Petitions for Reconsideration Filed May 26, 1998

ALLTEL Communications, Inc. (ALLTEL)
AT&T Corp.
BellSouth Corporation
Comcast Cellular Communications, Inc.
Competitive Telecommunications Association (CompTel)
Independent Alliance (Alliance)
LCI International Telecom Corp.
MCI Telecommunications Corporation
Metrocall, Inc. (Metrocall)
Omnipoint Communications, Inc
Paging Network, Inc. (PageNet)
Personal Communications Industry Association (PCIA)
RAM Technologies, Inc. (RAM)
SBC Communications Inc.
Sprint Corporation
TDS Telecommunications Corporation
United States Telephone Association (USTA)
Vanguard Cellular Systems, Inc. (Vanguard)

Petitions for Forbearance

Personal Communications Industry Association (PCIA)

Petitions for Reconsideration/Forbearance

360° Communications Company
Ameritech
Bell Atlantic Telephone Companies (Bell Atlantic)
Cellular Telecommunications Industry Association
CommNet Cellular Inc.
GTE Service Corporation (GTE)
National Telephone Cooperative Association (NTCA)
Paging Network, Inc.
PrimeCo Personal Communications, L.P.
United States Telephone Association

Rule Changes

For the reasons discussed in the preamble, 47 CFR Part 64 is amended as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

1. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. 10, 201, 218, 226, 228, 332, unless otherwise noted.

§ 64.2005 [Amended]

2. In § 64.2005, paragraph(b)(1) is revised, paragraph (b)(3) is removed, and paragraph (d) is added to read as follows:

* * * * *

(b) * * *

(1) A wireless provider may use, disclose, or permit access to CPNI derived from its provision of CMRS, without customer approval, for the provision of CPE and information service(s). A wireline carrier may use, disclose or permit access to CPNI derived from its provision of local exchange service or interexchange service, without customer approval, for the provision of CPE and call answering, voice mail or messaging, voice storage and retrieval services, fax store and forward, and protocol conversions.

* * * * *

(d) A telecommunications carrier may use, disclose, or permit access to CPNI to protect the rights or property of the carrier, or to protect users of those services and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, such services.

§ 64.2007 [Amended]

3. In § 64.2007 remove paragraph (f)(4).

§ 64.2009 [Amended]

4. In § 64.2009, paragraphs (a), (c) and (e) are revised to read as follows:

(a) Telecommunications carriers must implement a system by which the status of a customer's CPNI approval can be clearly established prior to the use of CPNI.

* * * * *

(c) All carriers shall maintain a record, electronically or in some other manner, of their sales and marketing campaigns that use CPNI. The record must include a description of each campaign, the specific CPNI that was used in the campaign, the date and purpose of the campaign, and what products or services were offered as part of the campaign. Carriers shall retain the record for a minimum of one year.

* * * * *

(e) A telecommunications carrier must have an officer, as an agent of the carrier, sign a compliance certificate on an annual basis stating that the officer has personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the rules in this subpart. The carrier must provide a statement accompanying the certificate explaining how its operating procedures ensure that it is or is not in compliance with the rules in this subpart.

* * * * *

[FR Doc. 99–25232 Filed 9–30–99; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1, 15, 19, and 52

[FAC 97–14; Item XVI]

Federal Acquisition Regulation; Technical Amendments; Correction

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Technical amendments; Correction of Effective Date.

SUMMARY: FAC 97–14, Item XVI, Technical Amendments, which was published in the **Federal Register** on September 24, 1999, is corrected to amend the effective date of the amendment to 52.211–6. The document amended the Federal Acquisition Regulation to update references and make editorial changes.

EFFECTIVE DATE: This correction is effective September 24, 1999.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501–4755.

Correction

In the issue of September 24, 1999, on page 51850, middle column, the effective date is corrected to read as follows:

EFFECTIVE DATE: September 24, 1999, except for sections 19.102, 52.211–6, and 52.219–18 which are effective November 23, 1999.

Dated: September 27, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

[FR Doc. 99–25537 Filed 9–30–99; 8:45 am]

BILLING CODE 6820–EP–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Parts 1002, 1003, 1007, 1011, 1012, 1014, 1017, 1018, 1019, 1021, 1034, 1039, 1100, 1101, 1103, 1104, 1105, 1113, 1133, 1139, 1150, 1151, 1152, 1177, 1180, and 1184

[STB Ex Parte No. 572 (Sub-No. 2]

Revision of Miscellaneous Regulations

AGENCY: Surface Transportation Board, Transportation.

ACTION: Final rules.

SUMMARY: The Surface Transportation Board (Board) is revising, correcting, and updating regulations. Among the changes being made are the replacement of obsolete statutory references, the updating of office and address references, and the removal of references to obsolete organizational components. The Board is also making spelling, grammatical, terminology, explanatory, and typographical changes.

EFFECTIVE DATE: These rules are effective October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565–1600. [TDD for the hearing impaired: (202) 565–1695.]

SUPPLEMENTARY INFORMATION: We are updating, correcting, and revising our regulations in 49 CFR chapter X. Some of these changes are required by the enactment of the ICC Termination Act of 1995, Pub. L. 104–88, 109 Stat. 803 (ICCTA). For example, we are replacing obsolete statutory citations in parts 1151, 1177, and 1184. We are also removing references to divisions and joint boards (see parts 1012 and 1101).

We are also revising outdated office citations. References to the Office of Tariffs (Part 1011), the Office of Consumer Protection (Part 1021), and the Railroad Service Board (part 1034) are being changed to the Office of Compliance and Enforcement. References to the Budget and Fiscal Office are being changed to the Section of Financial Services (parts 1002, 1017, and 1018). The Office of Economics is now the Office of Economics, Environmental Analysis, and Administration, and the Section of Energy and Environment is now the Section of Environmental Analysis (parts 1011 and 1105). The Office of Public Assistance has been changed to the Office of Congressional and Public Services (parts 1011 and 1105). The references to the Office of Human Relations in section 1014.170 and the Office of the Managing Director in section 1019.6 are changed to the Section of Personnel Services. References to the System Services Branch are being changed to the Section of Systems Services (Part 1002). The reference in Part 1019 to the Managing Director's Counsel are changed to the Executive Counsel.

References to the following obsolete offices are being eliminated: the Office of the Managing Director (part 1007), the Bureau of Accounts (part 1139), the Publications Unit (part 1003), and the Office of Hearings and the Legal Branch (part 1011). We are revising our regulations to reflect the Board's changed address (parts 1007, 1012, and 1105). We are deleting room number references (parts 1012, 1014, 1105). We are also removing telephone numbers from the regulations (parts 1100 and 1105) to eliminate such outdated references and because the public has ready access to telephone numbers for key contacts at the Board through the Board's Internet web site at www.stb.dot.gov. Where public agencies or the public are to be notified by transmittal letter or newspaper notice, however, we are requiring that the appropriate Board telephone number be included (see appendices to Sections 1105.11 and 1105.12).

We are also making spelling, grammatical, terminology, explanatory, and typographical changes (parts 1002, 1039, 1104, 1105, 1113, 1133, 1151, 1152, and 1180). References limiting credit card payments to VISA and Mastercard have been eliminated (parts 1002 and 1018), while the option of credit card payment has been added in parts 1103 and 1152. A case citation has been updated (part 1150). It appears that, when the regulations were previously updated, we inadvertently changed references to state public commissions to ''Boards'' (parts 1139, 1150, and 1152) and we also changed historical references to the Interstate Commerce Commission (part 1139, Appendix I to subpart B). We are revising those references.

We are removing Section 1011.4(c)(7). It refers to 49 U.S.C. 1483, which concerns joint boards appointed by the Civil Aeronautics Board (CAB) and the Interstate Commerce Commission (ICC). That statute, as it pertains to joint boards, was repealed by Pub. L. 103–272, section 7(b), July 5, 1994, 108 Stat. 745. Accordingly, retaining this rule is unnecessary.[1] Finally, outdated references to committees of the Board (part 1012) are being removed.[2]

Because these changes either remove obsolete regulations, make revisions that are not substantive, or update rules to reflect current agency practice, we find good cause to dispense with notice and comment. 5 U.S.C. 553(b)(3)(A) and (B). Moreover, we find good cause for making these rules effective on less than the usual 30 days' notice under 5 U.S.C. 553(d), so that these changes will be effective by October 1, 1999, and therefore included in the next edition of the Code of Federal Regulations.

[1] Under former sections 1483(a) and (c), matters concerning through service and joint rates between air carriers and common carriers subject to the Interstate Commerce Act could be referred to a joint board upon complaint. Complaints could also be made to the ICC or CAB on any matter that could be referred to a joint board. While these sections have been repealed, parts of former section 1483 have been recodified at 49 U.S.C. 41502, which concerns joint prices and through service between air carriers and other carriers, including carriers subject to subtitle IV.

[2] At one time, the ICC had three standing committees on legislation, policy planning, and rules. *See Meetings of the Commission*, Ex Parte No. 333, 41 FR 56340, 56341 (Dec. 28, 1976).

Small Entities

The Board certifies that this rule will not have a significant economic effect on a substantial number of small entities, because, generally, obsolete, incorrect, and outdated references are being changed. The changes will have no economic effect on small entities.

Environment

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects

49 CFR Part 1002

Administrative practice and procedure, Common carriers, Freedom of information, User fees.

49 CFR Part 1003

Administrative practice and procedure.

49 CFR Part 1007

Administrative practice and procedure, Privacy.

49 CFR Part 1011

Administrative practice and procedure, Authority delegations (Government agencies), Organization and functions (Government agencies).

49 CFR Part 1012

Sunshine Act.

49 CFR Part 1014

Administrative practice and procedure, Civil rights, Equal employment opportunity, Federal buildings and facilities, Handicapped.

49 CFR Part 1017

Credit, Government employees.

49 CFR Part 1018

Claims, Debts.

49 CFR Part 1019

Government employees.

49 CFR Part 1021

Claims.

49 CFR Part 1034

Railroads.

49 CFR Part 1039

Agricultural commodities, Intermodal transportation, Manufactured commodities, Railroads.

49 CFR Part 1100

Administrative practice and procedure.

49 CFR Part 1101

Administrative practice and procedure.

49 CFR Part 1103

Administrative practice and procedure, Lawyers.

49 CFR Part 1104

Administrative practice and procedure.

49 CFR Part 1105

Environmental impact statements, Reporting and recordkeeping requirements.

49 CFR Part 1113

Administrative practice and procedure.

49 CFR Part 1133

Claims, Freight.

49 CFR Part 1139

Administrative practice and procedure, Motor carriers, Reporting and recordkeeping requirements.

49 CFR Part 1150

Administrative practice and procedure, Railroads.

49 CFR Part 1151

Administrative practice and procedure, Railroads.

49 CFR Part 1152

Administrative practice and procedure, Conservation, Environmental protection, National forests, National parks, National trails system, Public lands—rights-of-way, Railroads, Recreation and recreation areas, Reporting and recordkeeping requirements.

49 CFR 1177

Administrative practice and procedure, Archives and records, Railroads.

49 CFR Part 1180

Administrative practice and procedure, Bankruptcy, Railroads, Reporting and recordkeeping requirements.

49 CFR Part 1184

Administrative practice and procedure, Motor carriers.

Decided: September 24, 1999.

By the Board, Chairman Morgan, Vice Chairman Clyburn and Commissioner Burkes.

Vernon A. Williams,

Secretary.

For the reasons set forth in the preamble, title 49, chapter X, parts 1002, 1003, 1007, 1011, 1012, 1014, 1017, 1018, 1019, 1021, 1034, 1039, 1100, 1101, 1103, 1104, 1105, 1113, 1133, 1139, 1150, 1151, 1152, 1177, 1180, and 1184 of the Code of Federal Regulations are amended as follows:

PART 1002—FEES

1. The authority citation for Part 1002 continues to read as follows:

Authority: 5 U.S.C. 552(a)(4)(A) and 553; 31 U.S.C. 9701; and 49 U.S.C. 721.

§ 1002.1 [Amended]

2. Remove the words ''electrostatic copies'' and add in their place the word ''photocopies'' in sections 1002.1(d) and 1002.1(f)(7) .

3. Remove the words ''System Services Branch'' and add in their place the words ''Section of Systems Services'' in section 1002.1(e)(2).

4. Remove the word ''rates'' and add in its place the word ''rate'' in section 1002.1(e)(3).

5. Remove the words ''Budget and Fiscal Office'' and add in their place the words ''Section of Financial Services'' in sections 1002.2(a)(2) and 1002.2(a)(2)(iii).

6. Revise section 1002.2(a)(3) to read as follows:

§ 1002.2 Filing Fees.

(a) * * *

(3) Fees will be payable to the Secretary, Surface Transportation Board, by check payable in United States currency drawn upon funds deposited in a United States or foreign bank or other financial institution, money order payable in United States currency, or by credit card.

* * * * *

PART 1003—FORMS

7. The authority citation for Part 1003 continues to read as follows:

Authority: 49 U.S.C. 721 and 13301(f).

§ 1003.1 [Amended]

8. Remove the words ''Publications Unit,'' in section 1003.1(c).

PART 1007—RECORDS CONTAINING INFORMATION ABOUT INDIVIDUALS

9. The authority citation for Part 1007 continues to read as follows:

Authority: 5 U.S.C. 552; 49 U.S.C. 721.

10. Remove the words ''Office of the Managing Director,'' in sections 1007.3(a), 1007.8(d), and 1007.11(b).

11. Remove the address ''Twelfth Street and Constitution Avenue, NW.,'' and add in its place the address ''1925 K Street, NW,'' in sections 1007.3(a), 1007.6(c), 1007.8(d), and 1007.11(b).

PART 1011—BOARD ORGANIZATION; DELEGATIONS OF AUTHORITY

12. The authority citation for Part 1011 continues to read as follows:

Authority: 5 U.S.C. 553; 31 U.S.C. 7901; and 49 U.S.C. 701, 721, 11144, 14122, and 15721.

§§ 1011.4, 1011.7 and 1011.8 [Amended]

13. Section 1011.4(c)(7) is removed and reserved.

14. Remove the words ''assigned to the Office of Hearings'' and add in their place the words ''set for oral hearings'' in section 1011.7(c)(3).

15. Remove the words ''Director of the Office of Economics, the Deputy Director of Economics-Accounts, and the Chief of the Section of Audit and Accounting'' and add in their place the words ''Director and Associate Director of the Office of Economics, Environmental Analysis, and Administration and the Chief of the Section of Economics'' in section 1011.7(g).

16. Remove the words ''Office of Public Assistance'' and add in their place the words ''Office of Congressional and Public Services'' in sections 1011.8(a) and 1011.8(a)(1).

17. Remove the words ''Legal Branch,'' in section 1011.8(b)(2).

18. Remove the words ''Office of Tariffs'' and add in their place the words ''Office of Compliance and Enforcement'' in section 1011.8(b)(2).

19. Remove the words ''Section of Energy and Environment'' and add in their place the words ''Section of Environmental Analysis'' in section 1011.8(c)(10).

PART 1012—MEETINGS OF THE BOARD

20. The authority citation for Part 1012 continues to read as follows:

Authority: 5 U.S.C. 552b(g), 49 U.S.C. 701, 721.

21. Revise the second, third, and fourth sentences of section 1012.1(a) to read as follows:

§ 1012.1 General provisions.

(a) * * * They establish procedures under which meetings of the Surface Transportation Board (Board) are held. They apply to oral arguments as well as to deliberative conferences. They apply to meetings of the Board. * * *

* * * * *

22. Remove the words ''a Division, or a committee of the Board'' in section 1012.1(b).

23. Revise section 1012.2(a), the third sentence of section 1012.2(b), and section 1012.2(c) to read as follows:

§ 1012.2 Time and place of meetings.

(a) Conferences, oral arguments, and other meetings are held at the Board's offices located at 1925 K Street, NW, Washington, DC, unless advance notice of an alternative site is given. Room assignments will be posted at the Board on the day of the meeting.

(b) * * * Regular Board conferences and oral arguments before the Board normally begin at 9:30 a.m. * * *

(c) Special Board conferences or oral arguments are scheduled by the Chairman of the Board.

* * * * *

24. Remove the words ''by posting a notice on the bulletin board in the Board's Public Information Office,'' in section 1012.3(a).

25. Revise the first sentence of section 1012.3(b)(4) to read as follows:

§ 1012.3 Public notice.

* * * * *

(b) * * *

(4) If a vote is taken on the question of whether to close a meeting or a portion of a meeting to the public, a statement of the vote or position of each Board Member eligible to participate in that vote. * * *

* * * * *

PART 1014—ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE SURFACE TRANSPORTATION BOARD

26. The authority citation for Part 1014 continues to read as follows:

Authority: 29 U.S.C. 794.

27. Revise the second sentence of section 1014.170(c) to read as follows:

§ 1014.170 Compliance procedures.

* * * * *

(c) * * * Complaints may be sent to the Section of Personnel Services, Surface Transportation Board, Washington, DC 20423.

* * * * *

PART 1017—DEBT COLLECTION—COLLECTION BY OFFSET FROM INDEBTED GOVERNMENT AND FORMER GOVERNMENT EMPLOYEES

28. The authority citation for Part 1017 continues to read as follows:

Authority: 31 U.S.C. 3716; 5 U.S.C. 5514; Pub L. 97–365; 4 CFR parts 101–105; 5 CFR part 550.

§§ 1017.4 and 1017.9 [Amended]

29. Remove the words ''Fiscal Services Branch'' and add in their place the words ''Section of Financial Services'' in section 1017.4(a).

30. Remove the words ''Budget and Fiscal Office'' and add in their place the words ''Section of Financial Services'' in sections 1017.9(a) and 1017.9(a)(6).

PART 1018—DEBT COLLECTION

31. The authority citation for Part 1018 continues to read as follows:

Authority: 31 U.S.C. 3701, 31 U.S.C. 3711 *et seq.*, 49 U.S.C. 721, 4 CFR parts 101–105.

§§ 1018.3 and 1018.29 [Amended]

32. Remove the words ''Budget and Fiscal Office'' and add in their place the words ''Section of Financial Services'' in sections 1018.3 and 1018.29(c).

33. Remove the words ''(VISA or MASTERCARD)'' and ''room 1330,'' in section 1018.29(c).

PART 1019—REGULATIONS GOVERNING CONDUCT OF SURFACE TRANSPORTATION BOARD EMPLOYEES

34. The authority citation for Part 1019 continues to read as follows:

Authority: 49 U.S.C. 721.

35. Remove the words ''Managing Director's'' and add in their place the words ''Board's Executive'' in section 1019.2(a).

36. Revise the last sentence of section 1019.6 to read as follows:

§ 1019.6 Disciplinary and other remedial action.

* * * The manual is available from the Section of Personnel Services, Surface Transportation Board, Washington, DC 20423.

PART 1021—ADMINISTRATIVE COLLECTION OF ENFORCEMENT CLAIMS

37. The authority citation for Part 1021 continues to read as follows:

Authority: 31 U.S.C. 3701, 3711, 3717, 3718.

§§ 1021.3 [Amended]

38. Remove the words ''Consumer Protection'' and add in their place the words ''Compliance and Enforcement'' in section 1021.3.

PART 1034—ROUTING OF TRAFFIC

39. The authority citation for Part 1034 continues to read as follows:

Authority: 49 U.S.C. 721, 11123.

40. Remove the words ''Railroad Service Board'' and add in their place the words ''Office of Compliance and Enforcement'' in sections 1034.1(a) and 1034.1(c).

PART 1039—EXEMPTIONS

41. The authority citation for Part 1039 continues to read as follows:

Authority: 5 U.S.C. 553; 49 U.S.C. 10502 and 13301.

42. Amend section 1039.10, to correct the spelling of ''mattress'' in the item of the table relating to STCC number 22–911–63.

PART 1100—GENERAL PROVISIONS

43. The authority citation for Part 1100 continues to read as follows:

Authority: 49 U.S.C. 721.

44. Revise section 1100.4 to read as follows:

§ 1100.4 Information and inquiries.

Persons with questions concerning these rules should either send a written inquiry to the Secretary, Surface Transportation Board or should telephone the Secretary's Office.

PART 1101—DEFINITIONS AND CONSTRUCTION

45. The authority citation for Part 1101 continues to read as follows:

Authority: 49 U.S.C. 721.

46. Remove the words ''a division of the Board,'' and ''a joint board,'' in section 1101.2(b).

PART 1103—PRACTITIONERS

47. The authority citation for Part 1103 continues to read as follows:

Authority: 21 U.S.C. 862; 49 U.S.C. 703(e), 721.

48. Revise the second sentence in 1103.3(d) to read as follows:

§ 1103.3 Persons not attorneys-at-law—qualifications and requirements for practice before the Board.

* * * * *

(d) * * * Payment must be made either by check, money order or credit card payable to the Surface Transportation Board. * * *

* * * * *

PART 1104—FILING WITH THE BOARD—COPIES—VERIFICATION—SERVICE-PLEADINGS, GENERALLY

49. The authority citation for Part 1104 continues to read as follows:

Authority: 5 U.S.C. 559; 21 U.S.C. 853a; 49 U.S.C. 721.

50. Amend the first sentence in section 1104.15(b) to correct the spelling of the word ''certify.''

PART 1105—PROCEDURES FOR IMPLEMENTATION OF ENVIRONMENTAL LAWS

51. The authority citation for Part 1105 continues to read as follows:

Authority: 5 U.S.C. 553 and 559; 16 U.S.C. 470f, 1451, and 1531; 42 U.S.C. 4332 and 6362(b); and 49 U.S.C. 701 note (1995) (section 204 of the ICC Termination Act of 1995), 721(a), 10502, and 10903–10905.

52. Remove the words ''Office of Economics'' and add in their place the words ''Office of Economics, Environmental Analysis, and Administration'' in section 1105.2

53. Remove the words ''Energy and Environment'' and add in their place the words ''Environmental Analysis'' in sections 1105.2, 1105.3, 1105.4(i), 1105.10(a)(1), 1105.10(a)(3), 1105.10(b), the appendix to section 1105.11, and both of the newspaper notices in the appendix to section 1105.12.

55. Revise section 1105.3 to read as follows:

§ 1105.3 Information and assistance.

Information and assistance regarding the rules and the Board's environmental and historic review process is available by writing or calling the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423.

56. Remove the acronym ''SEE'' and add in its place the acronym ''SEA'' in sections 1105.4(i), 1105.4(j), 1105.7(b)(11), 1105.10(b), 1105.10(d), 1105.10(g), the appendix to section 1105.11, and both of the newspaper notices in the appendix to section 1105.12.

57. Remove the words ''12th and Constitution Avenue, NW,'' and add in their place the words ''1925 K Street, NW.,'' in section 1105.3 and both of the newspaper notices in the appendix to section 1105.12.

58. Revise ''i.e,'' to ''i.e.,'' in section 1105.4(j).

59. Remove the words ''room 3219, Surface Transportation Board,'' and add in their place the words ''Surface Transportation Board, 1925 K Street, NW'' in the appendix to section 1105.11.

60. Remove the words ''Public Assistance'' and add in their place the words ''Congressional and Public Services'' in both of the newspaper notices in the appendix to section 1105.12.

61. Remove the telephone numbers ''202–927–6211'' and ''202–927–7597'' and add in their place the words ''[INSERT TELEPHONE NUMBER]'' in the appendix to section 1105.11 and both of the newspaper notices in the appendix to section 1105.12.

PART 1113—ORAL HEARING

62. The authority citation for Part 1113 continues to read as follows:

Authority: 5 U.S.C. 559; 49 U.S.C. 721.

63. Revise ''protest'' to ''protests'' in section 1113.19.

PART 1133—RECOVERY OF DAMAGES

64. The authority citation for Part 1133 continues to read as follows:

Authority: 49 U.S.C. 721.

65. Revise ''connot'' to ''cannot'' in section 1133.2(a).

PART 1139—PROCEDURES IN MOTOR CARRIER REVENUE PROCEEDINGS

66. The authority citation for Part 1139 continues to read as follows:

Authority: 49 U.S.C. 721, 13703.

67. Remove the word ''Boards'' and add in its place the word ''commissions'' in section 1139.22.

68. Remove the words ''Bureau of Accounts,'' in the explanatory note to Schedule A regarding ''Column (a)'' in section 1139.26.

69. Remove the words ''Surface Transportation Board'' and add in their place the words ''Interstate Commerce Commission'' in the third and fourth paragraphs of Appendix I to Subpart B.

PART 1150—CERTIFICATE TO CONSTRUCT, ACQUIRE, OR OPERATE RAILROAD LINES

70. The authority citation for Part 1150 continues to read as follows:

Authority: 5 U.S.C. 553 and 559; 49 U.S.C. 721(a), 10502, 10901, and 10902.

71. Remove the words ''Energy and Environmental Branch'' and add in their place the words ''Section of Environmental Analysis'' in sections 1150.1(b) and 1150.10(g).

72. Revise the last sentence in section 1150.16 to read as follows:

§ 1150.16 Procedures

* * * *See Exemption of Certain Designated Operators from Section 11343,* 361 ICC 379 (1979), as modified by *McGinness* v. *I.C.C.,* 662 F.2d 853 (D.C. Cir. 1981).

73. Remove the words ''State Public Service Board'' and add in their place the words ''State Public Service Commission'' in section 1150.36(c).

PART 1151—FEEDER RAILROAD DEVELOPMENT PROGRAM

74. The authority citation for Part 1151 continues to read as follows:

Authority: 49 U.S.C. 10907.

75. Remove the reference to ''10910'' and add in its place ''10907'' and remove the reference to ''10910(c)(1) and add in its place ''10907(c)(1)'' in section 1151.1.

76. Revise ''(GVC)'' to ''(GCV)'' in section 1151.3(a)(3)(i).

PART 1152—ABANDONMENT AND DISCONTINUANCE OF RAIL LINES AND RAIL TRANSPORTATION UNDER 49 U.S.C. 10903

77. The authority citation for Part 1152 continues to read as follows:

Authority: 11 U.S.C. 1170; 16 U.S.C. 1247(d) and 1248; 45 U.S.C. 744; and 49 U.S.C. 701 note (1995) (section 204 of the ICC Termination Act of 1995), 721(a), 10502, 10903–10905, and 11161.

78. Remove the words ''public service Board'' and add in their place the words ''Public Service Commission'' in section 1152.12(b).

79. Revise the third sentence of section 1152.24 (a) to read as follows:

§ 1152.24 Filing and service of application.

(a) * * * A check, money order or payment by credit card payable to the Surface Transportation Board must also be submitted to cover the applicable filing fee. * * *

* * * * *

80. Remove the words ''Public Service Board'' and add in their place the words ''Public Service Commission'' in section 1152.24(c).

81. Amend section 1152.29(b)(1)(ii) by adding ''(CITU)'' after ''Certificate of Interim Trail Use or Abandonment'.

PART 1177—RECORDATION OF DOCUMENTS

82. The authority citation for Part 1177 continues to read as follows:

Authority: 49 U.S.C. 721, 11301.

83. Revise ''(84)'' to ''(83)'' in section 1177.3(c).

84. Revise ''11303'' to ''11301'' in section 1177.4(b).

PART 1180—RAILROAD ACQUISITION, CONTROL, MERGER, CONSOLIDATION PROJECT, TRACKAGE RIGHTS, AND LEASE PROCEDURES

85. The authority citation for Part 1180 continues to read as follows:

Authority: 5 U.S.C. 553 and 559; 11 U.S.C. 1172; 49 U.S.C. 721, 10502, 11323–11325.

86. Revise ''analyses'' to ''analysis'' in section 1180.4(b)(1)(ii).

87. Amend the second sentence of 1180.6(a)(8) by adding the word ''of'' after ''no later than the filing''.

88. Amend section 1180.7(d) by adding the word ''as'' after ''as well''.

89. Amend section 1180.9(c) by putting footnote marker 8 in superscript.

PART 1184—MOTOR CARRIER POOLING OPERATIONS

90. The authority citation for Part 1184 continues to read as follows:

Authority: 49 U.S.C. 721, 14302.

91. Remove the references to ''11342(b)'' and add in their place ''14302'' in sections 1184.1 and 1184.2.

[FR Doc. 99–25302 Filed 9–30–99; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 990414095–9251–02; I.D. 033199B]

RIN 0648–AM57

Regulations Governing the Taking of Marine Mammals by Alaskan Natives; Marking and Reporting of Beluga Whales Harvested in Cook Inlet

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

ACTION: Final rule.

SUMMARY: This rule finalizes the interim final rule published in the **Federal Register** on May 24, 1999, without changes. The rule requires the marking and reporting of beluga whales, *Delphinapterus leucas*, harvested from Cook Inlet, Alaska, by Alaskan Natives. The marking and reporting is necessary to provide essential biological data for the management and conservation of the stock. The effect of the information will be to provide a more sound scientific basis for management of the stock.

DATES: Effective October 1, 1999.

ADDRESSES: A copy of the Environmental Assessment (EA) for this action may be obtained by contacting Brad Smith: NMFS, 222 West 7th Avenue, Box 43, Anchorage, Alaska 99513. Comments regarding the burden-hour estimate or any other aspect of the collection of information in this rule should be sent to the preceding individual and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: NOAA Desk Officer, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Brad Smith: telephone (907) 271–5006.

SUPPLEMENTARY INFORMATION:

Background

On May 24, 1999, NMFS published an interim final rule amending 50 CFR 216.23 to require that Alaskan Natives harvesting beluga whales in Cook Inlet collect the left lower jaw from harvested whales and complete a report (64 FR 27925). In order to allow the opportunity for public comment, the rule was promulgated as an interim rule with a request for public comment. In addition, NMFS held a public hearing on the rule on July 26. Background information on the Cook Inlet stock of beluga whales, the Alaskan Native subsistence harvest, and the need for the regulation were contained in the publication of the interim final rule.

No written comments were received in response to the request for comments, and no comments were received at the public hearing. Accordingly, the interim final rule amending 50 CFR part 216, which was published at 64 FR 27925 on May 24, 1999, is adopted as a final rule without change.

Classification

An EA has been prepared by NMFS to address this action and is available for public review and comment. Persons wishing to obtain this EA should contact NMFS Anchorage Field Office (see **ADDRESSES**).

This rule has been determined to be not significant for purposes of E.O. 12866.

Because prior notice and opportunity for public comment are not required by 5 U.S.C. 553 or by any other law, under 5 U.S.C. 603(b) the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. *et seq*. are not applicable to this rule. Accordingly, an initial Regulatory Flexibility Analysis was not prepared for this rule.

This rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA) and which has been approved by OMB under control number 0648-0382. The public reporting burden for this collection of information is estimated to average thirty minutes per response, including the time necessary to remove and label the jawbone and complete the reporting form. Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS and OMB (see **ADDRESSES**)

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

Dated: September 15, 1999.

Andrew Kemmerer,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 99–25464 Filed 9–30–99; 8:45 am]

BILLING CODE 3510–22–F