

**Authority:** 21 U.S.C. 321, 331, 351, 352, 353, 355, 371.

8. Section 369.21 is amended by revising the entry for "SODIUM GENTISATE." to read as follows:

**§ 369.21 Drugs; warning and caution statements required by regulations.**

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SODIUM GENTISATE. (See §§ 201.314 and 310.301(a)(2) of this chapter.)

**Warning**—Do not use in children under 6 years of age or use for prolonged period unless directed by physician.

"Keep out of reach of children. In case of overdose, get medical help or contact a Poison Control Center right away."

If offered for use in arthritis or rheumatism, in juxtaposition therewith, the statement:

**Caution**—If pain persists for more than 10 days, or redness is present, or in conditions affecting children under 12 years of age, consult a physician immediately.

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Dated: December 22, 1999.

**Margaret M. Dotzel,**

*Acting Associate Commissioner for Policy.*

[FR Doc. 99-34040 Filed 12-30-99; 8:45 am]

**BILLING CODE 4160-01-F**

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 23 CFR Part 655

[FHWA Docket Nos. 97-2295 (96-47), 97-2335 (96-15), and 97-3032]

RIN 2125-AD68

#### National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Standards for Center Line and Edge Line Markings

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Final amendments to the Manual on Uniform Traffic Control Devices (MUTCD).

**SUMMARY:** This document contains amendments to the MUTCD as adopted by the FHWA. The MUTCD is incorporated by reference in 23 CFR part 655, subpart F and recognized as the national standard for traffic control devices on all public roads.

The amendments herein change various sections of Part 3, Markings, of the MUTCD. The FHWA is adopting the amendments pursuant to section 406 of the Department of Transportation and Related Agencies Appropriations Act,

FY 1993, which requires that the MUTCD include a national standard to define the roads that must have center line or edge line markings or both, provided that in setting such a standard, consideration be given to the functional classification of roads, traffic volumes, and the number and width of lanes. The FHWA has also received requests to include such standards in the MUTCD for center line or edge line markings. The MUTCD amendments contain the requirements and recommendations for the uniform application and use of center line and edge line markings on streets and highways. The amendments are intended to improve traffic operations and safety through consistent and uniform use of such markings.

**DATES:** The final rule is effective January 3, 2000. Incorporation by reference of the publication listed in the regulations is approved by the Director of the Federal Register as of January 3, 2000.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ernest D. L. Huckaby, Office of Transportation Operations, HOTO, (202) 366-9064, or Mr. Raymond W. Cuprill, Office of the Chief Counsel (HCC-20), (202) 366-0834, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 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

Internet users may access all comments received by the U.S. DOT Dockets, Room PL-401, by using the universal resource locator (URL): <http://dms.dot.gov>. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

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>.

The text for these sections of the MUTCD is available from the FHWA Office of Transportation Operations (HOTO-1) or from the FHWA Home Page at the URL: <http://www.ohs.fhwa.dot.gov/devices/mutcd.html>. Please note that the current rewrite sections contained in this docket for MUTCD Part 3 will take approximately 8 weeks from the date of

publication before they will be available at this web site.

#### Background

The 1988 MUTCD is available for inspection and copying as prescribed in 49 CFR part 7. It may be purchased for \$57.00 (Domestic) or \$71.25 (Foreign) from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7954, Stock No. 650-001-00001-0. The purchase of the MUTCD includes the 1993 revision of Part 6, Standards and Guides for Traffic Controls for Street and Highway Construction, Maintenance, Utility and Incident Management Operation, dated September 1993.

The FHWA both receives and initiates requests for amendments to the MUTCD. Each request is assigned an identification number which indicates by Roman numeral, the organizational part of the MUTCD affected, and by Arabic numeral, the order in which the request was received. The MUTCD request identification number for the amendments promulgated by this final rule is MUTCD Request III-73 (Change), titled "Standards for Center Line and Edge Line Markings." The text changes will be published in the next edition of the MUTCD.

The FHWA is promulgating this final rule in response to MUTCD Request III-73 (Change) as addressed in the proposed rules in Docket Nos. 96-15 and 96-47, to MUTCD Request III-35 (Change) as addressed in Docket No. 87-21, and to section 406 of the Department of Transportation and Related Agencies Appropriations Act, FY 1993 (Pub. L. 102-388, 106 stat. 1520, at 1564). The FHWA rearranged its docket system to accord with the electronic system adopted by the Department of Transportation in 1997. The FHWA Docket Numbers 96-15 and 96-47 were transferred and scanned as FHWA Docket Numbers 97-2335 and 97-2295, respectively. The amendments to the MUTCD and the related actions are contained within this document as well as a discussion summarizing the basis for the amendments.

The FHWA first proposed center line and edge line standards that were published January 27, 1988, at 53 FR 2233 in response to MUTCD Request III-35 (Change). The majority of the commenters believed that the then existing standards did not need to be changed. The FHWA published a decision on January 23, 1989, at 54 FR 2298 that it was not appropriate to set national standards for centerline markings at that time. The decision also stated that the FHWA would consider

alternative actions to better determine standards that are responsive to the motorists needs and to the concerns expressed in the docket comments.

This document contains the disposition of proposed standards for the 1988 MUTCD as published on August 2, 1996, at 61 FR 40484. It also discusses the disposition of an alternative proposed standard subsequently published on January 6, 1997, at 62 FR 691 as part of the proposed future edition of the MUTCD.

In developing these amendments to the 1988 MUTCD, the FHWA has reviewed the comments received in response to the FHWA dockets and other information related to the MUTCD and the proposals.

#### Definitions

For the purposes of this standard, the following terms shall be defined by the road jurisdiction in accordance with MUTCD Section 1A-9, Definitions of Words and Phrases. The FHWA is considering, through a series of proposed rules, the addition of such terms and definitions in a future edition of the MUTCD. The proposed definitions of "arterial highway," "collector highway," and "traveled way" were contained in a proposed rule published at 62 FR 64324 on December 5, 1997, in FHWA Docket 97-3032. The other terms may be included in future proposed rulemaking for the future edition of the MUTCD based on need and public requests.

The following definitions should be used for the terms contained in the proposed rule and this final rule:

*Roadway* shall mean that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder even though such sidewalk, berm or shoulder is used by persons riding bicycles or other human powered vehicles. In the event a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such "roadway" separately but not to all such roadways collectively. Roadway includes parking lanes.

*Traveled way* shall mean that portion of the roadway excluding the parking lanes.

*Collector highway* shall mean a general term denoting a highway which in rural areas connects small towns and local highways to arterial highways, and in urban areas provides land access and traffic circulation within residential, commercial and business areas and connects local highways to the arterial highways. This highway may be

designated as part of a collector highway system.

*Arterial highway* shall mean a general term denoting a highway primarily used by through traffic, usually on a continuous route or a highway designated as part of an arterial highway system.

#### Amendments to the MUTCD

The FHWA replaces the fifth paragraph of section 3B-1 of the 1988 version of the MUTCD with the following:

Center line markings shall be placed on paved, 2-way traveled ways on streets and highways having one or more of the following characteristics:

1. Urban and rural arterials and collectors with traveled ways 6 meters (20 feet) or more in width with an ADT of 6000 or greater.

2. Urban and rural traveled ways with 3 lanes or greater.

Center line markings should be placed on paved, 2-way traveled ways on streets and highways having the following characteristics:

1. Urban arterials and collectors with traveled ways 6 meters (20 feet) or more in width with an ADT of 4000 or greater.

2. Rural arterials and collectors with traveled ways 5.4 meters (18 feet) or more in width with an ADT of 3000 or greater.

Center line markings may be placed on other 2-way traveled ways on any street and highway.

On traveled ways less than 4.8 meters (16 feet) wide, an engineering study should be used in determining whether to place center line markings on traveled ways due to traffic encroaching on the pavement edges, due to traffic being affected by parked vehicles, and due to traffic encroachment into the lane of opposing traffic where edge line markings are used.

The FHWA replaces the second paragraph of section 3B-6 of the 1988 version of the MUTCD with the following:

Edge line markings shall be white, except they shall be yellow for the left edge in the direction of travel of the traveled ways of a divided or one way street or highway.

Edge line markings shall be placed for paved traveled ways on streets and highways with the following characteristics:

1. Freeways,

2. Expressways, and

3. Rural arterials with traveled ways 6 meters (20 feet) or more in width with an ADT of 6000 or greater.

Edge line markings should be placed on paved travel ways for streets and

highways with the following characteristics:

1. Rural collectors with traveled ways 6 meters (20 feet) or more in width.

2. Other paved streets and highways where engineering study indicates a need.

Edge line markings may be placed on the traveled way on any other street or highway with or without center line markings.

Edge line markings may be excluded based on engineering judgment where the travel way edges are delineated by curbs or other markings.

#### Compliance Date

Since the changed standards and guidelines for lane markings may impose some additional costs to State and local jurisdictions, the FHWA is establishing a compliance date for the installation of new markings. The compliance date is 3 years after the effective date of this final rule or when pavement lane markings are replaced within an established pavement marking program, or when the highway is resurfaced or reconstructed, whichever date is earlier. This will allow the replacement of the pavement lane markings after the normal service life of the markings.

#### Discussion of Amendment

The FHWA believes that these new standards will effectively and practically enhance highway safety and traffic operations by requiring and recommending the minimum use of center line and edge line markings throughout the nation for specific classes of streets and highways as defined by the standards. The typical road user's expectancies can be met through a nationally uniform and consistent application of these markings for warning, guidance, and delineation purposes in accordance with these standards.

The standards require the use of these markings for paved traveled ways of streets and highways with the highest traffic volumes and design standards in the nation. The standards also contain recommendations and information to support nationally uniform placing of markings on other roads.

Based on the information submitted to the FHWA, the FHWA believes that most of the required and recommended markings in accordance with these standards are currently in place. Generally, the markings have been provided by most jurisdictions as a result of good engineering practices, and in some cases, as a result of their own regulations and policies.

The new standards will help assure that all road jurisdictions provide at least the required minimum markings when applicable. This change will require some, mostly local, jurisdictions to provide the markings on some roads for the first time. The FHWA estimates that the additional costs nationwide to meet the new minimum requirements could total approximately \$10 million to \$20 million per year. Additional costs may be incurred at a jurisdiction's discretion if they place markings in accordance with the FHWA recommendations and information for markings. These costs, in most cases, are eligible for Federal or Federal-aid funding.

As discussed in the proposed rule, the FHWA initially proposed standards for which road locations would require a center line in FHWA Docket No. 87-21 in response to MUTCD Request III-35 (Change), "Warrants for Center Line Pavement Markings." The FHWA terminated that docket on January 23, 1989, at 54 FR 2998 without change to the MUTCD and stated that it would consider alternative actions necessary to better determine standards responsive to the motorists' needs and to the concerns expressed in the docket comments. As a result, and pursuant to section 406 of the Department of Transportation and Related Agencies Appropriations Act, FY 1993, and other requests, the FHWA initiated MUTCD Request III-73 (Change), "Standards for Center Line and Edge Line Markings."

In response to this request, the FHWA published in Docket 96-15 on August 2, 1996, at 61 FR 40484, the proposed changes for the 1988 MUTCD.

In general, the public comments received for this docket indicated that the proposed standards would be too extensive in the number of additional roads required to be marked and in the associated costs.

Many commenters for this docket indicated that a proposed standard submitted by the National Committee on Uniform Traffic Control Devices (NCUTCD) and published with the proposed rule would reasonably fulfill the road user needs for markings while economically standardizing the current and proven marking practices of most road jurisdictions.

Subsequently, in Docket No. 96-47 on January 6, 1997, at 62 FR 691, the FHWA published proposed marking standards for a future edition of the MUTCD and included for public comment a different proposed standard that was similar to the proposed standard submitted by the NCUTCD in Docket 96-15. Therefore, in developing this final rule, the FHWA assessed

public comments on the two differing proposed standards contained in Dockets 96-15 and 96-47.

An analysis of Docket 96-15 reveals that over half of the comments were opposed to the proposed amendment. In general, the comments stated that the warrants were too restrictive and/or too expensive. A similar analysis of Docket 96-47 reveals that less than ten percent of the comments stated that the warrants were too restrictive and/or too expensive.

This final rule promulgates marking standards that improve the safety of road users, while being responsive to the public comments submitted to the dockets. The proposed amendment was changed by adjusting the values for traveled way width and Average Daily Traffic (ADT) that is responsive to the public comments submitted to the dockets while still enhancing highway safety, traffic operations, and considering the costs to local jurisdictions.

This final rule also fulfills the requirements of section 406 of the Department of Transportation and Related Agencies Appropriations Act, FY 1993. The FHWA considers the number and width of lanes criteria required by section 406 to be satisfied by use of the traveled way width criteria in the standard because of the interrelations of these criteria as contained in road design standards used by most jurisdictions and referenced in the MUTCD.

For the proposed standard published August 2, 1996, in Docket No. 96-15, the 103 commenters submitted responses to the docket including 10 States, 32 counties, 46 municipalities, 6 consultants, 6 local government groups, 2 individuals, and 1 transportation group. Six commenters supported the entire proposed standard. The main issues and concerns discussed by most commenters who opposed the proposed standards included the establishing of required standards in lieu of recommended standards, the potential of additional costs, the need to clearly define the criteria, and the potential traffic and safety impacts. The FHWA believes that the various modifications to the proposed standards in preparing the standards herein adequately address and resolve the majority of commenter objections to the standards. The FHWA also believes that the final rule will enhance safety for highway users.

Many commenters opposed establishing the mandatory requirements within the MUTCD for the markings placement standards and preferred the use of recommendations. The primary reasons included reduction

in a road jurisdiction's engineering judgment and their potential increases in liability in determining where limited markings resources should be best applied based on traffic and safety needs. Many were concerned that the requirements did not allow for engineering judgment when safety, traffic and resource considerations may determine the special needs for markings.

The final rule was modified to allow adjustments when an engineering study indicates the markings would cause potential safety hazards. Twenty-six commenters were concerned about the potential liability to the highway jurisdictions if some markings do not continuously meet the proposed new requirements. Another liability concern was the limited available engineering judgment for adjusting resources that may be inadequate to provide for the required as well as additionally critical marking needs.

The FHWA modified the criteria values to reduce the number of roads requiring markings, and to provide for more engineering judgment based on the State and local safety and traffic needs while still improving safety. The FHWA also addressed these concerns by adding a provision which allows engineering studies and engineering judgment to determine the marking requirements for safety issues. The FHWA believes that the minimum national requirements for the markings are needed pursuant to the requirements in section 406 and to help improve the uniform application of the markings on a national basis for the roads which can have the most substantial impacts on safety and traffic operations.

Many commenters were concerned about the potential additional costs, mostly for the local jurisdictions, associated with installing and maintaining the required markings, especially where no or minimal markings are currently in place. Most States currently provide the markings which would be required by the rule, but local jurisdictions vary in compliance. Originally, the FHWA estimated that the proposed requirements could have increased the marking costs nationwide by approximately \$50 million to \$100 million.

Twenty commenters indicated acceptance of the National Committee on Uniform Traffic Control Devices (NCUTCD) proposed standards which would reduce the number of roads requiring the markings and, therefore, reduce the required costs. The FHWA modified the requirements to reflect the NCUTCD criteria and added provisions

for increased engineering judgment in marking placement. The FHWA believes that these modifications will still improve the overall safety of the Nation's highways while mitigating the potential increased costs to State and local jurisdictions.

Some commenters were concerned with the cost of surveying the roads to determine where the markings would be required in each jurisdiction. The FHWA believes that jurisdictions should be aware of the ADT's and widths of the major roadways now specified in the standards and that the ADT's are an estimate that can be performed at a jurisdiction's judgment. Based on the traveled way widths and ADT's in this final rule the estimated costs are significantly reduced. The FHWA now estimates that the additional total cost nationwide to meet the new minimum requirements may total only \$10 million to \$20 million per year. These costs, in most cases, are eligible for Federal or Federal-aid funding at the jurisdictions' judgment and, therefore, these standards would not constitute an unfunded Federal mandate as mentioned by some commenters.

Many commenters requested the addition of definitions to help define the limits of the standards. Several commenters requested the definitions for the terms "arterial," "collector," "urban," "rural," and "paved" roads as contained in the standards. The terms may be defined by the road jurisdiction in accordance with MUTCD section 1A-9 until they are defined in the MUTCD. The FHWA is presently developing a notice of proposed rulemaking that will include these definitions.

The FHWA is currently considering, through a series of proposed rules, the addition of definitions for such terms in the future version of the MUTCD. The proposed definitions for the terms "arterial highway," "collector highway," and "traveled way" were published December 5, 1997, in Docket No. 97-3032 for potential inclusion in the future edition of the MUTCD. The other terms may be included in future proposed rules for the future edition of the MUTCD based on need and public requests. Example definitions which may be used for the terms in the marking standard contained herein are discussed in the "Definitions" section of this rulemaking.

One State commented that the terms "urban" and "rural" should not be defined in the MUTCD because various jurisdictions adequately, but differently, define these terms by statute, ordinance, or other regulation for the purposes of the marking standards. This final rule

does not define "rural" and "urban," but the terms are being defined as part of the MUTCD update.

Approximately fifty percent of the commenters recommended changing the criteria and/or their values within the marking standards. Approximately twenty five percent of the commenters regarding the center line criteria and twenty percent regarding the edge lines criteria proposed changing one or more of the proposed criteria for the average daily traffic (ADT) or the road width. The main reason for changing the criteria was to reduce costs and allow more engineering judgment. Thirty-five percent of the commenters recommended other types of criteria for marking installations, such as, engineering judgment, parking, curbs, speed, crash history, and pavement surface. These values may be added by the jurisdictions, but the FHWA believes the standards provide adequate and safety marking criteria based on the majority of public comments and studies. The FHWA modified the criteria values to reduce the number of roads that require the markings and added provisions for increased engineering judgment in marking placement.

The FHWA also changed the basis of the marking standard to use "traveled way," as used in the NCUTCD and American Traffic Safety Services Association (ATSSA) proposals rather than "roadway" to eliminate the parking lanes from the width criteria issues discussed by many commenters in the width criteria. The FHWA chose to use "traveled way" instead of "roadway" because the AASHTO definition of "roadway" includes the shoulder, whereas the MUTCD definition does not.

Commenters also submitted several safety concerns related to the proposed requirements. Commenters indicated that using the term "roadway" rather than "traveled way" which was recommended in the NCUTCD and ATSSA proposed standards would necessitate the use of larger width criteria values to avoid potential unsafe traffic conflicts with vehicles in the parking lanes. The FHWA modified the requirements by basing the standards on traveled way width, which does not include the parking lanes, in place of roadway width.

The FHWA also added an engineering judgment provision which determines marking requirements for safety concerns, such as, the parking conflicts. Fifteen commenters indicated that the markings of some lower volume roads, such as, in residential areas, may cause increased speeds or additional traffic on

these roads which could potentially reduce safety. They indicated that road users typically would expect and interpret the markings to indicate a major road and that residents typically resist such markings on their roads. Other commenters indicated that the types of crashes which occur at some locations, especially in municipalities, are not related to and would not be reduced by placing the markings.

The FHWA added a provision to allow engineering judgment for safety reasons which will assist jurisdictions in providing markings which improve safety. The FHWA also modified the proposed rule by increasing the traffic volume criteria values for roads requiring center lines to allow more engineering judgment on a larger number of lower volume roads.

The FHWA subsequently published a separate NPA on January 6, 1997, in FHWA Docket No. 97-47 including entire Part 3, Markings, for a proposed future version of the MUTCD. Based on the previous comments to Docket No. 96-15, the FHWA proposed alternative proposed standards, called Warrants, for center line and edge line markings that were similar to the proposed standards submitted by the NCUTCD for Docket No. 96-15.

Of the 32 commenters responding to the proposed Part 3, sixteen commenters discussed the alternative proposed standards for center line and edge line markings warrants. The commenters' main issues were similar to those submitted for Docket No. 96-15. Three commenters recommended the use of guidance rather than requirements. Four State DOT commenters discussed concern regarding additional cost and abilities of local jurisdictions to place and maintain additional required markings. Two commenters were concerned about the safe passing of parked vehicles when center line is in place on narrow roadways. Five commenters requested definitions for such terms as "arterial," "collector," "urban," "rural," "paved," and "refuge" contained in the proposed standards. Five commenters discussed the criteria and criteria values, including one State DOT, that indicated that the local jurisdictions would meet the proposed standards. The issues raised by commenters in this docket were similar to issues submitted by commenters and appropriately addressed by FHWA as discussed above for Docket No. 96-15.

### Rulemaking Analyses and Notices

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

The FHWA has determined that this action is not 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. Based on the information submitted to the FHWA, the FHWA has concluded that most of the required marking and much of the recommended markings in accordance with these standards are currently in place as a result of common engineering practices and, in some cases, State and local jurisdiction regulations and policies. The new standards will help assure that all road jurisdictions provide at least the required minimum markings when applicable. This change will require some, mostly local, jurisdictions, to provide the markings on some roads for the first time. The FHWA estimates that the additional costs nationwide to meet the new minimum requirements could total approximately \$10 million to \$20 million per year. This is based on an average of 1000 to 2000 local jurisdictions needing some additional markings at an average cost of \$20,000 per jurisdiction for markings with an average life cycle of 2 years. Additional costs may be incurred at a jurisdiction's judgment if they place markings in accordance with the FHWA recommendations for markings. These costs, in most cases, are eligible for Federal or Federal-aid funding at the jurisdictions' judgment. 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 action on small entities, including small governments. This final rule may require the installation of some additional center line and edge line markings on roads in various jurisdictions. The FHWA estimates that the additional costs nationwide to meet the new minimum requirements could total approximately \$10 million to \$20 million per year. This is based on an average of 1000 to 2000 local jurisdictions needing some additional markings at an average cost of \$20,000 per jurisdiction for markings with an average life cycle of 2 years. These costs, in most cases, are eligible for Federal or Federal-aid funding at the jurisdictions'

judgment. Based on this evaluation, the FHWA hereby certifies that this action would not have a significant economic impact on a substantial number of small entities.

#### 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. These 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 these amendments override any existing State requirements regarding traffic control devices, they do so in the interests of national uniformity.

#### Unfunded Mandates Reform Act of 1995

This rule does 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. 1531 *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, 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 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

#### 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. 3501-3520.

#### 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, and Traffic regulations.

The FHWA hereby amends chapter I of title 23, Code of Federal Regulations, part 655 as set forth below.

#### PART 655—TRAFFIC OPERATIONS

1. The authority citation for part 655 continues to read as follows:

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

#### Subpart F—Traffic Control Devices on Federal-Aid and Other Streets and Highways

2. Revise § 655.601(a) to read as follows:

##### § 655.601 Purpose.

\* \* \* \* \*

(a) Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), FHWA, 1988, including

Revision No. 1 dated January 17, 1990, Revision No. 2 dated March 17, 1992, Revision No. 3 dated September 3, 1993, Errata No. 1 to the 1988 MUTCD Revision 3, dated November 1, 1994, Revision No. 4 dated November 1, 1994, Revision No. 4a (modified) dated February 19, 1998, Revision No. 5 dated December 24, 1996, Revision No. 6 dated June 19, 1998, and Revision No. 7 dated January 3, 2000. This publication is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 and is on file at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. The 1988 MUTCD, including Revision No. 3 dated September 3, 1993, may be purchased from the Superintendent of Documents, U.S. Government Printing Office (GPO), P.O. Box 371954, Pittsburgh, PA 15250-7954, Stock No. 650-001-00001-0. The amendments to the MUTCD titled, "1988 MUTCD Revision No. 1," dated January 17, 1990, "1988 MUTCD Revision No. 2," dated March 17, 1992, "1988 MUTCD Revision No. 3," dated September 3, 1993, "1988 MUTCD Errata No. 1 to Revision No. 3," dated November 1, 1994, "1988 MUTCD Revision No. 4," dated November 1, 1994, "1998 MUTCD Revision No. 5," dated December 24, 1996, "Revision No. 6," dated June 19, 1998, and "Revision No. 7" dated January 3, 2000 are available from the Federal Highway Administration, Office of Transportation Operations, HOTO, 400 Seventh Street, SW., Washington, DC 20590. These documents are available for inspection and copying as prescribed in 49 CFR part 7.

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Issued on: December 22, 1999.

**Kenneth R. Wykle,**

*Federal Highway Administration.*

[FR Doc. 99-33806 Filed 12-30-99; 8:45 am]

BILLING CODE 4910-22-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[IL177-1a; FRL-6506-3]

### Approval and Promulgation of Implementation Plan; Illinois

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving an Illinois State Implementation Plan (SIP) revision request affecting air permit rules, submitted on July 23, 1998. The

submittal includes several "clean up" amendments to existing permitting rules. These amendments group similar rules together, and revise terms to be consistent with current vocabulary and usage. The State is planning to withdraw the portion of the original submittal that included rule amendments expanding the small source operating permit rules to also include stationary sources that emit 25 tons or more per year of any air contaminants and that are not subject to Title V or Federally Enforceable State Operating Permit (FESOP) requirements. Therefore, we are taking no action today on that portion of the submittal which is being withdrawn.

**DATES:** This rule is effective on March 3, 2000, unless EPA receives adverse written comments by February 2, 2000. If adverse written comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Copies of the revision request for this rulemaking action are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Mark J. Palermo at (312) 886-6082 before visiting the Region 5 Office).

**FOR FURTHER INFORMATION CONTACT:**

Lauren Steele, Environmental Engineer, at (312) 353-5069.

**SUPPLEMENTARY INFORMATION:**

Throughout this document, wherever "we," "us," or "our" are used, we mean EPA. The supplemental information is organized in the following order:

- I. What action is EPA proposing in this rulemaking?
- II. The Clean Up amendments.
  - A. What are the Clean Up amendments to the Illinois permitting rules?
  - B. How do the Clean Up amendments affect the SIP and are the amendments approvable?
- III. Where are the SIP revision rules codified?
- IV. What public hearing opportunities were provided for this SIP revision?
- V. Final Rulemaking Action.
- VI. Administrative Requirements.
  - A. Executive Order 12866
  - B. Executive Order 13132
  - C. Executive Order 13045
  - D. Executive Order 13084
  - E. Regulatory Flexibility Act
  - F. Unfunded Mandates

- G. Submission to Congress and the Comptroller General
- H. National Technology Transfer and Advancement Act
- I. Petitions for Judicial Review

### I. What Action Is EPA Proposing in This Rulemaking?

We are approving Illinois' July 23, 1998, request to amend sections of their State Implementation Plan that deal with State air pollution permits, for purposes of "cleaning up" the language. This will provide consistency of word use, and easier readability of several passages.

### II. The Clean Up Amendments

#### A. What Are the Clean Up Amendments to the Illinois Permitting Rules?

The Clean Up amendments change certain terms used in the regulatory language to update the text to current terminology used in State statutes and regulations. The Clean Up amendments also consolidate the provisions of several sections, and repeal duplicative sections and text. Certain clarifications to rule requirements have also been added to the permitting regulation. A more detailed description of the clean up revisions has been provided in the TSD for this rulemaking.

#### B. How Do the Clean Up Amendments Affect the SIP and Are the Amendments Approvable?

The Clean Up amendments make no substantive change to the permitting regulations, and are intended only to simplify the regulation text. Since the Clean Up amendments do not affect the stringency of the SIP, the amendments are approvable.

### III. Where are the Rules for this SIP Revision Codified?

The SIP Revision includes:

(1) Amendments to the following sections of Part 201, Subpart D: Permit Applications and Review Process under 35 Ill. Adm. Code:

- 201.152 Contents of Application for Construction Permit,
- 201.157 Contents of Application for Operating Permit,
- 201.158 Incomplete Applications
- 201.159 Signatures
- 201.160 Standards of Issuance
- 201.162 Duration
- 201.163 Joint Construction and Operating Permits
- 201.164 Design Criteria

(2) Repeal of the following sections of subpart D:

- 201.153 Incomplete Applications
- 201.154 Signatures
- 201.155 Standards for Issuance

(3) Repeal of the entire Subpart E: Special Provisions for Operating Permits