

**§ 476.111 PRO access to records and information of institutions and practitioners.**

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(d) A PRO may reimburse for requested information at the rate of \$.10 per page for photocopying plus first class postage. The photocopying amount includes the cost of labor, supplies, equipment, and overhead.

E. Part 498 would be amended as follows:

**PART 498—APPEALS PROCEDURES FOR DETERMINATIONS THAT AFFECT PARTICIPATION IN THE MEDICARE PROGRAM AND FOR DETERMINATIONS THAT AFFECT THE PARTICIPATION OF ICFS/MR AND CERTAIN NFS IN THE MEDICAID PROGRAM**

1. The authority citation for part 498 continues to read as follows:

**Authority:** Sections 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

**§ 498.2 [Amended]**

2. In § 498.2, the definition of *supplier* is amended to add the words "an entity approved by HCFA to furnish outpatient diabetes self-management training," following "(OPO)".

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: September 30, 1998.

**Nancy-Ann Min DeParle,**

*Administrator, Health Care Financing Administration.*

Approved: November 23, 1998.

**Donna E. Shalala,**

*Secretary.*

[FR Doc. 99-3083 Filed 2-10-99; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[MM Docket No. 98-203; DA 99-255]

**Ancillary or Supplementary Use of Digital Television Capacity by Noncommercial Licensees**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** This action extends the deadline for filing comments and reply comments to the *Notice of Proposed Rule Making (NPRM)*, released November 23, 1998. It is taken in response to the request to extend the

comment and reply comment period submitted by the Association of America's Public Television Stations (AAPTS). The intended effect of this action is to allow AAPTS's membership to have additional time in which to file comments and reply comments.

**DATES:** Comments are due on or before February 16, 1999; reply comments are due on or before March 16, 1999.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, Room TW-A325, SW, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Jane Gross or Robert Somers, Policy and Rules Division, Mass Media Bureau (202) 418-2130.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Order granting an extension of time for filing comments and reply comments in MM Docket No. 98-203; DA 99-255, adopted January 28, 1999. The complete text of this Order is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

**Synopsis of Order Granting Extension of Time for Filing Comments**

1. On November 23, 1998, the Commission released an NPRM in this proceeding, 63 FR 68722 (December 14, 1998), regarding the ancillary or supplementary use of digital television capacity by noncommercial educational (NCE) television licensees. Comments in this proceeding are presently due January 28, 1999, and reply comments are due March 1, 1999.

2. On January 27, 1998, AAPTS submitted a Motion for Extension of Time to file comments in response to the NPRM. AAPTS states that additional time is necessary to allow the AAPTS board to reflect in its filing industry-wide discussions scheduled for the end of January, and to review in its end of January board meeting the policy positions that it plans to present to the Commission. AAPTS requests a brief extension of the comment and reply comment deadlines, which it contends will serve the Commission's goal of generating a full and complete record that reflects the views of all affected parties.

3. As set forth in Section 1.46 of the Commission's Rules, 47 CFR 1.46, it is our policy that extensions of time for filing comments in rulemaking proceedings shall not be routinely

granted. However, because of the importance of the instant proceeding to the future of public television, and the potential benefits of the petitioner's developing a more complete record through discussion of these issues with its members, we believe an extension of the comment and reply deadlines for the NPRM is warranted.

4. Accordingly, *It is ordered* that the Motion for Extension of Time filed in MM Docket No. 98-203 by the Association of America's Public Television Stations *Is granted*. The time for filing comments *Is extended* to February 16, 1999.

5. *It is further ordered* that the time for filing reply comments *Is extended* to March 16, 1999.

6. This action is taken pursuant to authority found in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 USC 154(i) and 303(r), and Sections 0.204(b), 0.283, and 1.45 of the Commission's Rules, 47 CFR 0.204(b), 0.283, and 1.45.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 99-3328 Filed 2-10-99; 8:45 am]

BILLING CODE 6712-01-P

**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

**49 CFR Part 567**

[Docket No. NHTSA-99-5073]

RIN 2127-AH49

**Vehicle Certification; Contents of Certification Labels for Altered Vehicles**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This notice proposes to amend NHTSA's regulations on vehicle certification that specify the contents of the certification labels that vehicle alterers are required to affix to motor vehicles that they alter. The amendment would require the certification label affixed by the alterer to state that the vehicle, as altered, conforms to all applicable Federal motor vehicle safety, bumper, and theft prevention standards affected by the alteration. Under the existing regulations, the certification

labels on altered vehicles need only state that the vehicles, as altered, comply with all applicable Federal motor vehicle safety and bumper standards affected by the alteration. The proposed amendment would make the certification requirements for vehicle alterers consistent with those for vehicle manufacturers.

**DATES:** *Comments.* Comments must be received on or before March 29, 1999.

*Applicability Date.* If adopted, the proposed amendment would apply to motor vehicles manufactured on or after September 1, 1999.

**ADDRESSES:** Comments should refer to the docket number above and be submitted to: Docket Management, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590. Docket hours are 9 am to 5 pm, Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Coleman Sachs, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. (202-366-5238).

**SUPPLEMENTARY INFORMATION:** In a final rule published today, NHTSA is amending its regulations on vehicle certification at 49 CFR 567.4 to require the certification label for multipurpose passenger vehicles (MPVs) and trucks with a gross vehicle weight rating (GVWR) of 6,000 pounds or less to specify that the vehicle complies with all applicable Federal motor vehicle safety and theft prevention standards. As explained in the final rule, this amendment was prompted by a letter that NHTSA had received from a vehicle manufacturer noting that under a provision of the Anti Car Theft Act of 1992 now codified at 49 U.S.C. 33101, the definition of vehicles subject to the major parts marking requirements of the theft prevention standard was expanded to include "a multi-purpose passenger vehicle or light duty truck when that vehicle or truck is rated at not more than 6,000 pounds gross vehicle weight."

One of the comments submitted in response to the notice of proposed rulemaking (NPRM) that preceded this final rule (published on June 25, 1998 at 63 FR 34623) was from John Russell Deane III, who identified himself as the General Counsel of the Speciality Equipment Market Association (SEMA). In his comment, Mr. Deane recommended that NHTSA amend 49 CFR 567.7, the provision in the certification regulations that prescribes requirements for persons who alter certified vehicles, so that it is consistent with the amendments to the certification requirements for

manufacturers at 49 CFR 567.4 that the agency was proposing.

The certification requirements in section 567.7 apply to a person who alters a previously certified vehicle before it is first purchased for purposes other than resale. The certification requirements are triggered only when the vehicle is altered "other than by the addition, substitution, or removal of readily attachable components such as mirrors or tire and rim assemblies, or minor finishing operations such as painting," or when the vehicle is altered "in such a manner that its stated weight ratings are no longer valid."

In his comment, Mr. Deane noted that although vehicle alterers have a statutory responsibility to certify that any vehicle they alter that is subject to the theft prevention standard remains in compliance with that standard following the completion of the alterations, section 567.7 has never been amended to reflect that requirement.

In its response to Mr. Deane's comment, NHTSA acknowledged the validity of the issue that he raised, and stated that the agency would commence rulemaking shortly to address the disparity between the certification responsibilities for manufacturers and those for alterers with regard to the theft prevention standard.

Accordingly, NHTSA is proposing to amend the certification regulations to require the label affixed by vehicle alterers to state that the vehicle, as altered, conforms to all applicable Federal motor vehicle safety, bumper, and theft prevention standards affected by the alteration. So that vehicle alterers have adequate lead time to exhaust their existing inventory of certification labels and have new labels printed, if the proposed amendment is adopted, this requirement would apply to vehicles manufactured on or after September 1, 1999.

## Rulemaking Analyses and Notices

### 1. Executive Order 12866 (Federal Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

This proposal was not reviewed under E.O. 12866. NHTSA has analyzed this proposal and determined that it is not "significant" within the meaning of the Department of Transportation's regulatory policies and procedures.

### 2. Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, NHTSA has evaluated the effects of this action on small entities. Based upon this evaluation, I certify that the proposed amendment would not have a significant economic

impact on a substantial number of small entities. Although most vehicle alterers are likely to qualify as small entities, the proposed rule would have no adverse economic impact upon them because they would be afforded adequate lead time to exhaust their existing inventory of certification labels and have new labels printed. This amendment would also have no effect on small organizations, and small governmental units. Accordingly, no regulatory flexibility analysis has been prepared.

### 3. Executive Order 12612 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rule would not have sufficient Federalism implications to warrant preparation of a Federalism Assessment. No State laws would be affected.

### 4. National Environmental Policy Act

The agency has considered the environmental implications of this proposed rule in accordance with the National Environmental Policy Act of 1969 and determined that the proposed rule would not significantly affect the human environment.

### 5. Civil Justice Reform

This proposed rule would not have any retroactive effect. It would modify an existing Federal regulation to make it consistent with a statutory requirement. A petition for reconsideration or other administrative proceeding will not be a prerequisite to an action seeking judicial review of this proposed rule. This proposed rule does not preempt the states from adopting laws or regulations on the same subject, except that if adopted, the resulting Federal regulation would preempt a state regulation that is in actual conflict with the Federal regulation or makes compliance with the Federal regulation impossible or interferes with the implementation of the Federal statute.

## Public Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of

confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR Part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material. Comments will also be available on line at [www.dms.dot.gov](http://www.dms.dot.gov).

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

#### List of Subjects in 49 CFR Part 567

Labeling, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, the agency proposes to amend § 567.7, *Requirements for persons who alter certified vehicles*, in Title 49 of the Code of Federal Regulations at Part 567 as follows:

#### PART 567—[AMENDED]

1. The authority citation for part 567 would continue to read as follows:

**Authority:** 49 U.S.C. 322, 30111, and 30115, 30117, 30166, 32502, 32504, 33101–33104, and 33109; delegation of authority at 49 CFR 1.50.

2. Section 567.7 would be amended by revising paragraph (a) to read as follows:

#### § 567.7 Requirements for persons who alter certified vehicles.

\* \* \* \* \*

(a) The statement: "This vehicle was altered by (individual or corporate name) in (month and year in which alterations were completed) and as altered it conforms to all applicable Federal Motor Vehicle Safety Standards affected by the alteration and in effect in (month, year)." The second date shall be no earlier than the manufacturing date of the original vehicle, and no later than the date alterations were completed.

(1) In the case of passenger cars manufactured on or after September 1, 1999, the expression "safety, bumper, and theft prevention" shall be substituted in the statement for the word "safety".

(2) In the case of multipurpose passenger vehicles (MPVs) and trucks with a GVWR of 6,000 pounds or less manufactured on or after September 1, 1999, the expression "and theft prevention" shall be included in the statement following the word "safety".

\* \* \* \* \*

Issued on: January 29, 1999.

**L. Robert Shelton,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 99–3292 Filed 2–10–99; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 253

[Docket No. 980812215–8215–01, I.D. 072898D]

RIN 0648–AK76

#### Fishing Capacity Reduction Program

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule.

**SUMMARY:** NMFS (hereinafter we or us) proposes framework regulations specifying procedures for requesting us to conduct a fishing capacity reduction program in a specific fishery and governing the conduct of programs initiated in response to a request or on our own initiative. Fishing capacity reduction programs pay harvesters in fisheries with too much harvesting capacity to surrender their fishing permits and/or withdraw their vessels from fishing. Reduction costs can be paid by post-reduction harvesters, taxpayers, or others. The intent of reducing excess harvesting capacity in a

fishery is to increase harvesting productivity and help conserve and manage the fishery's resources.

**DATES:** Comments must be received by April 12, 1999.

**ADDRESSES:** Comments should be sent to Michael L. Grable, Chief, Financial Services Division, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Michael L. Grable, (301) 713–2390.

**SUPPLEMENTARY INFORMATION:** Most U.S. fisheries have excess fishing capacity. Excess capacity decreases earnings, complicates management, and imperils conservation. To provide for fishing capacity reduction (reduction), Congress amended the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861 *et seq.*) (Magnuson Act) by adding a new section 312(b)–(e) (16 U.S.C. 1861a(b)–(e)). To finance reduction costs, Congress amended Title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 *et seq.*) by adding new sections 1111 and 1112 (the portions applicable to capacity reduction loans have been codified at 46 App. U.S.C. 1279f & 1279g). This action would add a subpart D to 50 CFR part 253 setting forth framework regulations for requesting us to conduct a reduction program in a specific fishery (reduction program) and governing the conduct of reduction programs initiated in response to a request or on our own initiative.

Under section 312(b)(2) of the Magnuson Act, a reduction program's objective is "to obtain the maximum sustained reduction in fishing capacity at the least cost and in a minimum period of time." The reduction program pays harvesters in a program fishery (reduction fishery) either to surrender their fishing permits or both surrender their fishing permits and withdraw their vessels from all domestic fishing. Harvesters can withdraw vessels either by scrapping them or (for federally-documented vessels) by subjecting them to title restrictions that prevent the vessels' use for fishing.

Reduction cost can be funded in several ways: a loan from us (loan), Federal appropriations, and/or contributions from states or other public or private sources. If a loan finances any part of the reduction cost, we refer to the reduction program as a financed program. If the reduction cost is not in any part financed by a loan, we refer to the reduction program as a subsidized program.

A loan from us is a practical way to finance reduction cost. Under sections 1111 and 1112 of Title XI of the