Alaska: 703-412-9877 or Toll free TDD: 1-800-553-7672.

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this Action Apply to Me?

You may be potentially affected by this action if you manufacture, process, or otherwise use lead or lead compounds. Potentially affected categories and entities may include, but are not limited to:

Category	Examples of Potentially Affected Entities
Industry	Facilities that: process copper ores, lead and zinc ores; operate pulp mills, petroleum refineries, primary copper smelters, primary and secondary nonferrous metal smelters, gray/ductile iron foundries, steel foundries, blast furnaces, steel mills, petroleum bulk stations and terminals, industrial boilers that burn coal, wood, petroleum products, and electric utilities that combust coal and/or oil for distribution of electricity in commerce; facilities that manufacture, process, or use inorganic pigments, small arms ammunition, asphalt paving mixtures and blocks, storage batteries, motor vehicles and motor vehicle equipment; manufacture electronic components and accessories.
Federal Government	Federal facilities that: manufacture, process, or use lead or lead compounds; burn coal or petroleum products.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. To determine whether your

facility would be affected by this action, you should carefully examine the applicability criteria in part 372, subpart B of Title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding "FOR FURTHER INFORMATION CONTACT" section.

**B. How Can I Get Additional Information or Copies of this Document or Other Support Documents?**

1. *Electronically.* You may obtain electronic copies of this document from the EPA Internet Home Page at <http://www.epa.gov/>. On the Home Page select "Laws and Regulations" and then look up the entry for this document under the "Federal Register--Environmental Documents." You can also go directly to the "Federal Register" listings at <http://www.epa.gov/fedrgstr/>.

2. *In person.* The Agency has established an official record for this action under docket control number OPPTS-400140. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B-607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260-7099.

**C. How and to Whom Do I Submit Comments?**

You may submit comments through the mail, in person, or electronically. Be sure to identify the appropriate docket control number (i.e., "OPPTS-400140") in your correspondence.

1. *By mail.* Submit written comments to: Document Control Office (7407), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: OPPT Document Control Office (DCO) in the East Tower

Rm. G-099, Waterside Mall, 401 M St., SW., Washington, DC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is: 202-260-7093.

3. *Electronically.* Submit your comments electronically by E-mail to: "oppt.ncic@epamail.epa.gov." Please note that you should not submit any information electronically that you consider to be CBI. 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 standard computer disks in WordPerfect 6.1/8.0 or ASCII file format. All comments and data in electronic form must be identified by the docket control number OPPTS-400140. Electronic comments on this proposal may also be filed online at many Federal Depository Libraries.

**D. How Should I Handle CBI Information that I Want to Submit to the Agency?**

You may claim information that you submit in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult with the technical person identified in the "FOR FURTHER INFORMATION CONTACT" section.

**II. Background Information**

**A. What Does this Notice Do and What Action Does this Notice Affect?**

This document extends the comment period for EPA's August 3, 1999 proposed rule (64 FR 42222) (FRL-6081-4) to lower the reporting thresholds for lead and lead compounds which are subject to reporting under EPCRA section 313 and PPA section 6607. EPA proposed the lowering of the reporting thresholds for lead and lead compounds pursuant to its authority under EPCRA section 313(f)(2) to revise reporting thresholds. The August 3, 1999 proposed rule also included a limitation on the reporting of lead when contained in certain alloys and proposed modifications to certain reporting exemptions and requirements for lead and lead compounds.

**B. Why and for How Long is EPA Extending the Comment Period?**

EPA noted in the initial extension (64 FR 51093, September 21, 1999) (FRL-6382-9) that it had received requests from a number of groups to extend the comment period for the August 3, 1999 proposed rule. Since that time, EPA has received requests for an additional extension from a number of groups, including small businesses. In order to ensure adequate opportunities for input from all affected parties, including small businesses, EPA has determined that extending the comment period is an appropriate action and will not cause significant delay in the evaluation of the proposed rule. Therefore, EPA is extending the comment period on the August 3, 1999 proposed rule by another 45 days. All comments must be received by December 16, 1999.

**III. Do Any of the Regulatory Assessment Requirements Apply to this Action?**

No. As indicated previously, this action merely announces the extension of the comment period for the proposed rule. This action does not impose any new requirements. As such, this action does not require review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). Nor does it require prior consultation with State, local, and Tribal government officials as specified by Executive Order 12875, entitled *Enhancing Intergovernmental Partnerships* (58 FR 58093, October 28, 1993) and Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), or special consideration of environmental justice related issues under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994) or require OMB review in accordance with Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). The

Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 12612, entitled *Federalism* (52 FR 41685, October 30, 1987). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note). In addition, since this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*). EPA's compliance with these statutes and Executive Orders for the underlying proposed rule, is discussed in the preamble to the proposed rule (64 FR 42222).

#### List of Subjects in 40 CFR Part 372

Environmental protection, Chemicals, Community right-to-know, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements, Superfund.

Dated: October 25, 1999.

**Susan H. Wayland,**

*Deputy Assistant Administrator for Prevention, Pesticides and Toxic Substances.*

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BILLING CODE 6560-50-F

## DEPARTMENT OF TRANSPORTATION

### Office of Motor Carrier Safety

#### 49 CFR Part 392

[Docket No. OMCS-98-4202]

#### Railroad-Highway Grade Crossing; Safe Clearance; Public Meeting

**AGENCY:** Office of Motor Carrier Safety (OMCS), DOT.

**ACTION:** Proposed rule; public meeting.

**SUMMARY:** This document announces a public meeting to discuss the problem of railroad-highway grade crossing crashes involving commercial motor vehicles (CMVs) in general, and specifically crashes in which the CMV was struck by a train because the driver of the CMV, for whatever reason, stopped the vehicle prior to clearing the railroad track. The meeting is intended to promote the sharing of information

between the Office of Motor Carrier Safety (OMCS), the Federal Highway Administration (FHWA), the Federal Railroad Administration (FRA); State agencies with responsibilities related to railroad-highway grade crossing safety; motor carriers, and rail carriers; and interested parties concerning the adequacy of current Federal and State laws and regulations governing the operation of CMVs at grade crossings, and devices and technologies that could be installed at these locations to help reduce the incidence of CMV-train crashes. The meeting will include presentations by the OMCS, the FHWA, and the FRA explaining their respective roles. The agencies would provide all interested parties with an opportunity to voice their concerns about the adequacy of current Federal and State requirements and present suggestions or recommendations for practical ways to reduce the incidence of railroad-highway grade crossing crashes.

**DATES:** The meeting will be held on Tuesday, November 9, 1999. The meeting will begin at 9:30 a.m. and end at 4:30 p.m.

**ADDRESSES:** The meeting will be held in Room 2230, Nassif Building, DOT Headquarters, 400 Seventh Street, SW., Washington, DC. 20590

**FOR FURTHER INFORMATION CONTACT:** Mr. David M. Lehrman, Office of Motor Carrier Safety (202) 366-0994; or Mr. Charles E. Medalen, Office of the Chief Counsel, HCC-20, (202) 366-1354, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may reach the Office of the Federal Register's home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's database at: <http://www.access.gpo.gov/nara>.

##### Creation of New Agency

Section 338 of the FY 2000 Department of Transportation and Related Agencies Appropriations Act prohibits the expenditure of any funds appropriated by that Act "to carry out the functions and operations of the Office of Motor Carriers within the Federal Highway Administration" (Public Law 106-69, October 9, 1999,

113 Stat. 986, at 1022). Section 338 further provides that, if the authority of the Secretary of Transportation on which the functions and operations of the Office of Motor Carriers are based is redelegated outside the FHWA, the funds available to that Office under the Act may be transferred and expended to support its functions and operations.

The Secretary has rescinded the authority previously delegated to the FHWA to perform motor carrier functions and operations. This authority has been redelegated to the Director, Office of Motor Carrier Safety (OMCS), a new office within the Department of Transportation (64 FR 56270, October 19, 1999).

The new OMCS includes the following headquarters offices of the FHWA's former Office of Motor Carrier and Highway Safety (OMCHS): the Office of Motor Carrier Research and Standards, the Office of Data Analysis and Information Systems, the Office of Motor Carrier Enforcement, the Office of Policy and Program Management, the Office of National and International Safety Programs, the Office of Technology Evaluation and Deployment, and the Office of Program Evaluation. However, the Office of Highway Safety Infrastructure remains part of the FHWA. In addition, the motor carrier functions of the FHWA's Resource Centers and Division (i.e., State) Offices have been transferred to OMCS Resource Centers and OMCS Division Offices, respectively. Rulemaking, enforcement and other activities of the OMCHS while part of the FHWA will be continued by the new OMCS. The redelegation will cause no changes in the motor carrier functions and operations of the offices or resource centers listed above. For the time being, all phone numbers and addresses are unchanged.

##### Background

On August 26, 1994, the President signed the Hazardous Materials Transportation Authorization Act of 1994 (Public Law 103-311, 108 Stat. 1673) (the Act). Section 112 of the Act requires the Secretary of Transportation to amend the Federal Motor Carrier Safety Regulations to prohibit the driver of any CMV from driving a motor vehicle onto a railroad-highway grade crossing without having sufficient space to drive completely through the crossing without stopping.

On July 30, 1998 (63 FR 40691), the OMCS published a notice of proposed rulemaking (NPRM) to implement the statutory mandate. The NPRM also sought comments and information about the number of railroad grade crossings