that Congress used the terms ''fostering the goals and purposes of'' referring to wording within the Act, the Coast Guard agrees that the Congressionally identified goals satisfy the requirement for vision goals and objectives.

Two commenters indicate a belief that the CIRCAC applies inadequate internal oversight. Based upon the bylaws of the CIRCAC and comments of all other submitters this comment appears unfounded. In the wording of the Act, regional citizens' advisory councils are allowed to be self-governing. The meaning of this is very clear. The Act with respect to the CIRCAC as an alternative voluntary advisory group is even less restrictive by allowing the CIRCAC to foster the goal of self-government.

Two commenters express concern regarding accountability of members to their constituents. Accountability exists in the annual ability of the area or interest group represented by the member to withhold their letter of endorsement.

Two commenters indicate general concerns regarding conflict of interest. The CIRCAC has a conflict of interest policy that is available to the public upon request. There is no specific allegation in either comment of conflict of interest.

Two commenters recommend the Coast Guard require a policy and controls audit. The CIRCAC is encouraged in its recertification letter to conduct an audit and make the results available as part of the next recertification application process.

One commenter indicates that members are sometimes uncooperative. The Coast Guard reminds members of the CIRCAC in its recertification letter of the importance of cooperation.

Twelve commenters recommend recertification. Two commenters suggest that the CIRCAC should not be certified as an alternative voluntary advisory group ''but rather as a ''Council'' under the statute. Since the commenters show numerous examples, and CIRCAC shows additional examples in their application, of fostering the goals and purposes of Section 5002, there is no basis to disallow certification for the purpose of assigning a ''Council''.

In light of the many positive comments received regarding CIRCAC's performance during the past year and the above analysis, the Coast Guard has determined that recertification in accordance with the Act is appropriate. The Coast Guard has requested the CIRCAC to conduct a policy and controls audit and include documentation in its application next year explaining how each of the issues raised in the comments has been addressed. Such documentation should include recent correspondence from the CIRCAC to the Coast Guard resolving concerns.

RECERTIFICATION: By letter dated November ____, 1998, the Assistant Commandant for Marine Safety and Environmental Protection certified that the CIRCAC qualifies as an alternative voluntary advisory group under 33 U.S.C. 2732(o). This recertification terminates on July 31, 1999.

Dated: January 13, 1999

R.C. North

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 99–1879 Filed 1–26–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–1998–4271]

Annual Certification of Prince William Sound Regional Citizens' Advisory Council

AGENCY: Coast Guard, DOT.

ACTION: Notice of Recertification.

SUMMARY: Under the Oil Terminal and Oil Tanker Environmental Oversight Act of 1990, the Coast Guard may certify on an annual basis, an alternative voluntary advisory group in lieu of a regional citizens' advisory council for Prince William Sound, Alaska. This certification allows the advisory group to monitor the activities of terminal facilities and crude oil tankers under the Prince William Sound Program established by the statute. The purpose of this notice is to inform the public that the Coast Guard has recertified the alternative voluntary advisory group for Prince William Sound, Alaska. The period of certification is being administratively adjusted to allow realignment of the recertification process with the annual budget year of the Prince William Sound Regional Citizens' Advisory Council (PWSRCAC). The effective period of this recertification is from June 1, 1998 to January 30, 2000.

FOR FURTHER INFORMATION CONTACT: For general information regarding the PWSRCAC contact LT Pittman, Marine Safety and Environmental Protection Directorate, Office of Response, (G–MOR–1), (202 267–0426. For questions on viewing materials submitted to the docket, contact Dorothy Walker, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION: As part of the Oil Pollution Act of 1990, Congress passed the Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990 (the Act), Section 5002, to foster the long-term partnership among industry, government, and local communities in overseeing compliance with the environmental concerns in the operation of terminal facilities and crude-oil tankers. Subsection 5002(o) permits an alternative voluntary advisory group to represent the communities and interests in the vicinity of the terminal facilities in the Prince William Sound, in lieu of a council of the type specified in subsection 5002(d), if certain conditions are met.

The Act requires that the group enter into a contract to ensure annual funding, and that it receive annual certification by the President to the effect that it fosters the general goals and purposes of the Act, and is broadly representative of the communities and interests in the vicinity of the terminal facilities and Prince William Sound. Accordingly, in 1991, the President granted certification to the PWSRCAC. The authority to certify alternative advisory groups was subsequently delegated to the Commandant of the Coast Guard and redelegated to the Assistant Commandant for Marine Safety and Environmental Protection.

On August 7, 1998, the Coast Guard announced in the **Federal Register** the availability of the application for recertification that it received from the PWSRCAC and requested comments (63 FR 42475). It received twenty-one comments to the docket.

Discussion of Comments

One commenter expresses concern about the ''jurisdiction limits of the PWSRCAC''. Contrary to a ''Council'' that would have operating limits clearly delineated, the alternative voluntary advisory group is limited to certain regions or terminal facilities but not in the scope of its allowable actions. This stems from the wording of the statute itself. The Act does not preclude actions often termed ''outside of the intent'' of OPA 90 as long as the voluntary alternative group meets the recertification threshold for alternative voluntary advisory groups, as follows: ''fosters the general goals and purposes of this section and is broadly representative * * *.'' Due to the fact that the action in question (evaluation of a proposed pipeline) appears ''representative of the communities and

interests in the vicinity of the terminal facilities and Prince William Sound,'' the action is not outside of the scope of the Act.

Three commenters express concern regarding individual staff and board members representing their personal opinions as those of PWSRCAC during official meetings with other organizations. This is an internal issue for the PWSRCAC. The Coast Guard identified one specific instance of a member of the PWSRCAC presenting a personal position as that of the PWSRCAC. The Executive Director of the PWSRCAC personally visited the mayor of the city from which the representative came; the city appointed a different representative for the next term. After this conflict occurred, the PWSRCAC revised the code of conduct. This revised code of conduct was included in this year's recertification application. the Coast Guard agrees that corrective actions should be reported to the organizations that received a misrepresentation of the PWSRCAC's position in order to maintain trust and open communications. These commenters recommend the Coast Guard require a policy and controls audit. In the recertification letter, we have asked the PWSRCAC to conduct an internal audit based upon its rules for self-government. One commenter recommends the PWSRCAC continue to maintain offices in two cities. Presently, the Coast Guard is unaware of any plans to change this. One commenter suggests that the RCAC should not be certified as an alternative voluntary advisory group but rather as a ''Council'' under the statute. Since most commenters mention many examples how the PWSRCAC fosters the goals and purposes of the Act, there is no basis to disallow certification for the purpose of assigning a ''Council''. Several commenters indicate the PWSRCAC does not act like more rigidly structured organizations such as government agencies or oil companies. Congress did not intend to impose a highly structured organization on voluntary alternative groups.

Three commenters indicate a desire to have greater accountability of PWSRCAC members to their constituencies. Appointment of a representative to the PWSRCAC under its by-laws and membership provisions, together with subsequent endorsements of the localities or interest groups they represent, constitutes a de facto acknowledgement that they speak for a constituency. There is no mandate under OPA 90 to further limit the alternative voluntary advisory group through a detailed proscription of its functions.

Three commenters question the efficacy of alternative voluntary advisory groups as models for other United States ports. The input to the docket will be maintained for consideration during such a potential study in the future.

The commenter challenges the residency status of one PWSRCAC member representative. PWSRCAC indicates that the member representative in question meets the Alaska State minimum standards for residency; however, his residency status is under question by an Alaska court. PWSRCAC indicated in follow up discussion with the Coast Guard the intent to follow the decision by the Alaska court to set their future actions regarding citizenship standards. The Coast Guard also has concerns about the ability of a resident to adequately represent a constituency when the resident is only present two months of the year. The PWSRCAC has been asked to resolve this by the next recertification period in the recertification letter. Two commenters express concern that PWSRCAC members are sometimes uncooperative. The statute requires the PWSRCAC to foster the goal and purpose of cooperation. The majority of commenters underscored the cooperativeness and effectiveness of the RCAC at representing constituent views. There is nothing in the statute that requires the PWSRCAC to agree with industry or government positions. The PWSRCAC is advisory in nature. The Coast Guard determined that concern stems from the contrast between the way a voluntary organization builds consensus vice a structured chain of command. One commenter criticized the PWSRCAC's press conferences. The Act includes language that encourages cooperation but in no way precludes the use of press conference.

One commenter expresses concern regarding special interests of members and their representatives. The diverse interests of members are inherent in the process of obtaining appointed representatives.

One commenter states that advisory groups should not encroach on technical compliance with regulations. This comment is directed at comments, provided by PWSRCAC in their advisory role, related to the implementation of regulations by the state and federal governments. There is nothing in the Act that restricts advice provided under the Act from covering regulatory compliance, especially regarding the topic areas specifically identified under the Act. One commenter suggests difficulty in staff communications. The Coast Guard's discussions with commenters indicate that this problem pertains to one or two individuals. The Coast Guard encourages the PWSRCAC to take steps to resolve actions of specific individuals who may be undermining communications by appropriate use of its self-governing process.

One commenter indicates a concern about efforts aimed at long-term partnering. Based upon remarks of numerous commenters, overall actions of the PWSRCAC appear to foster goal of building long-term partnerships. The PWSRCAC clearly does not agree with all activities undertaken by industry or government; however, the actions of the PWSRCAC identified by virtually every commenter show a pattern of partnering. Two commenters direct complaints at a lack of management control over staff. Based upon Coast Guard calls to clarify this item there seem to be two underlying concerns: draft documents that were used in a litigation by a private citizen (the litigating citizen also happens to be a representative of a member of the PWSRCAC's Board). There is a circumstantial link but no direct evidence that the PWSRCAC Staff members passed these draft documents. There were others on the working group who could have also passed these draft documents. The other concern was that a specific staff member was being uncooperative. Therefore, encouragement of the PWSRCAC to conduct an internal audit is merited. The problem is not widespread, as such it should be resolved through the internal ''self-government'' process of the PWSRCAC.

One commenter expresses concern regarding alleged staff support of legal efforts without Board consideration or approval. The reference appears to refer to information provided to various parties involved in an action that ultimately became litigation. The PWSRCAC appears to have supported all parties requesting information, similar in nature to a Freedom of Information Act response by the government. The Executive Director indicated to the Coast Guard that such support actions were approved by the Board in the session immediately prior to provision of the information.

Two commenters complain of unfair or inadequate present funding. The statements were not supported and the level of funding is a contractual issue. One commenter indicates that RCAC should be held to legal and regulatory mandates. The Act requires voluntary alternative advisory groups to foster the goals and purposes of the Act. The Coast Guard holds the RCAC to this standard.

One commenter indicates that the advisory group process has not evolved into effective partnerships. There is not sufficient evidence to support such a claim; rather, the contrary is evidenced through the many items identified annually by commenters and in the recertification application that demonstrate efforts to enhance marine safety. In letters expressing concern to the contrary there was indication of sufficient partnering efforts to indicate the PWSRCAC fosters such a goal.

One commenter believes that individual members should obtain PWSRCAC approval before litigating. Based upon Coast Guard calls, the litigation in question was a private matter between a representative of a member of the PWSRCAC, not acting under the capacity of their PWSRCAC office. There is no requirement in the Act that precludes members of the PWSRCAC from initiating and conducting personal litigation against any entity. The Act merely precludes others from litigation against ''Councils''.

One comment criticizes the PWSRCAC for not accepting outcomes counter to those indicated in its advice. The Act does not preclude the PWSRCAC from continuing to pursue initiatives that it believes to be in its best interest. Two commenters offer specific examples for the previous comment. As an alternative voluntary advisory group, the PWSRCAC is not compelled to adopt a position that seems based only upon science. It is responsible to represent its regional interests.

Twenty commenters to the docket recommend recertification. One commenter does not oppose recertification but stops short of recommending recertification.

Three additional positive letters were received after the docket closed, two from members of Comgress and one from the Governor of Alaska.

As a result of the above analysis, the following recommendations were conveyed to the PWSRCAC in the recertification letter: that the PWSRCAC revisits the Alaska residency issue as part of the ''self-governing process''; that the PWSRCAC conducts an internal policy and controls audit; that the PWSRCAC makes results of the previous two items and any actions stemming from an audit available in the next recertification application; and, that the PWSRCAC includes a copy of the by-laws as part of the recertification package for the next recertification and in subsequent years following changes to the by-laws.

In light of the many positive comments received regarding the PWSRCAC's performance during the past year and the above analysis, the Coast Guard has determined that recertification in accordance with the Act is appropriate. The Coast Guard has requested the PWSRCAC to include documentation in its application next year indicating how each of the issues has been addressed. Such documentation should include recent correspondence from the PWSRCAC to the Coast Guard resolving concerns.

RECERTIFICATION: By letter dated November ____, 1998, the Assistant Commandant for Marine Safety and Environmental Protection certified that the PWSRCAC qualifies as an alternative voluntary advisory group under 33 U.S.C. 2732(o). This recertification terminates on January 30, 2000.

Dated: January 13, 1999.

R.C. North,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 99–1880 Filed 1–26–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent to Rule on PFC Application 99–06–C–00–PDX To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Portland International Airport; Submitted by the Port of Portland (Port), Portland, Oregon

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use, and use only the revenue from a PFC at Portland International Airport under the provisions of 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before February 26, 1999.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address:

J. Wade Bryant, Manager; Seattle Airports District Office, SEA–ADO; Federal Aviation Administration; 1601 Lind Avenue SW, Suite 250; Renton, Washington 98055–4056.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Ms. Sue Haynes, Finance Manager I, at the following address; 7000 N.E. Airport Way, Portland, OR 97218.

Air carriers and foreign air carriers may submit copies of written comments previously provided to Portland International Airport under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Ms. Mary Vargas, (425) 227–2660; Seattle Airports District Office, Federal Aviation Administration; 1601 Lind Avenue SW, Suite 250; Renton, Washington 98055–4056. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application 99–06–C–00–PDX to impose and use the revenue from a PFC at Portland International Airport, under the provisions of 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On January 19, 1999, the FAA determine that the application to impose and use the revenue from a PFC submitted by the Port of Portland, Portland, Oregon, was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than April 16, 1999.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00.

Proposed charge effective date: November 1, 2006.

Proposed charge expiration date: March 1, 2014.

Total estimated net PFC revenue: $194,309,000.

Brief description of proposed project(s): Terminal Expansion South (TES)—Phase 2.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air taxi/commercial operators and is defined as ''the carriage in air commerce of persons for compensation or hire as a commercial operator, but not an air carrier, of aircraft having a maximum seating capacity of less than twenty passengers or a maximum payload capacity of less than 6,000 pounds. 'Air taxi/commercial operators' shall also include, without regard to number of passengers or payload capacity, revenue passengers transported for student instruction, nonstop sightseeing flights that begin and end at the same airport and are conducted within a 25 statute mile radius of the airport, ferry or