arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to SR–NASD–99–03 and should be submitted by March 2, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 99–3100 Filed 2–8–99; 8:45 am]

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[9] 17 CFR 200.30–3(a)(12).

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

### Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

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

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on November 10, 1998, [63 FR 63105].

**DATES:** Comments must be submitted on or before March 11, 1999.

**FOR FURTHER INFORMATION CONTACT:** Joe Strassburg, Chief, Division of Marine Insurance, Office of Subsidy and Insurance, Maritime Administration, MAR–575, Room 8117, 400 Seventh Street, S.W., Washington, D.C. 20590. Telephone 202–366–4161 or FAX 202–366–7901. Copies of this collection can also be obtained from that office.

**SUPPLEMENTARY INFORMATION:**

#### Maritime Administration (MARAD)

*Title:* War Risk Insurance.

*OMB Control Number:* 2133–0011.

*Type of Request:* Extension of currently approved collection.

*Affected Public:* Vessel(s) owner or charterer interested in participation in MARAD's war risk insurance program.

*Form(s):*MA–355; MA–528; MA–742; MA–828; and, MA–942.

*Abstract:* As authorized by Section 1202, Title XII, Merchant Marine Act, 1936, as amended, (46 App. U.S.C. 1282), the Secretary of the U.S. Department of Transportation may provide war risk insurance adequate for the needs of the waterborne commerce of the United States if such insurance cannot be obtained on reasonable terms from qualified insurance companies operating in the United States. This collection is required for the program. It consists of forms MA–355; MA–528; MA–742; MA–828; and MA–942.

Need and Use of the Information: The collected information is necessary to determine the eligibility of the applicant and the vessel(s) for participation in the war risk insurance program.

*Annual Estimated Burden Hours:* The current burden is estimated at 930 hours.

*Addressee:* Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503, Attention MARAD Desk Officer.

*Comments are Invited on:* whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

Issued in Washington, D.C. on January 27, 1999.

**Phillip A. Leach,**

*Clearance Officer, Department of Transportation.*

[FR Doc. 99–3140 Filed 2–8–99; 8:45 am]

BILLING CODE 4910–81–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Proposed Advisory Circular 25.803–1A, Emergency Evacuation Demonstrations

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of availability of proposed Advisory Circular (AC) 25.803–1A and request for comments; reopening of comment period.

**SUMMARY:** This notice announces the reopening of the comment period for Notice of availability of proposed Advisory Circular (AC) 25.803–1A, and request for comments, which was published in the **Federal Register** on October 20, 1998 (63 FR 56059), and closed on December 21, 1998. In that notice, the FAA invited public comment on a proposed AC which provides guidance on a means, but not the only means, of compliance with the Federal Aviation Regulations (FAR) concerning (1) conduct of full-scale emergency evacuation demonstrations, and (2) use of analysis and tests in lieu of conducting an actual demonstration. This reopening of the comment period is necessary to give all interested persons an opportunity to present their views on the proposed AC.

**DATES:** Comments must be received on or before May 7, 1999.

**ADDRESSES:** Send all comments on proposed AC to: Federal Aviation Administration, Attention: Terry Rees, Airframe and Cabin Safety Branch, ANM–115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW, Renton, WA 98055–4056. Comments may be inspected at the above address between 7:30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Katherine Burks, Transport Standards Staff, at the address above, telephone (206) 227–2114.

**SUPPLEMENTARY INFORMATION:**

#### Comments Invited

A copy of the draft AC may be obtained by contacting the person named above under **FOR FURTHER INFORMATION CONTACT.** Interested

persons are invited to comment on the proposed AC by submitting such written data, views, or arguments as they may desire. Commenters should identify AC 25.803–1A and submit comments, in duplicate, to the address specified above. All communications received on or before the closing date for comments will be considered by the Transport Standards Staff before issuing the final AC.

**Background**

On October 20, 1998, the FAA published a Notice of availability of proposed AC 25.803–1A, and request for comments. In that notice, the FAA invited public comment on a proposed advisory circular (AC) which provides guidance on a means, but not the only means, of compliance with the Federal Aviation Regulations (FAR) concerning (1) conduct of full-scale emergency evacuation demonstrations, and (2) use of analysis and tests in lieu of conducting an actual demonstration.

Section 25.803(c) requires that for airplanes with a passenger seating capacity of more than 44 passengers, it must be shown that the passengers and required crewmembers can be evacuated to the ground in 90 seconds under simulated emergency conditions. Compliance can be shown by conducting a full-scale emergency evacuation demonstration under the test conditions specified in Appendix J of part 25 or a combination of analysis and testing found acceptable by the FAA. Advisory Circular 25.803–1, issued on November 13, 1989, provided guidance on how to conduct a full-scale emergency evacuation demonstration and the use of analysis and testing in lieu of conducting a full-scale demonstration. This proposed revision to the AC provides additional guidance on how to conduct a full-scale demonstration, including information on the test start signal, briefing of test participants, obtaining informed consent, and flight attendant training. In addition, the proposed revision expands the discussion on the determination on whether a combination of analysis and testing may be used in lieu of the full-scale demonstration, including the types of testing which may be necessary to support an analysis. Finally, additional guidance is provided on what and how information and test data should be provided in an analysis.

Since publication of that notice, the FAA has received a request that the comment period for the notice be extended past its original closing date of December 21, 1998, to allow more time in which to study the proposal and to prepare comments on this very important issue.

**Reopening of Comment Period**

The FAA has reviewed the request for consideration of an additional amount of time to comment on proposed AC 25.803–1A, and has determined that reopening the comment period would be in the public interest and that good cause exists for taking this action. Accordingly, the comment period of Notice of availability of proposed AC 25.803–1A, and request for comments, is reopened until May 7, 1999.

Issued in Renton, Washington, on February 1, 1999.

**John J. Hickey,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM–100.*

[FR Doc. 99–3136 Filed 2–8–99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

**[STB Ex Parte No. 627]**

### Market Dominance Determinations—Product and Geographic Competition

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of Policy Statement.

**SUMMARY:** On December 21, 1998, the Surface Transportation Board (Board) served a decision changing its policy with respect to market dominance by eliminating product and geographic competition as factors in market dominance determinations in railroad rate proceedings.

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

**FOR FURTHER INFORMATION CONTACT:** Thomas J. Stilling, (202) 565–1558. [TDD for the hearing impaired: (202) 565–1695.]

**SUPPLEMENTARY INFORMATION:** In *Market Dominance Determinations—Product and Geographic Competition,* STB Ex Parte No. 627 (served Dec. 21, 1998), the Board revised the guidelines used to determine whether a rail carrier has market dominance. Market dominance ''means an absence of effective competition from other rail carriers or modes of transportation for the transportation to which a rate applies,'' 49 U.S.C. 10707(a), and is a prerequisite to the Board's jurisdiction to review the reasonableness of a challenged rail rate, 49 U.S.C. 10701(d)(1), 10707(b), (c). In assessing whether a railroad has market dominance, the Board concluded that it was no longer practical to consider whether product competition (i.e., the ability of the complaining shipper to avoid using the defendant railroad by shipping or receiving a substitute product) or geographic competition (i.e., the ability of the complaining shipper to avoid using the defendant railroad by obtaining the same product from a different source, or by shipping the same product to a different destination) effectively constrained the railroad's rates. Rather, the Board decided to limit market dominance evidence to only evidence of direct intramodal competition (i.e., whether the complaining shipper can use other railroads to transport the same commodity between the same points) and intermodal competition (i.e., whether the complaining shipper can use other transportation modes, such as trucks or barges, to transport the same commodity between the same points).

Prior to 1976, all rail rates were subject to government oversight to enforce the statutory requirement that rates be ''just and reasonable.'' In Section 202(b) of the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act), Congress limited regulatory jurisdiction over the reasonableness of railroad rates to those instances where the railroad involved has market dominance. The 4R Act delegated to the Board's predecessor—the Interstate Commerce Commission (ICC)—the task of establishing standards and procedures for determining market dominance in rate cases, but expressly directed that those standards and procedures be ''designed to provide for a practical determination without administrative delay.''

In 1976, the ICC adopted market dominance procedures that declined to consider the effects of product or geographic competition on a railroad's ability to set its rates, out of concern that the introduction of such considerations would require extensive fact-finding and produce lengthy antitrust-type litigation. However, in 1979 the ICC changed its approach regarding product and geographic competition. Believing that consideration of product and geographic competition evidence would not necessarily conflict with the statutory directive to make practical market dominance determinations without administrative delay, the agency sanctioned the introduction of such evidence to show that effective competition exists.

Based on many years of experience processing rate complaint cases under the expanded approach to market dominance and the record developed in this rulemaking, the Board concluded that consideration of product and