

**FOR FURTHER INFORMATION CONTACT:**  
Vicki Stamper, EPA Region VIII, (303)  
312-6445.

**SUPPLEMENTARY INFORMATION:** See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations section of this **Federal Register**.

Dated: July 20, 1998.

**William P. Yellowtail,**

*Regional Administrator, Region VIII.*

[FR Doc. 98-20283 Filed 7-28-98; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL MARITIME COMMISSION

### 46 CFR Part 503

[Docket No. 98-11]

#### Availability of Records to the Public— Electronic Freedom of Information Act; Correction

**AGENCY:** Federal Maritime Commission.

**ACTION:** Notice of Proposed Rulemaking; correction.

**SUMMARY:** This document corrects proposed § 503.23(a)(3) in a proposed rule published in the **Federal Register** on July 22, 1998, regarding Availability of Records to the Public—Electronic Freedom of Information Act.

**FOR FURTHER INFORMATION CONTACT:**  
Joseph C. Polking, 202-523-5725.

#### Correction

In the proposed rule FR Doc. 98-19432, beginning on page 39263 in the issue of July 22, 1998, make the following correction in the rule text. On page 39265 in the first column, § 503.23, paragraph (a)(3), correct “§§ 514.20(c) or 514.8(k)” to read “§§ 514.21(d) or 514.8(k)(2).”

Dated: July 23, 1998.

**Ronald D. Murphy,**

*Assistant Secretary.*

[FR Doc. 98-20215 Filed 7-28-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 49 CFR Part 389

[FHWA Docket No. FHWA-98-4145]

#### Federal Motor Carrier Safety Regulations; Waivers, Exemptions, and Pilot Programs; Public Meeting

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

**ACTION:** Announcement of meeting.

**SUMMARY:** The FHWA is announcing a public meeting to solicit information that will assist the agency in implementing section 4007 of the Transportation Equity Act for the 21st Century (TEA 21), effective on June 9, 1998, governing waivers, exemptions, and pilot programs. Section 4007 amended 49 U.S.C. 31315 and 31136(e) by changing the agency's authority to grant waivers and exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs) and to conduct pilot programs. The new statutory language requires the FHWA, within 180 days of enactment of TEA 21, to establish procedures by which a person may request a waiver or an exemption.

The FHWA recognizes the public's interest in how the agency applies its waiver and exemption authority. For that reason, we are scheduling a public meeting to obtain comments and ideas from interested persons to assist the FHWA in implementing section 4007 expeditiously.

**DATES:** The public meeting will be held on Thursday, August 20, 1998, between 9 a.m. and 4 p.m. Comments for inclusion in the docket must be received no later than August 20, 1998.

**ADDRESSES:** The public meeting will be held in Room 2230 of the DOT Headquarters Building, 400 Seventh Street, SW., Washington, DC. Written, signed comments to the docket identified at the beginning of this document should be sent to: Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. All comments received will be available for examination at the above address from 10 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. Persons desiring notification of receipt of comments must enclose a self-addressed, stamped envelope or postcard.

#### FOR FURTHER INFORMATION CONTACT:

*General Information.* To request time to be heard and for other general information, contact Dianne Porter, Office of Motor Carrier Planning and Customer Liaison, (202) 366-4073.

*Specific Rulemaking Information.* For information concerning rulemaking, contact Neill L. Thomas, Office of Motor Carrier Research and Standards, (202) 366-4009 or Charles E. Medalen, Office of Chief Counsel, (202) 366-1354, 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 Availability

Internet users can 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 computer, modem, and suitable communications software from the Government Printing Office (GPO) electronic bulletin board service (telephone: 202-512-1661). Internet users may reach the GPO's web page at: <http://www.access.gpo.gov/su-docs/aces/aaces002.html>.

#### Participation and Attendance

All persons who would like to participate in the public meeting must notify the agency by contacting Dianne Porter by telephone at (202) 366-4073; E-Mail: [dporter@fhwa.dot.gov](mailto:dporter@fhwa.dot.gov); or FAX: (202) 366-7298 by 4 p.m., e.t., on Friday, August 14, 1998. All persons attending will be subject to Federal and DOT workplace security measures. Attendees must enter the building at the southwest quadrant which is located near the intersection of Seventh and "E" Streets, SW.

#### Background

The Motor Carrier Act of 1935 gave the FHWA and its predecessor, the Interstate Commerce Commission (ICC), broad authority to regulate qualifications and maximum hours of service of employees of, and safety of operation and equipment of motor carriers (now recodified at 49 U.S.C. 31502), which carried with it implicit authority to waive any regulation or exempt any entity.

Before TEA 21 (Pub. L. No. 105-178, 112 Stat. 107), the Motor Carrier Safety Act of 1984 (49 U.S.C. 31136) and the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. 31315) provided the FHWA explicit authority to waive any part of a regulation, as it applies to a person or a class of persons, if the action taken was first determined to be consistent with the public interest and the safe operation of commercial motor vehicles. Before granting a waiver under these provisions of law, the FHWA had to publish the proposed waiver and the reasons for it in the **Federal Register** for public comment. This was a considerable limitation on the implicit authority in the 1935 Act inherited from the ICC in 1967 and presented a difficult test as interpreted by the U.S. Court of Appeals for the D.C. Circuit in *AHAS v. FHWA*, 28 F. 3d 1288 (1994).