contain detailed statistics on military assistance (Foreign Aid/Grant Aid) shipments made from the United States by the DOD and shipments made under the FMS program by the military agencies. These monthly reports are furnished to the Census Bureau in lieu of the SED in order to facilitate shipments of material under Grant Aid and FMS auspices. However, these reports do not cover FMS deliveries by commercial exporters, which comprise a significant share of FMS deliveries.

In order to reconcile the two sets of data provided by DOD, the Census Bureau is proposing to add an FMS indicator code to the SEDs and the electronic transmissions required from commercial exporters. The addition of this indicator code will assure more accurate identification of FMS transactions in the goods data reported to the Census Bureau and enable BEA to make a more accurate estimate of this class of FMS transactions when it removes them from the goods data to avoid counting these transactions twice when it compiles the balance of payments accounts. An FMS indicator code on the SEDs and electronic transmissions from commercial exporters will permit BEA and the Census Bureau to improve the accuracy and reliability of its balance of payments and GDP estimates, as well as the estimates published in the ''U.S. International Trade in Goods and Services'' release.

The Census Bureau is proposing to amend Section 30.7(p) of the FTSR to add paragraph (5) requiring commercial exporters to identify those exports that represent FMS deliveries with an ''M'' indicator code in Item (16) on Commerce Form 7525–V and in Item (23) on Commerce Form 7525–V–ALT (Intermodal) on the paper SEDs, with an ''FS'' Export Information Code on the Commodity Line Item Description (CL1) record on the AES record layout, and with a ''3'' indicator code in field 2 (Type) of the AERP record layout for participants of the AERP.

Rulemaking Requirements

This rule is exempt from all requirements of Section 553 of the Administrative Procedure Act because it deals with a foreign affairs function (5 U.S.C. (A)(1)). However, this rule is being published as a proposed rule, with an opportunity for public comment because of the importance of the issues raised by this rulemaking.

Regulatory Flexibility Act

Because a notice of proposed rulemaking is not required by 5 U.S.C. 553 or any other law, a Regulatory Flexibility Analysis is not required and has not been prepared (5 U.S.C. 603(a)).

Executive Orders

This rule has been determined to be not significant for purposes of Executive Order 12866. This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

Paperwork Reduction Act

Notwithstanding any other provisions of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid OMB control number.

This rule covers collections of information subject to the provisions of the PRA, which are cleared by the OMB under OMB control number 0607–0152.

This rule will not impact the current reporting-hour burden requirements as approved under OMB control number 0607–0152 under provisions of the Paperwork Reduction Act of 1995, Public Law 104–13.

List of Subjects in 15 CFR Part 30

Economic statistics. Foreign trade. Exports. Reporting and record keeping requirements.

For the reasons set out in the preamble, it is proposed that part 30 be amended as follows:

PART 30—FOREIGN TRADE STATISTICS REGULATIONS

1. The authority citation for 15 CFR Part 30 continues to read as follows:

Authority: 5 U.S.C. 301; 13 U.S.C. 301–307; Reorganization Plan No. 5 of 1950 (3 CFR 1949–1953 Camp., 1004); Department of Commerce Organization Order No. 35–2A. August 4, 1975, 40 CFR 42765.

Subpart A—General Requirements—Exporter

2. Section 30.7 is proposed to be amended by adding paragraph (p)(5) to read as follows:

§ 30.7 Information required on Shipper's Export Declarations.

* * * * *

(p) * * *

(5) *Foreign Military Sales (FMS) indicator.* For any export that represents the delivery of goods or the repair of military equipment under provisions of the FMS program, an ''M'' indicator code should be included in Item (16) on Commerce Form 7525–V and in Item (23) on Commerce Form 7525–V–ALT (Intermodal) of the paper SED, with an ''FS'' Export Information Code on the Commodity Line Item Description (CL1) field of the Automated Export System (AES) record layout, and a ''3'' indicator code in field 2 (Type) of the Automated Export Reporting Program (AERP) record layout. This indicator code should be used in lieu of the domestic (D) or foreign (F) indicator code required in those fields on the SED Form, the AES record, and the AERP record. The FMS indicator code will serve to identify more accurately that segment of U.S. exports that represent FMS deliveries in the U.S. export statistics.

* * * * *

Dated: March 25, 1998.

James F. Holmes,

Acting Director, Bureau of the Census.

[FR Doc. 98–9964 Filed 4–14–98; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

29 CFR Part 2510

RIN 1210–AA48

Plans Established or Maintained Pursuant to Collective Bargaining Agreements Under Section 3(40)(A)

AGENCY: Pension and Welfare Benefits Administration, Department of Labor.

ACTION: Notice of intent to form a negotiated rulemaking advisory committee.

SUMMARY: The Department of Labor (Department) intends to form a Negotiated Rulemaking Advisory Committee (Committee) in accordance with the Negotiated Rulemaking Act of 1990 and the Federal Advisory Committee Act. The Committee will negotiate the development of a proposed rule implementing the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. 1001–1461 (ERISA). The purpose of the proposed rule is to establish a process and criteria for a finding by the Secretary of Labor that an agreement is a collective bargaining agreement for purposes of section 3(40) of ERISA. The proposed rule will also provide guidance for determining when an employee benefit plan is established or maintained under or pursuant to such an agreement. Employee benefit plans that are established or maintained for the purpose of providing benefits to the employees of more than one employer

are ''multiple employer welfare arrangements'' under section 3(40) of ERISA, and therefore are subject to certain state regulations, unless they meet one of the exceptions set forth in section 3(40)(A). At issue in this regulation is the exception for plans or arrangements that are established or maintained under one or more agreements which the Secretary finds to be collective bargaining agreements. If adopted, the proposed rule would affect employee welfare benefit plans, their sponsors, participants and beneficiaries, as well as service providers to plans. It may also affect plan fiduciaries, unions, employer organizations, the insurance industry, and state insurance regulators.

DATES: Written comments, applications for membership and nominations for membership on the negotiated rulemaking committee must be received at the address provided below on or before May 15, 1998.

The first meeting of the Committee will be held after the Committee has been established under the Federal Advisory Committee Act (FACA). The date, location and time for Committee meetings will be announced in advance in the **Federal Register**.

ADDRESSES: Comments, applications for membership and nominations for membership may be mailed to the following address: Office of the Solicitor, Plan Benefits Security Division, Room N–4611, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210. *Attention:* Negotiated Rulemaking Advisory Committee for ERISA Section 3(40). In the alternative, comments may be hand-delivered between the hours of 9 a.m. to 5 p.m. to the same address.

All submissions will be open to public inspection and copying in the Public Documents Room, Pension and Welfare Benefits Administration, U.S. Department of Labor, Room N–5638, 200 Constitution Avenue, NW, Washington, DC from 8:30 a.m. to 5:30 p.m.

The Committee meetings will be held at U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210 at the convenience of the Committee. The date, location and time for Committee meetings will be announced in advance in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Patricia Arzuaga, Office of the Solicitor, Plan Benefits Security Division, U.S. Department of Labor, Room N–4611, 200 Constitution Avenue, NW, Washington, DC 20210 (telephone (202) 219–4600). This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

I. Regulatory Negotiation

The Department intends to use the negotiated rulemaking procedure in accordance with the Negotiated Rulemaking Act of 1990, P.L. 101–648 (5 U.S.C. 561–569)(NRA). The Department will form an advisory committee consisting of representatives of the affected interests and the Department for the purpose of reaching consensus on the proposed rule. The NRA establishes a framework for the conduct of a negotiated rulemaking and encourages agencies to use negotiated rulemaking to enhance the informal rulemaking process. Under the NRA, the head of an agency must consider whether:

- There is a need for the rule;
- There are a limited number of identifiable interests that will be significantly affected by the rule;
- There is a reasonable likelihood that a Committee can be convened with a balanced representation of persons who (1) can adequately represent the interests identified; and (2) are willing to negotiate in good faith to reach a consensus on the rulemaking;
- There is a reasonable likelihood that a Committee will reach a consensus on the rulemaking within a fixed period of time;
- The negotiated rulemaking process will not unreasonably delay the development and issuance of a final rule;
- The agency has adequate resources and is willing to commit such resources, including technical assistance, to the Committee; and
- The agency, to the maximum extent possible consistent with its legal obligations, will use the consensus of the Committee with respect to developing the rule proposed by the agency for public notice and comment.

Negotiations are conducted by a Committee chartered under the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2). The Committee includes a Department representative and is assisted by a neutral facilitator. The goal of the Committee is to reach consensus on the language or issues involved in the rule. If consensus is reached, the Department undertakes to use the consensus as the basis of the proposed rule, to the extent consistent with its legal obligations. The negotiated rulemaking process does not otherwise affect the Department's obligations under FACA, the Administrative Procedures Act and other statutes, including all economic, paperwork and other required regulatory analyses.

The Department invites comments on the appropriateness of regulatory negotiation for this proposed rule.

II. Subject and Scope of the Rule

A. Need for the Rule

The Department believes that regulatory guidance on the scope of the ERISA 3(40) exception for plans or other arrangements established or maintained pursuant to collective bargaining agreements is necessary to ensure that (1) the Department and state insurance regulators can identify and regulate MEWAs operating in their jurisdiction, and (2) sponsors of employee health benefit programs may determine whether their plans are established or maintained pursuant to collective bargaining agreements for purposes of section 3(40)(A).

Section 3(40)(A) of ERISA defines the term multiple employer welfare arrangement (MEWA) in pertinent part as follows:

> The term ''multiple employer welfare arrangement'' means an employee welfare benefit plan, or any other arrangement (other than an employee welfare benefit plan), which is established or maintained for the purpose of offering or providing any benefit described in paragraph (1) [of section 3 of the Act] to the employees of two or more employers (including one or more self-employed individuals), or to their beneficiaries, except that such term does not include any such plan or other arrangement which is established or maintained—
>
> (i) Under or pursuant to one or more agreements which the Secretary finds to be collective bargaining agreements * * *.

This provision was added to ERISA by the Multiple Employer Welfare Arrangement Act of 1983, Sec. 302(b), Pub. L. 97–473, 96 Stat. 2611, 2612 (29 U.S.C. 1002(40)), which also amended section 514(b) of ERISA. Section 514(a) of the Act provides that state laws which relate to employee benefit plans are generally preempted by ERISA. Section 514(b) sets forth exceptions to the general rule of section 514(a) and subjects employee benefit plans that are MEWAs to various levels of state regulation depending on whether or not the MEWA is fully insured. Sec. 302(b), Pub. L. 97–473, 96 Stat. 2611, 2613 (29 U.S.C. 1144(b)(6)).[1]

[1] The Multiple Employer Welfare Arrangement Act of 1983 added section 514(b)(6), which provides a limited exception to ERISA's preemption of state insurance laws. This exception allows states to exercise regulatory authority over employee welfare benefit plans that are MEWAs. Section 514(b) provides, in relevant part, that:

(6)(A) Notwithstanding any other provision of this section—

(i) in the case of an employee welfare benefit plan which is a multiple employer welfare arrangement and is fully insured (or which is a multiple

The Multiple Employer Welfare Arrangement Act was enacted to counter abuse by the operators of bogus ''insurance trusts.'' Congress was concerned that certain MEWA operators were successfully thwarting timely investigations and enforcement activities of state agencies by asserting that such entities were ERISA plans exempt from state regulation by the terms of section 514 of ERISA. The goal of the law was to remove legal obstacles which could hinder the ability of the States to regulate multiple employer welfare arrangements to assure the financial soundness and timely payment of benefits under these arrangements. 128 Cong. Rec. E2407 (1982)(Statement of Congressman Erlenborn).

As a result of the addition of section 514(b)(6) to ERISA, certain state laws regulating insurance apply to employee benefit plans that are MEWAs. However, the definition of a MEWA in section 3(40) provides that an employee benefit plan is not a MEWA if it is established or maintained pursuant to an agreement which the Secretary of Labor finds to be a collective bargaining agreement. Such a plan is therefore not subject to regulation under state insurance law under section 514(b)(6).

While the Multiple Employer Welfare Arrangement Act of 1983 significantly enhanced the states' ability to regulate MEWAs, problems in this area continue to exist as a result of the exception for collectively bargained plans contained in the 1983 amendments. This exception is now being exploited by some MEWA operators who, through the use of sham unions and collective bargaining agreements, market fraudulent insurance schemes under the guise of collectively bargained welfare plans exempt from state insurance regulation. Another issue in this area involves the use of collectively bargained arrangements as vehicles for marketing health care coverage nationwide to employees and employers with no relationship to the bargaining process or the underlying agreement. In addition, the Department has received requests to make individual determinations concerning the status of particular plans under section 3(40) of ERISA.

The purpose of the negotiated rulemaking is to develop a proposed rule that would facilitate determinations by the Department, employee benefit plans and state insurance regulatory agencies as to whether a particular agreement is a collective bargaining agreement, and whether a particular plan is established or maintained under or pursuant to one or more collective bargaining agreements.

Earlier Proposed Rule: In 1995, the Department published a Notice of Proposed Rulemaking on Plans Established or Maintained Pursuant to Collective Bargaining Agreements in the **Federal Register**. 60 FR 39209 (August 1, 1995) (NPRM). The Department proposed criteria and a process for determining whether an employee benefit plan is established or maintained under or pursuant to one or more agreements that the Secretary finds to be collective bargaining agreements for purposes of section 3(40) of ERISA. The proposed approach would not have required individual findings by the Department. The Department received numerous comments on the NPRM. Commenters expressed concerns about their ability to comply with the standards set forth in the NPRM, or to obtain data necessary to establish compliance with the criteria proposed by the Department. Commenters also objected to having states determine whether a particular agreement was a collective bargaining agreement.

B. Issues and Questions to be Resolved

The major issues the Department intends to address in this proposed rule are the criteria and the process for determining whether an employee benefit plan is established or maintained under or pursuant to one or more agreements that the Secretary finds to be collective bargaining agreements for purposes of section 3(40)(A) of ERISA.

A number of interests (including employers, service providers, and participants) are likely to be affected by the new rule on the definition of collective bargaining agreements under ERISA 3(40). The effect of the rule is likely to vary, depending primarily on the size of the multiemployer plans and the size and financial condition of the employers contributing to these plans, and the extent to which plan coverage encompasses non-bargaining unit employees.

III. Affected Interests and Potential Committee Membership

The following organizations have expressed an interest in participating in this negotiated rulemaking. The Department believes that these organizations, directly or through joint representation with other organizations, reflect an appropriate mix of the interests significantly affected by the proposed rulemaking. Committee membership may change from the organizations listed below based on applications for membership or nominations for membership that may be received in response to this Notice.

Labor (employees covered by or seeking to be covered by CBAs)

AFL–CIO

Multiemployer Plans

National Coordinating Committee for Multiemployer Plans
Entertainment Industry Multiemployer Health Plans

States

National Association of Insurance Commissioners

Federal Government

Department of Labor:
Pension Welfare Benefits Administration: Elizabeth Goodman, DOL Negotiator, Office of Regulations and Interpretations

The Department nominates Peter Swanson of the Federal Mediation and Conciliation Service as facilitator. Mr. Swanson has extensive experience in facilitating negotiating rulemaking meetings and in mediating disputes.

The intent in establishing the Committee is that all significantly affected interests are represented, not necessarily all parties. While the Department believes the above participants represent the principal interests associated with the rule to be negotiated, we invite comment on this list of negotiation participants.

IV. Formation of the Negotiating Committee

A. Procedure for Establishing an Advisory Committee

As a general rule, an agency of the Federal Government is required to comply with the requirements of FACA when it establishes or uses a group that includes nonfederal members as a source of advice. Under FACA, an advisory committee is established once a charter has been approved by the

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employer welfare arrangement subject to an exemption under subparagraph (B)), any law of any State which regulates insurance may apply to such arrangement to the extent that such law provides—

(I) standards, requiring the maintenance of specified levels of reserves and specified levels of contributions, which any such plan, or any trust established under such a plan, must meet in order to be considered under such law able to pay benefits in full when due, and

(II) provisions to enforce such standards, and

(ii) in the case of any other employee welfare benefit plan which is a multiple employer welfare arrangement, in addition to this title, any law of any State which regulates insurance may apply to the extent not inconsistent with the preceding sections of this title.

Thus, an employee welfare benefit plan that is a MEWA remains subject to state regulation to the extent provided in section 514(b)(6)(A). MEWAs which are not employee benefit plans are unconditionally subject to state law.

Secretary of Labor. Negotiations will not begin until the charter has been approved.

B. Participants

Under the NRA, the number of participants on the Committee should not exceed 25. A number larger than this could make it difficult to conduct effective negotiations. One purpose of this notice is to help determine whether the proposed rule would significantly affect interests not adequately represented by the proposed participants. The NRA does not require that each potentially affected organization or individual must necessarily have its own representative. However, each interest must be adequately represented. Moreover, the Department must be satisfied that the group as a whole reflects a proper balance and mix of interests.

C. Requests for Representation

Persons who will be affected significantly by the planned proposed rule on the definition of a collective bargaining agreement and who believe that their interests will not be adequately represented by the persons identified above may apply, or nominate another person, for membership on the Committee to represent their interests. Each application or nomination must include: (1) The name of the applicant or nominee and a description of the interests the person will represent; (2) evidence that the applicant or nominee is authorized to represent parties related to the interests the person proposes to represent; (3) a written commitment that the applicant or nominee will actively participate in good faith in the development of the proposed rule; and (4) the reasons the persons identified above do not adequately represent the interests of the person submitting the application or nomination.

The Department will decide whether the applicant or nominee should be permitted to represent an interest or member of the Committee. The decision is based on whether the individual or interest (1) would be significantly affected by the rule; and (2) is already adequately represented on the Committee.

D. Notice of Establishment of Committee

After reviewing any comments on this Notice of Intent and any requests for representation, the Department will issue a notice announcing the establishment of a negotiated rulemaking advisory committee, unless the Department decides, based on comments and other relevant considerations, that establishment of the Committee is inappropriate. All meeting notices will be published in the **Federal Register**.

V. Negotiation Procedures

When the Committee is formed, the following procedures and guidelines will apply, unless they are modified as a result of comments received on this notice or during the negotiation process—

A. Facilitator

The Committee will use a neutral facilitator. The facilitator will not be involved with the substantive development of the regulation. The facilitator's role is to chair the negotiating sessions; help the negotiation process run smoothly; maintain the meeting minutes as required under FACA; and help the Committee define and reach consensus.

B. Good Faith Negotiations

Participants must be willing to negotiate in good faith and be authorized to do so.

C. Committee Expenses and Administrative Support

In most cases, Committee members are responsible for their own expenses of participation. The Department may pay for certain expenses, in accordance with Section 7(d) of the Federal Advisory Committee Act, if (1) a member certifies a lack of adequate financial resources to participate in the Committee; and (2) the Department determines that such member's participation in the Committee is necessary to assure adequate representation of the member's interest.

The Department will provide logistical, administrative, and management support to the Committee. If deemed necessary, the Department will provide technical support to the Committee in gathering and analyzing data or information.

D. Schedule for Negotiation/Meetings

The Department has set a deadline of approximately five to six months beginning with the date of the first meeting for the Committee to complete work on development of the proposed rule. We intend to terminate the activities of the Committee if it does not appear likely to reach consensus within this time period.

Once the Committee has been established under the FACA, the Department will publish a notice of the first Committee meeting in the **Federal Register**. The purpose of the first meeting will be to discuss in detail how the negotiations will proceed and how the Committee will function. The Committee will:

- Agree to ground rules for Committee operation;
- Determine how best to address the principal issues; and
- If time permits, begin to address those issues.

The date, location, time and agenda for all Committee meetings will be announced in advance in the **Federal Register**. These subsequent Committee meetings will be held approximately every three weeks. Unless announced otherwise, meetings are open to the public.

E. Committee Procedures

Under the general guidelines and direction of the facilitator, and subject to any applicable legal requirements, members of the Committee will establish the detailed procedures for Committee meetings that they consider most appropriate.

F. Defining Consensus

The goal of the negotiating process is consensus. Under the NRA, consensus means that each interest represented on the Committee concurs in the result, unless the Committee (1) agrees to define ''consensus'' to mean general but not unanimous concurrence, or (2) agrees upon another specified definition. The Department expects the Committee participants to fashion their working definition of this term.

G. Failure of the Advisory Committee to Reach Consensus

If the Committee is unable to reach consensus, the Department will proceed independently to develop a proposed rule. Parties to the negotiation may withdraw at any time. If this occurs, the Department and the remaining participants on the Committee will evaluate whether the Committee should continue.

H. Record of Meetings

In accordance with FACA's requirements, minutes of all Committee meetings will be kept. The minutes will be placed in the public rulemaking record.

I. Other Information

In accordance with the provisions of Executive Order 12866, this notice was reviewed by the Office of Management and Budget.

VI. Authority

This document was prepared under the direction of Olena Berg, Assistant Secretary of Labor for Pension and Welfare Benefits, U.S. Department of

Labor, 200 Constitution Avenue, NW, Washington, DC 20210, pursuant to Section 3 of the Negotiated Rulemaking Act of 1990, 104 Stat. 4969, Title 5 U.S.C. 561 *et seq.*; and section 3(40) of ERISA (Pub. L. 97–473, 96 Stat. 2611, 2612, 29 U.S.C. 1002(40)) and section 505 (Pub. L. 93–406, 88 Stat. 892, 894, 29 U.S.C. 1135) of ERISA, and under Secretary of Labor's Order No. 1–87, 52 FR 13139, April 21, 1987.

Signed at Washington, DC, this 9th day of April 1998.

Olena Berg,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 98–9952 Filed 4–14–98; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 66

[USCG–1998–3604]

RIN 2115–AF50

Amendment of State Waters for Private Aids to Navigation in Wisconsin and Alabama

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The U.S. Coast Guard proposes to reestablish Federal jurisdiction over certain waterways in the State of Alabama and expand state jurisdiction of certain waterways in the State of Wisconsin for the purposes of Private Aids to Navigation. This action is being taken to implement a request from the State of Alabama and an agreement between the State of Wisconsin and the Coast Guard, and to ensure, safe navigation on the affected waterways.

DATES: Comments must reach the Coast Guard on or before June 15, 1998.

ADDRESSES: You may mail comments to the Docket Management Facility, USCG–1998–3604, U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001, or deliver them to room PL–401, located on the Plaza Level of the Nassif Building at the same address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

The Docket Management Facility maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room PL–401, located on the Plaza Level of the Nassif Building at the same address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also access this docket on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Ms. Paulette Twine, Chief, Documentary Services Division, Department of Transportation, telephone (202) 366–9329, for questions on the docket, or for questions on this notice contact, Mr. Dan Andrusiak, G–OPN–2 at (202) 267–0327.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages you to submit written data, views, or arguments. If you submit comments, you should include your name and address, identify this notice USCG–1998–3604 and the specific section or question in this document to which your comments apply, and give the reason for each comment. Please submit one copy of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing to the DOT Docket Management Facility at the address under **ADDRESSES**. If you want us to acknowledge receiving your comments, please enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period.

The Coast Guard may schedule a public meeting depending on input received in response to this notice. You may request a public meeting by submitting a request to the address under **ADDRESSES**. The request should include the reasons why a meeting would be beneficial. If the Coast Guard determines that a public meeting should be held, it will hold the meeting at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

On March 26, 1971, the Coast Guard and the State of Alabama signed an agreement giving the State of Alabama control over certain of its waterways for the purposes of private aids to navigation. On April 1, 1981, Mr. William Garner, Director, Marine Police Division for the State of Alabama, sent a letter to the Chief of the Eighth Coast Guard District Aids to Navigation branch asking that the original agreement of March 26, 1971, be discontinued. Mr. Garner stated that no follow-up had been done on the agreement and therefore that the agreement had never been implemented. The Coast Guard proposes this change to comply with the State of Alabama's request and to ensure that discrepancies in aids to navigation can be quickly corrected. This rule also proposes to implement an agreement between the Coast Guard and the State of Wisconsin changing the reference date for designation of State waters for private aids to navigation from November 17, 1969, to May 1, 1996.

This rule change proposes two things for the purpose of Private Aids to Navigation. First, by removing Paragraph § 66.05–100(a) it will reestablish Federal jurisdiction over certain waterways in the State of Alabama. Second, by amending paragraph § 66.05–100(j) the State of Wisconsin will expand state jurisdiction over Lake Winnebago, the Fox River, and various other waterways in their regulatory system.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard considers whether this rule will have a significant economic impact on a substantial number of small entities. ''Small entities'' may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000. Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 606(b) that the proposal, if adopted, will not have a significant economic impact on a substantial number of small entities. This conclusion was reached by conferring with Aids to Navigation personnel at the affected districts and having received assurance that this rule change would not cause any significant economic impact on small business. In accordance with section 213(a) of the Small