

proposes to revise the term "automatic gates" to "traffic gates." The purpose of the proposed change is that the FHWA believes the qualifier "automatic" is archaic in that most gates today are assumed to be automatic. Instead the FHWA believes "traffic" would be a more suitable qualifier.

12. In Section 10D.5, the FHWA proposes to include a special light rail transit traffic signal control indication. This signal indication would be recommended for control of light rail transit movements only. The indications are described as horizontal, diagonal, or vertical white bars. Additionally, the FHWA proposes to provide that the standard traffic control signal indications (typical red-, yellow-, green-ball and/or arrow) may also be used to control light rail transit movements.

Rulemaking Analyses 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 (Pub. L. 96-354, 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 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and the FHWA anticipates that this action would not have sufficient federalism implications to warrant the preparation of a federalism assessment. 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 amendments are 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.*

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.

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

Issued on: June 18, 1999.

Kenneth R. Wykle,

Federal Highway Administrator.

[FR Doc. 99-16138 Filed 6-23-99; 8:45 am]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. S-042]

RIN 1218-AB77

Employer Payment for Personal Protective Equipment

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Notice of Availability of Survey.

SUMMARY: The Occupational Safety and Health Administration (OSHA) has completed a survey of current patterns of personal protective equipment (PPE) payment and usage. We have submitted the survey to the docket of our rulemaking concerning employer payment for PPE (Docket S-042). The survey is available for review, and we invite the public to comment and testify on the survey. Also, OSHA is requesting information about the impact of the proposed rule on the shipyard industry.

DATES: *Written comments.* Written comments must be postmarked by July 23, 1999. If you submit comments electronically through OSHA's internet site, you must transmit those comments by July 23, 1999.

Informal public hearing. The hearing is scheduled to begin at 9:30 a.m. on August 10, 1999.

Notice of intention to appear, testimony, and documentary evidence. Notices of intention to appear at the informal public hearing must be postmarked by July 16, 1999. If you will be requesting more than 10 minutes for your presentation, or if you will be submitting documentary evidence at the hearing, you must submit the full text of your testimony and all documentary evidence to the Docket Office, postmarked by July 23, 1999.

ADDRESSES: *Survey.* The Survey is available from the OSHA Docket Office (Docket S-042), Room N-2625, U.S. Department of Labor, 200 Constitution Avenue, NW Washington, DC 20210. (Telephone: (202) 693-2350)

Informal public hearing. The hearing will be held in the auditorium of the U.S. Department of Labor (Frances Perkins Building), 200 Constitution Avenue, NW, Washington, DC

Comments, Testimony, and Documentary Evidence. Submit four copies of written comments, notices of intention to appear at the informal public hearing, testimony, and documentary evidence to the OSHA Docket Office at the address listed above. Please identify the document at the top of the first page as either a comment, notice of intention to appear, testimony, or documentary evidence. If your written comments are 10 pages or less, you may fax them to the Docket Office, but you must then submit a hard copy to the Docket Office postmarked within two days. The OSHA Docket Office fax number is (202) 693-1648.

You may also submit comments electronically through OSHA's Internet site. The URL of that site is as follows: <http://www.osha-slc.gov/e-comments/e-comments-ppe.html>. Please be aware that you may not attach materials such as studies or journal articles to your electronic comments. If you wish to include such materials, you must submit them separately in quadruplicate to the Docket Office at the address listed above. When submitting such materials to the Docket Office, you must clearly identify your electronic comments by name, date, and subject, so that we can attach them to your electronic comments.

SUPPLEMENTARY INFORMATION:

I. Background

On March 31, 1999, OSHA published a proposed rule (64 FR 15402) that would require employers to pay for required personal protective equipment, with limited exceptions for some types of protective footwear and protective eyewear.

We provided a written comment period and scheduled an informal public hearing to provide the public with opportunities to comment on the proposed rule and provide relevant data.

On May 24, 1999, OSHA published a **Federal Register** notice (64 FR 27941) rescheduling the hearing to begin on August 10, 1999, and extending the written comment period to July 23, 1999.

Survey. As discussed in the preamble of the proposed rule, OSHA conducted a nationwide telephone survey of employers to obtain more accurate data on current patterns of PPE payment and usage. The survey has been completed and is now available from the Docket Office (Docket S-042) for review and comment.

Issue concerning impact of proposed rule on collective bargaining agreements. After we issued the proposal, the Shipbuilders Council of America, a trade association of shipyards, contacted the Agency with concerns about the impact of the proposal on their members' collective bargaining agreements.

They told OSHA that the cost of welding gloves and other PPE, especially "leathers" worn to protect employees against welding sparks, slag, and molten metal, often is covered in their collective bargaining agreements. Some agreements split the cost between employers and employees, others cover the cost with pay premiums, others specify that employees pay for PPE. The Council also stated that the proposed rule would be very costly for its members.

OSHA did not specifically ask for comment on this exact issue in the proposal although we did note in the proposal that "the longshoring and marine terminal industries have a unique employer-employee relationship in many ports" (64 FR 15416). We asked if there were unique issues in these industries that should affect our considerations of the proposed rule.

Because of the concerns expressed by the Council, OSHA is interested in comments on whether requiring employers to pay for PPE, especially PPE such as "leathers" for welders, would impact the shipyard industry. Would collective bargaining agreements and hiring practices be affected? Would the kind of protective gear worn while

welding change because of the proposed rule? What would be the cost to shipyard employers of any change in payment practices?

II. Public Participation

Written Comments

Interested parties are invited to submit written data, views, and comments with respect to the survey discussed above, and the questions relating to the maritime industry. If you wish to file written comments, you must submit them in one of the following forms: (1) Hard copy, in quadruplicate; or (2) an original (hard copy) with 1 disk (3½" or 5¼") in WordPerfect 5.0, 5.1, 6.0, 8.0, or ASCII, to the Docket Office, Docket No. S-042, Room N2625, U.S. Department of Labor, 200 Constitution Ave. NW, Washington, DC 20210.

You may also submit written comments electronically, using OSHA's website: <http://www.osha-slc.gov/e-comments/e-comments-ppe.html>. However, please be aware that you cannot attach materials such as studies or journal articles to your electronic comment. If you wish to submit such materials to supplement your electronic comment, you must submit them separately (either in quadruplicate or in single copy plus diskette) to the Docket Office at the address noted above. You must clearly identify these materials by including your name and the date and subject of your electronic comments, so that we can attach the materials to your comments.

All comments, views, data, and arguments that we receive within the specified comment period will become part of the record and will be available for public inspection and copying at the above Docket Office address.

Informal Public Hearing

The informal public hearing will begin at 9:30 a.m. on August 10, 1999, in the auditorium of the Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC. We will continue the hearing through August 20, 1999, depending on the number of public participants.

If you wish to participate in the hearing, you must file four copies of a notice of intention to appear. This notice must be postmarked on or before July 16, 1999. Your notice of intention to appear, which will be available for inspection and copying at the OSHA Docket Office (Room N2625), must contain the following information:

1. The name, address, and telephone number of each person to appear;
2. The capacity in which the person will appear;

3. The approximate amount of time required for the presentation;
4. The issues that will be addressed;
5. A brief statement of the position that will be taken with respect to each issue; and,
6. Whether the party intends to submit documentary evidence and, if so, a brief summary of that evidence.

Mail the notice of intention to appear to: Docket Office, Docket S-042, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210. The telephone number of the Docket Office is (202) 693-2350.

You may also transmit your notice of intention to appear by facsimile to (202) 693-1648 (Attention: Docket S-042), by July 16, 1999, provided that you send an original and 3 copies of the notice to the Docket Office postmarked no more than 3 days later.

Filing of Testimony and Evidence Before the Hearing

If you request more than 10 minutes for your presentation at the hearing, or if you will be submitting documentary evidence, you must provide us with four copies of the complete text of the testimony and documentary evidence. One copy must not be stapled or bound and must be suitable for copying. You must provide the Docket Office with these materials postmarked no later than July 23, 1999.

We will review all testimony and evidence in light of the amount of time requested in the notice of intention to appear. If the information contained in a submission does not justify the amount of time requested, we will allocate a more appropriate amount of time and notify the participant of that fact prior to the informal public hearing.

If you do not submit your materials in accordance with the schedule and other requirements, we may limit your presentation to 10 minutes. We may also ask you to return for questioning at a later time.

Any party who has not filed a notice of intention to appear may be allowed to testify for no more than 10 minutes as time permits, at the discretion of the Administrative Law Judge, but will not be allowed to question witnesses.

Notices of intention to appear, testimony, and evidence will be available for copying at the Docket Office at the address noted above.

Signed at Washington, DC, this 21 day of June 1999.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 99-16142 Filed 6-23-99; 8:45 am]

BILLING CODE 4510-26-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-6364-5]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete Hebelka Auto Salvage Yard site from the National Priorities List; request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region III announces its intent to delete the Hebelka Auto Salvage Yard Site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended. EPA and the Pennsylvania Department of Environmental Protection (PADEP) have determined that all appropriate CERCLA response actions have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and PADEP have determined that remedial activities conducted at the Site to date have been protective of public health, welfare and the environment.

DATES: Comments concerning the proposed deletion of this site from the NPL may be submitted on or before July 26, 1999.

ADDRESSES: Comments may be submitted to Deanna Moultrie, (3HS21), Project Manager, U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, Pennsylvania, 19103, (215) 814-5125.

Comprehensive information on this site is available for viewing at the Site information repositories at the following locations: U.S. EPA, Region 3, Public Reading Room, 1650 Arch Street, Philadelphia, PA 19103, (215) 814-3157; Weisenberg Township Building, 2175 Seipstown Road, Fogelsville, PA 18051, (610) 285-6660.

FOR FURTHER INFORMATION CONTACT: Ms. Deanna Moultrie (3HS21), U.S. Environmental Protection Agency, Region 3, 1650 Arch Street, Philadelphia, PA, 19103, (215) 814-5125.

SUPPLEMENTARY INFORMATION:

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- II. NPL Deletion Criteria
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- IV. Basis for Intended Site Deletion

I. Introduction

The Environmental Protection Agency (EPA) Region III announces its intent to delete the Hebelka Auto Salvage Yard Site, Lehigh County, Pennsylvania, from the National Priorities List (NPL), Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and requests comments on this deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

EPA will accept comments on the proposal to delete this site from the NPL for thirty calendar days after publication of this document in the **Federal Register**.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses how the Site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA will consider whether any of the following criteria have been met:

(i) EPA, in consultation with PADEP, has determined that responsible or other parties have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented and EPA, in consultation with PADEP, has determined that no further cleanup by responsible parties is appropriate; or

(iii) Based on a remedial investigation, EPA, in consultation with PADEP, has determined that the release poses no significant threat to public health or the environment and therefore, taking remedial measures is not appropriate.