

operational fixed licensees and broadcast auxiliary radio licensees in the microwave services. Inasmuch as the Commission has not yet defined a small business with respect to microwave services, we will utilize the SBA's definition applicable to radiotelephone companies—i.e., an entity with no more than 1,500 persons. 13 CFR 121.201, SIC CODE 4812. We estimate, for this purpose, that all of the Fixed Microwave licensees (excluding broadcast auxiliary licensees) would qualify as small entities under the SBA definition for radiotelephone companies.

*Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements*

20. We propose to apply the part 25 rules governing reporting requirements for FSS systems. Specifically, licensees are required to file an annual report with the Commission describing: the status of satellite construction and anticipated launch dates, including any major delays or problems encountered; a listing of any unscheduled satellite outages for more than 30 minutes including the cause(s) of any such outages; and a detailed description of the utilization made of each satellite on each of the in-orbit satellites.

*Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered*

21. We propose to adopt or seek comment on adequate spectrum sharing criteria to minimize the potential for interference of these new NGSO FSS operations on incumbent operations, many of which qualify as small entities. Further, to promote system growth for the fixed microwave service (which includes most of the small entities under consideration in this proceeding), we are proposing to establish exclusion areas around the top 50 cities in the U.S. which would not permit NGSO earth stations to construct in these areas for several years. This proposal should permit fixed service small entities some level of assurance that future fixed links could be established without hinderance from NGSO FSS earth stations. We request comment on other alternatives that could minimize the impact of this action on small entities.

*Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules*

22. None.

23. The Commission's Office of Public Affairs, Reference Operations Division will send a copy of this NPRM to the

Chief Counsel for Advocacy of the Small Business Administration.

24. Paperwork Reduction Act. This Notice of Proposed Rulemaking contains either a proposed or modified information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collections contained in this Notice of Proposed Rulemaking, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. Public and agency comments are due at the same time as other comments on the NPRM; OMB comments are due March 15, 1999. Comments should address: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

*OMB Control Number:* N.A.

*Title:* Fixed Satellite Service and NGSO Sharing in Ku-Band.

*Form No.:* N/A.

*Type of Review:* New collection.

*Respondents:* Business or other for-profit entities.

*Number of Respondents:* 5.

*Estimated time per response:* 22 hours.

*Total Annual Burden:* 110 hours.

*Total Annual Cost:* This includes the charges for hiring an attorney, legal assistant, or engineer at \$150 an hour to complete the submissions. The estimated average time to complete space station submissions is 20 hours per response. Based on the assumption that applicants will hire outside counsel at an approximate cost of \$150 per hour, it is estimated that the cost per submission will be \$3,300.00.

*Needs and Uses:* In accordance with the Communications Act, the information collected will be used by the Commission in evaluating applications requesting authority to operate pursuant to part 25 of the Commission's rules. The information will be used to determine the legal, technical, and financial ability of the applicants and will assist the Commission in determining whether grant of such authorizations are in the public interest.

**List of Subjects**

47 CFR Part 2

Communications equipment, Radio.

47 CFR Part 25

Communications equipment, Radio, Satellites.

Federal Communications Commission.

**Magalie Roman Salas,**  
*Secretary.*

[FR Doc. 99-578 Filed 1-11-99; 8:45 am]

BILLING CODE 6712-01-P

**DEPARTMENT OF TRANSPORTATION**

**Research and Special Programs Administration**

**49 CFR Part 171**

[Docket No. RSPA-98-4943 (HM-225B)]

RIN 2137-AD31

**Hazardous Materials: Authorization for the Continued Manufacture of Certain MC 331 Cargo Tanks**

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Notice of Proposed Rulemaking (NPRM).

**SUMMARY:** This notice proposes to extend from March 1, 1999 to July 1, 1999, the period for continued manufacture of MC 331 cargo tanks without certification and demonstrated performance of the emergency discharge control system. The intent of this NPRM is to provide for the uninterrupted production of specification MC 331 cargo tanks used in the transportation of propane, anhydrous ammonia and other liquefied compressed gases.

**DATES:** Comments must be received on or before February 11, 1999.

**ADDRESSES:** Address written comments to the Dockets Management System, U.S. Department of Transportation, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590-0001. Identify the docket number RSPA-98-4943 at the beginning of the comments and submit two copies. If you want to receive confirmation of receipt of your comments, include a self-addressed, stamped postcard. Comments also may be submitted by e-mail to [rules@rspa.dot.gov](mailto:rules@rspa.dot.gov).

Dockets Management System is located on the Plaza Level of the Nassif Building at the Department of Transportation at the above address. You can review public dockets there between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, except

Federal holidays. In addition, you can review comments by accessing the docket management system through the DOT home page (<http://dms.dot.gov>).

**FOR FURTHER INFORMATION CONTACT:**

Jennifer Karim or Susan Gorsky, Office of Hazardous Materials Standards, Research and Special Programs Administration (202) 366-8553.

**SUPPLEMENTARY INFORMATION:**

On February 19, 1997, under Docket No. RSPA-97-2133 (HM-225) (62 FR 7638), the Research and Special Programs Administration (RSPA, "we") issued an emergency interim final rule to specify the conditions under which MC 330 and MC 331 cargo tank motor vehicles could continue to operate while RSPA and the industry addressed operational problems related to the cargo tank emergency discharge control system. A final rule extending and revising the provisions of the emergency interim final rule was issued on August 18, 1997 (62 FR 44038). The August 18 final rule included a provision permitting continued manufacture of MC 331 cargo tanks without certification and demonstrated performance of the emergency discharge control system until March 1, 1999.

We issued a final rule responding to petitions for reconsideration and clarifying certain provisions of the August 18 final rule on December 10, 1997 (62 FR 65187). In this rule, RSPA extended the expiration date of certain provisions of the rule from March 1, 1999 to July 1, 1999. This change was based on a request from Farmland Industries, Inc. and The Fertilizer Institute asking that the agency allow a four-month extension of the expiration date to July 1, 1999, to avoid expiration of the requirements at the beginning of the fertilizer industry's peak delivery season.

A provision in the August 18, 1997 final rule permits, until March 1, 1999, a new cargo tank motor vehicle to be marked and certified as conforming to specification MC 331 without certification and demonstrated performance of the emergency discharge control system. RSPA did not change the date for this provision in the December 10, 1997 final rule because it was not requested by petitioners and we did not anticipate a need to extend the date at that time. RSPA has subsequently established a negotiated rulemaking committee (the Committee) which is developing alternative safety standards for unloading liquefied compressed gases to replace those standards which expire on July 1, 1999. The work of the Committee is expected to extend beyond March 1, 1999.

Therefore, we believe there is a need to extend the March 1, 1999 date until July 1, 1999, consistent with the expiration of the final rule, and are proposing to extend the date in this document. During its December 1-2, 1998 meeting, the Committee agreed that we should propose this change.

**Regulatory Analyses and Notices**

*Executive Order 12866 and DOT Regulatory Policies and Procedures*

This proposed rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and was not reviewed by the Office of Management and Budget. The rule is not considered significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11034).

RSPA did not prepare a regulatory evaluation for this NPRM addressing the issue of extending the expiration date of the rule. However, a final regulatory evaluation was prepared in support of the final rule published on December 10, 1997. The final regulatory evaluation is available for review in that public docket.

*Executive Order 12612*

This proposed rule has been analyzed according to the principles and criteria contained in Executive Order 12612 ("Federalism"). The Federal hazardous materials transportation law (49 U.S.C. 5101-5127) contains an express preemption provision that preempts State, local, and Indian tribe requirements on certain covered subjects. Covered subjects are:

(A) The designation, description, and classification of hazardous materials;

(B) The packing, repacking, handling, labeling, marking, and placarding of hazardous materials;

(C) The preparation, execution, and use of shipping documents pertaining to hazardous materials and requirements relating to the number, content, and placement of such documents;

(D) The written notification, recording, and reporting of the unintentional release in transportation of hazardous materials; or

(E) The design, manufacturing, fabrication, marking, maintenance, reconditioning, repairing, or testing of a package or container which is represented, marked, certified, or sold as qualified for use in the transportation of hazardous materials.

Title 49 U.S.C. 5125(b)(2) provides that DOT must determine and publish in the **Federal Register** the effective date of Federal preemption. That effective date may not be earlier than the 90th

day following the date of issuance of the final rule and not later than two years after the date of issuance. RSPA solicits comments on whether the proposed rule would have any effect on State, local or Indian tribe requirements and, if so, the most appropriate effective date of Federal preemption. We have determined that this proposed rule does not have sufficient Federalism impacts to warrant the preparation of a federalism assessment.

*Executive Order 13084*

The revised regulation evolving from this NPRM will not significantly or uniquely affect the communities of Indian tribal governments when analyzed under the principles and criteria contained in Executive Order ("Consultation and Coordination with Indian Tribal Government"). Therefore, the funding and consultation requirements of this Executive Order would not apply. Nevertheless, this NPRM specifically requests comments from affected persons, including Indian tribal governments, as to its potential impact.

*Regulatory Flexibility Act*

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), RSPA must consider whether a notice of proposed rulemaking would have a significant economic impact on a substantial number of small entities. This rule proposes only to extend the expiration date of the current rule from March 1, 1999 to July 1, 1999. Therefore, I certify that this proposed rule will not have a significant economic impact on a substantial number of small entities.

*Paperwork Reduction Act*

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number. This NPRM does not propose any new information collection requirements.

*Regulation Identifier Number (RIN)*

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

*Unfunded Mandates Reform Act*

This proposed rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of

1995. It does not result in costs of \$100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objective of the rule.

#### *Impact on Business Processes and Computer Systems*

Many computers that use two digits to keep track of dates will, on January 1, 2000, recognize "double zero" not as 2000 but as 1900. This glitch, the Year 2000 problem, could cause computers to stop running or to start generating erroneous data. The Year 2000 problem poses a threat to the global economy in which Americans live and work. With the help of the President's Council on Year 2000 Conversion, Federal agencies are reaching out to increase awareness of the problem and to offer support. We do not want to impose new requirements that would mandate business process changes when the resources necessary to implement those requirements would otherwise be applied to the Year 2000 problem.

This NPRM does not impose business process changes or require modifications to computer systems. Because this NPRM does not affect organizations' ability to respond to the Year 2000 problem, we do not intend to delay the effectiveness of the proposed requirements in this NPRM.

#### *List of Subjects in 49 CFR Part 171*

Exports, Hazardous materials transportation, Hazardous waste, Imports, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR Part 171 would be amended as follows:

#### **PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS**

1. The authority citation for Part 171 would continue to read as follows:

**Authority:** 49 U.S.C. 5101–5127; 49 CFR 1.53.

#### **§ 171.5 [Amended]**

2. In § 171.5, in paragraph (a)(3), the date "March 1, 1999" would be revised to read "July 1, 1999".

Issued in Washington, DC, on January 6, 1999, under authority delegated in 49 CFR part 106.

**Alan I. Roberts,**

*Associate Administrator for Hazardous Materials Safety.*

[FR Doc. 99–623 Filed 1–11–99; 8:45 am]

BILLING CODE: 4910–60–P

### **DEPARTMENT OF TRANSPORTATION**

#### **Federal Railroad Administration**

##### **49 CFR Part 230**

[FRA Docket No. RSSL–98–2, Notice No. 2]

#### **Inspection and Maintenance Standards for Steam Locomotives; Proposed Revisions**

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of public hearing.

**SUMMARY:** By notice of proposed rulemaking (NPRM) published on September 25, 1998 (63 FR 51404), FRA proposed revisions to the regulations governing steam locomotive inspections and maintenance. In that proposed rule, FRA announced that it did not intend to schedule a public hearing regarding this proposal absent a specific request to do so. During the period for written comments, FRA received several requests for a public hearing to address issues raised by this proposal. FRA now intends to hold a public hearing to provide interested parties the opportunity to comment on the proposed revisions contained in the NPRM. This document announces the public hearing.

**DATES:** A public hearing will be held at 9:00 a.m. February 4, 1999.

**ADDRESSES:** (1) *Public Hearing:* A hearing to provide interested parties the opportunity to comment on the proposed revisions contained in the NPRM will be held at the following location: The Omni Marina Hotel, 707 North Shoreline Boulevard, Corpus Christi, Texas 78401 (512) 882–1700

(2) *Docket Clerk:* Written notification should identify the docket number and be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, RCC–10, 400 Seventh Street, Stop 10, SW, Washington, DC 20590 (202) 493–6030.

**FOR FURTHER INFORMATION CONTACT:** John Megary, Regional Administrator, Federal Railroad Administration, 8701 Beford-Eules Road, Suite 425, Hurst, TX 76053 (telephone 817–284–8142); George Scerbo, Motive Power & Equipment Specialist, Federal Railroad Administration, (telephone 202–493–6249); or Paul F. Byrnes, Trial Attorney, Office of the Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW, Stop 10, Washington, DC 20950 (telephone 202–493–6032).

#### **SUPPLEMENTARY INFORMATION:**

##### **Public Participation Procedures**

Any person wishing to participate in the public hearing should notify the Docket Clerk by mail or telephone at least five working days prior to the date of the hearing or conference. The notification should identify the party the person represents, and the particular subject(s) the person plans to address. The notification should also provide the Docket Clerk with the participant's mailing address.

Issued in Washington, DC, on January 6, 1999.

**Grady C. Cothen,**

*Deputy Associate Administrator For Safety And Program Development.*

[FR Doc. 99–677 Filed 1–11–99; 8:45 am]

BILLING CODE 4910–06–P