

Exchange Rule 8.51 will continue to provide that the appropriate Market Performance Committee may determine the classes and series that will be subject to the requirements of the Rule. The CBOE also is amending Interpretation and Policy .06 to Rule 8.51 to clarify that the firm quote requirement for spreads and straddles applies only in equity options. The CBOE notes that issue was clearly stated in rule filing SR-CBOE-94-54 and in the Commission's order approving that filing.⁴ However, the rule language itself is not clear on this point. Thus, the CBOE is making this change to clarify in the rule text what was originally intended by that rule filing.

2. Statutory Basis

The Exchange believes that by raising the firm quote requirement, the proposed rule change will increase the liquidity of the affected option classes such that it is consistent with and furthers the objectives of Section 6(b) of the Act,⁵ in general, and furthers the objectives of Section 6(b)(5),⁶ in particular, in that it removes impediments to a free and open market and protects investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange did not solicit or receive written comments with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

Patton, Attorney, Division of Market Regulation, Commission, and Constance Kiggins, Special Counsel, Division of Market Regulation, Commission, on January 6, 1999.

⁴ Securities Exchange Act Release No. 35785 (May 31, 1995), 60 FR 30125 (June 7, 1995).

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(5).

(a) by order approve proposed rule change, or

(b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and 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, N.W., Washington, D.C. 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, in Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR-CBOE-98-53 and should be submitted by February 18, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁷

Margaret H. McFarland,

Deputy Secretary.

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BILLING CODE 8010-01-M

TENNESSEE VALLEY AUTHORITY

North Alabama Pipeline Crossing of the Tennessee River and Use of Transmission Line Right-of-Way, Cullman, Limestone, and Morgan Counties, Alabama

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Record of Decision and Adoption of Final Environmental Impact Statement for the North Alabama Pipeline Project and the Final Supplement to the Final Environmental Impact Statement for the Amended North Alabama Pipeline Project prepared by the Federal Energy Regulatory Commission (FERC).

SUMMARY: This notice is provided in accordance with the Council on Environmental Quality (CEQ) regulations (40 CFR 1500 to 1508) and TVA procedures implementing the National Environmental Policy Act.

TVA has decided to concur with a right-of-way permit issued by the U.S. Fish and Wildlife Service (FWS) for crossing of the Wheeler National Wildlife Refuge in Limestone and Morgan Counties, Alabama. TVA also may have to make a decision on requests made by the Southern Natural Gas Company (hereinafter "Southern") for use of TVA's existing rights of way along the Trinity-Cullman and Huntsville-Decatur transmission lines in Cullman, Limestone, and Morgan Counties, Alabama. The environmental impacts of the North Alabama Pipeline Project were assessed in a 1997 Environmental Impact Statement (EIS) and 1998 Supplemental EIS prepared by FERC. TVA was a cooperating agency in the preparation of the above two EISs. Under 40 CFR 1506.3(c) of the CEQ Regulations, TVA has independently reviewed the two EISs prepared by the Federal Energy Regulatory Commission and found them to be adequate, and is herewith adopting them. TVA has also determined that the alternatives considered in the two EISs and the decisions based on them will fulfill the requirements of sections 101 and 102(1) of the National Environmental Policy Act.

FOR FURTHER INFORMATION CONTACT:

Harold M. Draper, NEPA Specialist, Environmental Management, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 8C, Knoxville, Tennessee 37902-1499; telephone (423) 632-6889 or e-mail hmdraper@tva.gov.

SUPPLEMENTARY INFORMATION:

Background

On January 25, 1996, Southern filed an application with FERC for a Certificate of Public Convenience and Necessity under the Natural Gas Act for authorization to construct, own, and operate a new natural gas pipeline between Tuscaloosa and Huntsville within the state of Alabama. The proposed pipeline would serve Huntsville (AL) Utilities, Decatur (AL) Utilities, Marshall County (AL) Gas District, Dekalb-Cherokee Counties (AL) Gas District, and Austell (GA) Gas System. Huntsville and Decatur would be new customers of Southern. In order to provide gas service to Huntsville, Southern needs to cross the Tennessee River on lands formerly owned by TVA and transferred to the U.S. Fish and Wildlife Service (FWS) for the Wheeler

⁷ 17 CFR 200.30-3(a)(12).

National Wildlife Refuge. TVA needs to concur in FWS's right-of-way permit. In addition, TVA may need to approve Southern's request to use TVA transmission line right of ways between Trinity and Cullman (pipeline mileposts 84 to 92) and between Huntsville and Decatur (pipeline mileposts 115 to 120).

FERC issued a certificate for the proposed route on May 30, 1997. The approved crossing of the Tennessee River and Wheeler National Wildlife Refuge System lands was called the Triana Variation and was located at Tennessee River Mile (TRM) 321. Subsequently, FWS informed Southern that it would prefer a different route for the pipeline to cross the refuge. Southern filed an application for an amended certificate, and this was granted by FERC on October 28, 1998. The revised approved route, called the I-65 Alternative, Variation Number 3, crosses the Tennessee River at TRM 309.5 and also follows the TVA Decatur to Huntsville transmission line in Limestone County. The revised pipeline route would extend 113 miles between Tuscaloosa and Huntsville. FWS issued a National Wildlife Refuge System compatibility determination and right-of-way permit on January 15, 1999. FWS has requested that TVA concur with its right-of-way permit.

FERC issued a Notice of Intent to Prepare an EIS on February 26, 1996. A public scoping meeting was held on April 1, 1996. A Draft EIS (DEIS) was issued in March 1997. Comments were received at public hearings on April 2, 1997 at Cordova, Alabama and on April 3, 1997 at Hartselle, Alabama. A total of 149 public hearing comments and letters were received. As a cooperating agency, TVA commented on the DEIS. A Final EIS, including responses to the comments received, was issued in May 1997. Subsequent to the decision of FERC, one of the cooperating agencies, FWS, informed Southern that it would prefer that the Tennessee River be crossed at an existing utility or highway corridor, if such a corridor could be directionally drilled. FWS requested that existing corridors be tested before a crossing would be considered at the certificated route (Tennessee River Mile 321). Southern subsequently tested the I-65 corridor and determined that a directional drill was feasible. Accordingly, Southern requested a certificate for an alternative route (the I-65 Alternative). FERC issued a Draft Supplemental EIS (DSEIS) on the I-65 Alternative in June 1998. A total of 16 letters were received and 25 public hearing statements were recorded at a public hearing on July 30, 1998 in Hartselle, Alabama. As a cooperating

agency, TVA commented on the DSEIS. A Final Supplemental EIS, including responses to the comments received, was issued in October 1998.

Alternatives Considered

The EIS and SEIS prepared by FERC considered use of other pipeline systems (System Alternatives), Major Route Alternatives, and minor variations of each major route alternative, in addition to No Action. For the proposed crossing of the Tennessee River (the action that requires TVA concurrence), FERC, FWS, and TVA considered two alternatives in detail, Action and No Action. In addition, three minor variations of the action alternative (designated Variation Numbers 1, 2 and 3) were analyzed in detail. The proposed I-65 Alternative (Action Alternative) would follow Interstate 65 and cross the former TVA land now in the Wheeler National Wildlife Refuge for 2.7 miles (70 to 90 foot wide construction right-of-way). The Tennessee River crossing would be at Tennessee River Mile (TRM) 309.5, on the west side of I-65. The river crossing would be underground and would involve a directional drill.

Variation Number 1 would cross the Tennessee River on the east side of I-65 and would be further from residences. Variation Number 2 would be north of the Tennessee River in Limestone County, Alabama, and would follow an existing TVA power line and pipeline rights of way to avoid the crossing of forested wetlands associated with Beaverdam Creek. Variation Number 3 would also be north of the Tennessee River in Limestone County, and would follow an existing TVA power line and Old Highway 20. It also would avoid forested wetlands associated with Beaverdam Creek.

Several alternatives were considered but not analyzed in detail. The White Springs Power Line Alternative would follow an existing power line and would cross at TRM 307.5, involving 2.85 miles of former TVA land in Wheeler National Wildlife Refuge and 1.1 miles of former TVA land now in Point Mallard City Park. The crossing of the Tennessee River and Flint Creek would be by open trench construction. Open trench construction would have potential impacts on endangered and threatened species. Because this alternative would have greater land requirements and would involve open trench construction of the Tennessee River, this alternative did not offer any environmental advantages that would merit detailed analysis.

The Hudson Bridge Alternative would involve a crossing of the Tennessee

River at TRM 305. The crossing would be adjacent to the U.S. 31 bridge (Hudson Bridge) crossing. This route would involve crossing 2.7 miles of former TVA land and extensive urban area construction, in addition to major open cut crossings of the Tennessee River and Flint Creek. Because of the greater impact on densely populated areas and the required open cut of the Tennessee River, this alternative did not offer any environmental advantages that would merit detailed analysis.

The Hartselle Alternative would involve crossing 0.8 miles of former TVA land and 3 miles of current TVA land in the Swan Creek Wildlife Management Area. It would also involve extensive urban area construction, in addition to major open cut crossings of the Tennessee River and Flint Creek. Because this alternative was twice as long as the proposed route and would require open cut construction of the Tennessee River, this alternative did not offer any environmental advantages that would merit detailed analysis.

On October 28, 1998, FERC issued an order amending the certificate for the North Alabama Pipeline Project. The certificate authorized Southern to construct the pipeline along the I-65 alternative and variation number 3.

Decision: TVA has decided to concur with the FWS right-of-way easement allowing Southern to implement the I-65 Alternative, Variation Number 3. In addition, TVA may also have to make a decision on any request made by Southern to use TVA's Decatur to Huntsville transmission line right-of-way in Limestone County (pipeline mileposts 115 to 120) and its Trinity to Cullman transmission line right-of-way in Cullman and Morgan Counties (pipeline mileposts 84 to 92). In making these decisions, TVA has carefully considered the environmental impacts of a new pipeline corridor across the Tennessee River as well as the comments of those who oppose the pipeline for environmental and other reasons. TVA believes that with the choice of the I-65 crossing, the use of directional drill, and the selection of variation Number 3 which avoids forested wetlands, the environmental impacts of the proposal have been reduced to insignificant levels.

Environmentally Preferable Alternative

Of the alternatives discussed in the EIS and SEIS, TVA has determined that the No Action alternative would be environmentally preferable. It would not, however, accomplish the applicant's and FERC's goals of supplying additional natural gas at competitive rates to Huntsville Utilities,

Decatur Utilities, Marshall County (AL) Gas District, Dekalb-Cherokee Counties (AL) Gas District, Austell (GA) Gas System, or Cartersville (GA) Utilities.

Environmental Consequences and Commitments

As a long, linear pipeline, the project generally follows existing rights of way. About 40 percent of the proposed route is unforested and would revert to its previous open land uses after pipeline construction. However, forested lands would be cleared and maintained in an unforested condition by the company through periodic maintenance activities. Forested wetlands would be cleared in several places along the 122-mile pipeline route. Approximately 37.67 acres of forested wetlands would be cleared in Tuscaloosa, Fayette, Walker, Cullman, Morgan, and Limestone Counties of Alabama. Of this, 24.22 acres would be permanently maintained as cleared right-of-way. FWS and FERC have adopted mitigation measures to avoid or minimize environmental harm. TVA believes that the measures required by FERC in its October 28, 1998 order would substantially reduce the environmental impacts of this project. These include detailed construction Best Management Practices, use of environmental inspectors, completion of compliance with Section 106 of the National Historic Preservation Act, and surveys of caves for Indiana and gray bats. Southern will comply with the following measures:

- In order to compensate for temporary and permanent wetland impacts, Southern will purchase 185 acres of drained wetland in Limestone County, Alabama (known as the Devaney Tract) adjacent to the Wheeler National Wildlife Refuge and deed the tract to the FWS. The FWS would restore wetland hydrology to approximately 105 acres and plant hardwood trees on remaining acreage.
- Southern will comply with measures required by FERC's Order Amending Certificate and Denying Stay and Rehearing of October 28, 1998 (Docket Nos. CP96-153-002, 003 and 004) and FERC's May 30, 1997 Order Issuing Certificate and Denying Rehearing (Docket Nos. CP96-153-000 and 002).

Dated: January 19, 1999.

Kathryn J. Jackson,

Executive Vice President, Resource Group.
[FR Doc. 99-2043 Filed 1-27-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Availability of Final Environmental Impact Statement for Terminal Doppler Weather Radar To Serve John F. Kennedy International and LaGuardia Airports, New York, New York

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability.

SUMMARY: In accordance with requirements of the National Environmental Policy Act of 1969, as Amended, and FAA order 1050.ID—Policies and Procedures for Considering Environmental Impacts, the FAA announces the availability of a Final Environmental Impact Statement (EIS) for terminal Doppler weather radar to Serve John F. Kennedy International and LaGuardia Airports, New York, New York. The Final EIS provides responses to comments on the Draft EIS received in written form or in oral presentations at five official public hearings held during the public review period for the Draft EIS. The text and figures of the Draft EIS have been revised as necessary to provide information and analyses requested by comments from the public. The Final EIS is a comprehensive document containing the contents of the Draft EIS, as revised, copies of all comment letters received during the public review period, transcripts of the five public hearings, and the FAA's official responses to those comments. A copy of the Final EIS will be mailed to all parties who received the Draft EIS directly from the FAA and all additional parties who requested a copy of the document. The Final EIS is available for review at FAA Headquarters in Washington, DC, and libraries of the potentially affected area in New York City. A copy of the Final EIS may be obtained from the FAA through request to the contact listed below.

In accordance with regulations at 40 Code of Federal Regulations 1506.10(b)(2), the FAA's decision on whether to proceed with the proposed action will not be made or recorded until the appropriate time. At the time such decision is made, the FAA will release a Record of Decision with that information.

FOR FURTHER INFORMATION CONTACT: Jerome D. Schwartz, Environmental Lead for TDWR, AND-402, Federal Aviation Administration, 800 Independence Avenue, SW,

Washington, DC 20591, telephone (202) 267-9841.

Issued in Washington, DC on January 20, 1999.

James C. Link,

Acting Leader, Integrated Product Team For Surveillance, AND-400.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

National Highway Traffic Safety Administration

Ocular-based Measures of Driver Alertness; Notice of Conference and Request for Submissions

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of conference and request for submissions.

SUMMARY: This notice is both an invitation to participate in a conference addressing ocular-based measures of driver alertness and a request for submissions to be presented/demonstrated at the conference. The conference is being sponsored by the FHWA's Office of Motor Carriers and the National Highway Traffic Safety Administration's (NHTSA) Office of Vehicle Safety Research (formerly, the Office of Crash Avoidance). The purpose of the conference is to (1) share recent FHWA/NHTSA findings regarding the validity of eye-based measures of driver alertness, (2) share recent FHWA and NHTSA technology developments in this area, (3) identify and provide information about other Research and Technology (R&T) studies relevant to in-vehicle alertness monitoring, (4) review the overall state-of-the-art of in-vehicle alertness monitoring, (5) review concepts for feedback of alertness information to drivers and other proposed features of the driver-vehicle interface, and (6) review concepts for the successful and user-acceptable introduction of in-vehicle alertness monitoring systems to commercial motor carrier fleets.

DATES: The conference will be held on April 26-27, 1999. Each day's session will begin at 9 a.m. and end at 5 p.m. Papers and technology demonstration proposals/abstracts must be received on or before March 1, 1999.

ADDRESSES: The conference will be held at the Hyatt-Dulles Hotel, 2300 Dulles Corner Boulevard, Herndon, Virginia.

FOR FURTHER INFORMATION CONTACT: For conference information and to obtain