

tankers would not be maintained, and become unsafe as they got older and closer to the extended phase-out date, making them a greater risk to the environment.

- Allowing the extension of the phase-out schedule by recognizing the conversion of single hull tank vessels under OPA 90 could be of strategic value to the U.S. in certain national security scenarios.

- Eliminating the conversion of single hull tank vessels could possibly reduce, rather than increase, shipyard activity in the U.S.

- For the U.S. tanker industry to succeed it is essential that the companies involved know that the rules and standards are clear, inherently stable and likely to stay that way for the foreseeable future. With investment decisions reaching out over 20 years, we should not make changes to the ground rules which could have catastrophic effects.

- Examination of this issue has been couched as an evaluation by a federal agency of the economics of the U.S. flag market. Such decisions should be left up to the Congress.

- There would be increasing difficulty in hiring qualified U.S. merchant seaman. When crew members lose jobs due to the phase-out of their vessels, their tendency is to migrate to fields outside the maritime field and not to return. Extensions of the phase-out schedules could assist keeping these seamen employed until vessel replacement is completed.

Discussion

OPA 90 and our implementing regulations in 33 CFR 157 require that tank vessels either convert to full double hull configuration or be removed from the carriage of oil in bulk service by the dates set out in 46 U.S.C. § 3703a. We have not, before today, established a policy on whether a single hull tank vessel could alter its hull configuration with a double bottom or double sides in order to change its OPA 90 phase-out date.

Previously, we had interpreted OPA 90 as not specifically precluding a change in phase-out date for tank vessels that reduced their gross tonnage. However, in section 3606 of Pub. L. 105-85, enacted on November 18, 1997, Congress added a new paragraph (e) to § 3703a. It effectively stopped the industry practice of using protectively located segregated ballast tanks to reduce a tank vessel's gross tonnage and change its phase-out date under OPA 90.

After a vessel's phase-out date, OPA 90 allows tank vessels without double

hulls to continue to deliver oil until January 1, 2015, either to a deepwater port or in one of the four lightering zones we established in the Gulf of Mexico. (See 33 CFR 156.300.)

Many vessel owners, including American Heavy Lift, Maritrans, and Bouchard Transportation Services, have already modified, or are in the process of modifying, existing single hull tank barges or tankers with double hulls to meet the requirements of OPA 90.

Although a number of comments discussed possible shortages of tankers in the Alaska North Slope (ANS) crude trade, the Department of Energy does not anticipate such shortages in ANS operations. Further, there are Jones Act trade vessels currently trading foreign that could be employed in ANS operations, if needed.

While the comments contained a variety of responses both for and against a policy of allowing vessels to change their phase-out dates based on conversions after the effective date of OPA 90, most of these issues were considered by Congress when developing OPA 90. No comments cited immediate operational problems or pressing need to allow vessels to operate beyond their currently scheduled phase-out date.

The OPA 90 double hull requirements were intended to protect the environment from oil spills. The only amendment Congress has made to the OPA 90 phase-out schedule in § 3703a stopped the change of phase-out dates resulting from reductions in gross tonnage. By enactment of Pub. L. 105-85, Congress demonstrated its unwillingness to delay the OPA 90 schedule for the double hull requirement.

Policy

Based on all of the reasons set out above, the Coast Guard has decided that its policy should be consistent with the plain language of § 3703a and the intent of OPA 90. Therefore, changing the hull configuration of an existing single hull tank vessel to a single hull tank vessel with double sides or a double bottom, after August 18, 1990, will not result in a change to the tank vessel's originally scheduled phase-out date as required by § 3703a. This policy is effective immediately and applies to all tank vessels.

The Coast Guard will shortly open a rulemaking to make appropriate changes to the double hull regulations in 33 CFR part 157 and will revise Navigation and Vessel Inspection Circular No. 10-94 consistent with this policy.

Dated: April 15, 1999.

James M. Loy,

Admiral, U.S. Coast Guard Commandant.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-99-10]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before May 13, 1999.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC-200), Petition Docket No. ____, 800 Independence Avenue, SW., Washington, D.C. 20591.

Comments may also be sent electronically to the following internet address: 9-NPRM-cmts@faa.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT: Cherie Jack (202) 267-7271 or Terry Stubblefield (202) 267-7624 Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on April 16, 1999.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 28884.

Petitioner: Aero Sky.

Section of the FAR Affected: 14 CFR 145.37(b).

Description of Relief Sought: To continue to allow Aero Sky to hold a Federal Aviation Administration repair station certificate (certificate No. KQ7R556N) without having suitable permanent housing facilities for at least one of the heaviest aircraft within the weight class of the rating it holds.

Docket No.: 29469.

Petitioner: Astral Aviation, Inc. dba Skyways Airlines.

Section of the FAR Affected: 14 CFR 121.358(a).

Description of Relief Sought: To permit Skyway Airlines to begin proving flights in the Fairchild Dornier 328-300 aircraft without installation of an approved windshear escape flight guidance system.

Docket No.: 29479.

Petitioner: Skydive U, Inc.

Sections of the FAR Affected: 14 CFR 105.43(a).

Description of Relief Sought: To permit Skydive U, Inc. to allow non-student, foreign national parachutists to make international parachute jumps at Skydive U's facility without complying with the parachute equipment packing requirements of 105.43(a).

Docket No.: 29483.

Petitioner: Jackson Police Department.

Section of the FAR Affected: 14 CFR 61.195(g)(1) and 91.109(a).

Description of Relief Sought: To permit Jackson PD pilots in training to use public aircraft to log the aeronautical experience required by 61.39 to take the practical test for issuance of a pilot certificate and aircraft rating.

Docket No.: 29492.

Petitioner: Lynden Air Cargo.

Section of the FAR Affected: 14 CFR 121.344.

Description of Relief Sought: To permit Lynden Air Cargo to operate each of its four L382G Hercules aircraft (Registration Nos. N401LC, N402LC, N403LC, N404LC; Serial Nos. 4606, 4698, 4590, and 4763 respectively) without a digital flight data recorder as required under 121.344.

Dispositions of Petitions

Docket No.: 22706.

Petitioner: Bankair, Inc.

Sections of The FAR Affected: 14 CFR 135.225(e).

Description of Relief Sought/

Disposition: To permit Bankair pilots to operate Bankair aircraft at any U.S. military base that has adopted the criteria contained in the U.S. Standard for Terminal Instrument Procedures used for determining lower-than-standard departure minimums using takeoff visibility minimums that are less than 1 mile and equal to or greater than the landing visibility minimums established for those airfields. *GRANT, 4/15/99, Exemption No. 6661A*

Docket No.: 26478.

Petitioner: United States Air Force.

Section of the FAR Affected: 14 CFR 91.209(a) (1) and (2).

Description of Relief Sought/

Disposition: To permit the Air Force to conduct conternarcotics aircrew flight training operations in support of drug law enforcement and drug traffic interdiction, without lighted aircraft position or anticollision lights. *GRANT, 4/8/99, Exemption No. 5305C*

Docket No.: 28847.

Petitioner: Trans State Airline.

Section of The FAR Affected: 14 CFR 14 CFR 121.433(c)(1)(iii) and 121.441(a)(1) & (b)(1)

Description of Relief Sought/

Disposition: To continue to permit TSA to combine recurrent flight and ground training and proficiency checks for TSA's flight crewmembers in a single annual training and proficiency evaluation program. *GRANT, 4/8/99, Exemption No. 63336A*

Docket No.: 29424.

Petitioner: Amerflight, Inc.

Section of The FAR Affected: 14 CFR 135.243.

Description of Relief Sought/

Disposition: To permit Amerflight to allow its pilots in command to operate under instrument flight rules with a minimum of 800 hours of total flight time, including 400 hours of cross-country flight time and 75 hours of night flight time, in lieu of the flight-time requirements of 135.243. *DENIAL, 4/8/99, Exemption No. 6885.*

Docket No.: 29425

Petitioner: Popular Rotorcraft Association, Inc.

Section of The FAR Affected: 14 CFR 91.319(a)(1) & (2)

Description of Relief Sought/

Disposition: To permit PRA and its member flight instructors to conduct pilot and flight instructor training in an experimental gyroplane for

compensation or hire. *GRANT, 4/15/99, Exemption No. 5209F*

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 195—Flight Information Services Communications (FISC)

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for Special Committee (SC)-195 meeting to be held May 25-26, starting at 9:00 a.m. This new committee has been approved by the Program Management Committee to replace SC-169 and Working Group 3. The meeting will be held at RTCA, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC, 20036.

The agenda will include: (1) Chairman's Introductory Remarks; (2) Review Transition from SC-169; (3) Approval of Summary from the Last SC-169 Meeting; (4) Approve New Terms of Reference; (5) Report Final Disposition of Automet Minimum Operational Performance Standards; (6) Technical Discussions of FIS-B Minimum Aviation System Performance Standards (MASPS); (7) Review of FIS-B MASPS Issues and Action Items; (8) Other Business; (9) Date and Place of Next Meeting.

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 statements 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.

Issues in Washington, DC, on April 14, 1999.

Janice L. Peters,

Designated Official.

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