

arrangements with a particular shipper will collect charges from the shipper and compensate the carriers that actually perform the services. The JVC will facilitate such compensation, acting as a clearinghouse and record keeper.

On January 7, 1999, Schneider National Bulk Carriers, Inc. (Schneider) filed a letter reply in opposition to the agreement, urging us to set the matter for hearing. Schneider asserts that the agreement is too vague; that it would unduly concentrate the market; that it would allow the participants to function as a de facto rate bureau; that it would permit improper "signals" of price movements; that uniform equipment costs could improperly influence carrier rates; and that the agreement would improperly allow division of the market. Interested persons may obtain a copy of Schneider's letter reply by contacting counsel for Schneider, Mr. Stephen M. Ferris, Esq., who may be reached at (920) 592-3896.

On January 15, 1999, Liquid Transport Corporation (LTC) filed a petition urging us to reject the agreement or to request comments from the public. LTC asserts that the proposal, which it concludes is not a pooling agreement but is instead a "Return Loads Bureau" and equipment cleaning service, is of major transportation importance because it will adversely affect the ability of other carriers to compete for this traffic; that the proposal will restrain competition and effectively constitute collective ratemaking; and that any benefits it may produce will not justify the harm it will cause. Interested persons may obtain a copy of LTC's petition by contacting counsel for LTC, Mr. Terry G. Fewell, Esq., who may be reached at (317) 637-1777.

Under 49 U.S.C. 14302(c)(2), the Board must determine whether the proposed pool is of major transportation importance and whether there is a substantial likelihood that the agreement will unduly restrain competition. If we determine that neither of these two factors exists, we are required to approve the agreement without a hearing. Before we attempt to make those determinations, we will seek public comments on the application and on the issues raised by Schneider and LTC.

So that we may issue a final decision on the application after the comments are analyzed, commenters should also address whether, even if the agreement is of major transportation importance or there is a substantial likelihood that the agreement will unduly restrain competition, the agreement should nevertheless be approved under 49

U.S.C. 14302(c)(3) because it would foster better service to the public or operational economies.

Because the applicant carriers bear the burden of proof, we will allow them to respond to the public comments.

Under 49 U.S.C. 14302(c)(3), we are required to suspend operation of the proposed agreement pending a final decision, and we hereby do so.

Board decisions and notices are available at our website at "WWW.STB.DOT.GOV."

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

It is ordered:

1. A hearing on the pooling application is commenced as described in this notice.
2. Effective on the date of publication, the operation of the proposed pooling agreement is suspended pending completion of this hearing and issuance of a final decision.
3. A copy of this notice will be served on the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, N.W., Washington, DC 20530.

Decided: January 25, 1999.

By the Board, Chairman Morgan and Vice Chairman Clyburn.

Vernon A. Williams,

Secretary.

[FR Doc. 99-2224 Filed 1-28-99; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 290 (Sub-No. 4)]

Railroad Cost Recovery Procedures—Productivity Adjustment

AGENCY: Surface Transportation Board, Transportation.

ACTION: Proposed adoption of a Railroad Cost Recovery Procedures productivity adjustment.

SUMMARY: The Surface Transportation Board proposes to adopt 1.057 (5.7%) as the measure of average growth in railroad productivity for the 1993-1997 (5-year) period. The current value of 9.7% was developed for the 1992 to 1996 period.

DATES: Comments are due by February 16, 1999.

EFFECTIVE DATE: The proposed productivity adjustment is effective February 28, 1999.

ADDRESSES: Send comments (an original and 10 copies) referring to STB Ex Parte

No. 290 (Sub-No. 4) to: Office of the Secretary, Case Control Branch, 1925 K Street, NW, Washington, DC 20423-0001. Parties should submit all pleading and attachments on a 3.5-inch diskette in WordPerfect 6.0 or 6.1 compatible format.

FOR FURTHER INFORMATION CONTACT: H. Jeff Warren, (202) 565-1549. TDD for the hearing impaired: (202) 565-1695.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Board's decision. To purchase a copy of the full decision write to, call, or pick up in person from: DC NEWS & DATA, INC., Suite 210, 1925 K Street, NW, Washington, DC 20423-0001, telephone (202) 289-4357. [Assistance for the hearing impaired is available through TDD services (202) 565-1695.]

This action will not significantly affect either the quality of the human environment or energy conservation. Pursuant to 5 U.S.C. 605(b), we conclude that our action will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Decided: January 22, 1999.

By the Board, Chairman Morgan and Vice Chairman Clyburn.

Vernon A. Williams,

Secretary.

[FR Doc. 99-2225 Filed 1-28-99; 8:45 am]

BILLING CODE 4915-00-P

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition Determinations: "Collecting Impressionism"

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85-5 of June 27, 1985 (50 FR 27393, July 2, 1985). I hereby determine that the objects to be included in the exhibit, "Collecting Impressionism," imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to loan agreements with foreign lenders. I also determine that the exhibition or display of the exhibit objects at the High Museum of Art in Atlanta, Georgia from February 27 through May 16, 1999, at the Seattle Art Museum in Seattle, Washington from