

Date Filed: April 29, 2004.

Parties: Members of the International Air Transport Association.

Subject: Mail Vote 369—Resolution 010p, TC31 North and Central Pacific, Special Passenger Amending Resolution from Korea (Rep. of) to USA r1, Intended effective date: 15 May 2004.

Docket Number: OST–2004–17670.

Date Filed: April 29, 2004.

Parties: Members of the International Air Transport Association.

Subject: Mail Vote 372 Resolution 010t, TC31 North and Central Pacific, Special Passenger Amending Resolution from Philippines to Canada, USA r-1, Intended effective date: 15 May 2004.

Andrea M. Jenkins,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. 04–10811 Filed 5–12–04; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Drug Testing Procedures

AGENCY: Office of the Secretary (OST), U.S. Department of Transportation (DOT).

ACTION: Informational Notice: HHS Drug Testing Proposals.

SUMMARY: The Department of Transportation (DOT) is issuing this notice to call to the attention of employers, employees, testing service agents, and other interested persons in its transportation industry drug testing program a notice proposing important new Department of Health and Human Services (HHS) drug testing procedures. Because of the close relationship between HHS and DOT drug testing procedures, participants in the DOT transportation industry drug testing program should be aware of important issues that HHS is considering, which may later affect the DOT testing program.

Comment Closing Date: HHS is considering comments on its proposal through July 12, 2004.

ADDRESSES: Comments on the HHS proposal should be sent directly to HHS. The following are HHS' instructions to commenters on how and where to submit comments:

You may submit comments, identified by Docket Number 04–7984, by any of the following methods:

- *E-mail:* wvogt@samhsa.gov. Include docket number and/or RIN number in the subject line of the message.
- *Fax:* (301) 443–3031.

- *Mail:* 5600 Fishers Lane, Rockwall II, Suite 815, Rockville, Maryland 20857.

- *Hand Delivery/Courier:* 5515 Security Lane, Suite 815, Rockville, Maryland 20852.

- *Information Collection*

Requirements: Submit comments to the Office of Information and Regulatory Affairs, OMB, New Executive Office Building, 725 17th Street, NW., Washington, DC 20502, Attn: Desk Officer for SAMHSA. Because of delays in receipt of mail, comments may also be sent to (202) 95–6974 (fax).

- *Instructions:* All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. All comments will be available for public review at 5515 Security Lane, Suite 815, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: The HHS informational contact on this rulemaking is Walter F. Vogl, Ph.D., Drug Testing Section, Division of Workplace Programs, CSAP, 5600 Fishers Lane, Rockwall II, Suite 815, Rockville, Maryland 20857, (301) 443–6014 (voice), (301) 443–3031 (fax), wvogt@samhsa.gov (e-mail). The DOT contacts on drug testing procedure issues are Jim Swart, Acting Director, Office of Drug and Alcohol Policy Compliance, 400 7th Street, SW., Washington DC 20590, phone (202) 366–3784; e-mail jim.swart@ost.dot.gov; and Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, same address, phone (202) 366–9310; e-mail bob.ashby@ost.dot.gov.

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) has issued an important notice proposing to revise its Mandatory Guidelines for Federal Workplace Drug Testing programs [69 FR 19673; April 13, 2004]. Interested persons may access the HHS document on the Internet at the following URL: <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-7984.pdf>. In their summary of the document HHS states, “The Department of Health and Human Services is proposing to establish scientific and technical guidelines for the testing of hair, sweat, and oral fluid specimens in addition to urine specimens; scientific and technical guidelines for using on-site tests to test urine and oral fluid at the collection site; requirements for the certification of instrumented initial test facilities; and added standards for

collectors, on-site testers, and medical review officers.”

This HHS proposal does not propose to amend the drug testing requirements and procedures that apply to the Department of Transportation drug testing program for DOT-regulated industries (49 CFR Part 40). Nevertheless, we believe that employers, employees, and testing service providers involved in the DOT testing program should be aware of the HHS notice. We recommend that DOT program participants review the HHS proposals and, if they have views or concerns to express, comment on the notice to HHS. The reason for this suggestion is that there is a close relationship between the HHS Mandatory Guidelines and the DOT testing procedures in 49 CFR Part 40.

Part 40, first issued in 1988, incorporated the substance of original HHS Guidelines, adapting the HHS provisions to the transportation workplace. In 1991, Congress enacted the Omnibus Transportation Employee Testing Act. This statute recognized the existing close relationship between the HHS guidelines and Part 40. The statute requires DOT to “incorporate” the HHS guidelines and amendments to them into DOT testing procedures, while leaving DOT sufficient authority to tailor its own program. Because of this statutorily recognized relationship between these guidelines and Part 40, any HHS final rule resulting from its current proposal, while not directly regulating transportation industry employers, will necessarily have to be considered by the Department of Transportation in the context of potential future revisions to Part 40.

We urge interested persons to read the HHS document carefully and to provide any comments directly to the HHS Docket.

Issued this 5th day of May, 2004, at Washington DC.

Jim L. Swart,

Acting Director, Office of Drug and Alcohol Policy and Compliance.

[FR Doc. 04–10810 Filed 5–12–04; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee; Transport Airplane and Engine Issues—New Task

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of new task assignment for the Aviation Rulemaking Advisory Committee (ARAC).

SUMMARY: The FAA assigned the Aviation Rulemaking Advisory Committee a new task to develop guidance that will support industry compliance with the Aging Airplane Safety Rule requirements that relate to supplemental structural inspections. This new tasking will also address certain aspects of recommendations made during a previous ARAC tasking related to widespread fatigue damage. This notice is to inform the public of this ARAC activity.

FOR FURTHER INFORMATION CONTACT: Mike Kaszycki, Federal Aviation Administration, Transport Standards Staff, 1601 Lind Avenue, SW., Renton, Washington 98055-4056, mike.kaszycki@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA established the Aviation Rulemaking Advisory Committee to provide advice and recommendations to the FAA Administrator on the FAA's rulemaking activities with respect to aviation-related issues. This includes obtaining advice and recommendations on the FAA's commitments to harmonize Title 14 of the Code of Federal Regulations (14 CFR) with its partners in Europe and Canada.

Airplane Applicability of Tasking

This new tasking shall apply to transport category airplanes with a type-certificated passenger seating capacity of 30 or greater, or a maximum payload capacity of 7,500 pounds or greater, operated under part 121 or under part 129 (U.S. registered airplanes).

Statement of Tasking

There are four major tasks to be completed under this tasking:

Task 1.—Repairs to Baseline Primary Structure and Repairs to Alterations and Modifications

Draft an Advisory Circular (AC) that contains guidance to support the following two paths of compliance with §§ 121.370a and 129.16 of the Aging Airplane Safety Interim Final Rule (AASIFR):

1. *Damage-tolerance-based inspection program developed by part 121 and 129 certificate holders:* Develop guidelines and procedures that will enable part 121 and 129 certificate holders to develop a damage-tolerance-based inspection program that addresses repairs made to aircraft structure that is susceptible to

fatigue cracking that could contribute to a catastrophic failure.

2. *Model specific damage-tolerance-based inspection program:* Develop Guidance that can be used by Type Certificate (TC) holders, Supplemental Type Certificate (STC) holders, and Structural Task Groups to support the development of a model specific damage-tolerance-based inspection program. The model specific damage-tolerance-based inspection program will address repairs made to aircraft structure that is susceptible to fatigue cracking that could contribute to a catastrophic failure. The developed model specific inspection program will support part 121 and 129 certificate holders' compliance with the AASIFR.

A written report will also be submitted that includes an action plan for the implementation of the recommendations of task 1 that will be addressed in task 4 below. The report is to be submitted to the Aviation Rulemaking Advisory Committee (ARAC), Transport Airplane and Engine Issues Group, for approval. The ARAC, Transport Airplane and Engine Issues Group, will determine as appropriate the means by which the action plan will be implemented. The proposed actions and implementation process approved by the ARAC, Transport Airplane and Engine Issues Group, will be subject to FAA concurrence.

In the process of drafting the AC, the ARAC should assess the effectiveness of AC 91-56B to provide guidance to TC and STC holders for developing damage-tolerance-based inspections and procedures for repairs made to aircraft structure that is susceptible to fatigue cracking that could contribute to a catastrophic failure. The ARAC should do the following:

- Assess the effectiveness of AC 91-56B to support Industry compliance with the AASIFR with respect to repairs.
- Document any improvements to the AC that would provide better direction with respect to the guidance for TC and STC holders in their development of damage-tolerance-based inspections and procedures for repairs.

The ARAC is requested to validate that the guidance material in the new AC will result in programs that provide a high degree of autonomy for part 121 and 129 certificate holders while supporting compliance with the AASIFR. In order to determine a rational approach for addressing repairs to aircraft structure that is susceptible to fatigue cracking that could contribute to a catastrophic failure, and are not currently covered by a mandated program, the AC should provide

guidance to the part 121 and 129 certificate holders and to the type certificate holder to address the seven issues listed below.

1. The significance of the airplane certification amendment level in providing direction for the development of damage tolerance inspections and methods for repairs.

2. The degree to which Supplemental Structural Inspection Documents/Programs (SSID/P) or equivalent documents/programs provide direction to repair the structure using damage-tolerance-rated repairs. The assessment should apply to SSID/Ps or equivalent documents/programs developed for 14 CFR part 25 pre-amendment 25-45 transport airplane models having a maximum gross takeoff weight of 75,000 lbs or greater. The following should be identified:

- Areas of aircraft structure that is susceptible to fatigue cracking that could contribute to a catastrophic failure, which are not covered by SSID/Ps or equivalent documents/programs
- Significant assumptions applied in developing SSID/Ps or equivalent documents/programs
- Any significant issues in the implementation of the requirements of SSID/Ps or equivalent documents/programs
- Data from SSID/Ps or equivalent documents/programs that would be useful in supporting this new tasking

3. The degree to which an applicable airplane model's Airworthiness Limitations Section (ALS) provides direction to repair the structure using damage-tolerance-rated repairs. This assessment should apply to damage-tolerance-based inspection programs/data developed for 14 CFR part 25 amendment 25-45 or later transport airplane models having a maximum gross takeoff weight of 75,000 lbs or greater. The following should be identified:

- Areas of aircraft structure that is susceptible to fatigue cracking that could contribute to a catastrophic failure, which are not covered by a damage-tolerance-based inspection program/data
- Any significant issues in the implementation of the requirements of the damage-tolerance-based inspection programs/data
- Data from the damage-tolerance-based inspection programs that would be useful in supporting this new tasking

4. The degree to which existing Repair Assessment Guideline documents developed for §§ 121.370 and 129.32 provide damage-tolerance-based inspections for repairs made to aircraft structure that is susceptible to fatigue

cracking that could contribute to a catastrophic failure. The assessment should identify the following:

- Areas of the aircraft structure that is susceptible to fatigue cracking that could contribute to a catastrophic failure, which are not covered by these documents

- Data from these documents that would be useful in supporting this new tasking

5. Identify the issues/difficulties industry has encountered with establishing damage-tolerance-based inspections and procedures for repairs as required by various FAA approaches in issuing SSIP airworthiness directives (e.g., 727/737 AD 98–11–03 R1, AD 98–11–04 R1 verses other SSIP AD approaches like the 747). The assessment should identify the following:

- Comparison of approaches with pros and cons for each approach
- Data from these documents that would be useful in supporting this new tasking

6. Assess the extent to which Structural Repair Manuals (SRM) provide damage-tolerance-based inspections for repairs made to aircraft structure that is susceptible to fatigue cracking that could contribute to a catastrophic failure.

7. Assess the need to include damage-tolerance-based inspections and procedures in TC and STC Holder issued Service Bulletins (SB) that provide repair instructions for aircraft structure that is susceptible to fatigue cracking that could contribute to a catastrophic failure.

Task 2.—Alterations and Modifications to Baseline Primary Structure, Including STCs and Amended Type Certificates (ATCs)

Prepare a written report assessing how an operator would include damage-tolerance-based inspections and procedures for alterations and modifications made to aircraft structure that is susceptible to fatigue cracking that could contribute to a catastrophic failure. This assessment would include, but is not limited to, alterations and modifications performed under an STC, ATC, FAA field approval (e.g., FAA form 337) and/or FAA approved TC holder design data. The report should include a recommendation on the best means to develop damage-tolerance-based inspections and procedures for these alterations and modifications and the applicability of AC 91–56B. The ARAC should assess the effectiveness of AC 91–56B to provide guidance to STC holders for developing damage-tolerance-based inspections and

procedures for alterations and modifications. The ARAC should do the following:

- Assess the effectiveness of AC 91–56B to support Industry compliance with the AASIFR with respect to alterations and modifications.

- Document any improvements to the AC that would provide better direction with respect to the guidance for STC holders in their development of damage-tolerance-based inspections and procedures for alterations and modifications.

The written report will include a proposed action plan to address and/or accomplish these recommendations, including actions that should be addressed in task 4 below. The report should also provide a recommendation on the means of compliance provided by the AC developed in Task 1 in regards to repairs installed on STC or ATC approved alterations and modifications. The report is to be submitted to the ARAC, Transport Airplane and Engine Issues Group, for approval. The ARAC, Transport Airplane and Engine Issues group, will determine as appropriate the means by which the action plan will be implemented. The proposed actions and implementation process approved by the ARAC, Transport Airplane and Engine Issues Group, will be subject to FAA concurrence (FAA concurrence is necessary to ensure actions will support industry compliance with the AASIFR).

Task 3.—Widespread Fatigue Damage (WFD) of Repairs, Alterations, and Modifications

Provide a written report providing recommendations on how best to enable part 121 and 129 certificate holders of airplanes with a maximum gross take-off weight of greater than 75,000 pounds to assess the WFD characteristics of structural repairs, alterations, and modifications as recommended in a previous ARAC tasking. The written report will include a proposed action plan to address and/or accomplish these recommendations including actions that should be addressed in task 4 below. The report is to be submitted to the ARAC, Transport Airplane and Engine Issues Group, for approval. The ARAC, Transport Airplane and Engine Issues Group, will determine as appropriate the means by which the action plan will be implemented. The proposed actions and implementation process approved by the ARAC, Transport Airplane and Engine Issues Group, will be subject to FAA concurrence.

Task 4.—Model Specific Programs

Oversee the Structural Task Group (STG) activities that will be coordinated for each applicable airplane model by the respective type certificate holders' and part 121 and 129 certificate holders. These STG activities will involve the development of model specific approaches for compliance with §§ 121.370a and 129.16 under the guidance material supplied in Task 1.

As part of this tasking, the AAWG will identify those airplane models that do not have an STG, and will assess the need to form one (based on industry benefit). For those airplane models that will need to form an STG, the AAWG will initiate the coordination required to form the STG with the respective type certificate holder and/or part 121 and 129 certificate holders.

In addition, the AAWG will support the implementation of the action plan to address recommendations made in tasks 2 and 3 as determined necessary by the ARAC, Transport Airplane and Engine Issues Group, and concurred with by the FAA.

Schedule

The tasking will be performed in two phases. In Phase 1, the ARAC will provide to the FAA the results of Tasks 1 through 3. Phase 1 should be accomplished by December 16, 2005.

In Phase 2, the Structures Task Groups, under the direction of the ARAC, should produce the model specific guidance material, Task 4, using the guidelines and procedures of the AC produced in Phase 1. The ARAC will be responsible for coordinating and overseeing the STG's application of the AC. Phase 2 documents should be completed by December 18, 2009.

ARAC Acceptance of Task

ARAC accepted the task and assigned the task to the Airworthiness Assurance Working Group, Transport Airplane and Engine Issues. The Structural Task Groups (STG) composed of type certificate and part 121 and 129 certificate holders familiar with the specific model aircraft will support the working group. The working group will serve as staff to ARAC and assist in the analysis of the assigned task. ARAC must review and approve the working group's recommendations. If ARAC accepts the working group's recommendations, it will forward them to the FAA.

Working Group Activity

The Airworthiness Assurance Working Group must comply with the procedures adopted by ARAC. As part

of the procedures, the working group must:

1. Recommend a work plan for completion of the task, including the rationale supporting such a plan for consideration at the next meeting of the ARAC on transport airplane and engine issues held following publication of this notice.

2. Give a detailed conceptual presentation of the proposed recommendations prior to proceeding with the work stated in item 3 below.

3. Draft the appropriate documents and required analyses and/or any other related materials or documents.

4. Provide a status report at each meeting of the ARAC held to consider transport airplane and engine issues.

Participation in the Working Group

The Airworthiness Assurance Working Group will be composed of technical experts having an interest in the assigned task. A working group member need not be a representative or a member of the full committee.

If you have expertise in the subject matter and wish to become a member of the working group you should write to the person listed under the caption **FOR FURTHER INFORMATION CONTACT**

expressing that desire, describing your interest in the task, and stating the expertise you would bring to the working group. We must receive your request to participate no later than May 28, 2004. The assistant chair, the assistant executive director, and the working group chair will review your request and will advise you whether your request is approved.

If you are chosen for membership on the working group, you must represent your aviation community segment and actively participate in the working group (e.g., attend all meetings, provide written comments when requested to do so, etc.). You must also devote the resources necessary to support the working group in meeting any assigned deadlines. You must keep your management chain and those you may represent advised of working group activities and decisions to ensure that the proposed technical solutions don't conflict with your sponsoring organization's position when the subject being negotiated is presented to ARAC for approval.

Once the working group has begun deliberations, members will be added or substituted only with the approval of the assistant chair, the assistant executive director, and the working group chair.

The Secretary of Transportation determined that the formation and use of the ARAC is necessary and in the

public interest in connection with the performance of duties imposed on the FAA by law.

Meetings of the ARAC will be open to the public. Meetings of the Airworthiness Assurance Working Group will not be open to the public, except to the extent that individuals with an interest and expertise are selected to participate. The FAA will make no public announcement of working group meetings.

Issued in Washington, DC, on May 4, 2004.

Anthony F. Fazio,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 04-10816 Filed 5-12-04; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Transition to Docket Management System

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of policy change.

SUMMARY: This notice announces a transition that will make docket files for future airworthiness directives (AD) available on the Internet. The docket files will be available in the DOT's Docket Management System (DMS).

FOR FURTHER INFORMATION CONTACT:

Linda S. Walker, Program Manager, Federal Aviation Administration, Aircraft Certification Service, Aircraft Engineering Division, Delegations and Airworthiness Programs Branch, AIR-140, Room, 813, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-9592; fax (202) 267-5340; e-mail: linda.s.walker@faa.gov.

Background

In mid-May, the FAA will make change that will make docket files for future AD actions easier for you to access. With the exception of some AD actions already in process, we will be placing the docket files for many of our AD actions into the DMS on the Internet at <http://dms.dot.gov/>. You can continue to view AD docket files for previously issued ADs in the office of the issuing Directorate or in the Office of the Assistant Chief Counsel for the issuing Directorate.

The DMS is an electronic, image-based database in which DOT stores the docketed material for DOT rulemaking activities for you to view. This online database contains more than 1.2 million pages of regulatory and adjudicatory

information for easy research and retrieval. Anyone with Internet access can submit comments on rulemaking activities electronically to the DMS and view comments already submitted.

The AD docket files contain justification documents that support an AD action. Once we begin placing AD dockets on the DMS, all material routinely part of the AD docket file will be available electronically with the exception of any materials that for any reason cannot be scanned. Materials that cannot be scanned will be maintained in the office of the issuing Directorate or in the Office of the Assistant Chief Counsel for the issuing Directorate.

This policy will apply to future docket files. You can continue to view the docket files of, and submit comments on, previous AD actions that are not maintained in the DMS, at the addresses indicated in the AD actions. We will not transfer existing paper dockets to the DMS. If you do not have Internet access, each AD action published in the **Federal Register** will contain the physical address of the DMS for viewing any AD docket information, and for submitting any comments on that action.

We will continue to publish AD actions in the **Federal Register**.

Issued in Washington, DC, on May 5, 2004.

Susan J.M. Cabler,

Assistant Manager, Aircraft Engineering Division, Aircraft Certification Service.

[FR Doc. 04-10817 Filed 5-12-04; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Providence, RI

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed transportation project in the city of Providence, Rhode Island.

FOR FURTHER INFORMATION CONTACT:

Lucy Garliauskas, Division Administrator, Federal Highway Administration, 380 Westminster Mall, Room 547, Providence, Rhode Island 02903, Telephone: (401) 528-4541, OR Kazem Farhoumand, P.E., Deputy Chief Engineer, Rhode Island Department of Transportation, 2 Capitol Hill, Room 236, Providence, Rhode Island 02903,