

**ACTION:** Notice of waiver of 10 U.S.C. 2534 for certain defense items produced in the United Kingdom.

**SUMMARY:** The Under Secretary of Defense (Acquisition and Technology) is waiving the limitation of 10 U.S.C. 2534 for certain defense items produced to the United Kingdom (UK). 10 U.S.C. 2534 limits DoD procurement of certain items to sources in the national technology and industrial base. The waiver will permit procurement of items enumerated from sources in the UK, unless otherwise restricted by statute.

**EFFECTIVE DATE:** This waiver is effective for one year, beginning August 4, 1999.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Mutty, OUSD (A&T), Director of Defense Procurement, Foreign Contracting, Room 3C762, 3060 Defense Pentagon, Washington, DC 20301-3060, telephone (703) 697-9353.

**SUPPLEMENTARY INFORMATION:** Subsection (a) of 10 U.S.C. 2534 provides that the Secretary of Defense may procure the items listed in that subsection only if the manufacturer of the item is part of the national technology and industrial base. Subsection (i) of 10 U.S.C. 2534 authorizes the Secretary of Defense to exercise the waiver authority in subsection (d), on the basis of the applicability of paragraph (2) or (3) of that subsection, only if the waiver is made for a particular item listed in subsection (a) and for a particular foreign country. Subsection (d) authorizes a waiver if the Secretary determines that application of the limitation "would impede the reciprocal procurement of defense items under a memorandum of understanding providing for reciprocal procurement of defense items" and if he determines that "that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country." The Secretary of Defense has delegated the waiver authority of 10 U.S.C. 2534(d) to the Under Secretary of Defense (Acquisition and Technology).

DoD has a reciprocal procurement Memorandum of Understanding (MOU) with the UK that was signed on December 13, 1994.

The Under Secretary of Defense (Acquisition and Technology) finds that the UK does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in the UK, and also finds that application of the limitation in 10 U.S.C. 2534 against

defense items produced in the UK would impede the reciprocal procurement of defense items under the MOU.

Under the authority of 10 U.S.C. 2534, the Under Secretary of Defense (Acquisition and Technology) has determined that application of the limitation of 10 U.S.C. 2534(a) to the procurement of any defense item produced in the UK that is listed below would impede the reciprocal procurement of defense items under the MOU with the UK.

On the basis of the foregoing, the Under Secretary of Defense (Acquisition and Technology) is waiving the limitation in 10 U.S.C. 2534(a) for procurements of any defense item listed below that is produced in the UK. This waiver applies only to the limitations in 10 U.S.C. 2534(a). It does not apply to any other limitation, including sections 8016 and 8067 of the DoD Appropriations Act for Fiscal Year 1999 (Pub. L. 105-262). This waiver applies to procurements under solicitations issued during the period from August 4, 1999, to August 3, 2000. A similar waiver was granted for the period from August 4, 1998, to August 3, 1999 (63 FR 38815, July 20, 1998). For contracts entered into prior to August 4, 1998, this waiver applies to procurements of the defense items listed below under—

(1) Subcontracts entered into during the period from August 4, 1999, to August 3, 2000, provided the prime contract is modified to provide the Government adequate consideration such as lower cost or improved performance; and

(2) Options that are exercised during the period from August 4, 1999, to August 3, 2000, if the option prices are adjusted for any reason other than the application of the waiver, and if the contract is modified to provide the Government adequate consideration such as lower cost or improved performance.

#### *List of Items to Which This Waiver Applies*

1. Air circuit breakers
2. Welded shipboard anchor and mooring chain with a diameter of four inches or less
3. Gyrocompasses
4. Electronic navigation chart systems
5. Steering controls
6. Pumps
7. Propulsion and machinery control systems
8. Totally enclosed lifeboats

9. Ball and roller bearings

**Michele P. Peterson,**

*Executive Editor, Defense Acquisition Regulations Council.*

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## DEPARTMENT OF DEFENSE

### **U.S. Army Corps of Engineers, Department of the Army**

#### **Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Construction of a Containerized Cargo and Cruise Ship Terminal, Along Port Road, East of Old Highway 146, in the Extra-territorial Jurisdiction of the City of Pasadena and the City of Seabrook, Harris County, Texas**

**AGENCY:** U.S. Army Corps of Engineers, Galveston District, DoD.

**ACTION:** Revised Notice of Intent: Date and Location Change for Public Scoping Meeting.

**SUMMARY:** The U.S. Army Corps of Engineers, Galveston District intends to prepare a DEIS to assess the social, economic and environmental effects of the proposed multi-year phased construction of a container terminal and cruise ship facility. The DEIS will assess potential impacts on a range of alternatives, including the preferred alternative.

**FOR FURTHER INFORMATION CONTACT:** For further information and/or questions about the proposed action and DEIS, please contact Mr. Mark King, Project Manager, by letter at U.S. Army Corps of Engineers, P.O. Box 1229, Galveston, Texas 77550, by telephone at (409) 766-3991, or by electronic mail at john.m.king@swg02.usace.army.mil.

**SUPPLEMENTARY INFORMATION:** The Galveston District intends to prepare a DEIS on the proposed container cargo and cruise ship terminal which would be located along Port Road, east of Old Highway 146, in the Extra-territorial Jurisdiction of the City of Pasadena and the City of Seabrook, Harris County, Texas. The Port of Houston Authority (PHA) proposes this project.

#### **1. Description of the Proposed Project**

The PHA proposes to construct containerized cargo loading areas, roadways, rail lines, an intermodal transit yard, and associated warehouses, administration, and operations buildings. It is the PHA's projection that initial construction would use approximately 1,600 feet of waterfront and 54 acres of land for a container

yard. Construction beyond this initial phase would occur in increments (50–100 acre yard expansions and associated waterfront construction). These additional phases of construction would occur based upon cargo demand. It is currently estimated that the ultimate build-out of the container terminal to seven berths and over 608 acres of container yard and a 90 acre intermodal transit facility (rail yard) could take 15 to 20 years. Cruise ship facilities beyond the initial single berth would be constructed based upon passenger demand.

## 2. Alternatives

The following alternatives will be examined to identify the reasonable alternatives to be fully evaluated in the DEIS: No Action; the modification of existing PHA facilities to meet the purpose and need of and for the proposed project; alternative locations within the jurisdictional authority of the PHA where the proposed facilities might be developed; off-site alternatives such as Spillman Island, Shoal Point (Texas City), and Galveston Harbor; modified on-site alternatives. The applicant's preferred alternative is the PHA owned property on the Bayport Ship Channel (95°00' longitude and 29°36.7' latitude).

## 3. Scoping and Public Involvement Process

A workshop and scoping meeting to gather information on the subjects to be studied in detail in the DEIS will be conducted on August 17, 1999, at the Pasadena Convention Center, 7902 Fairmont Parkway, Pasadena, Texas.

## 4. Significant Issues

Issues associated with the proposed facilities to be given significant analysis in the DEIS are likely to include, but may not be limited to, the potential impacts of the proposed dredging, the beneficial uses of dredged material, placement of fill, construction and operation of the proposed facility and surface transportation facilities, and of induced developments on: wetland resources; upland and aquatic biotic communities; water quality; fish and wildlife values including threatened and endangered species; noise and light levels in areas adjoining the proposed facilities; air quality; land forms and geologic resources; community cohesion; environmental justice; roadway traffic; socioeconomic environment; archaeological and cultural resources; recreation and recreational resources; public infrastructure and services; energy supply and natural resources; hazardous

waste and materials; land use; aesthetics; public health and safety; navigation; flood plain values; shoreline erosion and accretion; and the needs and welfare of the people.

## 5. Cooperating Agencies

No other Federal agencies have been identified having permitting, certifying, or other approval authority for the proposed project. However, the Federal Highway Administration, the Environmental Protection Agency and Texas Natural Resources Conservation Commission have agreed to cooperate in the technical review of the DEIS.

## 6. Additional Review and Consultation

Additional review and consultation which will be incorporated into the preparation of this DEIS will include: compliance with the Texas Coastal Management Program; protection of cultural resources under Section 106 of the Historic Preservation Act; protection of navigation under the Rivers and Harbors Act of 1899; protection of water quality under Section 401 of the Clean Water Act; and protection of endangered and threatened species under Section 7 of the Endangered Species Act.

## 7. Availability of the DEIS

The Draft Environmental Impact Statement is projected to be available in March 2000. A Public Hearing will be conducted following the release of the DEIS.

Dated: July 2, 1999.

**Nicholas J. Buechler,**  
*Col, EN Commanding.*

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## DEPARTMENT OF ENERGY

[Docket No. EA-214]

### Application To Export Electric Energy; Southern Company Energy Marketing L.P.

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of application.

**SUMMARY:** Southern Company Energy Marketing L.P. (SCEM) has applied for authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

**DATES:** Comments, protests or requests to intervene must be submitted on or before August 19, 1999.

**ADDRESS:** Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Im/Ex (FE-27), Office of Fossil

Energy, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585-0350 (FAX 202-287-5736).

**FOR FURTHER INFORMATION CONTACT:** Xavier Puslowski (Program Office) 202-586-4708 or Michael Skinker (Program Attorney) 202-586-6667.

**SUPPLEMENTARY INFORMATION:** Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On July 2, 1999, the Office of Fossil Energy (FE) of the Department of Energy (DOE) received an application from SCEM to transmit electric energy from the United States to Canada. SCEM, a Delaware limited partnership, is a power marketer that does not own or control any electric generation or transmission facilities nor does it have any franchised service territory in the United States.

SCEM proposes to arrange for the delivery of electric energy to Canada over the international transmission facilities owned by Basin Electric Power Cooperative, Bonneville Power Administration, Citizens Utilities, Detroit Edison Company, Eastern Maine Electric Cooperative, Joint Owners of the Highgate Project, Long Sault, Inc., Maine Electric Power Company, Maine Public Service Company, Minnesota Power & Light, Inc., Minnkota Power Cooperative, New York Power Authority, Niagara Mohawk Power Corporation, Northern States Power, and Vermont Electric Transmission Company.

The construction of each of the international transmission facilities to be utilized by SCEM, as more fully described in the application, has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

### Procedural Matters

Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Comments on the SCEM application to export electric energy to Canada should be clearly marked with Docket EA-214. Additional copies are to be filed directly with JoAnn P. Russell,