

ADDRESSES: The HOGANSAC meeting will be held in the conference room of the Houston Pilots' Office, 8150 South Loop East, Houston, Texas. The subcommittee meetings will be held at the Houston Yacht Club, 3620 Miramar, Seabrook, Texas.

FOR FURTHER INFORMATION CONTACT: Captain Wayne Gusman, Executive Director of HOGANSAC, telephone (713) 671-5199, or Commander Paula Carroll, Executive Secretary of HOGANSAC, telephone (713) 671-5164.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agendas of the Meetings

Houston/Galveston Navigation Safety Advisory Committee (HOGANSAC). The tentative agenda includes the following:

(1) Opening remarks by the Committee Sponsor (RADM Pluta), Executive Director (CAPT Gusman) and chairman (Tim Leitzell).

(2) Approval of the January 28, 1999 minutes.

(3) Report from the Waterways Subcommittee.

(4) Report from the Navigation Subcommittee.

(5) Status reports on Baytown Tunnel removal, Army Corps of Engineers' dredging projects and pipeline safety, and comments and discussions from the floor.

(6) New business

Subcommittee on Waterways. The tentative agenda includes the following:

(1) Presentation by each work group of its accomplishments and plans for the future.

(2) Review and discuss the work completed by each work group.

Subcommittee on Navigation. The tentative agenda includes the following:

(1) Presentation by each work group of its accomplishments and plans for the future.

(2) Review and discuss the work completed by each work group.

Procedural

All meetings are open to the public. Please note that the meetings may adjourn early if all business is finished. Members of the public may make oral presentations during the meetings.

Information on Services for the Handicapped

For information on facilities or services for the handicapped or to request special assistance at the meetings, contact the Executive Director as soon as possible.

Dated: April 8, 1999.

A.L. Gerfin, Jr.,

Captain, U.S. Coast Guard, Acting Commander, 8th Coast Guard Dist.

[FR Doc. 99-10114 Filed 4-21-99; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG-1999-5543]

Study of the Implementation and Enforcement of Safety Management System (SMS) regulations, complying with the International Safety Management (ISM) Code

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting; request for comments.

SUMMARY: The Coast Guard will hold a public meeting to discuss how we intend to study the implementation and enforcement of the International Safety Management (ISM) Code and the impact that Safety Management Systems (SMSs) are having on marine safety and environmental protection. The study will measure the effectiveness of vessel and company SMSs and identify actions that could be taken to further promote the use and effective implementation of the ISM Code. The Coast Guard encourages interested parties to attend the meeting and submit comments for discussion during the meeting, and seeks written comments from any party who is unable to attend the meeting.

DATES: The public meeting will be held on May 14, 1999, from 9:30 a.m. to 2 p.m. The meeting may close early if all business is finished. Written material for discussion during the meeting should reach the Docket Management Facility on or before May 7, 1999. Comments and related material must reach the Docket Management Facility on or before May 31, 1999.

ADDRESSES: The public meeting will be held at the U.S. Coast Guard Headquarters Transpoint Building, room 2415, 2100 Second Street SW., Washington, DC 20593-0001. The telephone number is 202-267-1181.

You may submit your comments and related material by only one of the following methods:

(1) By mail to the Docket Management Facility, (USCG-1999-5543), U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001.

(2) By hand to room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW, Washington, DC, between 9 a.m. and 5 p.m., Monday

through Friday, except Federal holidays. The telephone number is 202-366-9329.

(3) By fax to the Docket Management Facility at 202-493-2251.

(4) Electronically through the Web Site for the Docket Management System at <http://dms.dot.gov>.

The Docket Management Facility maintains the public docket for this notice. Comments and documents, as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room PL-401 on the Plaza Level of the Nassif Building at the same address between 9 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>.

FOR FURTHER INFORMATION CONTACT: For information concerning this notice or public meeting, contact Mr. Bob Gauvin, Project Manager, Vessel and Facility Operating Standards Division (G-MSO-2), Coast Guard, 202-267-1053. For questions on viewing or submitting material to the docket, contact Dorothy Walker, Chief, Documentary Services Division, U.S. Department of Transportation, telephone 202-366-9329.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard ("We") encourages you to participate in this study by submitting comments and related material, and by attending the public meeting. If you submit written comments, please include your name and address, identify the docket number for this study (USCG-1999-5543), indicate the specific section of this document to which each comment applies, and give the reason for each comment. You may submit your comments and material by mail, hand, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES**; but please do not submit the same comment or material by more than one means.

If you submit them by mail or hand, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they were received, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period for the study report.

Public Meeting

This meeting is open to the public. Please note that the meeting may close

early if all business is finished. Members of the public may make oral presentations during the meeting. If you would like to make an oral presentation at the meeting, please notify Mr. Bob Gauvin at 202-267-1053 no later than May 7, 1999.

We will begin the public meeting with a brief presentation discussing the actions taken to date by the Coast Guard to develop and enforce regulations and policy for the implementation of SMSs, as well as ISM Code requirements for certification. The presentation will include a brief synopsis of the Coast Guard's planned actions to complete the study.

On completion of the Coast Guard presentation, we will read any written comments received before the public meeting to those attending and into the record of the meeting. We will then give the attendees time to speak on their concerns and interest regarding this issue and the study. After the attendees complete their oral presentations, we may open up discussions about concerns voiced repeatedly during the comment period of the meeting. These discussions may request input on the Coast Guard's planned actions to complete the study and recommendations from the attendees on how we can best research information from those companies using SMSs in their shore and vessel operations.

Information on Service for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Mr. Bob Gauvin at the address or phone number under **FOR FURTHER INFORMATION CONTACT** as soon as possible.

Background and Purpose

The ISM Code is enforced by the Coast Guard in compliance with regulations in Title 33, Code of Federal Regulations, part 96 (33 CFR part 96), and Chapter IX of the International Convention for the Safety of Life at Sea (SOLAS). Navigation and Vessel Inspection Circulars No. 2-94 (NVIC 2-94) and No. 4-98 (NVIC 4-98) provide the Coast Guard's enforcement policy. Both of these NVICs may be read or downloaded from the Coast Guard's publication homepage on the Internet at <http://www.uscg.mil/hq/g-m/index.htm>.

In July 1998, the Coast Guard began recognizing classification societies to issue certification for and ensure compliance with the ISM Code for shipping companies and certain vessels, with the approval of the International Maritime Organization (IMO). The ISM

Code addresses the importance of designated persons and various responsibilities of the master and maritime company and requires consistent documentation and monitoring of management procedures, actions and practices implemented in accordance with governmental and company requirements. The ISM Code ensures the continuous improvement of safety management skills in the maritime industry and requires companies to ensure safe operation of their fleets in accordance with applicable international and Flag State requirements by developing Safety Management Systems (SMSs) for their shore and vessel operations.

The primary goal of an SMS is to ensure, in writing, the commitment and involvement of a shipping company's top management and representatives of shore and ship personnel to continuously improve safety management skills of shore-based and ship-based personnel, including preparation for emergencies related to both safety and environmental protection. Implementing an SMS ensures company and vessel compliance with mandatory rules and regulations. Using an SMS also ensures that applicable codes, guidelines, and standards recommended by the IMO, various Flag Administrations, recognized classification societies, and maritime industry organizations are taken into account. Companies are required by the ISM Code to develop and implement SMSs; this includes exercising company procedures and maintaining regular written reports and internal audits for reporting accidents and non-conformities with the provisions of the ISM Code. External audits conducted by recognized classification societies ensure that companies maintain current internal audits, reports, and records of exercises, procedures, accidents, and non-conformities and the company's or vessel's respective corrective actions.

Essential to the effective functioning of an SMS is the need for all persons involved with the system to openly exchange safety information that will result in corrective actions of material conditions, safety procedures and company processes that support safety. Candid and accurate records ensure open lines of communication between company management and vessel crews and are vital for companies, vessels, and external recognized authorities to measure a company's safety and environmental protection performance against a documented system.

Recently, we received comments and questions from the maritime industry

regarding vessel owners' ability or willingness to fully implement SMSs. They contended that vessel owners, out of fear of self-incrimination for liability, would not properly complete the internal audits, critical management reviews, and reports of non-conformities required by the SMSs and subject to external audits. Incomplete, vague, or inaccurate reports interfere with the effectiveness such a system would have in raising levels of safety. If these required SMS documents could be used against a vessel, its owner, or the companies' employees in legal challenges, how could we expect full disclosure?

In response, we recognize that certain information of a personal or business nature is already protected to varying degrees by laws, such as the Privacy Act. In addition, SMSs are considered a form of intellectual property since they define and describe key practices that play a role in maintaining a competitive edge in the maritime industry. We acknowledge and abide by our legal and moral duty to protect personal and business information from public disclosure in the course of our role as a safety agency. However, records intended to improve safety may also demonstrate the omission or commission of an act that could be construed as negligent. Although this was not the intended purpose of the ISM Code, legal actions could occur as a result of information found in SMS-required documentation of accidents and non-conformities evaluated by external audits.

Coast Guard ISM Code Study

The purpose of this notice is to announce that we intend to conduct a study regarding the effective implementation and possible improvements of ISM Code SMSs and to invite the public to attend a public meeting to discuss issues and concerns regarding the ISM Code and the study.

Section 306 of the Coast Guard Authorization Act of 1998 (Pub. L. 105-383), "Safety Management Code Report and Policy," mandates the Secretary of Transportation to complete a study on:

(1) Reporting the status of ISM Code implementation;

(2) Detailing enforcement actions involving the ISM Code, including the role documents and reports produced following the external audits required by the ISM Code play in such enforcement actions;

(3) Evaluating the effects the ISM Code has had on marine safety and environmental protection, and identifying actions to further promote

marine safety and environmental protection through the ISM Code;

(4) Identifying actions to achieve full compliance with and effective implementation of the ISM Code; and

(5) Evaluating the effectiveness of internal reporting and auditing under the ISM Code, and recommending actions to ensure the accuracy and candor of such reporting and auditing. These recommended actions might include proposed limits on the use of documents produced following external audits required by the ISM Code in legal proceedings.

Questions to the Public and Maritime Industry

We are initiating research for the study by requesting answers to the questions listed below. You may submit your responses in writing to the docket at the address under **ADDRESSES** or present them orally at the public meeting on May 14, 1999. Please consider the following questions with regard to granting access to information in the SMS. Who should have access to this information and what impact could the release of this information have on safety and the intended purpose of the information?

(1) Should the information contained in an SMS be restricted to direct users of the system, i.e., recognized organizations directly responsible for the audit of the system, Port State and Flag State authorities, etc. and no others?

(2) Would restricting the use of information in the SMS to only those entities listed in Question 1, and excluding all others, appreciably improve candid reporting of corrective actions for items related to safety or environmental protection?

(3) If you answered that restricting the access to or use of SMS information by entities other than those listed in Question 1 would improve the reporting of corrective actions, please respond. Would this improvement be of a sufficient magnitude to justify placing restrictions on the use of that information?

(4) If selected entities could be granted access beyond those listed in Question 1, who should they be and why?

(5) Who should not, under any circumstances, be granted access to the information in the SMS and why?

(6) Should the safety information and records contained in the SMS be as accessible as other similar information now contained in ships logs and other records required to be maintained by law, regulations or international

convention (e.g., the ships oil record book)?

(7) If company SMS procedures and SMS audit report information is made available and could be used by private litigants in actions against the company or company employees; what impact, if any, would the use of this information have on the level of detail vessel crew members and company personnel would use in creating and maintaining records that identify corrective actions related to safety items?

(8) Instead of restricting access to the information, should restrictions be placed on the use of the information from the SMS? If yes, for what purposes should information in the SMS not be used?

(9) Are there SMS records that should be accessible while other SMS records should be restricted?

(10) Are there other alternatives that would promote candor of reporting that would not restrict access (e.g., placing limits of liability on actions stemming from use of information in the SMS)?

Dated: April 16, 1999.

Jeffery P. High,

Acting Assistant Commandant for Marine Safety and Environmental Protection.

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BILLING CODE 4910-15-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[ALJ 99-0004-CIV]

In the Matter of Parker & Parsley Petroleum USA, Inc.

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed penalty; opportunity to participate.

SUMMARY: The Coast Guard gives notice of the proposed assessment of a Class II administrative penalty against Parker & Parsley Petroleum USA, Inc. for violations of the Federal Water Pollution Control Act (FWPCA). The alleged violation involves a discharge of approximately 77,523 gallons of oil into and upon Deadend Canal, Franklin, Louisiana and adjoining navigable waters of the United States on or about November 26, 1996 and continuing through and including December 5, 1996. Interested persons may participate or file comments in this proceeding.

DATES: Filings in this matter must be received no later than May 24, 1999.

ADDRESSES: You may mail comments to the Hearing Docket Clerk, Administrative Law Judge Docketing

Center, United States Coast Guard, 40 South Gay Street, Room 412, Baltimore, Maryland 21202-4022. Comments may also be personally delivered to Room 412 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (410) 962-7434. You may also fax your comments to (410) 962-1742.

The Administrative Law Judge Docketing Center maintains the public docket for this matter. Comments will become part of this docket and will be available for inspection or copying in Room 412 at the address listed above.

FOR FURTHER INFORMATION CONTACT: Mr. George J. Jordan, Director of Judicial Administration, Office of the Chief Administrative Law Judge, Commandant (G-CJ), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001. The telephone number is (202) 267-2940.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to submit written comments. Persons submitting comments should include their name, address, identify this document (ALJ 99-0004-CIV), and state the reason for each specific comment. Please submit all comments and attachments in an unbound format on white paper no longer than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment or receipt of comments should enclose self-addressed, stamped postcards or envelopes.

Discussion

This is a Class II civil penalty proceeding brought under section 311(b)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1251 et. seq.) (FWPCA), as amended by the Oil Pollution Act of 1990 (33 U.S.C. 1321(b)(3)). The FWPCA requires the Coast Guard to publish notice of the proposed issuance of an order assessing a Class II civil penalty in the **Federal Register**.

If you wish to be an interested person, you must file written comments on the proceeding or written notice of intent to present evidence at any hearing held in this Class II civil penalty proceeding with the Hearing Docket Clerk.

The following table explains how interested persons may participate in a Class II civil penalty proceeding.

If—	Then—
a hearing is scheduled.	You will be given