

public agency guarantee to the lesser of the NBBO or 1099 shares is reasonable and consistent with the Act.

IV. Conclusion

For the foregoing reasons, the Commission believes that the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with Section 6(b)(5).⁸

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,⁹ that the proposed rule change (SR-CSE-98-04) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁰

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99-5720 Filed 3-8-99; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed During the Week Ending February 26, 1999

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. Sections 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: OST-99-5136

Date Filed: February 23, 1999

Parties: Members of the International Air Transport Association

Subject:

PTC2 EUR-AFR 0067 dated February 19, 1999 r1

PTC2 EUR-AFR 0068 dated February 19, 1999 r2

PTC2 EUR-AFR 0069 dated February 19, 1999 r3

PTC2 EUR-AFR 0070 dated February 19, 1999 r4

Europe-Africa Expedited Passenger Resolutions

Intended effective date: March 15, 1999.

Docket Number: OST-99-5138

Date Filed: February 23, 1999

Parties: Members of the International Air Transport Association

Subject:

PTC23 EUR-SEA 0065 dated

December 18, 1998

Europe-Southeast Asia Resolutions r1-30

Minutes—PTC23 EUR-SEA 0069

dated February 19, 1999
Tables—PTC23 EUR-SEA Fares 0014 dated January 12, 1999
Corrections—PTC23 EUR-SEA 0066 dated January 12, 1999
PTC23 EUR-SEA 0068 dated February 9, 1999
PTC23 EUR-SEA Fares 0015 dated January 22, 1999
PTC23 EUR-SEA Fares 0016 dated February 5, 1999
r-1—001LL r-11—058b r-21—078g
r-2—001ss r-12—059b r-22—078i
r-3—002 r-13—065b r-23—078o
r-4—014a r-14—065bb r-24—081bb
r-5—017c r-15—068b r-25—081p
r-6—015v r-16—069b r-26—081v
r-7—045b r-17—071hh r-27—084cc
r-8—048b r-18—071z r-28—084h
r-9—049b r-19—072x r-29—084jj
r-10—055b r-20—076tt r-30—086c

Intended effective date: April 1, 1999.

Dorothy W. Walker,

Federal Register Liaison.

[FR Doc. 99-5745 Filed 3-8-99; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending February 26, 1999

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST-99-5133.

Date Filed: February 22, 1999.

Due Date for Answers, Conforming Applications, or Motions to Modify Scope: March 22, 1999.

Description: Application of AvAtlantic Airlines, Inc., pursuant to 49 U.S.C. Section 41102 and Subpart Q, requests authority to engage in scheduled air transportation of persons,

property and mail between a state, territory, or possession of the United States.

Docket Number: OST-99-5134.

Date Filed: February 22, 1999.

Due Date for Answers, Conforming Applications, or Motions to Modify Scope: March 22, 1999.

Description: Application of AvAtlantic Airlines, Inc., pursuant to 49 U.S.C. Section 41102 and Subpart, requests authority to engage in foreign charter air transportation of persons, property and mail.

Docket Number: OST-99-5140.

Date Filed: February 23, 1999.

Due Date for Answers, Conforming Applications, or Motions to Modify Scope: March 23, 1999.

Description: Joint Application of Fine Air Services Corp. and Arrow Air, Inc. pursuant to 49 U.S.C. Section 41105 and Subpart Q, applies for approval of the de facto transfer of the certificates and other economic authorities now held by Arrow to Fine Corp.

Dorothy W. Walker,

Federal Register Liaison.

[FR Doc. 99-5746 Filed 3-8-99; 8:45 am]

BILLING CODE 4910-62-P 2

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Research and Special Programs Administration

Notification of Department-wide Program Evaluation of the Hazardous Materials Transportation Program

AGENCY: Office of Inspector General and Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice.

SUMMARY: DOT is announcing the initiation of an internal Department-wide Program Evaluation of the Hazardous Materials Transportation Programs (HM Program Evaluation). This DOT-wide Program Evaluation is being led by the department's Office of Inspector General and RSPA. The objectives of the HM Program Evaluation are to document and assess the modal hazardous materials programs within the Department, and determine whether these programs can be accomplished more effectively and efficiently. The results of the ongoing HM Program Evaluation will be reported to the public in DOT's FY 1999 Program Performance Report no later than March 31, 2000.

FOR FURTHER INFORMATION CONTACT: Jackie Goff, 202-493-0326, or George

⁸ 15 U.S.C. 78f(b)(5).

⁹ 15 U.S.C. 78s(b)(2).

¹⁰ 17 CFR 200.30-3(a)(12).

Whitney, 202-366-4831, Co-Chairs, HM Program Evaluation Team, U.S. Department of Transportation; 400 Seventh Street SW., Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION:

I. Background

The Government Performance and Results Act (GPRA) requires agencies to develop a schedule of program evaluations for inclusion in their strategic plans. The Department has initiated a Department-wide Program Evaluation of the Hazardous Materials Transportation Program that was included in the DOT Strategic Plan 1997-2002. The overall purpose of any program evaluation is to provide a means to objectively assess the extent to which a program is contributing to certain outcome goals and trends. Together with performance measures to track our ongoing progress in achieving a goal, the results of program evaluations may be used as a management tool to assist us in better understanding our progress toward achieving a stated goal. Building on the list provided in the DOT Strategic Plan, the Department has identified 30 program evaluations in its Performance Plan for FY 2000. DOT's aim is to emphasize program evaluations that: (1) represent significant DOT activities contributing to our strategic goals; (2) are cross modal in nature, or would benefit from evaluation that is reviewed outside any single Operating Administration; and (3) would benefit from Department-wide expertise and assistance during planning and review. This Program Evaluation meets all three of these aims. Collectively, our goal is to produce a Program Evaluation that is both credible and useful, meeting both the letter and spirit of GPRA.

The Office of Inspector General (OIG) and the Research and Special Programs Administration (RSPA) are jointly leading this "ONE DOT" activity to benefit the public and DOT. The HM Program Evaluation is staffed by 10 full-time persons, including at least one full-time person from the OIG and RSPA and each of the following Operating Administrations: the United States Coast Guard; the Federal Aviation Administration; the Federal Highway Administration; and the Federal Railroad Administration. The results of the ongoing HM Program Evaluation will be reported to the public in DOT's FY 1999 Program Performance Report no later than March 31, 2000.

II. Purpose and Objective

The purpose of the HM Program Evaluation is to examine the Federal

hazardous materials transportation law, the program structure defined by the delegation of authority within DOT, and to assess program delivery. The HM Program Evaluation is intended to allow DOT to determine the effectiveness of the current hazardous material programs, including the division of responsibilities across and within modes, and the allocation of resources dedicated to specific functions. This positions DOT to potentially increase safety and environmental protection when hazardous materials are in commerce.

The HM Program Evaluation has two objectives. First, it will document current hazardous materials movements, programs, and program delivery. Second, it will assess the effectiveness of the hazardous materials programs as they intervene in and affect each step in the hazardous materials transportation process—from packaging manufacturer to destination. Each of the key elements of these objectives is enumerated below.

A. Documentation of current hazardous materials activities will include:

1. A description of the system of hazardous materials movement in commerce and of the forecast trends in hazardous materials transportation.
2. A description of what DOT's hazardous materials program is intended to be as required by law and regulation, identifying key components.
3. A description of what occurs in program delivery, documenting program implementation as applied to the system of hazardous materials movements in commerce. This will include an exposition of the points at which the current hazardous materials programs intervene in the transportation of hazardous materials, from packaging manufacturer, to offeror, to carrier, to receiver, and how intervention tools (regulation, education, training, outreach, compliance, and enforcement) are applied at each point.

B. Analysis of program intervention and alternatives will include:

1. An examination of candidate measures and outcomes that would indicate the effectiveness of DOT's hazardous materials program, including current performance goals and measures, as well as measures which further specify goals, or which provide a better measure of hazardous materials transportation safety.
2. A critique of the current intervention approach. The HM Program Evaluation will consider all of the possible intervention points, to determine if the current approach is the most effective one for achieving adequate safety and environmental

protection. The analysis will address how effectively intervention tools are applied at each point.

3. Presentation of findings, conclusions and recommendations to the Secretary of Transportation.

III. Scope of the HM Program Evaluation

The scope of the HM Program Evaluation will be limited to those activities covered by 49 CFR Parts 106 (Rulemaking Procedures) and 107 (Hazardous Materials Program Procedures), and the Hazardous Materials Regulations (HMR), 49 CFR Parts 171-180, as authorized by the Federal hazardous materials transportation law to provide adequate protection against the risks to life and property inherent in the transportation of hazardous materials in commerce. By definition, hazardous materials transported in pipelines or bulk shipment by water, such as oil or liquefied petroleum gas tank vessels, are not within the scope of the HM Program Evaluation.

The HM Program Evaluation will focus on cross modal issues. It will include a review of compliance, education, training, outreach activities, regulations (including exemptions and approvals), and relevant aspects of DOT's internal rulemaking process. Also included will be a determination of whether the current HMR achieves the stated purpose of the Federal hazardous materials transportation law. International shipments of hazardous materials will be included to permit a review of the International Maritime Dangerous Goods Code (IMDG) and the International Civil Aviation Organization's Technical Instructions on the Transportation of Dangerous Goods by Air (ICAO), both of which are authorized by HMR as alternative standards for many of the requirements in the HMR for shipments destined for export or that are being imported.

IV. Participation by Interested Parties

The team anticipates that a request for comments will be published in the **Federal Register** shortly and will serve as the primary means to involve the public. The request for comments will present a series of questions within the scope of the HM Program Evaluation as described in section III of this notice. When the request for comments is published, interested parties should take this opportunity to respond to these questions, provide supporting documentation and their overall observations of the Department's Hazardous Materials Program. Interested parties will be provided an opportunity

to submit responses in writing or electronically. The comments received in response to the notice will assist in determining areas and issues for indepth review.

Issued in Washington, DC, on March 4, 1999.

Jackie Goff,

Co-Chair, Hazardous Materials Program Evaluation Team.

George Whitney,

Co-Chair, Hazardous Materials Program Evaluation Team.

[FR Doc. 99-5756 Filed 3-8-99; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG-1999-5179]

National Offshore Safety Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Notice of meetings.

SUMMARY: The National Offshore Safety Advisory Committee (NOSAC) will meet to discuss various issues relating to offshore safety. The meeting will be open to the public.

DATES: NOSAC will meet on Thursday, April 8, 1999, from 8:30 a.m. to 2:30 p.m. The meeting may close early if all business is finished. Written material and requests to make oral presentations should reach the Coast Guard on or before March 25, 1999. Requests to have a copy of your material distributed to each member of the committee should reach the Coast Guard on or before March 25, 1999.

ADDRESSES: NOSAC will meet in rooms 6244-6248, of the NASSIF Building, 400 7th Street, SW, Washington, DC. Send written material and requests to make oral presentations to Captain R. L. Skewes, Commandant (G-MSO), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001. This notice is available on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: For questions on this notice, contact Captain R. L. Skewes, Executive Director of NOSAC, or Mr. Jim Magill, Assistant to the Executive Director, telephone 202-267-0214, fax 202-267-4570. For questions on viewing the docket, contact Dorothy Walker, Chief, Dockets, Department of Transportation, 202-366-9329.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agenda of Meeting

National Offshore Safety Advisory Committee (NOSAC). The agenda includes the following:

(1) Introduction and swearing-in of new members.

(2) Progress report from the Prevention Through People Subcommittee.

(3) Progress report from the Subcommittee on Pipeline-Free Anchorages for Mobile Offshore Drilling Units, Liftboats and Vessels.

(4) Status report on revision of 33 CFR Subchapter "N", Outer Continental Shelf Regulations.

(5) Report on the new regulations for large offshore supply vessels and crewboats, (supplementary 46 CFR Subchapter "L").

(6) Report on issues concerning the International Maritime Organization (IMO) and the International Organization of Standardization (ISO).

(7) Status report from Incident Reporting Subcommittee.

(8) Report from Platform/Ship Collision Avoidance Subcommittee.

(9) MODUs—U.S. Flag to Foreign Flag Movement.

Procedural

The meeting is open to the public. Please note that the meeting may close early if all business is finished. At the Chair's discretion, members of the public may make oral presentations during the meeting. If you would like to make an oral presentation at the meeting, please notify the Executive Director no later than March 25, 1999. Written material for distribution at the meeting should reach the Coast Guard no later than March 25, 1999. If you would like a copy of your material distributed to each member of the committee or subcommittee in advance of the meeting, please submit 25 copies to the Executive Director no later than March 25, 1999.

Information on Services for Individuals with Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact the Executive Director as soon as possible.

Dated: February 22, 1999.

Joseph J. Angelo,

Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 99-5747 Filed 3-8-99; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-290 (Sub-No. 204X)]

Norfolk Southern Railway Company—Abandonment Exemption—in Mecklenburg County, NC

Norfolk Southern Railway Company (NS) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon 2.87 miles of its line of railroad between milepost R-O.13 and milepost R-3.0 in Charlotte, Mecklenburg County, NC. The line traverses United States Postal Service Zip Codes 28209 and 28227.

NS has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) there has been no overhead traffic on the line during the past 2 years and any overhead traffic could be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on April 8, 1999, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 CFR

¹ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.