

Exchange is appropriate in that its use by Phlx specialists should increase the likelihood that eligible customer orders, particularly marketable limit orders, will be executed at an improved price over the PACE Quote. With respect to the two conditions above that would cause an order to be automatically executed at the PACE Quote, the Commission believes that it is reasonable for the Exchange to automatically execute such orders at the PACE Quote rather than subjecting them to the POES window or stopping them at the PACE Quote. Overall, the Commission's Division of Market Regulation previously has noted that price improvement windows, such as POES, by themselves rarely provide an execution that betters the quoted market.<sup>17</sup> The Exchange's proposal should enhance the price improvement opportunities available for PACE orders since a greater number of orders will be eligible for automatic price improvement than afforded under the current Double-Up/Double-Down automatic price improvement feature.

In addition, the Commission believes that the Exchange's automatic price improvement initiative is consistent with the maintenance of fair and orderly auction markets on national securities exchanges. As the examples provided by the Exchange illustrate, the execution criteria of the automatic price improvement initiative should contribute to the maintenance of an orderly market by Phlx specialists because it helps to reduce price variations occurring from trade to trade on low volume. Finally, because automatic price improvement may be disengaged under extraordinary circumstances for an individual stock or floor-wide with the approval of two floor officials, the Exchange is able to increase overall systems capacity for systematized orders routed through PACE, as well as reduce the market risk exposure to specialists who participate in the automatic price improvement initiative. The Commission believes that both of these aspects of the automatic price improvement initiative are consistent with the maintenance of fair and orderly auction markets on national securities exchanges and the protection of investors.

#### IV. Conclusion

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>18</sup> that the

proposed rule change (SR-PHLX-98-10) is approved as amended.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>19</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 98-14120 Filed 5-27-98; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[USCG-1998-3873]

### Prevention Through People

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice.

**SUMMARY:** Prevention Through People (PTP) is a Coast Guard initiated program to address marine safety and environmental protection through a focus on the human element. Since the program's inception in 1994, there has been a steady growth of support in the marine community. Current marine industry practices reflect the increased commitment to PTP. This notice informs the public of some of the major PTP efforts taking place within the Coast Guard and includes the response to comments from the four PTP public meetings held during the spring of 1997.

**ADDRESSES:** The Docket Management Facility maintains the public docket for this notice. Documents, as indicated in this notice, 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, 400 Seventh Street SW., Washington DC 20590-0001, between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may electronically access the public docket for this rulemaking on the Internet at <http://dms.dot.gov>.

The Marine Board of the National Academy of Science study, *Advancing the Principles of the Prevention Through People Program*, was published in August 1997 and is available at the National Academy Press Bookstore 2001 Wisconsin Ave. NW., Washington, DC 20418-0005; phone 800-624-6242, or 202-334-3313.

**FOR FURTHER INFORMATION CONTACT:** For information on the public docket, contact Carol Kelly, Coast Guard Dockets Team Leader, or Paulette Twine, Chief, Documentary Services Division, U.S. Department of Transportation, telephone 202-366-

9328. For questions on this notice, contact LT Duane Boniface, Human Element and Ship Design Division (G-MSE-1), 202-267-2997.

#### SUPPLEMENTARY INFORMATION:

#### Background of PTP

The PTP initiative began in 1994 with the chartering of a Quality Action Team (QAT) to develop a long-term strategy to address the role of human and organizational factors in marine safety and environmental protection. The QAT conducted an extensive literature review and analysis of marine casualty data, conducted mariner surveys, and examined operations from a maritime systems perspective that included an assessment of vessels, facilities, and waterways.

On July 15, 1995, the QAT generated a report, "Prevention Through People Quality Action Team Report." This report provided the first step towards re-balancing prevention efforts between technical, human, and organizational issues related to marine safety. Subsequent focus on human and organizational factors in safety and environmental protection led to these issues becoming top priorities for many organizations, both within the government and industry.

After the report was published, the Coast Guard and industry pursued a host of initiatives. These initiatives include partnerships with industry, studies of fatigue and communications, and introductions of risk assessment and risk management approaches. The PTP Strategic Plan (available in the docket; or contact the person under **FOR FURTHER INFORMATION CONTACT**) exposed a wider audience to the PTP philosophy, while the PTP Implementation Plan set high goals with various PTP objectives and activities for the Coast Guard to accomplish.

Additionally, the Coast Guard held four public meetings that allowed it to hear valuable industry comments concerning safety in the marine community.

#### PTP Focus Plan

There are many projects and initiatives under the umbrella of PTP. A list of the current projects and initiatives under the umbrella of PTP can be found on the PTP web site at the following website: <http://www.uscg.mil/hq/g-sm/nmc/ptp/index.htm>. From the list of these projects and initiatives, the Coast Guard is focusing on five major initiatives during 1998 referred to as the PTP Focus Plan. These initiatives were chosen based on public comments, marine industry input, and the results of the Marine Board of the National

<sup>17</sup> See, Division of Market Regulation, SEC, Market 2000: An Examination of Current Equity Market Developments (January 1994), at Study V, n. 19.

<sup>18</sup> 15 U.S.C. 78s(b)(2).

<sup>19</sup> 17CFR 200.30-3(a)(12).

Academy of Science study entitled *Advancing the Principles of the Prevention Through People Program*. This study is available where indicated under ADDRESSES.

The general consensus of the comments received was that the Coast Guard should concentrate on completing several of the most significant human-element-related initiatives already in progress under PTP. The five projects identified in the 1998 PTP Focus Plan provide the Coast Guard with the best opportunities to maximize progress in the near term under the PTP approach. The Coast Guard has five PTP goals outlined in the strategic plan. Each initiative the Coast Guard addresses corresponds to one of these goals.

- *Development of National Maritime Safety Incident Reporting System.* Both Coast Guard and industry proposed the concept of a national maritime safety incident reporting system. The system would be designed to capture information on unsafe occurrences that involve near-accidents, near-collision situations, near-pollution events, and related precursor events. The system would be maintained by industry and supported by the Coast Guard. The Coast Guard held a public meeting on May 4, 1998 (announced in the **Federal Register**, 63 FR 17468; April 9, 1998) to investigate the possibility of industry implementing such a system. The results of that public meeting will be announced separately.

Information on these near-accidents and unsafe occurrences is an untapped source of data that would serve as leading indicators on the level of safety within the maritime community and would provide a greater level of data for analysis and safety improvement. A concerted effort will be made through industry's leadership to get a prototype system in place by the end of 1998, with the intent to formally establish a national system in the year 2000. This near-miss incident reporting system falls under the PTP goal of *Know More*. This goal is meant to significantly expand our knowledge and understanding of the human element and its role in maritime operations and accidents. The status and the latest details on the national maritime safety incident reporting system project can be found at the following website: <http://www.uscg.mil/hq/g-m/ma/maola.htm>.

- *Implementation of the International Conventions on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978, (STCW), and its amendments.* A focus of the Coast Guard is the implementation of STCW. Significant

changes to STCW in 1995, which became effective in 1997, require a substantial effort by the marine community. The Coast Guard published an interim final rule (62 FR 34505; June 26, 1997) to reflect the amendments to STCW. While much has been done, there are still many issues involved with implementing this convention. Some of these issues include finalization of regulations, development of enforcement policies, training, and outreach. The effort to implement STCW falls under the PTP goal *Train More*. This goal strives to give members of the marine community the necessary skills and knowledge to improve safety and prevent pollution. Training is always a point of interest since regulations, equipment, operating environment, and personnel are constantly changing. Projects under this goal will address human element issues related to the individual mariner.

- *Implementation of the International Safety Management (ISM) Code.* Implementation of the ISM Code is an important aspect of the PTP program. Deadlines for compliance with the ISM Code begin in 1998. The Coast Guard has published a final rule (62 FR 67492; Dec. 24, 1997) concerning this matter. The ISM Code helps establish a standard for national safety management and harmonizes U.S. regulations with the international standards. Beginning in 1998, these standards would apply to the following vessels in international trade:

- Vessels transporting more than 12 passengers;
- Tankers;
- Bulk freight vessels; and
- High speed freight vessels of at least 500 gross tons. Beginning in the year 2002, these standards would also apply to the following vessels in international trade:
- Self-propelled mobil offshore drilling units of at least 500 gross tons; and
- Freight vessels.

Implementation of the ISM Code falls under the goal of *Do More*. This goal strives to improve professional performance through practical application and open communication of human element knowledge within the marine community. Implementation of a quality management system, as envisioned by the ISM Code, is a critical step in establishing corporate cultures that encourage safe practices. Detailed information about the ISM Code can be found at the following website: <http://www.uscg.mil/hq/g-m/psc/ismmain.htm>.

- *Development of the Streamlined Inspection Program (SIP).* The Coast

Guard is focusing on implementation of the Streamlined Inspection Program (SIP). The SIP provides an opportunity for the vessel owners and operators to have their own personnel periodically perform many of the tests and examinations currently conducted by the Coast Guard marine inspectors. As a result, participating vessel owners and operators will promote a more continuous level of safety. Information on SIP has been published in the **Federal Register** (62 FR 17008; April 8, 1997). Development of SIP falls under the goal of *Offer More*. This goal provides incentives for making improvements to safety management systems.

- *Development and Implementation of a PTP Communications Plan.* Working together with industry and the public, the Coast Guard plans to address the human element in transportation safety and pollution prevention. Public meetings and other feedback indicate that government-to-public communication is not as effective as it could or should be. The Coast Guard will focus on the development and implementation of a PTP Communications Plan. By focusing on this plan, the Coast Guard will create a partnership with industry and the public under the PTP goal of *Cooperate More*. This plan will address all forms of communication, from describing the results of research, to discussing lessons learned and best practices, and other PTP-related information. The PTP Communications Plan will include everyone from the boardroom to the deckplate. This will allow for increased communications and more effective interaction between the marine stakeholders and the Coast Guard.

#### **PTP's Integration Into the Coast Guard "M" Business Plan**

In addition to the current PTP focus items and the many other ongoing projects, PTP continues to be integrated into the Coast Guard's operating procedures; most noteworthy is the Coast Guard Marine Safety and Environmental Protection (G-M) Business Plan (Business Plan). The goals of the Business Plan comprise a significant portion of the Commandant's Annual Performance Agreement with the Secretary of Transportation. The Business Plan contains performance guidance and strategic direction for all Coast Guard commands charged with achieving the Coast Guard's mission for marine safety and environmental protection. A key strategy for achieving the goals of the Business Plan is PTP.

The Coast Guard recognizes the importance of human and

organizational factors in marine safety and PTP has evolved from that philosophy. The Coast Guard will meet the goals of the Business Plan by using PTP as a tool to refocus prevention efforts.

#### **PTP Public Meetings**

The Coast Guard recognizes that the success of PTP depends on the marine industry. Its feedback is essential for continuous improvement to the program. To that end, the Coast Guard held four public meetings on PTP in the spring of 1997. These public meetings were held in:

- New Orleans, LA on February 25, 1997;
- Oakland, CA on February 28, 1997;
- St. Louis, MO on March 26, 1997;

and

- Newport, RI on April 18, 1997.

(Notice of meetings with request for comments published in 62 FR 4567; January 30, 1997).

These meetings allowed the Coast Guard to explain PTP, discuss its anticipated role within the marine industry, and provide an opportunity for public feedback.

From these meetings, it is evident that safety is a top issue in the marine industry, and PTP has provided an effective forum for focusing on human and organizational aspects of marine safety. The feedback from the meetings has been instrumental in providing valuable insight about PTP and was used to help develop the 1998 PTP Focus Plan.

#### **Discussion of Comments**

The comments from the meetings have been grouped by subject and are discussed in the following paragraphs.

##### *Partnerships*

Partnership was the most frequently addressed issue. A number of comments specifically supported partnerships between the Coast Guard and industry, notably the formal PTP Quality Partnerships, and the Safety Advisory Committees/Councils (SAC). The SAC's are legislatively authorized groups that provide advice and ideas to the Coast Guard on regulatory and non-regulatory issues in specific areas, such as towing or chemical transportation. Each SAC has formed a PTP subcommittee to specifically address human element issues. To find out more information about the SAC's and their activities, look at the following website: <http://www.uscg.mil/hq/g-m/advisory/index.htm>.

Several speakers felt that partnerships were the most important part of PTP. According to one speaker, PTP

articulates many of the concepts the marine industry already follows and allows industry to maintain them in a centralized place. In that sense, PTP is the umbrella for the various safety initiatives going on in the marine industry. PTP is not a new philosophy, but rather, it is an extension of an existing safety philosophy with a human element focus. The PTP umbrella simply allows people to share information more conveniently and provides the emphasis for those not already active in this area.

Partnerships can involve many modes of sharing. The Coast Guard and industry partnerships were acknowledged as important; however, speakers wanted to make sure the ship-to-shore partnerships within companies are valued also. One speaker, who supported partnership and its concept, cautioned that a true partnership needs work and attention.

The Coast Guard will continue efforts in this area. Before the public meetings, the Coast Guard had formal PTP Quality Partnerships established with (1) the American Waterways Operators; (2) the American Petroleum Institute; (3) the United States Chamber of Shipping; and (4) the Passenger Vessel Association. Since the public meetings, PTP Quality Partnerships have been established with the International Council of Cruise Lines (ICCL) and the Spill Control Association of America (SCAA). The Coast Guard continues to explore opportunities for partnerships with other sectors of the maritime community.

##### *Recreational Boating*

A comment questioned whether PTP should encompass the recreational boating community. Prevention Through People is an approach to safety for everyone; no group has been excluded. Since passage of the Federal Boating Safety Act of 1971, (Pub.L. 92-75, 85 Stat. 213) the Coast Guard has worked with the States and boating safety organizations to cooperatively promote safe operation of boats through its coordination of the National Boating Safety Program. In April 1996, members of the National Boating Safety Advisory Committee (NBSAC) and the Navigation Safety Advisory Committee (NAVSAC) met and discussed interactions between the boating public and commercial shipping. The committees identified education as the number one waterway safety issue. Subsequently, a NBSAC PTP Subcommittee looked at ways of increasing the safety of boaters by applying PTP principles.

The Coast Guard is accepting feedback on the need for, and

alternatives to, Federal requirements or incentives for recreational boaters to take courses in boating safety (notice to reopen the comment period published in 63 FR 13585; March 20, 1998) and for boaters to wear personal flotation devices (notice to reopen the comment period published in 63 FR 13586; March 20, 1998).

##### *Substandard Operators*

Some comments discussed how to capture the small percentage of operators who are on the edge of, or below, safe operating practices. The Coast Guard intends to assist operators in improving their safety operations. Unsafe maritime practices are a cause for concern for both Coast Guard and industry. We must commit ourselves, our organizations, and our operations to producing a safer, more productive environment.

##### *Communication*

Communication was discussed at all four public meetings. The many speakers commenting on this issue addressed the Coast Guard's efforts to disseminate pertinent information to industry and individuals, the maritime industry's communication to the Coast Guard, and the companies' internal communications. Most speakers emphasized the need to foster better communication methods. They also stressed gaps in the various chains of marine industry communications, to include Coast Guard-to-industry, ship-to-shore, and captain-to-crew, among others. As an example of a common case of miscommunication, a speaker mentioned that too often specific messages do not get to the right people. The speaker noted that one of the reasons this occurs is because management neglects to pass information down the chain of command to the people who need it.

Some comments stated that "letters of concern" are a helpful method that the Coast Guard uses to communicate with industry. The Coast Guard may write a letter of concern to a company on a safety issue or concern, instead of a more punitive form of action (e.g., a citation or criminal charges). Then, the Coast Guard works with the company in a non-regulatory manner to solve the problem. Some speakers also mentioned that the company could encourage safety communication by providing anonymous forms to report issues of concern.

Many speakers recommended using different media, including the Internet, to convey information. In response to the many speakers who echoed this recommendation at the meetings, the

Coast Guard has published a PTP World Wide Web site. As previously discussed in this notice, under the PTP Focus Plan, the Coast Guard is developing the Communications Plan to provide direction to, and support for, personnel involved in the PTP program.

Speakers also discussed the role of Coast Guard Headquarters in Washington, DC, with respect to setting effective nationwide policy. Many safety issues, such as risk management, can be addressed at a local level. The broad policy and regulatory issues, though, are most effectively addressed at the headquarters-level.

#### *Regulatory Process*

Several speakers commented on the Coast Guard's regulatory process. The comments discussed:

- Problems with the way regulations are written and created;
- Solutions to some of the difficulties;
- The Coast Guard's solutions that are regulation oriented, even when the goal is to minimize new regulations; and
- A review of the required paperwork.

Regulations are a necessary aspect of safety within the marine industry under the Coast Guard's legislative mandate from Congress. However, seeking non-regulatory approaches to safety for people and the environment is one of the PTP Principles, which can be found in the Strategic Plan. Regulations establish minimum levels of safety as a part of an overall safety system. However, the Coast Guard continues to pursue regulatory reform including periodic reviews of paperwork and regulatory burdens as described in its semi-annual agenda of regulatory actions published in the **Federal Register** each fall and spring.

Several speakers commented that some mariners find it difficult to read and understand the technical and complex writing style of regulations. The Coast Guard has begun to implement Plain Language writing to make it easier to understand and comply with regulations. Plain Language writing includes simplifying acronyms, increasing use of conversational tone, and using questions and answer formats.

One speaker recommended that the Coast Guard hold more public outreach meetings (e.g., marine industry day) at the local Marine Safety Offices rather than at the Coast Guard Districts. The speaker noted that holding outreach meetings at the local level would provide greater access for small businesses and would enable the Coast Guard to better address issues specific to a community. The Coast Guard

agrees. In several areas the Coast Guard participates in meetings convened by mariners on the local level. For example, current efforts where the Coast Guard joins with local community groups to solve local problems include:

- Privately convened Mariners' Advisory Committee of the Bay and River Delaware in Philadelphia, PA;
- The Puget Sound Marine Committee in Seattle, WA; and
- The Cuyahoga River Task Force in Cleveland, OH.

One speaker discussed the issue of using public meetings as part of the regulatory process. The speaker suggested using the format of the PTP public meetings, stating that its "give and take" format is a better model than the regulatory public meeting format. The Coast Guard continuously strives for open communications balanced with the requirements for the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) so that all members of the affected public, not just those present at a particular meeting, have equal and appropriate input to a fair and unbiased regulatory outcome.

#### *Lessons Learned and Near Accidents*

Some speakers commented on lessons learned and near accidents. A number of speakers gave information highlighting their experiences of best practices, while other speakers gave definitions of near accident and some of the obstacles encountered in the creation of a near accident reporting system. Several industry concerns need to be resolved to the satisfaction of all interested parties, before creating the new system. Some industry concerns include loss of insurance, safety awards, and exposure to legal liability. To create a functional reporting system, these factors must be addressed and answered to the satisfaction of all involved. As mentioned earlier in this notice, this issue is an item in the PTP Focus Plan.

Several speakers offered stories of various lessons learned and near accident efforts that their companies currently apply in the quest for safety improvements. Some projects that were mentioned include the following:

- Developing contingency plans.
- Providing means within companies to anonymously report issues of concern.
- Organizing safety meetings and lessons learned procedures followed up with shared analysis.
- Having key learning meetings for captains where each reports on a shared pertinent issue.

Another speaker suggested bringing representatives of vendors of mechanical systems to the workers who

use them, thereby joining the people who make the equipment and the people who use the equipment.

#### *Management*

A number of speakers discussed aspects of management that affect marine safety. They highlighted best practices as performed by their firms, the problems they have with their companies, management losing their safety focus, and the management aspects of PTP.

Many speakers stated that they feel safety is often compromised by home office policies. For example, some masters are not allowed the independence to make decisions based on current conditions, but must operate within established parameters. Though this is an issue that must be addressed within individual companies, the Coast Guard recognizes the serious potential for accidents that such a practice causes. A speaker suggested allowing a management style that gives employees more power in decision making. The Coast Guard applauds this approach, which is consistent with the PTP Principle *Honor the Mariner*.

It remains the responsibility of the individual companies and management to use their influence appropriately and to make sure there is compliance from the boardroom to the deck plate level. This responsibility takes on the increased importance as the deadlines for compliance with the ISM Code approach. Implementation of the ISM Code will have a significant effect on marine safety from the organizational standpoint, and is being addressed as part of the PTP Focus Plan.

Two speakers commented that the human element provides the greatest impact on improving marine safety and that upper management must show consistent, not sporadic, support.

Several speakers expressed concern that PTP might encourage micromanagement when it should, instead, foster creativity. A speaker requested having the Coast Guard focus on its roles of encouragement, leadership, and examples, as opposed to regulations and management. As noted, PTP seeks non-regulatory approaches to safety for people and the environment.

#### *Training*

A number of speakers discussed training. The majority of comments shared best practices related to training of mariners on a day-to-day basis and of the crew as a whole. A few speakers identified some problems with Coast Guard procedures that affect training mariners.

The comments indicated that many companies are working to provide better, more accurate training with a focus on safety. The Coast Guard and the Los Angeles/Long Beach (LA/LB) Vessel Traffic Information System (VTIS) are currently working on a standard for training to be used primarily as a tool for mariners. Improved industry training methods also include training teams from the same vessel, so the mariners can practice with the people they work with. Another suggestion described a pocket-sized emergency response-training document for deckhands.

Some of the basic principles noted in the public meetings and in the Coast Guard's experience are worthy of note:

- Training needs to be a priority from the initial hiring process onwards.
- Training should encompass everything from lessons on managing stress to CPR and fire fighting.
- Supervisors should go through some of the training with the crew to see what they are learning.

Effective implementation of the STCW Convention is necessary. Noted previously as a 1998 Focus Plan item, the Coast Guard will continue to address the human element issues of the STCW that relate to the individual mariner.

A number of comments discussed course approvals. It was noted that it now appears more difficult to get mariners to meet the basic requirements. A course approval process Fast Action Team met in November 1997 to find ways to reduce the backlog of course applications waiting for approval and shorten the time needed to evaluate course approval applications. As a result of the team's recommendations, the following actions have been taken:

- The National Maritime Center (NMC) increased the course approval staff by two people and also filled a long vacant position.
- The NMC determined the processing time could be shortened if courses were sent directly to the NMC rather than to the REC's. NMC Policy Letter 7-98 announced this change, and the implementing regulatory change will be proposed in the Maritime Course Approval Procedure Notice of Proposed Rulemaking. CGD 97-074.
- The course approval database that lists all Coast Guard approved courses has been updated, as of January 15, 1998. The list of approved courses is published on the Internet and is updated monthly.
- The NMC has begun developing and updating course guidelines to standardize approved courses.

Standardizing approved courses would reduce the time needed to review course approval requests; provide consistency in courses being taught; and ensure courses, instead of exams, will more accurately reflect the job tasks and responsibilities of the license being sought.

As a result of these actions, the backlog has decreased from 95 courses waiting for approval in November of 1997 to less than 40 courses waiting for approval in March of 1998. The oldest course awaiting review has been reduced from December 1996 to February 1998.

#### *Honor the Mariner*

Several speakers applauded and supported the PTP philosophy *Honor the Mariner*. They noted that the most appreciated contribution of PTP has been the recognition of the mariner as a pivotal member of the safety equation. Recognition of mariners helps foster a shared working relationship with mariners and masters. The Coast Guard recognizes that mariners have working knowledge of projects and equipment and that their opinions are important.

One speaker recommended that the Coast Guard honor the mariner constantly, not just before the accident, but also during and after an incident. The Coast Guard continues to seek out and use the expertise of mariners in guiding safety and environmental protection efforts, and appreciates the time, effort, and insights of all who have provided assistance.

#### *Fatigue*

A few speakers addressed fatigue research, while others spoke of their fatigue experiences. Several speakers mentioned that their companies are devoting research to studying fatigue and attempting to curb it. One company developed alertness testing devices with the view that fatigue, stress, and illness are impairment factors just as hindering as drugs and alcohol. The Coast Guard Research and Development Center is also performing studies specifically to address fatigue.

The PTP goal, *Do More*, was also mentioned during a fatigue discussion. The speaker addressed the concern that people may construe the statement by literally doing more work, but with the same people and equipment. *Do More* is directed towards striving for increased quality and prioritization of work-do better-as opposed to an increased quantity of work. One speaker acknowledged that fatigue is often a contributing factor to many accidents. The speaker, however, expressed concern that fatigue is often an easy

fallback explanation for accidents, when it may not be the causal factor in a particular accident.

#### *Research*

A representative from the Coast Guard Research and Development Center described the Fatigue Research Program and solicited participation from the towing industry for an alertness study. In addition, several speakers stated that their companies are devoting more research time to human safety and environmental issues. The Coast Guard applauds these efforts and encourages the sharing of this information for the benefit of the entire marine community. The Coast Guard Research and Development Center has developed a web site <http://www.rdc.uscg.mil/> to disseminate information about its projects. There is also a section on studies and reports related to human element issues on the PTP web site: <http://www.uscg.mil/hq/g-m/nmc/ptp/rands.htm>.

#### *Streamlined Inspection Program (SIP)*

Several comments discussed SIP. In general, they were supportive of the program. Speakers agreed with SIP, citing it as an example of true partnership. They pointed out many advantages to the program, noting its encouragement for companies to translate the Code of Federal Regulations for their employees. A speaker commented that the strength of SIP lies in changing the inspection from an annual snapshot by the Coast Guard to a Coast Guard audit of the organization's continuous inspection system. As a 1998 Focus Plan item, the Coast Guard will help companies increase ownership of their inspections and maintenance by implementing the SIP.

Some comments addressed the issue of SIP by creating two classes of operators or companies. They discussed the problem of the Coast Guard not issuing CG-835 forms, which require immediate repairs, to vessels that are part of the SIP. Some speakers felt that industry does not want to see two classes of operators or companies.

#### *Manning*

A few speakers addressed the problems of working with too few crew members. One speaker supported regulations on manning of barges because it is difficult to place someone aboard an unmanned barge in adverse weather conditions. The Coast Guard has proposed regulations seeking to enhance existing standards for anchoring or retrieving drifting tank barges (62 FR 52057, October 6, 1997;

and 63 FR 9980, February 27, 1998). These proposed rules present appropriate measures for reducing the likelihood of loss of control and grounding of a tank barge based on whether or not the barge is manned. As a result of reducing the likelihood of groundings, fire prevention measures and emergency control measures are also both part of the system to address tank barge safety.

Another speaker commented on the often insufficient manning on foreign flag vessels, which makes it harder to have safe operations. With certain exceptions, the vessel's Flag State establishes the manning level for each vessel. The Coast Guard is concerned about the safety of foreign vessels operating in U.S. waters and is working with the International Maritime Organization (IMO) to develop more up-to-date guidance on the principles of safe manning. The aim of this guidance is to have crew complements based on the actual crew workload, taking into account work hour limits and rest requirements. During Port State Control (PSC) boardings of foreign vessels, the Safe Manning Document is checked against the actual manning of the vessel. In addition, licenses, certificates, and rest requirements are checked to ensure compliance with the STCW. The Coast Guard will work with representatives of the Flag State to resolve any of the problems. The Coast Guard may detain the vessel in port pending the resolution of the problems to ensure the correction of unsafe conditions, which may include requiring additional crewmembers if insufficient personnel are onboard to safely operate the vessel.

#### *Pilotage*

One speaker discussed the need for First Class Pilot's licenses on the inland waterway system. The speaker indicated that the current certification of inland pilots on parts of the inland waterway, which does not specify a geographic area of expertise, is insufficient. The speaker stated that the Coast Guard Regional Examination Centers need to ensure capable people can get their license.

In 1994, the Coast Guard revised the pilot regulations in 46 CFR 15.812 to eliminate the requirement for a First Class Pilot's license on non-designated areas of pilotage waters. Due to this change in regulations, it is now the companies' responsibility to ensure that the pilot they hire has the necessary expertise.

#### *Maintenance*

One speaker commented on maintenance. The speaker highlighted

problems with main propulsion failures due to the lack of proper maintenance of ships and equipment. Poor maintenance of ships and equipment has been noted in many casualties, including the December 1996 BRIGHT FIELD accident in New Orleans, LA, where poor maintenance was cited as a cause of the accident in the investigation report, which was published on October 31, 1997.

The speaker noted that the issue of maintenance should receive more attention than it has in the past. The Coast Guard is actively pursuing these efforts through its PSC and SIP programs, which target foreign vessels and domestic that are not operated or maintained properly. Additionally, the ISM Code becomes mandatory for many vessels on July 1, 1998, and requires both the company and the vessel to have a safety management system in place. A properly implemented safety management system will help prevent occurrences such as the BRIGHT FIELD'S loss of propulsion.

#### **Conclusion**

The Coast Guard is committed to PTP as a long-term effort to address the root cause of many of these accidents—the human element. Through the continuing efforts of the Coast Guard and marine community, we can all reduce and perhaps, eventually, eliminate these types of accidents. The Coast Guard has an unwavering commitment to safety, and through PTP is undertaking many bold initiatives. The marine community is invited to join in this effort to improve marine safety and environmental protection. Visit one of the web sites listed in this notice to learn more.

Dated: May 18, 1998.

**R.C. North,**

*Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.*

[FR Doc. 98-14163 Filed 5-27-98; 8:45 am]

BILLING CODE 4910-15-P

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **Aviation Rulemaking Advisory Committee; Meeting**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of meeting.

**SUMMARY:** The FAA is issuing this notice to advise the public of a meeting of the Federal Aviation Administration

Aviation Rulemaking Advisory Committee to discuss air traffic issues.

**DATES:** The meeting will be held on June 16, 1998, 10:00 a.m.

**ADDRESSES:** The meeting will be held at the Air Traffic Control Association Headquarters, 2300 Clarendon Blvd., Suite 711, Arlington, VA.

**FOR FURTHER INFORMATION CONTACT:** Ms. Beth Allen, Transportation Regulations Analyst, Airmen and Airspace Rules Division, Office of Rulemaking (ARM-105), 800 Independence Avenue, SW, Washington, DC 20591. Telephone: (202) 267-8199, FAX: (202) 267-5075.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-43; 5 U.S.C. App. II), notice is hereby given of a meeting of the Aviation Rulemaking Advisory Committee. This meeting will be held on June 16, 1998, at 10:00 a.m., at the Air Traffic Control Association Headquarters, 2300 Clarendon Blvd., Suite 711, Arlington, VA.

The agenda for this meeting will include a review of the Special Visual Flight Rules (SVFR) Working Group's activities.

Attendance is open to the interested public but may be limited to the space available. The public must make arrangements in advance to present oral statements at the meeting or may present written statements to the committee at any time. In addition, sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting. Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Washington, DC on May 21, 1998.

**Reginald C. Matthews,**

*Assistant Executive Director for Air Traffic Issues, Aviation Rulemaking Advisory Committee.*

[FR Doc. 98-14167 Filed 5-27-98; 8:45 am]

BILLING CODE 4910-13-P

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **Aviation Rulemaking Advisory Committee Meeting on Air Carrier Operations**

**AGENCY:** Federal Aviation Administration (FAA) DOT.

**ACTION:** Notice of meeting.

**SUMMARY:** The FAA is issuing this notice to advise the public of a meeting of the Federal Aviation Administration