

fluorinated-hydrocarbon solvents are used. The flue must be made of corrosion-resistant material and extend to the outer air, and a draft diverter must be installed when mechanical exhaust is used on the flue.

(2) The surface temperature of a heating element must not cause a solvent or a mixture to decompose or be converted into any excess quantity of vapor. Tanks with a vapor area larger than 4 feet² (.38 m²) used for solvent cleaning or vapor degreasing must have cleanout or sludge doors located near the bottom of each tank. The doors must prevent leakage of liquid when closed.

(e) *What additional requirements apply to cyanide tanks?* An employer must ensure that tanks are constructed with a dike or other method to prevent cyanide from mixing with an acid when a dip tank fails.

(f) *What additional requirements apply to spray cleaning and degreasing tanks?* An employer must ensure that airborne spraying used to disperse a liquid above any open-surface tank is controlled by enclosing the spraying to the extent feasible, and by using mechanical ventilation that provides enough inward air velocity to prevent the spray from leaving the vapor area.

(g) *What additional requirements apply to electrostatic paint detearing?*

(1) An employer must ensure that electrostatic equipment used for paint-detearing operations is approved. The electrodes used in such equipment must be constructed in a substantial manner, rigidly supported in permanent locations, and insulated effectively from ground using insulators that are nonporous, noncombustible, and kept clean and dry.

(2) Goods being paint deteared using electrostatic equipment must be supported on conveyors and manipulated by means other than by hand. The distance between goods being paint deteared and the electrodes or conductors of the electrostatic equipment must be maintained at twice the sparking distance or greater; this distance is referred to as the "safe distance." The safe distance must be maintained for goods that are supported on conveyors during the paint-detearing operation. The safe distance must be displayed conspicuously on a suitable sign located near the electrostatic equipment.

(3) Electrostatic equipment used in paint-detearing operations must have automatic controls that immediately disconnect the power supply to the high-voltage transformer and signal the operator when failure occurs in ventilating equipment or conveyors used in paint-detearing operations, a

ground or imminent ground occurs at any point on the high-voltage system, or the safe distance is not maintained.

(4) Fences, rails, or guards must be used that safely isolate paint-detearing operations from plant storage and personnel, are constructed of conducting material, and are adequately grounded.

(5) To protect paint-detearing operations from fire, automatic sprinklers must be used when available. When such sprinklers are not available, automatic fire-extinguishing systems must be used that conform to subpart L of this part.

(6) Removable drip plates and screens must be used to collect paint deposits, and must be cleaned in a safe location.

[FR Doc. 98-9044 Filed 4-6-98; 8:45 am]

BILLING CODE 4510-26-P

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 301-3 and 301-10

RIN 3090-AG73

Federal Travel Regulation; Use of Commercial Transportation, Fly America Act

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Proposed rule.

SUMMARY: This rule proposes to amend the Federal Travel Regulation (FTR) provisions pertaining to use of U.S. flag air carriers under the provisions of the "Fly America Act." This rule will reduce the connecting time for use of a U.S. flag air carrier at an overseas interchange point, incorporate Comptroller General Decision, B-240956, dated September 25, 1991, requiring use of a code share air carrier service, and remove the waiting time requirement at gateway airports in the United States and gateway airports abroad when determining the availability or reasonable availability of a U.S. flag air carrier.

DATES: Comments must be received on or before May 7, 1998.

ADDRESSES: Send comments to the General Services Administration, Office of Governmentwide Policy, Office of Transportation and Personal Property, Travel and Transportation Management Policy Division (MTT), 1800 F Street, NW, Washington, DC 20405-0001. Telefax 202-501-0349. E-mail: umeki.thorne@gsa.gov.

FOR FURTHER INFORMATION CONTACT:

Technical Information: Umeki Thorne, telephone (202) 501-1538.

FTR "plain language" format: Internet GSA, ftrtravel.chat@gsa.gov.

SUPPLEMENTARY INFORMATION:

Subsection 127(d) of the General Accounting Office Act of 1996 (Pub. L. 104-316) amended 49 U.S.C. 40118 to require that the Administrator of General Services issue regulations under which agencies may permit payment for transportation on a foreign air carrier when such transportation is determined necessary. This regulation implements the Administrator's authority under the statute, identifying when a U.S. flag air carrier is deemed unavailable (for transportation between a point in the United States and a point outside the United States) or reasonably unavailable (for transportation between two points outside the United States). The regulation states that an agency may determine that transportation on a foreign air carrier is necessary as a result of a medical necessity or a security threat and states that where the costs of transportation are reimbursed by a third party, such as a foreign government, international agency, or other organization, the requirement in 49 U.S.C. 40118 to use a U.S. flag air carrier does not apply. This proposed rule is written in the "plain language" style of regulation writing as a continuation of the GSA's effort to make the FTR easier to understand and use.

What is the "plain language" style of regulation writing?

The "plain language" style of regulation writing is a new, simpler to read and understand, question and answer regulatory format. Questions are in the first person, and answers are in the second person. GSA uses a "we" question when referring to an agency, and an "I" question when referring to the employee.

What are the significant changes proposed?

There are significant changes in the proposed rule as compared to the Fly America Act provisions currently contained in FTR § 301-3.6. The proposed rule would:

(a) Reduce connecting time at an interchange point for the use of U.S. flag air carrier service from 6 hours to 4 hours.

(b) Implement language from Comptroller General Decision, B-240956, dated September 25, 1991, stating that all airline tickets issued under a code share arrangement must be issued on U.S. flag air carrier ticket stock.

(c) Implement a new method for calculation of an employee's liability for disallowance of expenditures for unauthorized transportation on a foreign air carrier.

(d) Remove the terms "gateway airport in the United States" and "gateway airport abroad" for determining when a U.S. flag air carrier is available or reasonably available.

GSA has determined that this proposed rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993. This proposed rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply. The Paperwork Reduction Act does not apply because the proposed revisions do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 501 *et seq.*

List of Subjects in 41 CFR Parts 301-3 and 301-10

Government employees, Travel and transportation expenses. For the reasons set forth in the preamble, it is proposed that 41 CFR Chapter 301 be amended to read as follows:

PART 301-3—USE OF COMMERCIAL TRANSPORTATION

1. The authority citation for 41 CFR part 301-3 continues to read as follows:
Authority: 5 U.S.C. 5707.

§ 301-3.6 [Removed]

2. Section 301-3.6 is removed.

PART 301-10—TRANSPORTATION ALLOWABLE

3. The authority citation for 41 CFR part 301-10 continues to read as follows:

Authority: 5 U.S.C. 5707; 40 U.S.C. 486(c); 49 U.S.C. 40118.

4. Sections 301-10.131 through 301.144 and an undesignated center heading are added to read as follows:

Use of United States Flag Air Carrier

Sec.

301-10.131 What does United States mean?

301-10.132 Who is required to use a U.S. flag air carrier?

301-10.133 What is a U.S. flag air carrier?

301-10.134 What is U.S. flag air carrier service?

301-10.135 When must I travel using U.S. flag air carrier service?

301-10.136 What exceptions to the Fly America Act requirements apply when I travel between the United States and another country?

301-10.137 What exceptions to the Fly America Act requirements apply when I travel solely outside the United States, and a U.S. flag air carrier provides service between my origin and destination?

301-10.138 In what circumstances is foreign air carrier service deemed a matter of necessity?

301-10.139 May I travel by a foreign air carrier if the cost of my ticket is less than traveling by a U.S. flag air carrier?

301-10.140 May I use a foreign air carrier if the service is preferred by or more convenient for my agency or me?

301-10.141 May I use foreign air carrier service because the foreign air carrier accepts foreign currency?

301-10.142 Must I provide any special certification or documents if I use a foreign air carrier?

301-10.143 What must the certification include?

301-10.144 What is my liability if I improperly use a foreign air carrier?

Use of United States Flag Air Carriers

§ 301-10.131 What does United States mean?

For purposes of this § 301-10.131 and §§ 301-10.132 through 301-10.144 *United States* means the 50 states, the District of Columbia, and the territories and possessions of the United States (49 U.S.C. 40102).

§ 301-10.132 Who is required to use a U.S. flag air carrier?

Anyone whose air travel is financed by U.S. Government funds, except as provided in § 301-10.135, 301-10.136, and 301-10.137.

§ 301-10.133 What is a U.S. flag air carrier?

An air carrier which holds a certificate under 49 U.S.C. 41102 but does not include a foreign air carrier operating under a permit.

§ 301-10.134 What is U.S. flag air carrier service?

U.S. flag air carrier service is service provided on an air carrier which holds a certificate under 49 U.S.C. 41102 as stated in § 301-10.133. It also includes service provided under a code share agreement with a foreign air carrier in accordance with Title 14 of the Code of Federal Regulations when the entire ticket is issued by the U.S. flag air carrier, and payment is to the U.S. flag air carrier.

§ 301-10.135 When must I travel using U.S. flag air carrier service?

You are required by law (49 U.S.C. 40118, the "Fly America Act") to use U.S. flag air carrier service for all air travel funded by the U.S. Government, except as provided in §§ 301-10.136

and 301-10.137 or when one of the following exceptions applies:

(a) Use of a foreign air carrier is determined to be a matter of necessity in accordance with § 301-10.138; or

(b) The transportation is provided under a bilateral or multilateral air transportation agreement to which the United States Government and the government of a foreign country are parties if the agreement:

(1) Is consistent with the goals for international aviation policy contained in 49 U.S.C. 40101(e), and

(2) Provides for the exchange of rights or benefits of similar magnitude; or

(c) You are an officer or employee of the Department of State, United States Information Agency, United States International Development Cooperation Agency, or the Arms Control Disarmament Agency, and your travel is paid with funds appropriated to one of these agencies, and your travel is between two places outside the United States; or

(d) No U.S. flag air carrier provides service on a particular leg of the route, in which case foreign air carrier service may be used, but only to or from the nearest interchange point on a usually traveled route to connect with U.S. flag air carrier service; or

(e) A U.S. flag air carrier involuntarily reroutes your travel on a foreign air carrier; or

(f) Service on a foreign air carrier would be three hours or less, and use of the U.S. flag air carrier would at least double your en route travel time; or

(g) When the costs of transportation are reimbursed in full by a third party, such as a foreign government, international agency, or other organization.

§ 301-10.136 What exceptions to the Fly America Act requirements apply when I travel between the United States and another country?

The exceptions are:

(a) If a U.S. flag air carrier offers direct service (i.e., either nonstop service or no aircraft change) from your origin to your destination, you must use the U.S. flag air carrier service unless such use would extend your travel time, including delay at origin, by 24 hours or more.

(b) If a U.S. flag air carrier does not offer direct service between your origin and your destination, you must use a U.S. flag air carrier on every portion of the route where it provides service unless, when compared to using a foreign air carrier, such use would:

(1) Increase the number of aircraft changes you must make outside of the U.S. by 2 or more; or

- (2) Extend your travel time by at least 6 hours or more; or
- (3) Require a connecting time of 4 hours or more at an overseas interchange point.

§ 301-10.137 What exceptions to the Fly America Act requirements apply when I travel solely outside the United States, and a U.S. flag air carrier provides service between my origin and my destination?

You must always use a U.S. flag carrier for such travel, unless, when compared to using a foreign air carrier, such use would:

- (a) Increase the number of aircraft changes you must make en route by 2 or more; or
- (b) Extend your travel time by 6 hours or more.

§ 301-10.138 In what circumstances is foreign air carrier service deemed a matter of necessity?

(a) Foreign air carrier service is deemed a necessity when service by a U.S. flag air carrier is available, but

- (1) Cannot provide the air transportation needed, or
- (2) Will not accomplish the agency's mission.

(b) Necessity includes, but is not limited to, the following circumstances when:

- (1) Determined by the agency, use of a foreign air carrier is necessary for medical reasons, including use of service by the foreign air carrier to reduce the number of connections and possible delays in the transportation of persons in need of medical treatment; or
- (2) Use of a foreign air carrier is required to avoid an unreasonable risk to your safety and is approved by your agency (e.g., terrorist threats); or
- (3) Your program or activity may only be financed, under statute, using excess foreign currencies, and all U.S. flag air carriers refuse to accept foreign currencies; or

- (4) You can not purchase a ticket in your authorized class of service on a U.S. flag air carrier, and a seat is available in your authorized class of service on a foreign air carrier.

§ 301-10.139 May I travel by a foreign air carrier if the cost of my ticket is less than traveling by a U.S. flag air carrier?

No. Foreign air carrier service may not be used solely based on the cost of your ticket.

§ 301-10.140 May I use a foreign air carrier if the service is preferred by or more convenient for my agency or me?

No. You must use U.S. flag air carrier service, unless you meet one of the exceptions in §§ 301-10.135, 301-10.136, or § 301-10.137.

§ 301-10.141 May I use foreign air carrier service because the foreign air carrier accepts foreign currency?

No, except as provided in § 301-10.138(b)(3).

§ 301-10.142 Must I provide any special certification or documents if I use a foreign air carrier?

Yes, you must provide a certification, as required in § 301-10.143, and any other documents required by your agency. Your agency cannot pay your foreign air carrier fare if you do not provide the required certification.

§ 301-10.143 What must the certification include?

The certification must include:

- (a) Your name;
- (b) The dates that you traveled;
- (c) The origin and the destination of your travel;
- (d) A detailed itinerary of your travel, name of the air carrier and flight number for each leg of the trip; and
- (e) A statement explaining why U.S. flag air carrier service was not available (or reasonably available in the case of travel between points outside the United States), i.e., why you met one of the exceptions in §§ 301-10.135, 10.136, or 10.137.

§ 301-10.144 What is my liability if I improperly use a foreign air carrier?

You will not be reimbursed for any transportation cost for which you improperly use foreign air carrier service. If you are authorized by your agency to use U.S. flag air carrier service for your entire trip, and you improperly use a foreign air carrier for any or all of the trip, your transportation cost on the foreign air carrier will not be payable by your agency. If your agency authorizes you to use U.S. flag air carrier service for part of your trip and foreign air carrier service for another part of your trip, and you improperly use foreign air carrier service, your agency will pay the transportation cost on the foreign air carrier for only the portion(s) of the trip for which you were authorized to use foreign air carrier service.

Dated: March 31, 1998.

Becky Rhodes,

Deputy Associate Administrator, Office of Governmentwide Policy.

[FR Doc. 98-8897 Filed 4-6-98; 8:45 am]

BILLING CODE 6820-34-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, 97, and 101

[WT Docket No. 98-20; FCC 98-25]

Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this *Notice of Proposed Rulemaking*, the Commission sets forth proposals to consolidate the licensing rules into a single set of rules for all wireless radio services. The Commission's goal is to establish a streamlined set of rules that minimizes filing requirements as much as possible; eliminates redundant, inconsistent, or unnecessary submission requirements; and assures ongoing collection of reliable licensing and ownership data. These consolidated rules will eliminate duplication and inconsistencies that exist in the current rules. These proposed rules will make it easier for applicants to understand the licensing process and application requirements because there will be, if adopted, only one set of licensing rules.

DATES: Comments are due May 7, 1998, reply comments are due May 22, 1998. Comments on the proposed information collections are due June 8, 1998.

ADDRESS(ES): Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Wilbert E. Nixon, Jr., Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418-7240 or Susan Magnotti, Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, at (202) 418-0871.

SUPPLEMENTARY INFORMATION: This *Notice of Proposed Rule Making* in WT Docket No. 98-20, adopted February 19, 1998 and released March 18, 1998 is available for inspection and copying during normal business hours in the FCC Reference Center, Room 230, 1919 M Street NW., Washington DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW, Washington DC 20036 (202) 857-3800. The document is also available via the internet at <http://www.fcc.gov/Bureaus/Wireless/Notices/1998/index.html>.