

*National Environmental Policy Act*

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

*Paperwork Reduction Act*

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

*Regulatory Flexibility Act*

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

*Unfunded Mandates*

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

**List of Subjects in 30 CFR Part 946**

Intergovernmental relations, Surface mining, Underground mining.

Dated: November 3, 1999.

**Vann Weaver,**

*Acting Regional Director, Appalachian Regional Coordinating Center.*

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BILLING CODE 4310-05-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 372**

[OPPTS-400140C; FRL-6394-1]

RIN 2070-AD38

**Lead and Lead Compounds; Lowering of Reporting Thresholds; Community Right-to-Know Toxic Chemical Release Reporting; Public Meetings**

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

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

**SUMMARY:** EPA will hold public meetings to obtain comment on issues relating to the Agency's August 3, 1999 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). Currently, the EPCRA section 313 reporting thresholds for lead and lead compounds are 25,000 pounds manufactured or processed, or 10,000 pounds otherwise used. The August 3, 1999 proposed action would lower the threshold for each category to 10 pounds. EPA expects that the proposed action will significantly increase the number of reports submitted for lead and lead compounds, as well as result in a number of Toxic Release Inventory (TRI) facilities filing reports for the first time under EPCRA section 313 and section 6607 of PPA.

**DATES:** The first meeting will take place in Los Angeles, CA on November 30, 1999, from 9 a.m. to 3 p.m. The second meeting will take place in Chicago, IL on December 2, 1999, from 9 a.m. to 3 p.m. The third meeting will take place in Washington, DC on December 14, 1999, from 9 a.m. to 3 p.m.

**ADDRESSES:** The meeting in Los Angeles, CA will be held at the Junipero Serra State Building at 107 South Broadway in the auditorium, Room 1138 (1st and Broadway). The meeting in Chicago, IL will be held at the Environmental Protection Agency, the Lake Michigan Room (12th Floor), 77 West Jackson Boulevard. The meeting in Washington, DC will be held at the Environmental Protection Agency, Auditorium, Education Center, 401 M St., SW.

**FOR FURTHER INFORMATION CONTACT:** To sign up to speak at the meeting or for general information on section 313 of EPCRA, 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.

For technical information on the EPCRA section 313/PPA section 6607 lead and lead compounds proposed rulemaking contact: Daniel R. Bushman, 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.

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Does this Public Meeting Announcement Apply to Me?*

This announcement is directed to the public in general. It may, however, be of particular interest to facilities that manufacture, process, or otherwise use lead or lead compounds. Specific industry groups that may want to attend may include, but are not limited to: (1) Facilities in electronic components and accessories (SIC code 367), including printed circuit boards (SIC code 3672) that use lead-based solder, flux, cable coverings, piezoelectric ceramics or conduct other activities associated with lead and/or lead compounds; (2) facilities in motor vehicle and motor vehicle equipment (SIC code 371) that use bearing metals, casting metals, terne metals, solder, brake linings or conduct other activities associated with lead and/or lead compounds; (3) facilities in plating and polishing (SIC code 3471) that use zinc anodes or conduct other activities associated with lead and/or lead compounds; (4) facilities in printing and publishing (SIC code 27), including commercial printing (SIC code 275) that use inks containing lead in their pigment base or conduct other activities associated with lead and/or lead compounds; and (5) facilities in manufacturing industries (SIC codes 20-39) that combust coal, oil, or wood.

Other entities or individuals may also be interested in attending. The Agency has not, therefore, attempted to describe all the specific entities that may be interested in attending these public meetings. If you have any questions about the public meetings, please consult the technical person listed under "FOR FURTHER INFORMATION CONTACT."

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

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://>

www.epa.gov/. To access this document, 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/>.

You may access the proposed rule and other information about the TRI program from the TRI Home Page at <http://www.epa.gov/tri/>. An electronic version of the economic analysis of the potential impact of the proposed rule, which is contained in a document entitled "Economic Analysis of the Proposed Rule to Modify Reporting of Lead and Lead Compounds under EPCRA Section 313," is also available on the Internet at <http://www.epa.gov/opptintr/economics/new.htm/>.

2. *In person.* The Agency has established an official record for the related proposed rulemaking under docket control number OPPTS-400140. The official record consists of the documents specifically referenced in the proposed rule, any public comments received during the comment period, and other information related to the proposed rule, including any support documents and information claimed as Confidential Business Information (CBI). The 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, which includes printed, paper versions of any electronic comments that may be submitted during the 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.

## II. Background Information

Lead and lead compounds are toxic chemicals that persist and bioaccumulate in the environment. As the TRI program has evolved over time and as communities identify areas of special concern, EPA has recognized the need to modify thresholds and other aspects of the EPCRA section 313 reporting requirements to assure the collection and dissemination of relevant, topical information and data. Towards that end, EPA is proposing to increase the utility of the TRI to the public by lowering the reporting thresholds for lead and lead compounds. Lead and lead compounds, being persistent bioaccumulative toxic (PBT) chemicals, are of particular

concern because they remain in the environment for significant periods of time and concentrate in the organisms exposed to them. EPA believes it is important that the public understand that these PBT chemicals can have serious human health and environmental effects resulting from low levels of release and exposure. Lowering the reporting thresholds for lead and lead compounds would ensure that the public has important information on the quantities of these PBT chemicals released or otherwise managed as waste, that would not be reported under the current thresholds.

EPA issued a proposed rule on August 3, 1999 (64 FR 42222) (FRL-6081-4) to lower the reporting thresholds for lead and lead compounds which are subject to reporting under section 313 of EPCRA and section 6607 of 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. The comment period for the proposed rule was initially scheduled to close on September 17, 1999. On September 21, 1999, EPA issued a document (64 FR 51091) (FRL-6382-9) extending the comment period 45 days until November 1, 1999. On October 29, 1999, EPA issued a document (64 FR 58370) (FRL-6391-6) extending the comment period an additional 45 days until December 16, 1999.

On January 5, 1999 (64 FR 688) (FRL-6032-3), EPA proposed: (1) To lower the reporting thresholds for certain PBT chemicals that are subject to EPCRA section 313 and PPA section 6607; (2) to lower the reporting thresholds for dioxin and dioxin-like compounds, which were previously proposed for addition to the EPCRA section 313 list of toxic chemicals; and (3) to add certain PBT chemicals to the EPCRA section 313 list of toxic chemicals. On October 29, 1999, EPA finalized this rule (64 FR 58666) (FRL-6389-11) and it will take effect on December 31, 1999. For purposes of EPCRA section 313(d)(4), the chemical additions shall be considered made as of November 30, 1999, and shall apply for the reporting year beginning January 1, 2000. These PBT chemicals are of particular concern not only because they are toxic but because they remain in the environment for long periods of time, are not readily destroyed, and accumulate in body tissue. Relatively small releases of PBT chemicals can pose human and environmental health threats and consequently releases of these

chemicals warrant recognition by communities.

## III. Agency Request for Comments

### A. General Comments Requested

These meetings are intended to provide an additional opportunity for public comment on all aspects of the August 3, 1999 proposed rule to lower the EPCRA section 313 reporting thresholds for lead and lead compounds, as well as on the issues recently raised concerning the potential small business impacts of the proposed rule and the Agency's small entity impact analysis. As described in the August 3, 1999 proposed rule, EPA is specifically soliciting comments on how the proposed rule would affect EPCRA section 313 reporting on lead and lead compounds, the impacts these proposed changes would have on the burden of section 313 reporting for lead and lead compounds, and the benefits such reporting would provide the public.

The Agency is particularly interested in receiving comments on the general policy issues, as they apply to lead and lead compounds, that were discussed and raised for comment in Unit IX. of the preamble to the PBT proposed rule (see 64 FR 688, at 717). It is important for EPA to clarify that the August 3, 1999 proposal does not introduce any new issues beyond those associated with lead and lead compounds (e.g., persistence data for lead, bioaccumulation data for lead, estimated number of reports for lead). The Agency is therefore only seeking comments on the generic issues that relate specifically to the proposal to lower the reporting threshold for lead and lead compounds.

The changes that EPA is proposing to make to the reporting requirements for lead and lead compounds are discussed in detail in Unit VI. of the August 3, 1999 proposed rule, including the applicability to lead and lead compounds of the general amendments to EPCRA section 313 reporting requirements for PBT chemicals presented in the January 5, 1999 proposed PBT rule. Accordingly, comments on the following issues, which were previously identified and for which comment was sought in Unit IX. of the preamble to the proposed PBT rule (see 64 FR 688, at 717), are only requested on this proposal insofar as the comments relate particularly to lead and lead compounds: (1) Whether EPA should attempt to estimate the releases that would be reported at an "average" facility at each of the identified options for a lowered threshold, the appropriate methodology for estimating releases

from all affected industry sectors, and whether EPA should then use those estimates to select the lowered threshold that would capture some overall percentage of releases, e.g., 75 - 80%; (2) whether EPA should consider lowering the reporting thresholds for lead and lead compounds based on either persistence or bioaccumulation (rather than both); (3) whether EPA should consider other mechanisms for further minimizing the potential impacts associated with lowering the reporting thresholds for lead and lead compounds (i.e., it was suggested that EPA develop a modified Form A with thresholds more appropriate for lead and lead compounds, retain *de minimis* thresholds for lead and lead compounds (perhaps at a lower level)), retain whole number reporting, the half-pound rule, and range reporting for lead and lead compounds, establish an activity qualifier restricting the lower reporting threshold to the manufacture of lead and lead compounds, retaining the higher current thresholds with respect to import, process or use activities, and that EPA modulate the frequency of reporting.

#### *B. Comments Requested Specifically on Small Business Impacts*

The Agency is specifically interested in information concerning the potential small business impacts of the proposed rule. In particular, concerns have been raised recently regarding the Agency's outreach to small businesses potentially impacted by the proposed rule, and the Agency's analysis of the potential impacts on small businesses. It has been suggested, for example, that the methodologies used by the Agency in its analysis did not adequately identify all of the types of small businesses that could be potentially affected by the proposed rule, and that the Agency has not, therefore, properly estimated the potential impacts on small businesses.

The Agency's small entity analysis is contained in a document entitled "Economic Analysis of the Proposed Rule to Modify Reporting of Lead and Lead Compounds under EPCRA Section 313," which is available in the public version of the official record for the proposed rule and available electronically as described in Unit I.B.

As described in the Economic Analysis, EPA conducted a screening analysis of the potential impact of the proposed rule on small entities before making its determination that the proposal would not have a significant economic impact on a substantial number of small entities. Since EPA does not know the specific identity of every affected firm prior to reporting,

EPA modeled the characteristics of potentially affected firms. For the manufacturing industries (SIC codes 20-39), EPA developed separate revenue profiles based on "small" and "large" current TRI reporters. Firms were classified based on Small Business Administration size standard definitions. Within these two categories (i.e., small and large firms), EPA further categorized the small and large firms by looking at the firms with "low," "medium," and "high" revenues. For example, among small firms, EPA calculated the potential impact percentages for small firms with revenues at the 25th percent quartile, the 50th percent quartile, and the 75th percent quartile. These revenue quartiles represent small firms with low, medium, and high revenues.

Based on current "small" TRI reporting firms, EPA used a revenue value of \$4 million for the small manufacturing firm with "low" revenues (i.e., the 25th percent quartile). EPA's estimate of the average cost of filing a single TRI report on lead and lead compounds at a facility ranges from approximately \$3,600 to \$7,700 depending on the circumstances of the reporting facility. Therefore, the Agency's analysis indicates that a firm would not be expected to have an impact of greater than 1% of revenues in the first reporting year unless it had revenues of less than \$770,000 per affected facility. In subsequent reporting years, the firm would have to have revenues of less than \$360,000 per affected facility. Facilities that report to TRI must have at least 10 full-time employees.

EPA developed revenue profiles for small and large firms with low, medium, and high revenues within the manufacturing industries (SIC codes 20-39). EPA did not develop separate revenue profiles for small and large firms within each 4-digit SIC code. This approach was chosen to avoid double-counting expected reporting from facilities that both burn fuel and make other use of lead and lead compounds. Not all of the data that EPA identified is disaggregated to the 4-digit SIC code level. Therefore, EPA adjusted for double-counting at the manufacturing level. EPA also developed separate revenue profiles for small and large firms in other potentially affected industry groups, such as coal mining, electric utilities, and petroleum bulk terminals.

EPA is particularly interested in comments on the assumptions and methodologies used by the Agency in its analysis, including the following: The Agency's evaluation of the potential

impacts on small businesses within the aggregated manufacturing sectors (SIC codes 20-39) using revenue profiles that reflect the characteristics of typical small and large firms that currently report to TRI; the Agency's segmentation of potentially impacted small business into three main revenue levels for analytical purposes, and whether the smallest level (i.e., 25% quartile at \$4 million) is an appropriate revenue level for considering the potential impacts on the smallest of the small businesses that will be affected by the proposal; and whether the Agency's estimates of the average time to comply with the proposed rule should vary depending upon the size of the facility or firm, i.e., is the average cost or hourly burden of filing a single report greater for small businesses than for large businesses.

EPA is particularly interested in receiving information and/or detailed suggestions for improving EPA's methods of estimating the economic impact of the proposed rule on small entities and the number of small entities that may experience a significant economic impact. For example, EPA is interested in any available information relating to the following: (1) Categories of facilities not identified in the economic analysis that may be affected by the proposal; (2) the specific activities or processes associated with lead or lead compound manufacture, process, or otherwise use in the category; (3) the number of facilities with 10 or more full-time employees in the category that would be affected, in particular those facilities with annual revenues of less than \$770,000; (4) the estimated quantity of lead and lead compounds manufactured, processed, or otherwise used by facilities in the category; (5) the estimated quantity of lead and lead compounds released or otherwise managed as waste by facilities in the category; (6) possible firm-level revenues and/or profits for facilities in the category that would assist EPA in evaluating the financial resources available to comply with the proposed rule; and (7) any additional recommendations for reducing reporting burden associated with the proposed rule that provided communities with information about the release and waste management of PBT chemicals within their community, especially any such suggestions that specifically address the burdens on small businesses.

#### *C. Comments and Suggestions for Minimizing TRI Reporting Burdens*

EPA believes that the additional information provided by lowering the TRI reporting thresholds for PBT

chemicals, including lead and lead compounds, will be valuable to communities and will significantly enhance their knowledge about toxic chemical releases and other waste management activities that may be of concern to them. At the same time, EPA recognizes that the August 3, 1999 proposal, along with the rule lowering reporting thresholds for various other PBT chemicals (64 FR 58666), will increase the total burden imposed by the TRI program on facilities that must provide the information. EPA has therefore initiated a number of burden reducing activities in the TRI program to help minimize reporting burden, while continuing to provide communities with high quality right-to-know information to meet the goals and objectives of EPCRA section 313. For example, EPA is developing reporting guidance, including guidance specifically for small businesses, which will simplify and ease reporting burdens. These efforts include the development of intelligent reporting software with built-in error checking routines and calculation methodologies; the development of a single facility identification program for facilities that report to EPA; and the development of guidance to facilitate more consistent use of chemical nomenclature, reporting units, and time frames across different programs.

As a means of identifying other potential areas for reducing TRI reporting burden, EPA initiated an intensive stakeholder process to comprehensively evaluate current TRI reporting. An important part of this stakeholder process was a review conducted by the Toxics Data Reporting (TDR) Committee of the National Advisory Council on Environmental Policy and Technology (NACEPT). The TDR Committee report is available on the Internet at [www.epa.gov/tri](http://www.epa.gov/tri), and is also discussed in the proposed rule (see 64 FR 42222, at 42224). Although the TDR Committee did not reach final consensus on most issues, the TDR Committee presented various ideas for burden reduction, including the creation of an intelligent software program for reporters, the integration of reporting across programs, the provision of industry-specific guidance, the expansion of the EPCRA section 313 exemptions, and options for increasing eligibility for the alternate threshold as certified by Form A.

In addition to the TDR Committee report, EPA has received other suggestions for burden reduction in the TRI program. Although EPA has already requested comment on the suggestion that EPA effectively modify the

frequency of reporting for PBT chemicals (see 64 FR 688, at 718), and lead and lead compounds (Unit III.C. of the proposed rule), it has been suggested that EPA consider changing the frequency of reporting under EPCRA section 313 in general, i.e., require biennial reporting. EPA is requesting comment on the utility of biennial reporting and whether that approach would provide for significant burden reduction for affected facilities. EPA welcomes comment on the availability of information that would allow the Agency to make the requisite findings under EPCRA section 313(i)(3)(B), especially how consideration of alternate reporting requirements should pertain to the facilities in the recently added industry sectors for which first reports have just recently been received, the lack of readily available information on EPCRA section 313 chemicals from existing sources, and what available information may exist to allow EPA to address the requirements of the law.

EPA places great importance on reducing burden on the public and is currently considering the various suggestions it has received, including the ideas in the TDR Committee report, and others received from industry and other agencies. EPA welcomes additional suggestions, and specifically requests comment on the ideas presented in the TDR Committee report, particularly those that relate to burden reduction.

#### 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: November 9, 1999.

**Susan H. Wayland,**

*Deputy Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.*  
[FR Doc. 99-29716 Filed 11-12-99; 8:45 am]

BILLING CODE 6560-50-F

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### 43 CFR Part 1300

RIN: 1004-AC73

[WO-420-1430-00-24 1A]

#### Definitions

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** This publication withdraws a proposed rule that would have created a central glossary of definitions of terms used throughout the regulations of the Bureau of Land Management.

**DATES:** November 15, 1999.

**ADDRESSES:** Send suggestions and inquiries to Director (630), Bureau of Land Management, Room 401 LS, 1849 C Street, NW, Washington, D.C. 20240.

**FOR FURTHER INFORMATION CONTACT:** Ted Hudson at (202) 452-5042.

**SUPPLEMENTARY INFORMATION:** A rule proposing to create a central glossary of definitions, and proposing conforming amendments, was published in the **Federal Register** on November 19, 1996 (61 FR 58843). This proposed rule is withdrawn. The Department of the Interior plans no further action on this rule.

Dated: November 5, 1999.

**Sylvia V. Baca,**

*Acting Assistant Secretary of the Interior.*

[FR Doc. 99-29718 Filed 11-12-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. NHTSA 99-3881]

RIN No. 2127-AH21

#### Federal Motor Vehicle Safety Standards; Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect

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

**ACTION:** Withdrawal of rulemaking.

**SUMMARY:** This document withdraws the rulemaking in which NHTSA was considering whether to propose to amend its safety standard for transmission shift lever sequence. This rulemaking was in response to a petition received from BMW of North America, Inc. (BMW). BMW has been exploring the possibility of producing vehicles with electronically-controlled transmissions that do not use the conventional shift lever, but instead could employ shift mechanisms such as a rotary switch, keypad, touch screen, joystick, voice activation, or some other method. The joystick and other systems which employ lever-like designs, however, may not comply with requirements for the transmission shift lever sequence.