

This indicates that initial leakage rates for new valves are irrelevant by the time a pipeline is in need of repair or placed out-of-service. Therefore, measures in addition to “closed valves” are needed to protect workers and to ensure “isolated pipelines” during pipeline repairs.

The MMS's own pipeline workgroup conferred on these issues. They decided that rejecting the new allowable internal leakage rates would be unrealistic in light of what MMS had learned from its discussions with industry. Moreover, the maintenance of an unrealistic “no visible leakage” standard would not address the real regulatory dilemma that regardless of initial internal leakage rates, eventually all pipeline valves will leak internally. The MMS workgroup reasoned that since internal leakage occurs in pipeline valves regardless of initial leakage rates, MMS must address this concern in its inspection and maintenance procedures. Therefore, the MMS workgroup recommended canceling NTL 98–16N and adopting Supplement 2 as a document incorporated by reference. They also recommended two additions to Subpart J that would address the problems posed by leaking pipeline valves. The first

would add a requirement for operators to submit a work plan detailing the measures they intend to take and procedures they intend to follow to ensure the safety of their employees during any pipeline repair. The second would add a requirement for placing a blind flange on lateral lines taken out-of-service. The MMS intends to propose both of these requirements in a separate rulemaking.

MMS has reviewed Supplements 1 and 2 to the 21st Edition of API SPEC 6D in light of the above considerations and determined that they will not impose undue cost on the offshore oil and gas industry. Moreover, further discussions with API confirm that Supplement 2 completely replaces Supplement 1. (Thus, parties that order copies of the 21st Edition of API SPEC 6D from API receive only Supplement 2 in addition to the primary document.) Therefore, we are incorporating Supplement 2 according to the authority in 30 CFR 250.198(a)(2).

Upon the effective date of this technical amendment, NTL No. 98–16N is cancelled.

#### List of Subjects in 30 CFR Part 250

Continental shelf, Environmental impact statements, Environmental

protection, Government contracts, Incorporation by reference, Investigations, Mineral royalties, Oil and gas development and production, Oil and gas exploration, Oil and gas reserves, Penalties, Pipelines, Public lands—mineral resources, Public lands—rights-of-way, Reporting and recordkeeping requirements, Sulphur development and production, Sulphur exploration, Surety bonds.

Accordingly, 30 CFR part 250 is amended by making the following technical amendments:

#### PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

1. The authority citation for part 250 continues to read as follows:

**Authority:** 43 U.S.C. 1331 *et seq.*

2. In § 250.198, in the table in paragraph (e), revise the entry for API SPEC 6D to read as set forth below.

#### § 250.198 Documents incorporated by reference.

\* \* \* \* \*

(e) \* \* \*

Title of documents	Incorporated by reference at
*	*
API Spec 6D, Specification for Pipeline Valves (Gate, Plug, Ball, and Check Valves), Twenty-first Edition, March 31, 1994, including Supplement 2, December 1, 1997, API Stock No. G03200.	§ 250.1002(b)(1).
*	*

Dated: April 21, 2000.

**Joseph R. Levine,**

*Acting Chief, Engineering and Operations Division.*

[FR Doc. 00-10592 Filed 4-28-00; 8:45 am]

BILLING CODE 4310-MR-P

#### DEPARTMENT OF TRANSPORTATION

#### Federal Motor Carrier Safety Administration

#### 49 CFR Part 391

RIN 2126-AA45

#### Federal Motor Carrier Safety Regulations; Technical Amendments

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA).

**ACTION:** Final rule; technical amendment.

**SUMMARY:** This document makes technical amendments to the Federal Motor Carrier Safety Regulations (FMCSRs) to update the rules concerning qualifications of drivers who have loss or impairment of limbs by changing the designated official who authorizes and signs the skill performance evaluation (SPE) certificate for such drivers, and to remove the reference to “waiver.” These amendments are necessitated by an agency organizational restructuring and by changes in the statute. The effect of these amendments is to update the regulations regarding the standards for evaluating requests for SPE certificates.

**DATES:** The effective date of this rule is May 1, 2000.

**FOR FURTHER INFORMATION CONTACT:** For information about the amendments contained in this rule, Ms. Teresa Doggett, Office of Bus and Truck Standards and Operations, HMCS-20, (202) 366-2990; for information about legal issues related to this rule, Ms. Judith Rutledge, Office of the Chief Counsel, (202) 366-1353, FMCSA, 400 Seventh Street, SW., Washington, DC 20590-0001. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may

reach the Office of the Federal Register's home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's database at: <http://www.access.gpo.gov/nara>.

## Background

The Secretary has rescinded the authority previously delegated to the Office of Motor Carrier Safety (OMCS) to perform motor carrier functions and operations. This authority has been redelegated to the Administrator, FMCSA, a new agency within the Department of Transportation [65 FR 220, January 4, 2000]. The new FMCSA assumes the motor carrier functions previously performed by the Federal Highway Administration's (FHWA's) Office of Motor Carrier and Highway Safety (OMCHS) before October 19, 1999, and the OMCS before January 1, 2000. Ongoing rulemaking, enforcement, and other activities of the FMCSA, initiated while part of the FHWA or OMCS, will be continued by the FMCSA. The redelegation will cause no changes in the motor carrier functions and operations of the offices or field service centers (formerly resource centers).

The authority to require medical certification of CMV driver qualification was originally granted to the Interstate Commerce Commission (ICC) in the Motor Carrier Act of 1935 (Public Law 74-255, 49 Stat. 543). The authority was transferred to the DOT in 1966 and is currently codified at 49 U.S.C. 31502(b).

The importance of physical qualification of commercial drivers was recognized in 1939 when the first regulatory medical standard was established by the ICC. Those regulations, published at 4 FR 2294 on June 7, 1939, required a driver to possess the following minimum qualifications:

Good physical and mental health; good eyesight; adequate hearing; no addiction to narcotic drugs; and no excessive use of alcoholic beverages or liquors.

The first change to this standard was initiated in 1952 and went into effect on January 1, 1954. The certificate of physical examination required under the 1954 rule was slightly more specific than the 1939 regulation, and also required a physical examination form and a doctor's certificate. A second revision made in 1964 (29 FR 14495, October 22, 1964) amended the standard to allow limb-amputee and limb-impaired drivers, who are otherwise eligible, to become medically qualified through a waiver program. On April 22, 1970 (35 FR 6458) in light of discussions with the FHWA medical

advisors, the existing physical qualification requirements were substantially tightened by including guidelines for evaluation of persons in high-risk medical categories. This rule also provided that the examining physician be given full information about the responsibilities of and the exacting demands made on commercial drivers.

In 1984, the Congress provided the Department of Transportation with alternative regulatory authority with the enactment of the Motor Carrier Safety Act of 1984 (Public Law 98-554, 98 Stat. 2832). This Act directed the Secretary to establish minimum safety standards to ensure that "the physical condition of operators of commercial motor vehicles is adequate to enable them to operate such vehicles safely \* \* \*." 49 U.S.C. 31136(a)(3).

On June 9, 1998, the FHWA's waiver authority changed with enactment of the Transportation Equity Act for the 21st Century (TEA-21), Public Law 105-178, 112 Stat. 107. Section 4007 of TEA-21 amended the waiver provisions of 49 U.S.C. 31136(e) and 31315 to change the standard for evaluating waiver requests, to distinguish between a waiver and an exemption, and to establish term limits for both. Under revised section 31136(e), the FMCSA may grant a waiver for a period of up to 3 months or an exemption for a renewable 2-year period.

The amendments to 49 U.S.C. 31136(e) also changed the criteria for exempting a person from application of a regulation. Previously an exemption was appropriate if it was consistent with the public interest and the safe operation of CMVs. Now the FMCSA may grant an exemption if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." According to the legislative history, the Congress changed the statutory standard to give the agency greater discretion to consider exemptions. The previous standard was judicially construed as requiring an advance determination that absolutely no reduction in safety would result from an exemption. The Congress revised the standard to require that an "equivalent" level of safety be achieved by the exemption, which would allow for more equitable resolution of such matters, while ensuring safety standards are maintained.

Section 391.41(b)(1) of 49 CFR states that a person is physically qualified to drive a motor vehicle if that person:

(1) Has no loss of a foot, a leg, a hand, or an arm, or has been granted a waiver pursuant to § 391.49;

(2) Has no impairment of:

- (i) A hand or finger which interferes with prehension or power grasping; or
- (ii) An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a motor vehicle; or any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or has been granted a waiver pursuant to § 391.49.

The Handicapped Driver Waiver Program, established in 1964 under 49 CFR 391.49 (waiver of physical defects), provides an opportunity for physically challenged drivers, who do not meet the physical qualification requirements under §§ 391.41(b)(1) or (b)(2), but who are otherwise qualified, to become medically qualified to operate commercial motor vehicles in interstate commerce.

This rule amends § 391.49 by revising the title of the section and removing all references to "Regional Director of motor carriers, regional offices(s)," "waiver," and "region" and replacing them with "State Director, FMCSA," "Skill performance evaluation certificate," and "State of legal residence," respectively.

## Rulemaking Analyses and Notices

The Administrative Procedure Act (APA), 5 U.S.C. 551 *et seq.*, allows agencies engaged in rulemaking to dispense with prior notice and opportunity for comment when the agency for good cause finds that such procedures are impracticable, unnecessary, or contrary to the public interest. This amendment merely reflects a change in the name of the Handicapped Driver Waiver Program, a change in the title of the designated official authorized to sign the SPE certificate, and the merging of the SPE certificate form into current regulations. As a result, the FMCSA has determined that prior notice and opportunity for public comment on this action are unnecessary.

Furthermore, due to the technical nature of this amendment, the FMCSA has determined that prior notice and opportunity for public comment are not required under the Department's regulatory policies and procedures, as it is not anticipated that such action will result in the receipt of useful information. The APA, under 5 U.S.C. 553(d)(3), also allows agencies, upon a finding of good cause, to make a rule effective immediately and avoid the otherwise applicable 30-day delayed effective date requirement. The FMCSA finds that good cause exists to dispense with the 30-day delay in the effective

date in this instance due to the minor and technical nature of these amendments. Thus, the FMCSA is proceeding directly with a final rule which will be effective on its date of publication.

#### **Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures**

The FMCSA has determined this action is not major within the meaning of Executive Order 12866 or significant within the meaning of Department of Transportation regulatory policies and procedures. Since this final rule makes only those technical changes to current regulatory language discussed above, the FMCSA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities.

#### **Regulatory Flexibility Act**

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the FMCSA has evaluated the effects of this rule on small entities. Based on the evaluation, and particularly because this final rule makes only those technical changes to current regulatory language discussed above, the FMCSA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities.

#### **Executive Order 13132 (Federalism)**

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 dated August 4, 1999, and it has been determined this action does not have a substantial direct effect or sufficient federalism implications on States that would limit the policymaking discretion of the States. Nothing in this document directly preempts any State law or regulation.

#### **Executive Order 12372 (Intergovernmental Review)**

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

#### **National Environmental Policy Act**

The agency has analyzed this rulemaking for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 432 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

#### **Unfunded Mandates Reform Act of 1995**

This rule does not impose a Federal mandate resulting in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year. (2 U.S.C. 1531 *et seq.*).

#### **Paperwork Reduction Act**

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor or require through regulations. An analysis of this rule has been made by the FMCSA, and it has been determined that the actions outlined in these technical amendments are covered under a currently-approved information collection, OMB Control No. 2126–0006, Medical Qualifications Requirements, (which is approved through September 30, 2000). No revisions to this current clearance are necessary due to this action.

#### **Executive Order 12988 (Civil Justice Reform)**

This action meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### **Executive Order 13045 (Protection of Children)**

We have analyzed this action under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or safety that may disproportionately affect children.

#### **Executive Order 12630 (Taking of Private Property)**

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and interference with Constitutionally Protected Property Rights.

#### **Regulation Identification Number**

A regulation identification 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 contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

#### **List of Subjects in 49 CFR Part 391**

Driver qualifications—physical examinations, Highway safety, Motor carriers, Motor vehicle safety.

Issued on: April 24, 2000.

**Julie Anna Cirillo,**  
*Acting Deputy Administrator.*

In consideration of the foregoing, the FMCSA amends title 49, Code of Federal Regulations, chapter III, part 391 as set forth below:

#### **PART 391—QUALIFICATIONS OF DRIVERS**

1. Revise the authority citation for part 391 to read as follows:

**Authority:** 49 U.S.C. 322, 504, 31133, 31136, and 31502; and 49 CFR 1.73.

2. Revise § 391.49 to read as follows:

#### **§ 391.49 Alternative physical qualification standards for the loss or impairment of limbs.**

(a) A person who is not physically qualified to drive under § 391.41(b)(1) or (b)(2) and who is otherwise qualified to drive a commercial motor vehicle, may drive a commercial motor vehicle, if the State Director, FMCSA, has granted a Skill Performance Evaluation (SPE) Certificate to that person.

(b) *SPE certificate.*—(1) *Application.* A letter of application for an SPE certificate may be submitted jointly by the person (driver applicant) who seeks an SPE certificate and by the motor carrier that will employ the driver applicant, if the application is accepted.

(2) *Application address.* The application must be addressed to the applicable field service center, FMCSA, for the State in which the co-applicant motor carrier's principal place of business is located. The address of each, and the States serviced, are listed in § 390.27 of this chapter.

(3) *Exception.* A letter of application for an SPE certificate may be submitted unilaterally by a driver applicant. The application must be addressed to the field service center, FMCSA, for the State in which the driver has legal residence. The driver applicant must comply with all the requirements of paragraph (c) of this section except those in (c)(1)(i) and (iii). The driver applicant shall respond to the requirements of paragraphs (c)(2)(i) to (v) of this section, if the information is known.

(c) A letter of application for an SPE certificate shall contain:

- (1) Identification of the applicant(s);
- (i) Name and complete address of the motor carrier coapplicant;
- (ii) Name and complete address of the driver applicant;

(iii) The U.S. DOT Motor Carrier Identification Number, if known; and  
 (iv) A description of the driver applicant's limb impairment for which SPE certificate is requested.

(2) Description of the type of operation the driver will be employed to perform:

(i) State(s) in which the driver will operate for the motor carrier coapplicant (if more than 10 States, designate general geographic area only);

(ii) Average period of time the driver will be driving and/or on duty, per day;

(iii) Type of commodities or cargo to be transported;

(iv) Type of driver operation (*i.e.*, sleeper team, relay, owner operator, etc.); and

(v) Number of years experience operating the type of commercial motor vehicle(s) requested in the letter of application and total years of experience operating all types of commercial motor vehicles.

(3) Description of the commercial motor vehicle(s) the driver applicant intends to drive:

(i) Truck, truck tractor, or bus make, model, and year (if known);

(ii) Drive train;

(A) Transmission type (automatic or manual—if manual, designate number of forward speeds);

(B) Auxiliary transmission (if any) and number of forward speeds; and

(C) Rear axle (designate single speed, 2 speed, or 3 speed).

(iii) Type of brake system;

(iv) Steering, manual or power assisted;

(v) Description of type of trailer(s) (*i.e.*, van, flatbed, cargo tank, drop frame, lowboy, or pole);

(vi) Number of semitrailers or full trailers to be towed at one time;

(vii) For commercial motor vehicles designed to transport passengers, indicate the seating capacity of commercial motor vehicle; and

(viii) Description of any modification(s) made to the commercial motor vehicle for the driver applicant; attach photograph(s) where applicable.

(4) Otherwise qualified:

(i) The coapplicant motor carrier must certify that the driver applicant is otherwise qualified under the regulations of this part;

(ii) In the case of a unilateral application, the driver applicant must certify that he/she is otherwise qualified under the regulations of this part.

(5) Signature of applicant(s):

(i) Driver applicant's signature and date signed;

(ii) Motor carrier official's signature (if application has a coapplicant), title, and date signed. Depending upon the motor

carrier's organizational structure (corporation, partnership, or proprietorship), the signer of the application shall be an officer, partner, or the proprietor.

(d) The letter of application for an SPE certificate shall be accompanied by:

(1) A copy of the results of the medical examination performed pursuant to § 391.43;

(2) A copy of the medical certificate completed pursuant to § 391.43(e);

(3) A medical evaluation summary completed by either a board qualified or board certified physiatrist (doctor of physical medicine) or orthopedic surgeon. The coapplicant motor carrier or the driver applicant shall provide the physiatrist or orthopedic surgeon with a description of the job-related tasks the driver applicant will be required to perform;

(i) The medical evaluation summary for a driver applicant disqualified under § 391.41(b)(1) shall include:

(A) An assessment of the functional capabilities of the driver as they relate to the ability of the driver to perform normal tasks associated with operating a commercial motor vehicle; and

(B) A statement by the examiner that the applicant is capable of demonstrating precision prehension (*e.g.*, manipulating knobs and switches) and power grasp prehension (*e.g.*, holding and maneuvering the steering wheel) with each upper limb separately. This requirement does not apply to an individual who was granted a waiver, absent a prosthetic device, prior to the publication of this amendment.

(ii) The medical evaluation summary for a driver applicant disqualified under § 391.41(b)(2) shall include:

(A) An explanation as to how and why the impairment interferes with the ability of the applicant to perform normal tasks associated with operating a commercial motor vehicle;

(B) An assessment and medical opinion of whether the condition will likely remain medically stable over the lifetime of the driver applicant; and

(C) A statement by the examiner that the applicant is capable of demonstrating precision prehension (*e.g.*, manipulating knobs and switches) and power grasp prehension (*e.g.*, holding and maneuvering the steering wheel) with each upper limb separately. This requirement does not apply to an individual who was granted an SPE certificate, absent an orthotic device, prior to the publication of this amendment.

(4) A description of the driver applicant's prosthetic or orthotic device worn, if any;

(5) Road test:

(i) A copy of the driver applicant's road test administered by the motor carrier coapplicant and the certificate issued pursuant to § 391.31(b) through (g); or

(ii) A unilateral applicant shall be responsible for having a road test administered by a motor carrier or a person who is competent to administer the test and evaluate its results.

(6) Application for employment:

(i) A copy of the driver applicant's application for employment completed pursuant to § 391.21; or

(ii) A unilateral applicant shall be responsible for submitting a copy of the last commercial driving position's employment application he/she held. If not previously employed as a commercial driver, so state.

(7) A copy of the driver applicant's SPE certificate of certain physical defects issued by the individual State(s), where applicable; and

(8) A copy of the driver applicant's State Motor Vehicle Driving Record for the past 3 years from each State in which a motor vehicle driver's license or permit has been obtained.

(e) *Agreement.* A motor carrier that employs a driver with an SPE certificate agrees to:

(1) File promptly (within 30 days of the involved incident) with the Medical Program Specialist, FMCSA service center, such documents and information as may be required about driving activities, accidents, arrests, license suspensions, revocations, or withdrawals, and convictions which involve the driver applicant. This applies whether the driver's SPE certificate is a unilateral one or has a coapplicant motor carrier;

(i) A motor carrier who is a coapplicant must file the required documents with the Medical Program Specialist, FMCSA for the State in which the carrier's principal place of business is located; or

(ii) A motor carrier who employs a driver who has been issued a unilateral SPE certificate must file the required documents with the Medical Program Specialist, FMCSA service center, for the State in which the driver has legal residence.

(2) Evaluate the driver with a road test using the trailer the motor carrier intends the driver to transport or, in lieu of, accept a certificate of a trailer road test from another motor carrier if the trailer type(s) is similar, or accept the trailer road test done during the Skill Performance Evaluation if it is a similar trailer type(s) to that of the prospective motor carrier. Job tasks, as stated in paragraph (e)(3) of this section, are not

evaluated in the Skill Performance Evaluation;

(3) Evaluate the driver for those nondriving safety related job tasks associated with whatever type of trailer(s) will be used and any other nondriving safety related or job related tasks unique to the operations of the employing motor carrier; and

(4) Use the driver to operate the type of commercial motor vehicle defined in the SPE certificate only when the driver is in compliance with the conditions and limitations of the SPE certificate.

(f) The driver shall supply each employing motor carrier with a copy of the SPE certificate.

(g) The State Director, FMCSA, may require the driver applicant to demonstrate his or her ability to safely operate the commercial motor vehicle(s) the driver intends to drive to an agent of the State Director, FMCSA. The SPE certificate form will identify the power unit (bus, truck, truck tractor) for which the SPE certificate has been granted. The SPE certificate forms will also identify the trailer type used in the Skill Performance Evaluation; however, the SPE certificate is not limited to that specific trailer type. A driver may use the SPE certificate with other trailer types if a successful trailer road test is completed in accordance with paragraph (e)(2) of this section. Job tasks, as stated in paragraph (e)(3) of this section, are not evaluated during the Skill Performance Evaluation.

(h) The State Director, FMCSA, may deny the application for SPE certificate or may grant it totally or in part and issue the SPE certificate subject to such terms, conditions, and limitations as deemed consistent with the public interest. The SPE certificate is valid for a period not to exceed 2 years from date of issue, and may be renewed 30 days prior to the expiration date.

(i) The SPE certificate renewal application shall be submitted to the Medical Program Specialist, FMCSA service center, for the State in which the driver has legal residence, if the SPE certificate was issued unilaterally. If the SPE certificate has a coapplicant, then the renewal application is submitted to the Medical Program Specialist, FMCSA field service center, for the State in which the coapplicant motor carrier's principal place of business is located. The SPE certificate renewal application shall contain the following:

(1) Name and complete address of motor carrier currently employing the applicant;

(2) Name and complete address of the driver;

(3) Effective date of the current SPE certificate;

(4) Expiration date of the current SPE certificate;

(5) Total miles driven under the current SPE certificate;

(6) Number of accidents incurred while driving under the current SPE certificate, including date of the accident(s), number of fatalities, number of injuries, and the estimated dollar amount of property damage;

(7) A current medical examination report;

(8) A medical evaluation summary pursuant to paragraph (d)(3) of this section, if an unstable medical condition exists. All handicapped conditions classified under § 391.41(b)(1) are considered unstable. Refer to paragraph (d)(3)(ii) of this section for the condition under § 391.41(b)(2) which may be considered medically stable.

(9) A copy of driver's current State motor vehicle driving record for the period of time the current SPE certificate has been in effect;

(10) Notification of any change in the type of tractor the driver will operate;

(11) Driver's signature and date signed; and

(12) Motor carrier coapplicant's signature and date signed.

(j)(1) Upon granting an SPE certificate, the State Director, FMCSA, will notify the driver applicant and co-applicant motor carrier (if applicable) by letter. The terms, conditions, and limitations of the SPE certificate will be set forth. A motor carrier shall maintain a copy of the SPE certificate in its driver qualification file. A copy of the SPE certificate shall be retained in the motor carrier's file for a period of 3 years after the driver's employment is terminated. The driver applicant shall have the SPE certificate (or a legible copy) in his/her possession whenever on duty.

(2) Upon successful completion of the skill performance evaluation, the State Director, FMCSA, for the State where the driver applicant has legal residence, must notify the driver by letter and enclose an SPE certificate substantially in the following form:

#### Skill Performance Evaluation Certificate

Name of Issuing Agency: \_\_\_\_\_

Agency Address: \_\_\_\_\_

Telephone Number: ( ) \_\_\_\_\_

Issued Under 49 CFR 391.49, subchapter B of the Federal Motor Carrier Safety Regulations

Driver's Name: \_\_\_\_\_

Effective Date: \_\_\_\_\_

SSN: \_\_\_\_\_

DOB: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

Address: \_\_\_\_\_

Driver Disability: \_\_\_\_\_

Check One:  New  Renewal

Driver's License: \_\_\_\_\_

(State) \_\_\_\_\_ (Number) \_\_\_\_\_

In accordance with 49 CFR 391.49, subchapter B of the Federal Motor Carrier Safety Regulations (FMCSRs), the driver application for a skill performance evaluation (SPE) certificate is hereby granted authorizing the above-named driver to operate in interstate or foreign commerce under the provisions set forth below. This certificate is granted for the period shown above, not to exceed 2 years, subject to periodic review as may be found necessary. This certificate may be renewed upon submission of a renewal application. Continuation of this certificate is dependent upon strict adherence by the above-named driver to the provisions set forth below and compliance with the FMCSRs. Any failure to comply with provisions herein may be cause for cancellation.

**CONDITIONS:** As a condition of this certificate, reports of all accidents, arrests, suspensions, revocations, withdrawals of driver licenses or permits, and convictions involving the above-named driver shall be reported in writing to the Issuing Agency by the EMPLOYING MOTOR CARRIER within 30 days after occurrence.

#### LIMITATIONS:

1. Vehicle Type (power unit):\* \_\_\_\_\_  
2. Vehicle modification(s): \_\_\_\_\_

3. Prosthetic or Orthotic device(s) (Required to be Worn While Driving): \_\_\_\_\_

4. Additional Provision(s): \_\_\_\_\_

**NOTICE:** To all MOTOR CARRIERS employing a driver with an SPE certificate. This certificate is granted for the operation of the *power unit only*. It is the responsibility of the employing motor carrier to evaluate the driver with a road test using the trailer type(s) the motor carrier intends the driver to transport, or in lieu of, accept the trailer road test done during the SPE if it is a similar trailer type(s) to that of the prospective motor carrier. Also, it is the responsibility of the employing motor carrier to evaluate the driver for those non-driving safety-related job tasks associated with the type of trailer(s) utilized, as well as, any other non-driving safety-related or job-related tasks unique to the operations of the employing motor carrier.

The SPE of the above named driver was given by a Skill Performance Evaluation Program Specialist. It was successfully completed utilizing the above named power unit and \_\_\_\_\_ (trailer, if applicable)

The tractor or truck had a \_\_\_\_\_ transmission.

Please read the *NOTICE* paragraph above.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

(k) The State Director, FMCSA, may revoke an SPE certificate after the person to whom it was issued is given notice of the proposed revocation and has been allowed a reasonable opportunity to appeal.

(l) Falsifying information in the letter of application, the renewal application, or falsifying information required by this section by either the applicant or motor carrier is prohibited.

[FR Doc. 00-10700 Filed 4-28-00; 8:45 am]

BILLING CODE 4910-22-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 9812224323-9226-02; I.D. 120198B]

RIN 0648-AL23

#### Fisheries of the Exclusive Economic Zone Off Alaska; Recordkeeping and Reporting; Correction

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule; correction.

**SUMMARY:** This document contains a correction to the final rule for recordkeeping and reporting that was published in the **Federal Register** on November 15, 1999.

**DATES:** Effective December 15, 1999.

**FOR FURTHER INFORMATION CONTACT:** Patsy A. Bearden, 907-586-7008.

**SUPPLEMENTARY INFORMATION:** A final rule was published in the **Federal Register** on November 15, 1999 (64 FR 61964), to revise recordkeeping and reporting regulations. Figures 1 and 3 to 50 CFR part 679 list Federal reporting areas and coordinates for the boundaries of those areas. Recently the coordinates of Figures 1 and 3 were plotted using a Geographic Information System. This highly accurate plotting procedure revealed several errors in the published points depicting the boundary between

the Bering Sea and the Gulf of Alaska. NMFS correctly revises the description of reporting areas 518 and 519 in Figure 1b and the description of reporting area 610 in Figure 3b.

#### Correction

In the final rule Revisions to Recordkeeping and Reporting Requirements published in 64 FR 61964, November 15, 1999, FR Doc. 99-28294, correct Figure 1b to Part 679 and Figure 3b to part 679.

On page 61984, under Figure 1 to Part 679—BSAI Statistical and Reporting Areas: b. Coordinates, correctly revise the description of reporting areas 518 and 519 to read as follows:

FIGURE 1 TO PART 679—BSAI STATISTICAL AND REPORTING AREAS

#### b. Coordinates

Code	Description
518	<p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>Bogoslof District: South of a straight line between 55°46' N lat, 170°00' W long and 54°30' N lat, 167°00' W long, and between 167°00' W long and 170°00' W long, and north of the Aleutian Islands and straight lines between the islands connecting the following coordinates in the order listed:</p> <p>52°49.18' N, 169°40.47' W 52°49.24' N, 169°07.10' W 53°23.13' N, 167°50.50' W 53°18.95' N, 167°51.06' W</p>
519	<p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>South of a straight line between 54°30' N lat, 167°00' W long and 54°30' N lat, 164°54' W long; east of 167°00' W long; west of Unimak Island; and north of the Aleutian Islands and straight lines between the islands connecting the following coordinates in the order listed:</p> <p>53°58.97' N, 166°16.50' W 54°02.69' N, 166°02.93' W 54°07.69' N, 165°39.74' W 54°08.40' N, 165°38.29' W 54°11.71' N, 165°23.09' W 54°23.74' N, 164°44.73' W</p>

On page 61987, under Figure 3 to Part 679—Gulf of Alaska Statistical and

Reporting Areas: b. Coordinates,

correctly revise the description of reporting area 610 to read as follows: