

relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with Executive Order 12612, preparation of a Federalism Assessment is not warranted.

**The Final Rule**

In consideration of the foregoing, FRA amends Parts 219 and 225, Title 49, Code of Federal Regulations as follows:

**PART 219—[AMENDED]**

1. The authority citation for part 219 continues to read as follows:

**Authority:** 49 U.S.C. 20103, 20107, 20111, 20112, 20113, 20140, 21301, 21304; and 49 CFR 1.49(m).

2. By amending § 219.5 by revising the first sentence in the definition of Impact accident and by revising the definitions of Reporting Threshold and Train accident to read as follows:

**§ 219.5 Definitions.**

*Impact accident* means a train accident (*i.e.*, a rail equipment accident involving damage in excess of the current reporting threshold, \$6,300 for calendar years 1991 through 1996, \$6,500 for calendar year 1997, and \$6,600 for calendar years 1998 through 1999) consisting of a head-on collision, a rear-end collision, a side collision (including a collision at a railroad crossing at grade), a switching collision, or impact with a deliberately-placed obstruction such as a bumping post.

*Reporting threshold* means the amount specified in § 225.19(e) of this chapter, as adjusted from time to time in accordance with appendix B to part

225 of this chapter. The reporting threshold for calendar years 1991 through 1996 is \$6,300. The reporting threshold for calendar year 1997 is \$6,500. The reporting threshold for calendar years 1998 through 1999 is \$6,600.

*Train accident* means a passenger, freight, or work train accident described in § 225.19(c) of this chapter (a "rail equipment accident" involving damage in excess of the current reporting threshold, \$6,300 for calendar years 1991 through 1996, \$6,500 for calendar year 1997, and \$6,600 for calendar years 1998 through 1999), including an accident involving a switching movement.

3. By amending § 219.201 by revising the introductory text of paragraphs (a)(1) and (a)(2), and by revising paragraph (a)(4) to read as follows:

**§ 219.201 Events for which testing is required.**

(a) *Major train accident.* Any train accident (*i.e.*, a rail equipment accident involving damage in excess of the current reporting threshold, \$6,300 for calendar years 1991 through 1996, \$6,500 for calendar year 1997, and \$6,600 for calendar years 1998 through 1999) that involves one or more of the following:

(2) *Impact accident.* An impact accident (*i.e.*, a rail equipment accident defined as an "impact accident" in § 219.5 of this part that involves damage in excess of the current reporting threshold, \$6,300 for calendar years 1991 through 1996, \$6,500 for calendar

year 1997, and \$6,600 for calendar years 1998 through 1999) resulting in—

(4) *Passenger train accident.* Reportable injury to any person in a train accident (*i.e.*, a rail equipment accident involving damage in excess of the current reporting threshold, \$6,300 for calendar years 1991 through 1996, \$6,500 for calendar year 1997, and \$6,600 for calendar years 1998 through 1999) involving a passenger train.

**PART 225—[AMENDED]**

1. The authority citation for part 225 continues to read as follows:

**Authority:** 49 U.S.C. 20103, 20107, 20901, 20902, 21302, 21311; 49 U.S.C. 103; 49 CFR 1.49(c), (g), and (m).

2. By amending § 225.19(c) by removing the phrase "and \$6,600 for calendar year 1998" and by adding in its place ", and \$6,600 for calendar years 1998 through 1999";

3. By revising § 225.19(e) to read as follows:

**§ 225.19 Primary groups of accidents/incidents.**

(e) The reporting threshold is \$6,300 for calendar years 1991 through 1996. The reporting threshold is \$6,500 for calendar year 1997 and \$6,600 for calendar years 1998 through 1999. The procedure for determining the reporting threshold for calendar year 1997 and later appears as appendix B to part 225.

4. Part 225 is amended by revising paragraphs 8 and 9 of appendix B to read as follows:

**Appendix B to Part 225—Procedure for Determining Reporting Threshold**

8. Formula:

$$\text{New Threshold} = \text{Prior Threshold} \times \left\{ 1 + 0.5 \frac{(W_n - W_p)}{W_p} + 0.5 \frac{(E_n - E_p)}{100} \right\}$$

Where:

Prior Threshold = \$6,600 (for rail equipment accidents/incidents that occur during calendar year 1998)

W<sub>n</sub>=New average hourly wage rate (\$)=18.085000

W<sub>p</sub>=Prior average hourly wage rate (\$)=17.990833

E<sub>n</sub>=New equipment average PPI value (\$)=134.49166

E<sub>p</sub>=Prior equipment average PPI value (\$)=135.91666

9. The result of these calculations is \$6,570.2472. Since the result is rounded to the nearest \$100, the new reporting threshold for rail equipment accidents/incidents that occur during calendar year 1999 remains at \$6,600.

Issued in Washington, D.C., on December 21, 1998.

**Donald M. Itzkoff,**  
Deputy Administrator, Federal Railroad Administration.

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**DEPARTMENT OF TRANSPORTATION  
Federal Highway Administration  
49 CFR Part 395**

**Global Positioning System (GPS) Technology; Extension of Application Date**

**AGENCY:** Federal Highway Administration (FHWA), DOT.  
**ACTION:** Notice of extension of deadline for submission of applications to participate in the GPS technology pilot demonstration project.

**SUMMARY:** The FHWA is extending the deadline for motor carriers to submit applications to participate in the agency's Global Positioning System (GPS) technology pilot demonstration project. This project allows qualified motor carriers that use GPS technology and related safety management computer systems to enter into an agreement with the FHWA to use such systems to record and monitor drivers' hours of service, in lieu of requiring them to prepare handwritten records of duty status. This project is intended to demonstrate that the motor carrier industry can use this technology to improve compliance with the hours-of-service requirements in a manner which promotes safety and operational efficiency while reducing paperwork.

**DATES:** Applications must be received on or before June 30, 1999.

**ADDRESSES:** Written applications should be mailed to the Office of Motor Carrier Research and Standards (HCS-10), Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590.

**FOR FURTHER INFORMATION CONTACT:** Mr. Neill L. Thomas, Office of Motor Carrier Research and Standards, (202) 366-4009, or Mr. Charles Medalen, Office of Chief Counsel, (202) 366-1354, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays. Application requests and specific questions regarding this pilot demonstration project may also be directed to the contact person(s) named in this notice or the Division Offices of the FHWA in your State.

**SUPPLEMENTARY INFORMATION:**

**Background**

On September 30, 1988, the FHWA published a final rule (53 FR 38666) to allow motor carriers to use certain automatic on-board devices to record their drivers' duty status in lieu of the handwritten records required by 49 CFR 395.8. This provision is now codified at 49 CFR 395.15. Many motor carriers employing this technology found that their compliance with the hours-of-service regulations improved. New technologies are emerging, however, and the narrowly crafted on-board recorder provision is becoming obsolete.

Before considering changes to the rule, the FHWA determined that it would be prudent to demonstrate the effectiveness of more recent technology for ensuring compliance with the hours-of-service regulations. On April 6, 1998, the FHWA announced a pilot project that would allow motor carriers to use GPS tracking systems and related computer programs to monitor compliance with the hours-of-service regulations. Drivers would be exempted from the requirement to maintain paper logs (63 FR 16697). Werner Enterprises, Inc., was the first carrier to enter into an agreement with the FHWA to use a GPS system for this purpose. The FHWA believes GPS technology and many of the complementary safety management computer systems currently available to the motor carrier industry provide at least the same degree of monitoring accuracy as 49 CFR 395.15. The FHWA also believes the project will demonstrate that reduced paperwork and recordkeeping requirements are

consistent with highway safety, while providing economic advantages to the motor carrier industry.

**Reason for Extending the Application Deadline**

No applications have been received to date. However, several motor carriers have informed the FHWA of their desire to participate in this pilot project. They were unable to purchase or develop the requisite computer systems and software that complement the GPS technology before the original application deadline of October 5, 1998. Therefore, to ensure the best possible results for this pilot project, the agency is extending the application period to June 30, 1999. Any motor carriers that wish to participate in the pilot demonstration project must have GPS technology and complementary safety management computer systems which meet all of the conditions specified in the April 6, 1998, notice.

**Authority:** 5 U.S.C. 553(b); 23 U.S.C. 315; 49 U.S.C. 31133, 31136, and 31502; sec. 345, Pub. L. 104-59, 109 Stat. 568, 613; and 49 CFR 1.48.

Issued on: December 21, 1998.

**Kenneth R. Wykle,**

*Federal Highway Administrator.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 285**

[I.D. 122198B]

**Atlantic Tuna Fisheries; Atlantic Bluefin Tuna**

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

**ACTION:** Catch limit adjustment.

**SUMMARY:** NMFS adjusts the daily catch limit for Atlantic bluefin tuna (BFT) in all areas to one fish per vessel, which may be from the school, large school, or small medium size class. The Angling category trophy fishery for large medium and giant BFT remains at one fish per vessel, per year. This action is being taken to lengthen the fishing season and to ensure reasonable fishing opportunities in all geographic areas without risking overharvest of the quota established for the Angling category fishery.

**DATES:** Effective 1 a.m. local time on January 1, 1999, until the end of the

1999 winter fishery. NMFS will announce any subsequent catch limit adjustments by publication in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Sarah McLaughlin, 978-281-9146.

**SUPPLEMENTARY INFORMATION:**

Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285.

Implementing regulations for the Atlantic tuna fisheries at § 285.24 allow for adjustments to the daily catch limit in order to provide for maximum utilization of the quota spread over the longest possible period of time. The Assistant Administrator for Fisheries, NOAA, may increase or reduce the per angler catch limit for any size class BFT or may change the per angler limit to a per vessel limit or a per vessel limit to a per angler limit. NMFS is responsible for implementing the recommendation by the International Commission for the Conservation of Atlantic Tunas to restrict domestic landings of BFT within the assigned country allocation and further to limit the take of school size BFT (measuring 27 to <47 inches/69 to <119 cm). In addition, it is NMFS' goal to increase the geographical and temporal distribution of data collection and fishing opportunities in the Angling category.

Effective January 1, 1999, NMFS adjusts the daily catch limit as follows: Each Angling category vessel may retain no more than one BFT from the school (measuring 27 to <47 inches/69 to <119 cm), large school (measuring 47 to <59 inches/119 to <150 cm), or small medium (measuring 59 to <73 inches/150 to <185 cm) size class. In addition, each Angling category vessel may retain no more than one large medium or giant BFT (measuring 73 inches/185 cm or greater) per year. Catch rates during the first few months of 1998 were low, but catch rates and average sizes of BFT landed during the winter fishery were high in 1996 and 1997. This action is being taken to provide the greatest geographic and temporal range of data collection and fishing opportunities without risking overharvest.

Charter/Headboat category vessels, when engaged in recreational fishing for BFT, are subject to the same rules as Angling category vessels. In addition, anglers aboard permitted vessels may continue to tag and release BFT of all sizes under the NMFS tag-and-release program (50 CFR 285.27).

NMFS will continue to monitor the Angling category fishery closely through