

inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; or at the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Copies of state-specific materials may be reviewed at each respective state's offices, at: the Delaware Department of Natural Resources & Environmental Control, 89 Kings Highway, Dover, Delaware 19903; the Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224; the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105; or at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia, 23219.

**FOR FURTHER INFORMATION CONTACT:** Brian K. Rehn, (215) 814-2176, at the EPA Region III address above, or by e-mail at Rehn.Brian@epa.gov.

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

Dated: November 18, 1999.

**Alvin R. Morris,**

*Acting Regional Administrator, Region III.*

[FR Doc. 99-33028 Filed 12-27-99; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 63

[FRL-6514-4]

#### Section 112(l) Proposal of the State of Florida's Rule Adjustment to the National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve the adjustment of the "National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities," (PERC) National Emission Standards for Hazardous Air Pollutants (NESHAP), delegated to the Florida Department of Environmental Protection (FDEP). This PERC NESHAP delegated to the State of

Florida is approved through the section 112(l) procedures outlined in 40 CFR 63.92 and 63.91 of section 112 of the Clean Air Act as amended in 1990. On April 9, 1999, the State of Florida submitted a request for adjustment to the requirements of 40 CFR 63.10(b)5. The requested adjustment by FDEP would allow the periodic startup, shutdown, and malfunction reports in 40 CFR 63.10(d)5 of the General Provisions, to be retained on site at area source PERC NESHAP affected facilities instead of submitting them to the delegated agency. EPA has reviewed this 112(l) adjustment request and determined that the FDEP has satisfied the necessary criteria of a complete submittal as specified in 63.92 and 63.91.

In the Final Rules section of this **Federal Register**, EPA is approving the section 112(l) adjustment of Florida's delegated PERC NESHAP as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the 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. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

**DATES:** Written comments must be received on or before January 27, 2000.

**ADDRESSES:** All comments should be addressed to: Leonardo Ceron, U.S. Environmental Protection Agency, Region 4, Air and Radiation Technology Branch, Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, Georgia 30303; ceron.leonardo@epamail.epa.gov. Copies of Florida's original submittal and accompanying documentation are available for public review during normal business hours, at the address listed above.

**FOR FURTHER INFORMATION CONTACT:** Leonardo Ceron, U.S. Environmental Protection Agency, Region 4, Air and Radiation Technology Branch, Atlanta Federal Center, 61 Forsyth Street S.W., Atlanta, GA 30303, Phone: (404) 562-9129; ceron.leonardo@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** For additional information, see the direct final rule which is published in the Rules section of this **Federal Register**.

Dated: December 3, 1999.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

[FR Doc. 99-33330 Filed 12-27-99; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Parts 171, 172, 173, 174, 175, 176, 177, 178, 179, 180

[Docket No. RSPA-99-6283 (HM-230)]

RIN 2137-AD39

#### Hazardous Materials Regulations; Compatibility With the Regulations of the International Atomic Energy Agency

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** RSPA is considering issuing a notice of proposed rulemaking (NPRM) proposing to amend requirements in the Hazardous Materials Regulations (HMR) pertaining to the transportation of radioactive materials based on recent changes contained in the International Atomic Energy Agency (IAEA) publication, entitled "IAEA Safety Standards Series: Regulations for the Safe Transport of Radioactive Material, 1996 Edition, Requirements, No. ST-1" (hereafter referred to as ST-1). The purpose of this rulemaking initiative is to harmonize requirements of the HMR with international standards for hazardous materials. Comments are requested from interested persons concerning the scope of the NPRM, *i.e.*, extent to which differences between the HMR and the IAEA publication ST-1 should be considered in proposing changes to the HMR.

**DATES:** Submit comments by March 29, 2000. To the extent practicable, we will consider comments received after this date.

**ADDRESSES:** Submit written comments to the Dockets Management System, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, D.C. 20590-0001. Comments should refer to Docket Number RSPA-99-6283 and be submitted in two copies. If you wish to receive confirmation of receipt of your written comments, include a self-addressed, stamped postcard.

Comments may also be submitted to the docket electronically by logging onto the Dockets Management System website at <http://dms.dot.gov>. Click on "Help &

Information” to obtain instructions for filing the comment electronically. In every case, the comment should refer to the Docket number “RSPA-99-6283”.

The Dockets Management System is located on the Plaza level of the Nassif Building at the Department of Transportation at the above address. You can review public dockets there between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. You can also review comments on-line at the DOT Dockets Management System web site at “<http://dms.dot.gov/>.”

**FOR FURTHER INFORMATION CONTACT:** Dr. Fred D. Ferate II, Office of Hazardous Materials Technology, (202) 366-4545, or Charles E. Betts, Office of Hazardous Materials Standards, (202) 366-8553; RSPA, U.S. Department of Transportation, 400 Seventh Street SW, Washington, DC 20590-0001.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

In 1958, at the request of the Economic and Social Council of the United Nations, the IAEA undertook the development of international regulations for the safe transportation of radioactive materials. The IAEA published its initial regulations in 1961, and recommended these to member states as the basis for national regulations and for application to international transportation. Most nations have since adopted the IAEA regulations as a basis for national regulations governing the transportation of radioactive materials.

In 1967, after extensive revisions, the IAEA published its regulations entitled “Regulations for the Safe Transport of Radioactive Materials, Safety Series No. 6.” In October 1968, DOT published amendments for radioactive materials which were in substantial conformance with the 1967 IAEA regulations (Docket HM-2, 33 FR 14918).

Based on work done by participants from member states, including the U.S., the IAEA issued two subsequent major updates of Safety Series No. 6, in 1973 and 1985. On March 10, 1983, RSPA published a final rule (Docket HM-169, 48 FR 10218), bringing the HMR requirements relating to the transportation of radioactive materials into alignment with the 1973 IAEA regulations. On September 28, 1995, RSPA published a final rule (Docket HM-169A, 60 FR 50291) that revised the radioactive materials requirements in the HMR to align them with the 1985 revision of Safety Series No. 6. In each case, DOT coordinated these revisions to the HMR with the Nuclear Regulatory

Commission (NRC), which concurrently revised 10 CFR 71, and in each case these revisions made the United States radioactive material transport regulations compatible with those of most other industrialized nations.

Following the major revisions of Safety Series No. 6 in 1973 and 1985, the IAEA published the most recent major revision in 1996; at this time Safety Series No. 6 became ST-1. Copies of ST-1 may be obtained from the U. S. distributor, Bernan Associates, 4611-F Assembly Drive, Lanham, MD 20706-4391, telephone (301) 459-7666.

The ST-1 requirements listed in the following section are under consideration for possible incorporation into the HMR. Concepts described there which are not presently found in the HMR are: nuclide-specific activity concentration and consignment activity thresholds, the criticality safety index (CSI), the fissile label, compliance with ISO Standard 7195 for uranium hexafluoride packages, the use of Certificates of Competent Authority for international shipments of these packages, the definition of contamination, Type C packages, and low dispersible material. The remaining changes listed are modifications of present concepts or practices.

As in past rulemakings to incorporate updates of the international regulations into the HMR, RSPA will work in close coordination with the NRC in developing this rulemaking.

**II. Areas of Regulatory Concern**

A partial list of ST-1 requirements under consideration for incorporation in the HMR is given below. With the one exception indicated in item 5 below, the listed items differ from both the present requirements in Safety Series No. 6, 1985 Edition and in the HMR. These ST-1 requirements have been grouped into the following seven areas. Interested persons are invited to review and comment on these areas, and to identify other related issues RSPA should address in any further rulemaking under this docket. Sections, paragraphs and tables cited below are from ST-1.

**1. Scope**

The scope of ST-1 is described in paragraphs 106 through 109 of that document. For the most part, changes from Safety Series No. 6 are minor; for example, the wording has been modified to indicate that the regulations apply to the repair of packagings, as well as their design, fabrication, and maintenance. Whereas previously the regulations were said to apply to the preparation, consigning, handling,

carriage, storage in transit, and receipt of packages, the word “handling” has been removed and the words “loading” and “unloading” added, and these actions are now applied to “loads of radioactive material and packages.” Three severity levels have been defined to aid in the application of a graded approach to the performance standards: routine (incident free), normal (minor mishaps), and accident conditions of transport. Note that a certain subset of naturally occurring radioactive materials is excluded from consideration (paragraph 107).

**2. Nuclide-Specific Thresholds**

ST-1 introduces nuclide-specific activity concentrations below which materials are exempt from the transportation requirements for radioactive materials. In addition, it lists nuclide-specific activity values such that a consignment with an activity below that value is also exempt from the transportation requirements for radioactive materials. These nuclide-specific thresholds, and the  $A_1$  and  $A_2$  values for maximum activity permitted in a Type A package, are found in Tables I and II of Section IV, and related information is given in paragraphs 401 through 406. Many  $A_1$  and  $A_2$  values have been adjusted to reflect more recent dosimetric data; in general, the adjustments are not large.

**3. Communication Changes**

Proper shipping names and UN identification numbers are changed (Table VIII). UN identification numbers are now required to be marked on all packages, including excepted packages (paragraph 535). Activities must be expressed in SI units (paragraphs 543 and 549). The former criticality transport index (criticality TI) for fissile material has been abolished, and replaced with the criticality safety index (CSI) (paragraph 218); TI is now derived exclusively from the maximum radiation dose rate at one meter from the package (paragraphs 243, 526, 527). For fissile material, a fissile label is introduced, upon which the CSI must be displayed (Figure 5, paragraphs 544, 545).

**4. Uranium Hexafluoride**

There are specific performance and design requirements for packages containing uranium hexafluoride (paragraphs 629-632), including conformance with ISO Standard 7195, “Packaging of Uranium Hexafluoride ( $UF_6$ ) for Transport.” Competent Authority package design certificates are required for international shipments of uranium hexafluoride (paragraph 828).

### 5. Low Specific Activity (LSA) materials and Surface Contaminated Objects (SCO)

An additional category has been included under LSA-I (paragraph 226). The definition of contamination (paragraphs 214–216), while not new, was not included in the 49 CFR 173.403 definitions when the regulations in Safety Series No. 6, 1985 Edition were incorporated in the HMR. In addition to the tanks and freight containers presently authorized in the HMR, ST–1 also allows qualified tank containers and metal intermediate bulk containers to serve as industrial packagings, types 2 and 3 (IP–2 and IP–3; paragraphs 624–628).

### 6. Type B and Fissile Material Package Requirements

Upper limits have been set for the amount of activity which may be transported by air in Type B(U) and B(M) packages (paragraph 416). There is an enhanced water immersion test for Type B(U) and B(M) packages containing activities greater than  $10^5 A_2$  (paragraphs 657, 730). A definition of confinement system for fissile material is introduced (paragraphs 209, 678). Changes have been made in the conditions under which fissile materials may be excepted from the requirements for fissile packages (paragraph 672).

### 7. Other Changes

A Type C package is introduced for transport by air of activities larger than the upper limits for Type B(U) and B(M) packages (paragraphs 230, 667–670, 730, 734–737). Fissile material packages to be transported by air must be shown to remain subcritical under tests for Type C packages (paragraph 680 (a)). The concept of low dispersible material (LDM) is introduced as a new form of radioactive material which may be carried in a Type B(U) or B(M) package (paragraphs 225, 605, 663, 712). LDM must be certified as such by the Competent Authority (paragraphs 803, 804, 828, 830). Transitional requirements for packagings and special form materials manufactured under earlier revisions of Safety Series No. 6 are described in paragraphs 815–818.

### III. Request for Comments

Interested persons are invited to review and comment on any or all of the requirements in ST–1 which differ from current HMR requirements, and to identify related issues RSPA should address in any further rulemaking under this docket. Comments should focus on the potential for improved safety, as well as the ease or difficulty, and the advantages and disadvantages, of

complying with requirements of ST–1 that may be incorporated into the HMR. For example, do any of the new  $A_1$  or  $A_2$  values pose a problem? What effect would the use of nuclide-specific threshold activity concentrations and consignment activities have on safety and on your operations? How would the proposed proper shipping name changes, or the requirement for marking the UN identification number on all packages, affect what you do? What would be the effect of the ST–1 uranium hexafluoride packaging requirements? How important to safety is the ST–1 requirement to obtain a Competent Authority certificate for international shipments of uranium hexafluoride? Would safety be improved by incorporation of the new LSA–I category, or the use of metal intermediate bulk containers as IP–2 and IP–3 packagings? Would the activity limits on air transport of Type B packages, or the introduction of Type C packages and low dispersible material have a significant impact on safety, and what would be the effect on your operations?

Comments supporting a position for or against the adoption of a particular requirement should include a supporting justification for the position taken.

There are a number of additional issues that we must address in determining whether to adopt some or all of the provisions contained in ST–1. These include the analyses required under the following statutes and Executive Orders:

1. *Executive Order 12866: Regulatory Planning and Review.* Executive Order 12866 requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” We therefore request comments, including specific data if possible, concerning the costs and benefits that may be associated with the provisions in ST–1, including specific costs associated with adoption of any of the ST–1 provisions.

2. *Executive Order 13132: Federalism.* Federal hazardous materials transportation law (49 U.S.C. 5101 *et seq.*) preempts many state and local laws and regulations concerning hazardous materials transportation that are not the same as the federal requirements. Executive Order 13132 requires agencies to assure meaningful and timely input by state and local officials in the development of regulatory policies that may have a substantial, direct effect on the 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. We invite comments on the effect that adoption of some or all of the ST–1 provisions may have on state or local safety or environmental protection programs.

3. *Executive Order 13084: Consultation and Coordination with Indian Tribal Governments.* Executive Order 13084 requires agencies to assure meaningful and timely input from Indian tribal government representatives in the development of rules that “significantly or uniquely affect” Indian communities and that impose “substantial and direct compliance costs” on such communities. We invite Indian tribal governments to provide comments as to the effect that adoption of some or all of the proposals in ST–1 may have on Indian communities.

4. *Regulatory Flexibility Act.* Under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*), we must consider whether a proposed rule would have a significant economic impact on a substantial number of small entities. “Small entities” include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations under 50,000. We invite comments as to the economic impact that adoption of some or all of the provisions in ST–1 may have on small businesses.

### IV. ST–1 Resources

A copy of ST–1 may be reviewed in the RSPA Records Center between the hours of 8:30 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Records Center is located in Room 8421 of the Nassif Building, 400 Seventh Street, S.W., Washington, DC 20590–0001. Review requests should refer to the Docket number “RSPA–99–6283”. In addition, copies of ST–1 may be obtained from the U. S. distributor, Bernan Associates, 4611–F Assembly Drive, Lanham, MD 20706–4391, telephone (301) 459–7666.

### V. Regulatory Notices

#### A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This rulemaking is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not reviewed by the Office of Management and Budget. This rulemaking is not considered significant under the Regulatory Policies and

Procedures of the Department of Transportation (44 FR 11034).

#### *B. Regulation Identifier Number (RIN)*

A regulation identifier 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 number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

Issued in Washington, DC on December 22, 1999, under authority delegated in 49 CFR Part 106.

**Alan I. Roberts,**

*Associate Administrator for Hazardous Materials Safety.*

[FR Doc. 99-33580 Filed 12-27-99; 8:45 am]

**BILLING CODE 4910-60-P**

## **NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**

### **50 CFR Part 635**

[I.D. 121799E]

#### **Atlantic Highly Migratory Species Fisheries; Public Hearings; Advisory Panel Meeting**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public hearings and Advisory Panel meeting; request for comments.

**SUMMARY:** NMFS will hold 10 public hearings to receive comments from fishery participants and other members of the public regarding proposed regulations to implement time/area closures for Atlantic pelagic longline fishermen who hold highly migratory species (HMS) permits. To accommodate people unable to attend a hearing or wishing to provide written comments, NMFS also solicits written comments on the proposed rule. In addition, NMFS will hold a joint meeting of the HMS and Billfish Advisory Panels (APs), to discuss future fishery management actions and advise NMFS.

**DATES:** See **SUPPLEMENTARY INFORMATION** for meeting and hearing dates and times. Written comments on the proposed rule must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5:00 p.m., eastern standard time, on February 11, 2000.

**ADDRESSES:** See **SUPPLEMENTARY INFORMATION** for meeting and hearing

locations. For informational materials related to the AP meeting and copies of the draft Technical Memorandum and Supplemental Environmental Impact Statement/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (DSEIS/RIR/IRFA) contact Margo Schulze-Haugen or Jill Stevenson at 301-713-2347, or write to Rebecca Lent.

Written comments on the proposed rule should be sent to Rebecca Lent, Chief, Highly Migratory Species Management Division, Office of Sustainable Fisheries (F/SF1), National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Comments also may be sent via facsimile (fax) to 301-713-1917. Comments will not be accepted if submitted via e-mail or Internet.

**FOR FURTHER INFORMATION CONTACT:** Margo Schulze-Haugen or Jill Stevenson at 301-713-2347.

**SUPPLEMENTARY INFORMATION:** The proposed regulations that are the subject of the hearings are necessary to address requirements of the Magnuson-Stevens Fishery Conservation and Management Act for the conservation and management of HMS.

A complete description of the measures, and the purpose and need for the proposed actions, is contained in the proposed rule, published December 15, 1999 (64 FR 69982), and is not repeated here. Copies of the proposed rule may be obtained by writing (see **ADDRESSES**) or by calling one of the listed contact persons (see **FOR FURTHER INFORMATION CONTACT**).

NMFS is currently considering AP member nominations for the 2000-2002 period. NMFS will send out selection letters to new AP members shortly and announce the new AP members to constituents via the fax network.

#### **Hearing and Meeting Dates, Times, and Locations**

The public hearing schedule is as follows:

*Tuesday, January 4, 2000—Kill Devil Hills, NC, 7:00-9:30 p.m.*

Ramada Inn, 1701 S. Virginia Dare Trail, Kill Devil Hills, NC 27948

*Wednesday, January 5, 2000—Charleston, SC, 7:00-9:30 p.m.*

Department of Natural Resources, Marine Research Institute Auditorium, 217 Fort Johnson Road, Charleston, SC 29412

*Monday, January 10, 2000—Jacksonville, FL, 7:00-9:30 p.m.*

Omni Jacksonville Hotel, 245 Water Street, Jacksonville, FL 32202

*Tuesday, January 11, 2000—Fort Pierce, FL, 7:00-9:30 p.m.*

Radisson Resort North Hutchinson Island, 2600 North A1A, Fort Pierce, FL 34949

*Wednesday, January 12, 2000—Pompano Beach, FL, 7:00-9:30 p.m.*

Pompano Beach Civic Center, 1801 NE. 6<sup>th</sup> Street, Pompano Beach, FL 33060

*Thursday, January 13, 2000—Panama City, FL, 7:00-9:30 p.m.*

National Marine Fisheries Service, Panama City Laboratory, 3500 Delwood Beach Road, Panama City, FL 32408

*Tuesday, January 18, 2000—Gloucester, MA, 2:00-4:30 p.m.*

National Marine Fisheries Service, Northeast Region, One Blackburn Drive, Gloucester, MA 01930

*Wednesday, January 19, 2000—Fairhaven, MA, 7:00-9:30 p.m.*

Seaport Inn, 110 Middle Street, Fairhaven, MA 02719

*Tuesday, January 25, 2000—Port Aransas, TX, 7:00-9:30 p.m.*

University of Texas at Austin, Marine Science Institute, 750 Channel View Drive, Port Aransas, TX 78337

*Wednesday, January 26, 2000—Miami, FL, 7:00-9:30 p.m.*

Sheraton Biscayne Bay Hotel, 495 Brickell Avenue, Miami, FL 33131

*Wednesday, February 2, 2000—Atlantic City, NJ, 7:00-9:30 p.m.*

Atlantic Community College, 1535 Bacharach Boulevard, Atlantic City, NJ 08401

*Wednesday, February 9, 2000—Silver Spring, MD, 7:00-9:30 p.m.*

NOAA Science Center, 1301 East-West Highway, Silver Spring, MD 20190

The public hearing on February 9, 2000, will be held in conjunction with the AP meeting scheduled for that day. AP meetings are open to the public. The AP meeting schedule is as follows:

*Wednesday, February 9, 2000—Silver Spring, MD, 1:00 p.m. to 5:30 p.m.*

*Thursday, February 10, 2000—Silver Spring, MD, 8:00 a.m. to 6:00 p.m.*

*Friday, February 11, 2000—Silver Spring, MD, 8:00 a.m. to 1:00 p.m.*

NOAA Science Center, 1301 East-West Highway, Silver Spring, MD 20910.

The Advisory Panels will discuss the "1999 Stock Assessment and Fishery Evaluation for Atlantic Highly Migratory