

to be mounted on the same cantilevered device as the railroad flashing lights in situations where the highway-rail grade crossing and the highway intersection are in close proximity and when determined feasible by an engineering study.

#### Rulemaking Analysis and Notices

All comments received before the close of business on the comment closing date indicated above will be considered and will be available for examination in the docket at the above address. Comments received after the comment closing date will be filed in the docket and will be considered to the extent practicable, but the FHWA may issue a final rule at any time after the close of the comment period. In addition to late comments, the FHWA will also continue to file in the docket relevant information that becomes available after the comment closing date, and interested persons should continue to examine the docket for new material.

#### Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined preliminarily that this action will not be a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of Department of Transportation regulatory policies and procedures. It is anticipated that the economic impact of this rulemaking would be minimal. The new standards and other changes proposed in this notice are intended to improve traffic operations and safety, and provide additional guidance, clarification, and optional applications for traffic control devices. The FHWA expects that these proposed changes will create uniformity and enhance safety and mobility at little additional expense to public agencies or the motoring public. Therefore, a full regulatory evaluation is not required.

#### Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601-612), the FHWA has evaluated the effects of this proposed action on small entities. This notice of proposed rulemaking adds some new and alternative traffic control devices and traffic control device applications. The proposed new standards and other changes are intended to improve traffic operations and safety, expand guidance, and clarify application of traffic control devices. The FHWA hereby certifies that these proposed revisions would not have a

significant economic impact on a substantial number of small entities.

#### Unfunded Mandates Reform Act of 1995

This proposed rule would not impose a Federal mandate resulting in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year (2 U.S.C. 1532).

#### Executive Order 13132 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, dated August 4, 1999, and it has been determined that this action does not have a substantial direct effect or sufficient federalism implications on States that would limit the policymaking discretion of the States. Nothing in this document directly preempts any State law or regulation. The MUTCD is incorporated by reference in 23 CFR part 655, subpart F, which requires that changes to the national standards issued by the FHWA shall be adopted by the States or other Federal agencies within two years of issuance. The proposed amendment is in keeping with the Secretary of Transportation's authority under 23 U.S.C. 109(d), 315, and 402(a) to promulgate uniform guidelines to promote the safe and efficient use of the highway. To the extent that this amendment would override any existing State requirements regarding traffic control devices, it does so in the interests of national uniformity.

#### Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

#### Paperwork Reduction Act

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

#### Executive Order 12988 (Civil Justice Reform)

This action meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### Executive Order 13045 (Protection of Children)

We have analyzed this action under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or safety that may disproportionately affect children.

#### Executive Order 12630 (Taking of Private Property)

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### National Environmental Policy Act

The agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

#### Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

#### List of Subjects in 23 CFR Part 655

Design standards, Grant programs—transportation, Highways and roads, Incorporation by reference, Signs, Traffic regulations.

**Authority:** 23 U.S.C. 109(d), 114(a), 315, and 402(a); 23 CFR 1.32; 49 CFR 1.48.

Issued on: December 13, 1999.

**Kenneth R. Wykle,**

*Federal Highway Administrator.*

[FR Doc. 99-32907 Filed 12-20-99; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 2

[FRL-6513-1]

### Elimination of Special Treatment for Category of Confidential Business Information: Extension of the Comment Period

**AGENCY:** Environmental Protection Agency.

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

**SUMMARY:** On October 25, 1999, the Environmental Protection Agency (EPA) published a notice in the **Federal Register** (64 FR 57421) proposing to amend its regulations to eliminate the special treatment given to a category of confidential business information (CBI). This category of information includes comments received from businesses to substantiate their claims of confidentiality for previously submitted information (a "substantiation"). Under EPA's current regulations (40 CFR 2.205 (c)), if a substantiation is properly marked as confidential when received by EPA (in accordance with 40 CFR 2.203(b)) and not otherwise possessed by EPA, the substantiation "will be regarded as entitled to confidential treatment and will not be disclosed by EPA without the [submitter's] consent, unless its disclosure is duly ordered by a Federal court, notwithstanding other provisions of this subpart to the contrary." EPA proposes to amend its regulations to remove this provision, so that substantiations will be treated in exactly the same way as other information requested under FOIA and claimed as confidential. EPA believes that the special treatment of substantiations under 40 CFR 2.205 (c) is not necessary to encourage businesses to submit sufficient information to support their confidentiality claims and that its CBI determination procedures (40 CFR part 2, subpart B) provide adequate safeguards to prevent the improper release of additional CBI contained in a submitter's substantiation. In addition, the removal of this provision will bring EPA into conformity with other Federal agencies which do not provide special treatment for substantiations.

As detailed in 64 FR 57421, EPA originally sought comments on the proposed rule by December 27, 1999. In response to requests from interested parties for additional time to analyze and comment on the proposed rule, EPA hereby extends the comment period for 30 days to January 26, 2000.

**DATES:** Comments on the proposed rule must be submitted by January 26, 2000.

**ADDRESSES:** Written comments on this proposed rule should be addressed to Rebecca Moser, Environmental Protection Agency, Office of Environmental Information (Mail Code 2822), 401 M Street, SW, Washington, DC 20460. Documents related to this proposed rule will be available for public inspection and viewing by appointment.

**FOR FURTHER INFORMATION CONTACT:** Rebecca Moser, (202) 260-6780.

Dated: December 13, 1999.

**Margaret N. Schneider,**

*Acting Assistant Administrator, Office of Environmental Information.*

[FR Doc. 99-33029 Filed 12-20-99; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 141 and 142

[WH-FRL-6513-5]

RIN 2040-AA94

### National Primary Drinking Water Regulations; Radon-222

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

**ACTION:** Proposed radon in drinking water rule; notice of extension of public comment period.

**SUMMARY:** Today, the Environmental Protection Agency (EPA) is providing notice to extend the public comment period for the proposed rule that would provide a multimedia approach to reducing radon risks in indoor air (where the problem is greatest), while protecting public health from the highest levels of radon in drinking water (40 CFR Parts 141 and 142). The proposed rule for radon in drinking water was published in the **Federal Register** on November 2, 1999 (64 FR 59246).

**DATES:** EPA must receive public comments, in writing, on the proposed regulations by February 4, 2000. Comments provided electronically will be considered timely if they are submitted electronically by 11:59 p.m. (Eastern time) February 4, 2000.

**ADDRESSES:** You may send written comments to the Radon-222, W-99-08 Comments Clerk, Water Docket (MC-4101); U.S. Environmental Protection Agency; 401 M Street, SW., Washington, DC 20460. Comments may be hand-delivered to the Water Docket, U.S. Environmental Protection Agency; 401 M Street, SW., East Tower Basement, Washington, DC 20460. Comments may be submitted electronically to *ow-docket@epamail.epa.gov*. Electronic comments must be submitted as an ASCII, WP6.1, or WP8 file avoiding the use of special characters and any form of encryption. Electronic comments must be identified by the docket number W-99-08. Comments and data will also be accepted on disks in WP6.1, WP8, or ASCII format. Electronic comments on

this action may be filed online at many Federal Depository libraries.

Please submit a copy of any references cited in your comments. Facsimiles (faxes) cannot be accepted. EPA would appreciate one original and three copies of your comments and enclosures (including any references). Commenters who would like EPA to acknowledge receipt of their comments should include a self-addressed, stamped envelope.

The proposed rule and supporting documents, including public comments, are available for review in the Water Docket at the address listed previously. The Docket also has several of the key supporting documents electronically available as PDF files. For information on how to access Docket materials, please call (202) 260-3027 between 9 a.m. and 3:30 p.m. Eastern Time, Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** For general information on radon in drinking water, contact the Safe Drinking Water Hotline, phone (800) 426-4791. The Safe Drinking Water Hotline is open Monday through Friday, excluding Federal holidays, from 9:00 a.m. to 5:30 p.m. Eastern Time. For technical inquiries regarding the proposed regulations, contact Sylvia Malm, Office of Ground Water and Drinking Water, U.S. Environmental Protection Agency (mailcode 4607), 401 M Street, SW, Washington DC, 20460. Phone: (202) 260-0417. E-mail: *malm.sylvia@epa.gov*. For inquiries regarding the proposed multimedia mitigation program, contact Anita Schmidt, Office of Radiation and Indoor Air, U.S. Environmental Protection Agency, (mailcode 6609J), 401 M Street, SW, Washington, DC, 20460. Phone: (202) 564-9452. E-mail: *schmidt.anita@epa.gov*. For general information on radon in indoor air, contact the Radon Hotline at 1-800-SOS-RADON (1-800-767-7236).

**SUPPLEMENTARY INFORMATION:** On November 2, 1999, EPA published the proposed regulation for radon in drinking water, 40 CFR Parts 141 and 142 (64 FR 59246). The November 2 notice provided a deadline of 60 days from the date of publication for receipt of public comments. Since the publication date, EPA has received requests to extend the comment period to allow sufficient time for all parties potentially impacted by this proposal to consider and provide comprehensive comments. In response to these requests, EPA has decided to extend the public comment period by an additional 30 days to February 4, 2000.