

respondent, by registered or certified mail, or by other means reasonably calculated to give notice. \* \* \*

b. Add "[Rule 604.]" to the end of paragraph (g).

64. Amend § 502.605 as follows:

a. Revise paragraph (a) to read as follows:

b. Add "[Rule 605.]" to the end of paragraph (c).

**§ 502.605 Payment of penalty; Method; default.**

(a) *Method.* Payment of penalties by the respondent is to be made by bank cashier's check or other instrument acceptable to the Commission.

\* \* \* \* \*

**PART 571—INTERPRETATIONS AND STATEMENTS OF POLICY [REDESIGATED AS PART 545]**

1. Redesignate part 571 as part 545.

**PART 545—Redesignated from Part 571 and Amended**

2. The authority citation for redesignated part 545 continues to read as follows:

**Authority:** 5 U.S.C. 553, 46 U.S.C. app. 1706, 1707, 1709, and 1716.

3. In redesignated § 545.1, revise paragraph (a) to read as follows:

**§ 545.1 Interpretation of Shipping Act of 1984—Refusal to negotiate with shippers' associations.**

(a) Section 8(c) of the Shipping Act of 1984 ("1984 Act") authorizes ocean common carriers and conferences to enter into a service contract with a shippers' association, subject to the requirements of the 1984 Act. Section 10(b)(10) of the 1984 Act prohibits carriers from unreasonably refusing to deal or negotiate. Section 7(a)(2) of the 1984 Act exempts from the antitrust laws any activity within the scope of that Act, undertaken with a reasonable basis to conclude that it is pursuant to a filed and effective agreement.

\* \* \* \* \*

By the Commission.

**Bryant L. VanBrakle,**  
*Secretary.*

[FR Doc. 99-3621 Filed 2-16-99; 8:45 am]

BILLING CODE 6730-01-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[MM Docket No. 98-90; RM-9070]

**Radio Broadcasting Services; Dayton, WA and Weston, OR**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Dayton Broadcasting Company, substitutes Channel 270C2 for Channel 272A at Dayton, Washington, reallocates Channel 270C2 from Dayton to Weston, Oregon, and modifies Station KZZM(FM)'s license accordingly. See 63 FR 34620, June 25, 1998. Channel 270C2 can be reallocated to Weston in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction at petitioner's requested transmitter site. The coordinates for Channel 270C2 at Weston are 45-47-12 North Latitude and 118-15-46 West Longitude. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** March 22, 1999.

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 98-90, adopted January 27, 1999, and released February 5, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

**PART—73 [AMENDED]**

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by adding Weston, Channel 270C2.

3. Section 73.202(b), the Table of FM Allotments under Washington, is amended by removing Channel 272A at Dayton.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 99-3783 Filed 2-16-99; 8:45 am]

BILLING CODE 6712-01-P

**DEPARTMENT OF TRANSPORTATION**

**Office Of The Secretary**

**49 CFR Part 1**

[OST Docket No. 1; Amdt. 1-297]

**Organization and Delegation of Powers and Duties Delegation to the Commandant, United States Coast Guard, the Federal Railroad Administrator, and the Federal Highway Administrator**

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Secretary is delegating his authority under section 346 of the Department of Transportation and Related Agencies Appropriations Act, 1998, Pub. L. 105-66 (October 27, 1997) to the Commandant of the U. S. Coast Guard, the Federal Railroad Administrator, and the Federal Highway Administrator. Section 346 authorizes the Secretary of Transportation to establish, operate, and manage a nationwide system to be known as the "Nationwide Differential Global Positioning System" (NDGPS) as soon as practicable, to integrate the NDGPS reference stations into the Continuously Operating Reference Station (CORS) system of the National Geodetic Survey of the Department of Commerce, and to investigate the use of the NDGPS reference stations for the Global Positioning System Integrated Precipitable Water Vapor System of the National Oceanic and Atmospheric Administration of the Department of Commerce.

**EFFECTIVE DATE:** February 17, 1999.

**FOR FURTHER INFORMATION CONTACT:** John Macaluso, Office of the Secretary of Transportation (P-7), Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Phone: (202) 366-0362.

**SUPPLEMENTARY INFORMATION:** With the two exceptions noted later in this document, the authority of the Secretary in Section 346 to establish, operate, and manage the NDGPS, should be delegated to the Commandant of the Coast Guard,

because the USCG has the expertise and staff to carry out these functions in accordance with the statutory requirements. The pertinent actions of this delegation include, but are not limited to: (1) Taking receipt of such equipment and sites of the Ground Wave Emergency Network (GWEN) and reusing them as necessary for the establishment of the NDGPS, (2) installing the NDGPS by using contractor services to the maximum extent practicable, (3) modifying the positioning system operated by the Coast Guard to integrate it with the NDGPS, (4) ensuring that the reference stations are compatible with, and integrated into, the Continuously Operating Reference Station (CORS) system in cooperation with the National Geodetic Survey of the Department of Commerce, (5) investigating the use of the NDGPS reference stations for the Global Positioning System Integrated Precipitable Water Vapor System of the National Oceanic and Atmospheric Administration, of the Department of Commerce (6) cooperating with appropriate agencies within the Defense Department to ensure that the use of the NDGPS is denied to any enemy of the United States, (7) maintaining the sites and equipment of the NDGPS including entering into contracts to provide for maintenance where it is cost effective, (8) acting as lead agency, in cooperation with the Federal Railroad Administrator and Federal Highway Administrator, in the investigation of improvements to the NDGPS, in the development of standards for the NDGPS, and in the sponsorship of the development of new applications for the NDGPS, (9) providing for the continual upgrading of the NDGPS to improve performance, and (10) acting as a cooperating agency in matters relating to the National Environmental Policy Act (NEPA).

The first exception to the delegation to the Commandant of the Coast Guard is that the determination of the Federal requirements for the NDGPS, as a necessary function in the Secretary of Transportation's authority to establish, operate, and manage the NDGPS, is delegated to the Federal Railroad Administrator. This is because the Federal Railroad Administration will determine these requirements based upon its utility to the FRA's Positive Train Control and related initiatives.

The second exception to the delegation to the Commandant of the Coast Guard is that the function of acting as the lead DOT agency for matters relating to the National Environmental Policy Act (NEPA), which are pertinent to the Secretary of Transportation's authority to establish

and manage the NDGPS, is delegated to the Federal Highway Administrator. This is because the Federal Highway Administration has the expertise, regulations, and staff to carry out these functions in accordance with the statutory requirements.

This delegation does not affect the authority or responsibility of the Secretary for policy development. Since this amendment relates to departmental organization, procedure and practice, notice and comment on it are unnecessary under 5 U.S.C. 553(b). Further, since the amendment expedites the Department of Transportation's ability to meet the statutory intent of Section 346 of the Department of Transportation and Related Agencies Appropriation Act, 1998, the Secretary finds good cause under 5 U.S.C. 553(d)(3) for the final rule to be effective on the date of publication in the **Federal Register**.

#### List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organization and functions (Government agencies).

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended, effective upon publication, to read as follows:

#### PART 1—[AMENDED]

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

**Authority:** 49 U.S.C. 2104(a); Pub. L. 101-552; 28 U.S.C. 2672, 31 U.S.C. 3711(a)(2), 46 U.S.C. 2104(a).

2. In § 1.46 (*Delegations to Commandant of the Coast Guard*), the paragraph (qqq) is added to read as follows:

#### § 1.46 Delegations to Commandant of the Coast Guard.

\* \* \* \* \*

(qqq) Carry out the functions and exercise the authority vested in the Secretary by section 346 of Pub. L. 105-66, titled the Department of Transportation and Related Agencies Appropriations Act, 1998, to establish, operate, and manage the Nationwide Differential Global Positioning System (NDGPS), except for the related function of determining the Federal requirements for the NDGPS, which is delegated to the Federal Railroad Administrator, and except for the related function of acting as lead DOT agency in matters relating to the National Environmental Policy Act, which is delegated to the Federal Highway Administrator.

3. In § 1.48 (*Delegations to Federal Highway Administrator*), paragraph (ll) is added to read as follows:

#### § 1.48 Delegations to Federal Highway Administrator.

\* \* \* \* \*

(ll) Carry out the function of acting as the lead DOT agency in matters relating to the National Environmental Policy Act pertinent to the authority vested in the Secretary to establish, operate, and manage the Nationwide Differential Global Positioning System (NDGPS) by section 346 of Pub. L. 105-66, titled the Department of Transportation and Related Agencies Appropriations Act, 1998.

4. In § 1.49 (*Delegations to Federal Railroad Administrator*), paragraph (ll) is added at the end thereof.

#### § 1.49 Delegations to Federal Railroad Administrator.

\* \* \* \* \*

(ll) Carry out the function of determining the Federal requirements for the Nationwide Differential Global Positioning System (NDGPS) as a necessary part of the Secretary's authority to establish, operate, and manage the NDGPS granted by Section 346 of Public Law 105-66, titled the Department of Transportation and Related Agencies Appropriations Act, 1998.

Issued in Washington, DC, this 8th day of February, 1999.

**Rodney E. Slater,**

*Secretary of Transportation.*

[FR Doc. 99-3625 Filed 2-16-99; 8:45 am]

BILLING CODE 4910-62-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 990115017-9017-01; I.D. 011199A]

RIN 0648-AM08

#### Fisheries of the Exclusive Economic Zone Off Alaska; Steller Sea Lion Protection Measures for the Pollock Fisheries off Alaska; Correction

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

**ACTION:** Final rule; correction.

**SUMMARY:** This document contains corrections to the emergency interim rule to implement reasonable and prudent alternatives to avoid the likelihood that the pollock fisheries off Alaska will jeopardize the continued existence of the western population of