

market to be served, or other evidence of public benefit of the project.

V. Conclusion

At a time when the Commission is urged to authorize new pipeline capacity to meet an anticipated increase in the demand for natural gas, the Commission is also urged to act with caution to avoid unnecessary rights-of-way and the potential for overbuilding with the consequent effects on existing pipelines and their captive customers. This policy statement is intended to provide more certainty as to how the Commission will analyze certificate applications to balance these concerns. By encouraging applicants to devote more effort in advance of filing to minimize the adverse effects of a project, the policy gives them the ability to expedite the decisional process by working out contentious issues in advance. Thus, this policy will provide more guidance about the Commission's analytical process and provide participants in certificate proceedings with a framework for shaping the record that is needed by the Commission to expedite its decisional process.

Finally, this new policy will not be applied retroactively. A major purpose of the policy statement is to provide certainty about the decisionmaking process and the impacts that would result from approval of the project. This includes providing participants in a certificate proceeding certainty as to economic impacts that will result from the certificate. It is important for the participants to know the economic consequences that can result before construction begins. After the economic decisions have been made it is difficult to undo those choices. Therefore, the new policy will not be applied retroactively to cases where the certificate has already issued and the investment decisions have been made.

By the Commission. Chairman Hoecker and Commissioners Breathitt and Hébert concurred with a separate statement attached. Commissioner Bailey dissented with a separate statement attached.

David P. Boergers,
Secretary.

Policy Statement for Certification of New Interstate Natural Gas Pipeline Facilities

Docket No. PL99-3-000

[Issued September 15, 1999]

Hoecker, Chairman; Breathitt and Hébert, Commissioners, *concurring*. Our intention is to apply this policy statement to any filings received by the Commission after July 29, 1998 (the issuance date of the Commission's

Notice of Proposed Rulemaking regarding the Regulation of Short-term Natural Gas Transportation Services in Docket No. RM98-10-000 and Notice of Inquiry regarding Regulation of Interstate Natural Gas Transportation Services in Docket No. RM98-12-000), and not before.

James J. Hoecker,
Chairman.
Linda K. Breathitt,
Commissioner.
Curt L. Hébert,
Commissioner.

Certification of New Interstate Natural Gas Facilities

[Docket No. PL99-3-000]

[Issued September 15, 1999]

Bailey, Commissioner, *dissenting*. Respectfully, I will be dissenting from this policy statement.

The document puts forth the majority's statement of an analytical framework for use in certificate proceedings. Its goal is to give applicants and other participants in those proceedings a better understanding of how the commission makes its decisions. This is always a good thing to do. But ultimately, I cannot sign on to this statement as representative of my approach to certificate policy for several reasons.

First and foremost, the document purports that the policy outlined is not a significant departure from the kind of analysis used currently in certificate cases. I do not share this view. I know that it does depart from the way I currently look at certificate issues. For example, I cannot say that the sliding scale evaluation process and the weighing and balancing process described in the statement actually reflects the way I look at things. Further, the pricing changes announced are in fact significant departures from current practice. Thus, the document is as much about pricing policy change as it is about articulating an analytical approach to certification questions. I do not completely agree with the statements regarding pricing contained in this document.

The announced policy will now require that new projects meet a pricing threshold before work can proceed on the application—that is they should be incrementally priced and not subsidized by existing customers. The intent behind this is to enhance our certainty that the market is determining which projects come to the Commission.

I do not disagree with the idea that incremental pricing is consistent with the idea of allowing markets to decide.

I also recognize that it can protect existing customers from subsidizing expansions as well as insulate existing pipelines from subsidized competition. However, I find the policy statement to be far too categorical in its approach. I am not persuaded that we should depart from our existing policy statement on pricing that we adopted in 1995.

There is too little recognition here that some types of construction projects are not designed solely for new markets or customers, that existing customers can benefit from some projects, and that rolled-in pricing may still be appropriate. Thus, while I can agree with some of the articulated goals such as pricing should allocate risk appropriately, and that if done properly it can assist in avoiding construction of excess capacity, I would not adopt a threshold requirement that virtually precludes use of rolled-in rates.

Finally, I am at a loss to explain the genesis of this particular outcome. I recognize that certificate policy issues have been problematic for a long time. In attempts to address these issues we have had conferences to explore need issues and we have requested comments on certificate issues in the pending gas Notice of Proposed Rulemaking in Docket No. RM98-10-1000 (84 FERC ¶ 61,087 (1998)) and the Notice of Inquiry in Docket No. RM98-12-000 (84 FERC ¶ 61,087 (1998)). The variety of views we have received in these efforts are summarized in the policy statement and it candidly recognizes the lack of clear direction on what path the Commission should follow. Given this lack of industry consensus, I question the advisability of trying to adopt a generic approach at this time. I would prefer to weigh further the relative merits of those comments before embarking on an attempt to articulate a certificate policy.

Vicky A. Bailey,
Commissioner.

[FR Doc. 99-24617 Filed 9-21-99; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-00597A; FRL-6384-4]

Proposed Test Guidelines; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; extension of comment period.

SUMMARY: On July 28, 1999, EPA issued a notice announcing the availability of

a combined chronic toxicity and carcinogenicity test guideline for the Series 870–Health Effects Test Guidelines for use in the testing of fibrous particles in the development of test data (OPPTS 870.8355). Natural and synthetic fibers are one group of substances that have been identified to be of potential health concern to humans. The comment period would have ended September 27, 1999. Due to the complexity of the proposed test guideline and the potential health concerns to humans, EPA has decided to extend the comment period by 45 days.

DATES: Comments, identified by the docket control number OPP–00597, must be received on or before November 12, 1999.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit III. of the “SUPPLEMENTARY INFORMATION.” To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00597 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: *For general information contact:* Christine M. Augustyniak, Associate Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone numbers: (202) 554–1404 and TDD: (202) 554–0551; fax number: (202) 554–5603; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: David Lai, Risk Assessment Division (7403), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (202) 260–6222; fax number: (202) 260–1279; e-mail address: lai.david@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who are or may be required to conduct testing of chemical substances under the Toxic Substances Control Act (TSCA), the Federal Food, Drug and Cosmetic Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the technical

person listed under “FOR FURTHER INFORMATION CONTACT.”

II. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

A. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. On the Home Page select “Laws and Regulations” and then look up the entry for this document under the “**Federal Register**—Environmental Documents.” You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

You may also obtain copies of test guidelines from the EPA Internet Home Page by selecting “Researchers and Scientists/Test Methods and Guidelines/OPPTS Harmonized Test Guidelines” at <http://www.epa.gov/epahome/research.htm>.

B. *In person.* The Agency has established an official record for this action under docket control number OPP–00597. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

III. How and to Whom Do I Submit Comments?

As described in Unit III.A. of the proposed test guideline notice of availability published in the **Federal Register** of July 28, 1999 (64 FR 40871) (FRL–6078–6), you may submit your comments through the mail, in person, or electronically. Please follow the instructions that are provided in the notice of availability. Do not submit any information electronically that you consider to be CBI. To ensure proper

receipt by EPA, be sure to identify docket control number OPP–00597 in the subject line on the first page of your response.

IV. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the technical person listed under “FOR FURTHER INFORMATION CONTACT.”

V. What Action is EPA Taking?

EPA is extending the comment period on the proposed test guideline for developing a combined chronic toxicity and carcinogenicity test guideline for use in the testing of respirable fibrous substances (OPPTS 870.8355). Natural and synthetic fibers are one group of substances that have been identified to be of potential health concern to humans. The background on the proposed test guideline can be found in the previous **Federal Register** notice of availability published on July 28, 1999 (64 FR 40871) (FRL–6078–6). A time extension of 45 days is being provided such that the comment period will now end on November 12, 1999.

VI. Do Any Regulatory Assessment Requirements Apply to this Action?

No. This action is not a rulemaking, it merely extends the date by which public comments must be submitted to EPA on the notice of availability that previously published in the **Federal Register** of July 28, 1999 (64 FR 40871). For information about the applicability of the regulatory assessment requirements to the proposed test guideline, please refer to the discussion in Unit V. of that document.

List of Subjects

Environmental protection, Chemical testing, Test guideline.

Dated: September 16, 1999.

William H. Sanders, III

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 99-24697 Filed 9-21-99; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 962. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 202-010776-113

Title: Asia North America Eastbound Rate Agreement

Parties:

American President Lines, Ltd. and APL Co. Pte Ltd. (operating as a single carrier)
Hapag-Lloyd Container Linie GmbH
Kawasaki Kisen Kaisha, Ltd.
A.P. Moller-Maersk Line
Mitsui O.S.K. Lines, Ltd.
Nippon Yusen Kaisha Line
Orient Overseas Container Line, Inc.
P&O Nedlloyd Limited
P&O Nedlloyd B.V.
Sea-Land Service, Inc.

Synopsis: The proposed modification would extend the current suspension of the agreement through May 1, 2000.

Agreement No.: 202-011677

Title: United States Australasia Agreement

Parties:

P&O Nedlloyd Limited
Contship Containerlines Limited
Compagnie Marseille Fret
Compagnie Generale Maritime S.A.
Australia-New Zealand Direct Line
Columbus Line
Wallenius Wilhelmsen Lines AS

Synopsis: The proposed agreement would authorize the parties to establish a conference in the trade from United States ports and points, to ports and points in Australia and New Zealand. The parties may agree upon rates, enter into service contracts, charter space from each other, and establish a volume-based pooling arrangement.

Agreement No.: 224-200563-009

Title: Oakland—Trans Pacific Marine Terminal Agreement

Parties:

City of Oakland: Board of Port Commissioners
Trans Pacific Container Corporation

Synopsis: The proposed amendment changes the definition of the contract year as well as the annual rental. The agreement continues to run through September 5, 2015.

Agreement No.: 224-201028-001

Title: Oakland—SSA Marine Terminal Agreement

Parties:

City of Oakland: Board of Port Commissioners
Stevadoring Services of America
Synopsis: The proposed amendment changes parts of the remuneration basis of the agreement. The agreement continues to run through June 30, 2007.

Agreement No.: 224-201075-001

Title: Oakland—Maersk Pacific Marine Terminal Agreement

Parties:

City of Oakland: Board of Port Commissioners
Maersk Pacific Ltd.
Synopsis: The proposed amendment changes the remuneration basis of the agreement and also accounts for changes arising from the joint service with Sea-Land Service, Inc. The agreement continues to run through March 31, 2003.

Agreement No.: 224-201085

Title: Oakland—Star Shipping Marine Terminal Agreement

Parties:

City of Oakland: Board of Port Commissioners
Star Shipping (USWC), Inc.
Synopsis: The proposed agreement provides for the non-exclusive use of certain parts of the Ninth Avenue Terminal. The agreement runs through September 30, 2001 but may be extended for three additional years on a year-to-year basis.

Agreement No.: 224-201086

Title: Oakland—Zim American Marine Terminal Agreement

Parties:

City of Oakland: Board of Port Commissioners
Zim-American Israeli Shipping Co., Inc.
Synopsis: The proposed agreement provides for the non-exclusive use of certain parts of the Charles P. Howard Terminal. The agreement runs through May 31, 2002.

Agreement No.: 224-201087

Title: Oakland—International Transportation Marine Terminal Agreement

Parties:

City of Oakland: Board of Port

Commissioners

International Transportation Service, Inc.

Synopsis: The proposed agreement provides for the non-exclusive use of certain parts of Berth 25. The agreement runs through June 30, 2003 but may be extended for three additional five year periods.

Dated: September 17, 1999.

By order of the Federal Maritime Commission.

Bryant L. VanBrakle,
Secretary.

[FR Doc. 99-24708 Filed 9-21-99; 8:45 am]

BILLING CODE 6730-01-P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediaries pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR part 515).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel-Operating Common Carrier Ocean Transportation Intermediary Applicants:

Air Sea Containers, Inc., 2749 N.W. 82nd Avenue, Miami, FL 33122, Officers: Alan H. Bond, President (Qualifying Individual)

Interlog USA, Inc., 5402 Main Street NE, Fridley, MN 55421, Officers: James G. Taylor, President (Qualifying Individual) Donald B. Taylor, Treasurer

Jeong, G. Ju d/b/a Korea Express Washington, Inc., 7912 Yarnwood Ct. Springfield, VA 22153, Sole Proprietor: Jeong G. Ju, President (Qualifying Individual)

M & M Cargo Line, Inc., One Broadway, Suite 403, Elmwood Park, NJ 07407, Officers: Milton D'Souza, President (Qualifying Individual) Marti Aranha, Vice President

Multi Transport, Inc., 8422 N.W. 66th Street, Miami, FL 33166, Officers: Jaime Grullon, President (Qualifying Individual)

N.E.W.S. Transportation Co., Inc., d/b/a N.E.W.S. Express, 1535 W. 139th Street, Gardena, CA 90249, Officers: