

Dated: April 8, 1999.

Eric R. Potts,

Colonel, Corps of Engineers, Executive Director of Civil Works.

[FR Doc. 99-9732 Filed 4-16-99; 8:45 am]

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DEPARTMENT OF EDUCATION

National Assessment Governing Board; Meeting

AGENCY: National Assessment Governing Board; Education.

ACTION: Notice of partially closed meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Assessment Governing Board. This notice also describes the functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: May 13-16, 1999.

TIME: May 13—Subject Area Committee #1, 1:30-2:20 p.m., (open); Joint Meeting of the Design and Methodology Committee and the Subject Area Committee, #1 and #2, 2:30-3:30 p.m., (closed); Design and Methodology Committee, 3:30-4:30 p.m., (open); Subject Area Committee #2, 3:30-4:30 p.m., (open); and Reporting and Dissemination Committee, 3:00-4:30 p.m., (open). May 14—Full Board, 8:30-9:00 a.m., (open), 9:00-10:30 a.m. (closed), 10:30 a.m.-5:00 p.m., (open); May 15—Nominations Committee, 8:00-9:00 a.m., (closed); Full Board, 9:00-11:30 a.m., (open); adjournment, 11:30 a.m.

LOCATION: Lowe's New York, 569 Lexington Avenue, New York, N.Y.

FOR FURTHER INFORMATION CONTACT: May Ann Wilmer, Operations Officer, National Assessment Governing Board, Suite 825, 800 North Capitol Street, NW, Washington, DC, 20002-4233, Telephone: (202) 357-6938.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under section 412 of the National Education Statistics Act of 1994 (title IV of the Improving America's Schools Act of 1994) (Pub. L. 103-382).

The Board is established to formulate policy guidelines for the National Assessment of Educational Progress. The Board is responsible for selecting subject areas to be assessed, developing assessment objectives, identifying

appropriate achievement goals for each grade and subject tested, and establishing standards and procedures for interstate and national comparisons. Under Public Law 105-78, the National Assessment Governing Board is also granted exclusive authority over developing the Voluntary National Tests pursuant to contract number RJ97153001.

On May 13, the Subject Area Committee #1 will meet in open session from 1:30-2:30 p.m. The Committee will discuss the new NAEP Foreign Language Consensus contract.

From 2:30-3:30 p.m., there will be a closed joint meeting of the Design and Methodology Committee and the Subject Area Committee #1 and #2. The Committee will discuss the results of a report about the feasibility of linking assessment instruments. This meeting must be closed because references will be made to specific items from the assessment and premature disclosure of the information presented for review would be likely to significantly frustrate implementation of a proposed agency action. Such matters are protected by exemption (9)(B) of Section 552b(c) of Title 5 U.S.C.

The Design and Methodology Committee will meet in open session from 3:30-4:30 p.m., to consider technical issues related to the Voluntary National Tests, and hear a report from the National Academy of Sciences' studies on "market basket assessment", conduct of assessments below the state level.

Subject Area Committee #2 will meet in open session from 3:30-4:30 p.m. to discuss the NAEP mathematics assessment item development activities for 2000.

Also on May 13, the Reporting and Dissemination Committee will meet in open session from 3:00-4:30 p.m. Agenda items for this meeting include action on the revisions to NAGB Policy on Reporting and Dissemination of National Assessment Results; an update on the implementation of the Board decision on reporting private school results; sampling and reporting of students with disabilities and limited-English proficiency; and reporting Voluntary National Tests results to parents and schools.

On May 14, the full Board will convene in open session from 8:30-9:00 a.m. The Board will hear a report from the Executive Director of the National Assessment Governing Board, and an update on NAEP activities. From 9:00-10:30 a.m., the Board will meet in closed session to receive a report on the Achievement Level Setting for Civics and Writing Assessments and to discuss

the results. This portion of the meeting must be closed because references will be made to specific items from the assessment and premature disclosure of the information presented for review would be likely to significantly frustrate implementation of a proposed agency action if conducted in open session. Such matters are protected by exemption 9(B) of Section 552b(c) of Title 5 U.S.C.

The Board will convene in open session from 10:30 a.m. to 4:00 p.m. The agenda for this portion of the meeting includes a report and discussion on the Voluntary National Tests: Purpose, Definitions and Reporting Plans; NAEP Report on Accommodations; a discussion on the National Assessment Design 2000-2010; and a discussion on the NAGB plan and report to Congress on achievement levels. Final action of the day will be remarks from the New York State Commissioner of Education.

On May 15, there will be a closed meeting of the Nominations Committee from 8:00-9:00 a.m. The Committee will discuss nominees qualifications for Board membership. These discussions will relate solely to the internal personnel rules and practices of an agency and would disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session. Such matters are protected by exemption (2) and (6) of Section 552b(c) of Title 5 U.S.C.

Beginning at 9:00 a.m., until adjournment, approximately 11:30 a.m., the full Board will reconvene to hear an update on the Voluntary National Tests and to receive reports from its various standing committees.

Also on May 15, the full Board will receive and consider the Nominations Committee recommendations for membership, in a partially closed session, beginning at 11:30 a.m. through adjournment, approximately 12:00 noon. The review and subsequent discussion of this information relate solely to the internal personnel rules and practices of an agency and will disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session.

Such matters are protected by exemptions (2) and (6) of Section 552b(c) of Title 5 U.S.C.

Summaries of the activities of the closed sessions and related matters, which are informative to the public and consistent with the policy of 5 U.S.C. 552b(c), will be available to the public within 14 days of the meeting. Records are kept of all Board proceedings and

are available for public inspection at the U.S. Department of Education, National Assessment Governing Board, Suite #825, 800 North Capitol Street, NW, Washington, DC, from 8:30 a.m. to 5:00 p.m.

Roy Truby,

Executive Director, National Assessment Governing Board.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. SA99-22-000, SA99-23-000, and SA99-24-000 (Not Consolidated)]

Atlantic Richfield Corporation; Notice of Petitions for Dispute Resolution or, Alternatively, for Adjustment

April 13, 1999.

Take notice that on March 9, 1999, Atlantic Richfield Corporation (Arco)

filed the above-referenced petitions, requesting the Commission to resolve disputes concerning its Kansas ad valorem tax refund obligation to the pipelines listed below.

Pipeline and docket No.	Refund claim
Colorado Interstate Gas Company, SA99-22-000 ¹	\$415,240.17
Northern Natural Gas Company, SA99-23-000 ²	166,103.28
Williams Gas Pipelines Central, Inc., SA99-24-000 ³	172,916.89

¹ Changed from Docket No. GP99-7-000.
² Changed from Docket No. GP99-8-000.
³ Changed from Docket No. GP99-9-000.

Arco requests that the Commission resolve its dispute with Northern and Williams by holding that termination agreements and/or settlements with these two pipelines resolved all issues associated with Kansas ad valorem tax refund liability and extinguishes the pipeline's refund claim in its entirety. Arco contends that by agreeing in the settlement to forego claims it for nonperformance it otherwise could have continued to pursue, Arco agreed to accept total payments under the contracts that did not exceed the MLP ceilings multiplied by the total volumes represented by each pipeline's nonperformance. In such circumstances, no refund should be required. To order otherwise would prevent Arco from receiving the very benefits it bargained for in the settlements-settlements that the Commission itself strongly encouraged as a means to resolve the massive take-or-pay and underpayments liabilities of interstate pipelines and make the transition to a more market-responsive and competitive environment.

Arco maintains that Northern and consumers benefited from agreements and settlements because the settlements allowed the pipelines to avoid the much higher costs that full-performance of the contract would have entailed. By resolving "all claims" relating to, inter alia, "contractual price", the settlements resolved the Kansas ad valorem tax reimbursement issue. The Commission has found that these settlements served the public interest.

Arco also requests the Commission to establish procedure to verify the refund calculations in all three dockets to ensure fairness and equity.

Alternatively, Arco requests that the Commission waive Arco's refund liability pursuant to Section 502(c) of the NGPA. Arco asserts that the Commission has equitable discretion to grant adjustment relief from this refund requirement. Since the tax reimbursement payments made by the pipelines were for taxes that Arco in fact paid the State of Kansas, Arco maintains it did not retain any revenues in excess of the MPLs. Arco maintains that the equities in the case require the Commission to waive Arco's refund obligation. At a minimum, Arco continues, the Commission should waive the royalty portion of the refund. Arco notes that it sold its Kansas properties in 1993, and thus no longer has ongoing contractual relationships with its former Kansas royalty owners. The response from Arco's former royalty owners to Arco's mailing has been negligible. To engage in extensive searches or to pursue legal action against these interests would be a cost-prohibitive exercise in futility. Since Arco has transferred or otherwise ended the leases in question here, and thus has no ongoing relationship with the royalty owners, let alone relationships that would permit Arco to impose a unilateral reduction in future royalty payments as contemplated in Wylee. Arco asserts that the royalty portion of the refund claim is uncollectible, as a practical matter, due to the passage of time and the Kansas statute of limitations. Arco's petitions are on file with the Commission, and they are open to public inspection. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

Any person desiring to be heard or to make any protest with reference to any of these petitions should on or before 15 days after the date of publication in the Federal Register of this notice, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211, 385.1105, and 385.1106). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99-9680 Filed 4-16-99; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-227-000]

High Island Offshore System; Notice of Technical Conference

April 13, 1999.

In the Commission's order issued on March 31, 1999, 86 FERC ¶ 61,321 (1999), the Commission directed that a technical conference be held to address issues raised by the filing.