

Dated: October 24, 1995.

Patrick V. Murphy,

Deputy Assistant Secretary for Aviation and International Affairs.

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Clarification Concerning Examination of Foreign Air Carriers' Request for Expanded Economic Authority

AGENCY: Office of the Secretary, Department of Transportation.

SUMMARY: This notice clarifies the Department's licensing policy regarding requests for expanded economic authority from foreign air carriers whose government Civil Aviation Authority (CAA) safety oversight capability has been assessed by the Federal Aviation Administration as conditional (Category II) or unacceptable (Category III). This notice supplements information previously published by the FAA concerning FAA procedures for examining and monitoring foreign air carriers (57 Fed. Reg. 38342-43, August 24, 1992).

FOR FURTHER INFORMATION CONTACT: Donald H. Horn, Assistant General Counsel for International Law, Office of International Law, Office of the General Counsel, U.S. Department of Transportation, 400 7th Street S.W., Room 10105, Washington, DC 20591, (202) 366-2972.

SUPPLEMENTARY INFORMATION: In order to operate to the United States, foreign air carriers must receive authority from the Office of the Secretary (OST) and, if operating their own aircraft, (as opposed to wet leasing), operations specifications from the Federal Aviation Administration (FAA). Both OST and FAA are components of the Department of Transportation. OST looks to the FAA for determinations on matters involving aviation safety.

In order for a foreign air carrier to fly to the United States, its home country civil aviation authority must adhere to the aviation safety standards of the International Civil Aviation Organization (ICAO), the United Nation's technical agency for aviation. ICAO has established international standards for operational safety and continuing airworthiness. As fully described in an earlier Federal Register notice, 57 Fed. Reg. 38342, August 24, 1992, the Federal Aviation Administration (FAA) has developed a program for sending evaluation teams to the various countries to work cooperatively to assess their civil aviation safety oversight capabilities.

The FAA, with the cooperation of the host government, assesses countries

whose airlines have operating rights to or from the United States, or have requested such rights. The focus of the assessment is on a *government's* compliance with ICAO standards, rather than the individual air carriers licensed by that country. Accordingly, the FAA assessment does not necessarily reflect individual carriers' compliance with all relevant safety requirements. The FAA has assisted countries with less than acceptable ratings by providing technical expertise, assistance with inspections and training courses. The FAA has established three ratings for the status of these governments' civil aviation authorities at the time of the assessment: acceptable, conditional and unacceptable:

Category I, acceptable: The FAA's assessment found that the country's civil aviation authority licenses and oversees air carriers in accordance with ICAO aviation safety standards.

Category II, conditional: The FAA's assessment found that the country's civil aviation authority has areas of noncompliance with ICAO aviation safety standards. The FAA is negotiating actively with the authority to implement corrective measures. During these negotiations, the Department permits flights under existing authority to operate into the United States, and the FAA conducts heightened surveillance.

Category III, unacceptable: The FAA's assessment found that the country's civil aviation authority is not in compliance with ICAO standards for aviation safety oversight. Unacceptable ratings apply if the civil aviation authority has not developed and/or implemented laws or regulations in accordance with ICAO standards; if it lacks the flight operations capability to certify, oversee and enforce air carrier operations requirements; if it lacks the capability to certify, oversee and enforce air carrier aircraft maintenance requirements; and/or if it lacks appropriately trained inspector personnel required by ICAO standards. Carriers licensed by this government may not operate flights to the United States with their own aircraft. They may arrange to continue operating with aircraft wet leased from a duly authorized and properly supervised U.S. or foreign air carrier that is authorized to serve the United States with its own aircraft.

See e.g., 59 FR 46332-33, September 8, 1994.

A number of requests for new or expanded authority have been received by OST from foreign air carriers where their home civil aviation authority has been classified by FAA as Category II (conditional). In order to make clear our

licensing policy as concerns carriers of Category II countries, we are placing this notice in the Federal Register. All foreign air carriers are thus on notice that: Foreign air carriers from Category II countries are permitted to exercise authority in their OST licenses now being operated, and the Category II status will not preclude the renewal of authority to conduct existing services. However, no authority to conduct new services, or expanded operations, will be issued to such carriers by OST (unless operated using aircraft wet-leased from a duly authorized and properly supervised U.S. or foreign air carrier), until the home country's civil aviation authority has been reclassified by the FAA as Category I (acceptable).

Issued in Washington, D.C. on October 23, 1995.

Mark L. Gerchick,

Acting Assistant Secretary for Aviation and International Affairs, Department of Transportation.

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Bureau of Transportation Statistics

Advisory Council on Transportation Statistics

AGENCY: Bureau of Transportation Statistics, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(A)(2) of the Federal Advisory Committee Act (Public Law 72-363; 5 U.S.C. App. 2), notice is hereby given of the initial meeting of the Bureau of Transportation Statistics (BTS) Advisory Council on Transportation Statistics (ACTS) to be held Thursday, November 16, 1995, 9:00 to 3:00 pm. The meeting will take place at the U.S. Department of Transportation, 400 7th Street, SW, Washington, DC, in the Lloyd E. Fletcher Conference Room 10214, Nassif Building.

The Advisory Council, called for under Section 6007 of Public Law 102-240, Intermodal Surface Transportation Efficiency Act of 1991, December 18, 1991, and chartered on June 19, 1995, was created to advise the Director of BTS on transportation statistics and analyses, including whether or not the statistics and analysis disseminated by the Bureau are of high quality and are based upon the best available objective information.

The agenda for this meeting will include an overview of BTS, its mission, and progress to date; identification of next steps and direction to pursue; other items of interest; discussion and