

Due Date for Answers, Conforming Applications, or Motions to Modify Scope: July 19, 1999.

Description: Application of Continental Airlines, Inc. pursuant to 49 U.S.C. 41102 and Subpart Q, applies for renewal of segments 1, 2, 4, 5, 6, 7, 8, 9 and 10 of its Route 561 certificate authority. Continental also applies to amend Route 561 to award Continental authority to provide scheduled air transportation of persons, property and mail between Houston and Ixtapa/Zihuatenejo, Merida, Tampico and San Jose del Cabo; between Cleveland and Cancun and between Newark and Cozumel. Continental asks for authority to integrate its amended Route 561 certificate authority with its existing certificate and exemption authority, asks that the authority become effective immediately for a five-year period.

Docket Number: OST-99-5871.

Date Filed: June 22, 1999.

Due Date for Answers, Conforming Applications, or Motions to Modify Scope: July 20, 1999.

Description: Application of American Airlines, Inc. pursuant to 49 U.S.C. 41102 and Subpart Q, applies for a certificate of public convenience and necessity to engage in foreign air transportation of persons, property, and mail between points in the United States, on the one hand, and Shanghai, Guangzhou, Beijing, and two additional points in the People's Republic of China to be selected by the United States. American also applies for the allocation of 10 weekly U.S.-China frequencies. Finally, American requests route integration with its other certificates and exemptions to conduct foreign air transportation.

Dorothy W. Walker,

Federal Register Liaison.

[FR Doc. 99-17133 Filed 7-6-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Research and Special Programs Administration

Department-Wide Program Evaluation of the Hazardous Materials Transportation Program (HM Program Evaluation)

AGENCY: Office of Inspector General (OIG) and Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of meetings and request for comments.

SUMMARY: The Department of Transportation (DOT) is announcing a

series of three HM Program Evaluation Focus Group Meetings to discuss issues with interested stakeholders concerning DOT's hazardous materials safety programs and to request comments from parties unable to attend the series of meetings. Each meeting will concentrate on a specific topic and likely involve six to ten members pre-selected from the hazardous materials community for each focus group. Other interested parties are invited to observe each meeting and will be given the opportunity to ask questions and raise issues. Focus Group Meeting #1 will focus on the "Effectiveness and Adequacy of DOT's Hazardous Materials Regulatory Program." Focus Group Meeting #2 will focus on the "Effectiveness of DOT's Approach for Gaining Compliance." Focus Group Meeting #3 will focus on "Measuring DOT's Performance in Hazardous Materials Safety." This action is in support of the internal DOT-wide Program Evaluation of the Hazardous Materials Transportation Programs (HM Program Evaluation) which DOT announced in the **Federal Register** on March 9, 1999. The HM Program Evaluation will document and assess the effectiveness of DOT's hazardous materials transportation safety programs in order to improve safety and environmental protection. Your participation in these HM Program Evaluation Focus Group Meetings and responses to the issues raised in this notice and during the meetings will assist DOT in identifying issues that the HM Program Evaluation team may address and evaluate as it continues its efforts.

DATES: *Comment Date:* Comments must be received on or before August 27, 1999.

Public Meeting Dates: Public meetings will be held on July 22, 1999, August 11, 1999, and August 17, 1999. Meetings are scheduled from 9 a.m. to 4:00 p.m.

ADDRESSES: *Written Comments:* Address written comments to HM Program Evaluation Team, U.S. Department of Transportation, 400 Seventh Street, SW, Room 2438, Washington, DC 20590-0001. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped postcard. You may also submit comments by e-mail at: "9.awa-dot-hmpe@faa.gov".

Public Meetings: The July 22, 1999 meeting will be held in Room 2230 of the DOT Headquarters Building (Nassif Building) 400 Seventh Street, SW, Washington, DC 20590-0001. The August 11, 1999, meeting will be held in the Illinois/Minnesota Rooms of the

FAA Building, 2300 East Devon Avenue, Des Plaines, IL. The August 17, 1999, meeting will be held in Room 2230 of the DOT Headquarters Building (Nassif Building) 400 Seventh Street, SW, Washington, DC 20590-0001.

FOR FURTHER INFORMATION CONTACT:

Jackie A. Goff, 202-493-0326, or George Whitney, 202-366-4831, Co-Chairs, HM Program Evaluation Team, U.S. Department of Transportation; Room 2438, 400 Seventh Street SW, Washington, DC 20590-0001. For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact Ms. Goff or Mr. Whitney. If you are unable to attend one or more of these meetings or wish to provide additional comments, we welcome your written responses no later than August 27, 1999. If you would like your comments considered during a specific meeting for which you will be unable to attend, your comments should be received by the team at least 5 working days prior to that specific meeting and sent to the DOT address provided above or e-mailed to: "9.awa-dot-hmpe@faa.gov".

I. Background

On March 9, 1999, DOT published a Notice in the **Federal Register** (64 FR 11528) announcing the initiation of an internal Department-wide Program Evaluation of the Hazardous Materials Transportation Programs (HM Program Evaluation). In that Notice it was announced that the HM Program Evaluation team is staffed by 10 full-time persons, including at least one full-time person from the OIG and RSPA and each of the following Operating Administrations: The United States Coast Guard (USCG); the Federal Aviation Administration (FAA); The Federal Highway Administration (FHWA); and the Federal Railroad Administration (FRA).

The HM Program Evaluation team is examining the Federal hazardous materials transportation law, the program structure defined by the delegation of authority within DOT, and assessing program delivery. The HM Program Evaluation is intended to allow DOT to determine the effectiveness of the current hazardous material programs, including the division of responsibilities across and within modes, and the allocation of resources dedicated to specific functions. The HM Program Evaluation is also focusing on cross-modal issues and will include an analysis and critique of DOT's current program intervention tools including regulation, education, training,

outreach, inspection, and enforcement. This will position DOT to potentially increase safety and environmental protection when hazardous materials are in commerce.

The scope of the HM Program Evaluation is limited to those activities covered by 49 CFR Part 106 (Rulemaking Procedures), Part 107 (Hazardous Materials Program Procedures), and the Hazardous Materials Regulations (HMR), 49 CFR Parts 171–180. International shipments of hazardous materials are also included in the scope of the HM Program Evaluation to permit a review of the International Maritime Dangerous Goods Code (IMDG) and the International Civil Aviation Organization's Technical Instructions on the Transportation of Dangerous Goods by Air (ICAO), both of which are authorized by HMR as alternative standards for many of the requirements in the HMR for shipments destined for export or that are being imported. The team will be examining whether the current programs are achieving the stated purpose of the Federal hazardous materials transportation law.

II. HM Program Evaluation Meetings and Issues

DOT's intent is to use information gathered during three focus group meetings to further develop issues for consideration by the HM Program Evaluation team. We anticipate that each focus group will consist of approximately six to ten pre-selected individuals from the hazardous materials community. To maximize the benefits of the focus groups, they will be comprised of individuals having expertise in hazardous materials transportation who are likely to be affected by the outcome of the HM Program Evaluation. Our aim is that members of the focus groups will be representative of the community of shippers, carriers, packaging manufacturers, hazmat employees, enforcement personnel, emergency responders, trade associations, labor representatives and other interested parties involved with the transportation of hazardous materials. In addition to the focus group members, other interested parties are invited to observe at each focus group meeting. They will have an opportunity to raise issues and ask questions. The issues to be discussed during the three different focus groups are outlined below.

Focus Group Meeting #1, Washington, DC, July 22, 1999: "Effectiveness and Adequacy of DOT's Hazardous Materials Regulatory Program"

Focus Group Meeting #1 will focus primarily on issues involving the effectiveness and adequacy of DOT's regulatory program. Rulemaking procedures for the hazardous materials program are in 49 CFR Part 106. These procedures address petitions for rulemaking, advance notices and notices of proposed rulemaking, final rules, interim final rules, and direct final rules. In addition to these procedural rules, the rulemaking process is governed by a variety of statutes and Executive Orders. Procedures concerning exemptions to regulations are in 49 CFR Part 107. Exemptions authorize the regulated industry to perform functions that are not otherwise authorized by the Hazardous Materials Regulations. The regulatory scheme requires that the agency must find that the exemption establishes a level of safety at least equal to that required by the regulation. If the regulations do not establish a level of safety, the agency must find that the exemption is consistent with the public interest.

In Focus Group Meeting #1, we are interested in determining how well DOT's hazardous materials regulatory system is minimizing risk. The hazardous materials regulatory system is designed to reduce the risks associated with the transportation of hazardous material shipments. Reduction of risk is the major way in which DOT improves the overall level of safety in the transportation system. Questions related to this issue include:

- Based on your experiences with the regulatory system for hazardous materials (domestic and international), can you identify areas in which deficiencies exist that increase the risk of shipping hazardous materials?
- How would you describe your experiences in attempting to comply with the regulations contained in 49 CFR in terms of their ease of use and your perception that you take the required actions to reduce the risk of hazardous materials in transportation?
- What, if any, measures could DOT implement that would lower the risk that hazardous materials may pose while in the transportation system?

Another aspect that has the potential to impact the safety of the transportation system is the act of shipping or transporting undeclared hazardous materials (undeclared or "hidden" shipments are shipments offered for transportation, or subsequently transported, that are not identified as

hazardous materials as required by regulation). DOT is generally only made aware of an undeclared shipment of hazardous materials after a related accident or incident occurs or if it is otherwise reported to DOT. Questions related to this issue include:

- To what extent are you aware of any problems associated with undeclared shipments of hazardous materials?
- What detection methods, if any, have you implemented to recognize potential shipments of undeclared hazardous materials?
- What prevention methods would you offer to DOT to reduce the practice of shipping or transporting undeclared shipments?
- Are undeclared shipments a result of ignorance or willfulness? Please describe.
- What is your experience concerning undeclared shipments occurring within the different modes of transportation (air, highway, rail and water)?
- Do you believe that either the risk level or volumes of activities associated with undeclared shipments is equal among the modes? Please describe.

An important segment of the Hazardous Materials Regulations is hazard communication. Hazard communication under the HMR is addressed in five components: Shipping papers, marking, labeling, placarding, and emergency response information. Questions related to this issue include:

- To what extent does the current regulatory system provide adequate hazard communication information on shipments in transit?
- Are there other sources of information that provide hazard communication information and could they become the basis for an industry standard? For example, is there other information or documents in use related to hazardous materials in transit besides the information provided on a shipping paper that could be standardized or combined in one document?

The regulatory system permits the establishment of exceptions and exemptions that are intended to safely and efficiently expedite the movement of certain hazardous materials. Questions related to this issue include:

- Do exceptions and exemptions complicate the understanding of the regulations?
- Do exceptions and exemptions achieve an adequate level of safety?
- How would you recommend that DOT achieve its intended goal of safely and efficiently moving hazardous materials differently given the industry need for and benefit of these alternatives?

- What do you see as the major enforcement or emergency response concerns related to DOT's use of exceptions and exemptions?

Focus Group Meeting #2, Chicago, IL, August 11, 1999: "Effectiveness of DOT's Approach for Gaining Compliance"

Focus Group Meeting #2 will focus primarily on issues involving reducing violations, means of intervention, and improving compliance with the regulations. To improve the level of compliance by industry DOT focuses its efforts at a variety of intervention points in the transportation system, including activities at the packaging, manufacturer, offeror and transporter stages. Intervention methods include regulations, education, training, outreach, inspection and enforcement. With respect to intermodal shipments, more than one modal administration has the opportunity to intervene with the same shipment as it passes from one mode of transportation to another.

DOT engages in numerous activities to provide information and improve awareness of and compliance with the safety requirements. These outreach activities include: Publishing notices in the **Federal Register**; issuing press releases; using Internet web pages; conducting training seminars and public meetings; participating in stakeholder conferences; and distributing pamphlets, brochures, videos, and CD ROMS.

In Focus Group Meeting #2, we are interested in determining how effective DOT's approach is for reducing violations and increasing compliance. Questions related to this issue include:

- Historically, compliance inspection data reveal that placarding and shipping paper deficiencies are the most cited violations. How would you recommend that DOT increase compliance in these areas?
- Based on your experiences with DOT, please comment on which of DOT's intervention methods are most effective (regulations, education, training, outreach, inspection and enforcement). Why?
- Where do you believe DOT's intervention could be most effective (at the packaging, manufacturer, offeror or transporter stages) and what intervention approach should DOT employ?
- What are your observations and experiences regarding the depth and quality of DOT's compliance inspections? Please be specific, if possible, in your comments with respect to individual operating administrations

within DOT (USCG, FAA, FHWA, FRA, and RSPA).

- Are DOT inspectors helpful in providing compliance assistance and in explaining non-complying conditions? If possible, please be modal specific.

- What current DOT outreach efforts (e.g., informational pamphlets, seminars, classroom training and on-site assistance) do you have experience with and which are the most effective?

- What other, if any, DOT outreach activities do you suggest?

DOT's efforts to influence the level of compliance with the HMR involve use of the civil penalty assessment process including notices of probable violation, final orders, administrative law judge hearings, ticketing, and alternative means of dispute resolution, including alternatives to traditional enforcement. Questions related to this issue include:

- Do you believe civil penalties are effective in gaining compliance?
- Can you recommend ways to improve the civil penalty program?
- What are your major concerns about the process DOT uses for determining the penalty amounts in relationship to a violation of the HMR?

The HMR include training requirements which are intended to ensure employees are competent to fulfill their roles; however, the adequacy of the scope or frequency of the required training is unknown. DOT has observed that many shippers and carriers employ the services of third-party trainers (i.e., non-governmental parties who provide training on the HMR). Questions related to this issue include:

- Do you believe the existing training standards are adequate to ensure all personnel responsible for the safe transportation of hazardous materials understand the pertinent requirements of the HMR?
- If not, how would you modify the training or employee competency requirements to improve this aspect of the safety scheme?

DOT currently uses a variety of approaches to work with state personnel to gain compliance with the HMR. These approaches include: (1) Providing funding to states to increase compliance with the HMR through the deployment of wide-scale inspections and enforcement activities; (2) using a mix of Federal and state inspectors in some of DOT's operating administrations; and (3) conducting inspections and other activities using only Federal DOT inspectors. Questions related to this issue include:

- How effective are DOT's different approaches of using Federal and/or state personnel as an intervention practice?

- Please explain if, and why, one approach is better than another.

Domestic and foreign shipper practices have the potential to significantly affect hazardous materials safety and influence the level of compliance with the HMR. Deficiencies discovered by modal inspectors are typically tracked back to the original shipper to rectify the deficiency. Such corrective follow up is more difficult for import shipments. Effective outreach overseas is a challenge. Questions related to this issue include:

- If you are an importer of hazardous materials, how frequently do you receive hazardous materials that do not comply with the regulations?
- To the extent that there are non-complying shipments, what do you believe is the major reason (ignorance or willfulness)? Please describe.

Focus Group Meeting #3, Washington DC, August 17, 1999: "Measuring DOT's Performance in Hazardous Materials Safety"

Focus Group Meeting #3 will focus primarily on issues involving DOT's performance measures as it relates to minimizing the risk of hazardous materials transportation. In this meeting, we are concerned about DOT's performance with regard to reducing HM safety risks and in determining the best measures of success.

In DOT's Performance Plan for Fiscal Year 2000, the primary hazardous materials safety performance goal is to reduce the number of serious HM incidents in transportation (to 411 or fewer in the year 2000 from a peak of 464 in 1996.) DOT defines a serious hazardous materials incident as one that involves a fatality or major injury due to a hazardous material, closure of a major transportation artery or facility or evacuation of six or more persons due to the presence of a hazardous material, or a vehicle accident or derailment resulting in the release of a hazardous material.

Trends in serious incidents in the past decade have been fairly stable—averaging about 407 per year since 1990. In a typical year, serious hazardous materials incidents account for 10–15 deaths (with the notable exception of 1996, when the ValueJet crash resulted in 110 deaths,) and fewer than 300 major injuries. Because of the inherent risk in handling and transporting hazardous materials, there are limits to how far the number of incidents could be reduced. Furthermore, serious incidents often require mitigation measures that are mode specific and might not benefit all hazardous materials operations.

There are safety advocates who maintain that *any* unintentional release, large enough to be reportable, is a flag indicating safety risks or flaws in operating and handling procedures. Minimizing these releases, many experts argue, should be the goal of the regulatory agencies. Looking at all reported hazardous materials incidents—serious and non-serious—there has been an overall decline since the high of 16,000 in 1983, with the numbers fluctuating between fewer than 10,000 in 1990 to under 14,000 last year. Assessing changes in the total number of incidents to be used as a measure of effectiveness in conjunction with close integration of the incident reporting system in the entire process of hazardous materials intervention—from training, inspection, and enforcement—could be used by DOT to identify the underlying causes of many incidents.

In Focus Group Meeting #3, we are interested in gauging DOT's success and in developing appropriate measures or candidate measures. Questions related to this issue include:

- Are serious incidents the best measure of our success in reducing risk in hazardous materials transportation?
- Is the goal of reducing the number of serious incidents by a targeted amount the best alternative?
- Would trends in all unintentional releases of hazardous materials be a better indicator of how well we have succeeded in controlling the risk of hazardous materials in transportation?
- How can we best measure the success of the hazardous materials program? How would you evaluate the overall effectiveness of the hazardous materials intervention program in addressing the level of risk hazardous materials pose in transportation?

Issued in Washington, DC on June 30, 1999.

Jackie A. Goff,

Co-Chair, Hazardous Materials Program Evaluation Team.

George Whitney,

Co-Chair, Hazardous Materials Program Evaluation Team.

[FR Doc. 99-17175 Filed 7-6-99; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activity Under OMB Review

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for extension of currently approved collections. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on April 7, 1999. 64 FR 17055-17056.

DATES: Comments must be submitted on or before August 6, 1999. A comment to OMB is most effective if OMB receives it within 30 days of publication.

FOR FURTHER INFORMATION CONTACT: Judy Street on (202) 267-9895.

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

Title: Special Federal Aviation regulation (SFAR) 36, Department of Major Repair Data.

Type of Request: Extension of a currently approved collection.

OMB Control Number: 2120-0507.

Forms(s): N/A.

Affected Public: Aircraft maintenance, Commercial Aviation, Aircraft Repair Stations, Air Carriers, Air Taxi, and Commercial Operators.

Abstract: SFAR 36 allows authorized certificate holders to approve aircraft product and articles for return to service after accomplishing major repairs using data developed by the holder that have not been directly approved by the FAA.

Estimated Annual Burden Hours: 530 burden hours annually.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725-17th Street, NW., Washington, DC 20503, Attention FAA Desk Officer.

Comments Are Invited On

Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on June 29, 1999.

Steve Hopkins,

Manager, Standards and Information Division, APF-100.

[FR Doc. 99-17085 Filed 7-6-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA, Special Committee 186; Automatic Dependent Surveillance—Broadcast (ADS-B)

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for Special Committee (SC)-186 meeting to be held July 26-30, 1999, starting at 9:00 a.m. The meeting will be held at National Lucht- & Ruimtevaartlaboratorium (National Aerospace Laboratory), 1059 CM Amsterdam, The Netherlands.

The agenda will include: July 26: Working Group (WG)-1, Conflict Detection and Resolution. July 27-28: WG-1, Conflict Detection and Resolution; WG-4, Application Technical Requirements.

Joint RTCA SC-186/EUROCAE WG-51 Plenary Session, July 29-30, 9:00 a.m.-5:00 p.m.: Chairman's Introductory Remarks; (2) Review of the Meeting Agenda; (3) Review and Approval of the Relevant Meeting Minutes; (4) Status of Actions; (5) SC-186 Activity Report and Committee Roadmap; (6) WG-51 Report; (7) 1090 Minimum Operational Performance Standards (MOPS) Development; (8) VDL4 MOPS Development; (9) SC-186/WG-1 Report; (10) SC-186/WG-4 Report; (11) Automatic Dependent Surveillance Minimum Aviation System Performance Standard—Status and Plans (12) WG-51/SC-186 Applications Templates; (13) Safe Flight 21 Update; (14) EUROCONTROL ADS Programme; (15) Future Work Programme; (16) Date, Place and Time of Next Meeting; (17) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statement at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC, 20036; (202) 833-9339 (phone); (202) 833-9434 (fax); or <http://www/rtca/org> (web site). Members of the public may present a written statement to the committee at any time.