

Subject:

PTC23 EUR-JK 0033 dated October 16, 1998
 Europe-Japan/Korea Resolutions r1-46
 PTC23 EUR-JK 0034 dated November 6, 1998—Minutes
 PTC23 EUR-JK Fares 0013 dated October 20, 1998—Tables
 Intended effective date: April 1, 1999.

Docket Number: OST-98-4728**Date Filed:** November 9, 1998**Parties:** Members of the International Air Transport Association**Subject:**

PTC123/PTC31 Mail Vote 971—Reso 010w
 Withdraw Proposed Increase in Fares from Pakistan
 Pending in Dockets OST-98-4649, 98-4638, 98-4712 & 98-4713
 (ATA Memoranda PTC123 0049-0051 & PTC31 N/C 0072 0074)
 Intended effective date: November 15, 1998.

Docket Number: OST-98-4729**Date Filed:** November 9, 1998**Parties:** Members of the International Air Transport Association**Subject:**

PTC23 AFR-TC3 0055 dated October 15, 1998
 Mail Vote 967 (Africa-South Asian Subc.) r1-9
 PTC 23 AFR-TC3 0056 dated October 15, 1998
 Mail Vote 968 (Africa-Southeast Asia) r10-22
 Intended effective date: April 1, 1999.

Docket Number: OST-98-4744**Date Filed:** November 12, 1998**Parties:** Members of the International Air Transport Association**Subject:**

PSC/Reso/095 dated October 30, 1998 r1-9
 Expedited Resos/RPs from the 20th PSC/19th Joint PSC
 (Summary attached to cover pleading.)
 Intended effective date: as early as January 1, 1999.

Docket Number: OST-98-4746**Date Filed:** November 12, 1998**Parties:** Members of the International Air Transport Association**Subject:**

PTC1 Telex Mail Vote 974
 Brazil-Caribbean/Central America Excursion Fares
 (Reso 072qq—involves San Juan)
 Intended effective date: December 1, 1998.

Docket Number: OST-98-4747**Date Filed:** November 12, 1998**Parties:** Members of the International Air Transport Association**Subject:**

CAC/Reso/191 dated October 30, 1998
 Finally Adopted Cargo Agency Resolutions r1-6
 CAC/Meet/130 dated October 30, 1998—Minutes
 Intended effective date: as early as January 1, 1999.

Docket Number: OST-98-4754**Date Filed:** November 13, 1998**Parties:** Members of the International Air Transport Association**Subject:**

PTC2 EUR 0222 dated November 10, 1998
 Expedited Within Europe Reso 002m
 Intended effective date: December 1, 1998.

Dorothy W. Walker,*Federal Register Liaison.*

[FR Doc. 98-31345 Filed 11-23-98; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF TRANSPORTATION**Office of the Secretary****Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending November 13, 1998**

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST-98-4757.**Date Filed:** November 13, 1998.**Due Date for Answers, Conforming Applications, or Motions to Modify Scope:** December 11, 1998.

Description: Application of Delta Air Lines, Inc. pursuant to 49 U.S.C. Sections 41102, 41108 and subpart Q, applies for a Certificate of Public Convenience and Necessity and allocation of seven (7) frequencies to engage in scheduled foreign air transportation of persons, property and mail between Atlanta, Georgia and Rome, Italy beginning April 1, 1999. Delta requests that this authority be granted for a term of at least five years. Delta further request route integration authority to permit Delta to combine

services that will be operated pursuant to the grant of this application with all other Delta services authorized by existing certificates and exemptions granted by the Department, to the extent permitted by applicable international agreements.

Dorothy W. Walker,*Federal Register Liaison.*

[FR Doc. 98-31346 Filed 11-23-98; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF TRANSPORTATION**Office of the Secretary**

[OST-1997-3286]

Notice of the Secretary of Transportation's Determination and the Department's Next Steps on Marine Transportation Safety in Puget Sound-Area Waters**AGENCY:** Office of the Secretary, DOT.**ACTION:** Notice.

SUMMARY: On April 28, 1996, the White House issued the Department of Transportation (DOT) Action Plan to Address Vessel and Environmental Safety on Puget Sound-Area Waters. One element of this Action Plan committed DOT to assess the marine safety system in Puget Sound-area waters to determine whether any hazard scenarios warrant consideration of additional casualty prevention or response measures. Secretary Rodney E. Slater signed this determination on November 17, 1998. The determination and DOT's related announcement of next steps regarding additional measures are printed in an appendix to this notice. Several of the measures discussed in the announcement on additional measures will be pursued in partnership with the State of Washington. A Memorandum of Understanding formalizing this partnership is under development. Pursuant to the announcement on additional measures, an Advance Notice of Proposed Rulemaking on "Improvements to Marine Safety in Puget Sound-Area Waters" appears in the "Proposed Rules" section of this issue of the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Stephen M. Shaprio, Office of the Assistant Secretary for Transportation Policy, U.S. Department of Transportation (P-130), 400 7th Street S.W., Room 10309, Washington, DC 20590, telephone (202) 366-4866.

Issued in Washington, D.C., on November 17, 1998.

Eugene A. Conti, Jr.,

Assistant Secretary for Transportation Policy.

Appendix—Determination of the Safety of the Marine Transportation System for Puget Sound-Area Waters

On April 28, 1996, the White House issued the Department of Transportation (DOT) Action Plan to Address Vessel and Environmental Safety on Puget Sound-Area Waters. This Action Plan consists of three elements. The first element is to establish criteria for and facilitate the development of a private sector system to provide timely emergency response to vessels in distress in the Strait of Juan de Fuca and the waters near the Olympic Coast National Marine Sanctuary. The Coast Guard submitted reports to Congress in January and December of 1997 on the development of the voluntary International Tug of Opportunity System (ITOS) as required under the 1995 Alaska Power Administration Asset Sale and Termination Act (Public Law 104-58). As of October 1998, eighty-six U.S. and Canadian tugs operating in the region have been fitted with location transponders and are actively participating in ITOS.

The second element—the subject of this statement—is to determine the adequacy of all vessel safety and environmental protection measures in Puget Sound-area waters. In November 1996 letters to Senator Murray, Congressman Dicks, and Governor Lowry—and in a December 1997 **Federal Register** notice (62 FR 68348)—we interpreted this provision as requiring our review of the overall marine safety regime in Puget Sound-area waters to determine whether any hazard scenarios warrant consideration of additional casualty prevention or response measures. The third element of the Action Plan—additional measures to address any such hazard scenarios cited—is addressed in an accompanying announcement.

During the last two and one half years, the Department of Transportation has worked to maintain a high degree of marine safety in Puget Sound-area waters. This effort has addressed concerns expressed by Senator Murray, other members of the Washington Congressional delegation, Governors Lowry and Locke, and many local interests. These concerns have focused on increasing the level of safety and environmental protection for the State's waterways.

During 1996, we worked closely with industry in its development of ITOS, which serves a valuable function in

providing a means to identify tugs that may be available to assist a vessel in distress. During 1997, DOT's Volpe National Transportation Systems Center conducted a broad assessment of the relative probabilities and consequences of marine accidents in the region. A critical element of the Volpe Center's review was a panel of recognized safety and environmental protection experts who provided information and opinions on the current system.

In addition to ITOS, prevention elements of the current system that were identified in the course of the Volpe Center's review include the Vessel Traffic Service operated by the U.S. and Canadian Coast Guards, the Traffic Separation Scheme to facilitate movement of inbound and outbound vessels serving U.S. and Canadian ports, the "Area To Be Avoided" adjacent to the Olympic Coast National Marine Sanctuary, and escort requirements for certain tankers east of Port Angeles. Response elements of the current system that were identified include oil spill response plans for each vessel, area contingency plans, and response equipment provided by industry, the Coast Guard, and the State.

Based on the findings in the Volpe Center's report, I hereby determine that the many existing elements of the region's marine transportation system comprise a safe system. While there are always areas for improvement—and we should always be looking into means for improving safety—the Volpe report shows that the Puget Sound area has an excellent system now.

Many different types of casualty scenarios were evaluated in the course of the Volpe Center's review. Based on the findings in the Volpe Center's report—and upon consideration of input received through public workshops and a public meeting we held subsequent to the release of the Volpe Center's report—I hereby find that the potential for collisions, powered groundings, and drift groundings warrant consideration of specific additional measures to further mitigate their risks. Our next steps regarding such measures are addressed in an accompanying announcement.

Dated: November 17, 1998.
Rodney E. Slater,
Secretary of Transportation.

Announcement Regarding Additional Risk Mitigation Measures for Puget Sound-Area Waters

This document outlines the Department of Transportation's (DOT's) next steps in light of the Secretary's determination on the safety of the

marine transportation system for Puget Sound-area waters.

While the Secretary determined that the elements of the system—which encompasses many missions performed by the United States Coast Guard—comprise a safe system, he also found that consideration of specific additional measures is warranted to further mitigate the risks of collisions, powered groundings, and drift groundings. Some additional measures can be implemented immediately, while others require more thorough evaluation prior to implementation.

The 1997 risk assessment of the area's marine transportation system—performed by DOT's Volpe National Transportation Systems Center in support of the Secretary's determination—found that the most promising area for risk reduction is to address the risk of collision in southwestern areas of Puget Sound from Admiralty Head to Tacoma, followed by the offshore area near the "J" buoy, and by the eastern end of the Strait of Juan de Fuca.

A promising measure to reduce the risk of collisions and powered groundings is improved waterway management—such as potential modifications to the Traffic Separation Scheme at the western approach to the Strait of Juan de Fuca. Such modifications could move traffic—and the point where traffic merges to enter the Strait—farther offshore from sensitive areas, such as the Olympic Coast National Marine Sanctuary. This might facilitate safer merge patterns and increase the distance a disabled vessel could drift from offshore traffic lanes before grounding. The Thirteenth Coast Guard District is starting a Port Access Study to pursue this measure in consultation with its Canadian counterparts as well as State and local stakeholders.

The Coast Guard's Port State Control program, which identifies and targets substandard foreign vessels, has provided a significant reduction of risk. The Coast Guard is pursuing further upgrades to the program, such as increased attention to English language proficiency and increased information sharing with Canada.

In addition to the Port State Control elements to ensure crew competency, there are several other human element measures that will be taken to reduce the risk of collisions and powered groundings by improving crew effectiveness and performance. These include fatigue prevention and improved communications. The Coast Guard Captain of the Port of Puget Sound is implementing these measures

with Canadian and Washington State counterparts through the enforcement of recent international treaties and through ongoing Coast Guard programs.

In addition to these activities addressing collisions and powered groundings, we are proceeding to more fully evaluate prospective measures to prevent a drift grounding in the event of a loss of steering or propulsion. The recently implemented International Tug of Opportunity System (ITOS) is an outstanding example of a voluntary private-sector initiative to ensure safe operations.

The Coast Guard's Report to Congress on ITOS has noted that a sufficient number of tugs may not be present in the western Strait of Juan de Fuca and in the offshore areas in the course of routine commercial service. In order to assess this potential deficiency, DOT and the State of Washington have agreed to evaluate the effectiveness of ITOS. In addition, we will jointly fund and manage an analysis of the costs and additional risk reduction benefits that would be afforded by tug escorts for commercial vessels or by stationing a rescue tug in the region. These evaluations will start this winter. We expect that they will be completed by the end of next summer. If the evaluations indicate that pursuit of these measures is warranted, we will proceed with regulatory action at that time.

Since any new tug escort or prepositioned rescue tug requirements would require regulatory action, the Coast Guard is issuing an Advance Notice of Proposed Rulemaking. It provides a more complete picture of implementation options that may be considered in a subsequent rulemaking, and solicits specific comments on and additions to these options.

In addition to incident prevention, the Volpe report also addressed means to better mitigate and respond to incidents should they occur. Three such measures will be further pursued. The first is to review boom prepositioning and boom deployment capabilities to protect shallow shoreline habitats. The second is to review the allocation of response assets and area contingency plans in light of information gained through development of the Volpe report. The third measure is to evaluate the need to preposition a response vessel at the western entrance to the Strait.

The first two measures will be pursued by the Captain of the Port of Puget Sound in consultation with the Area Committee established to coordinate response preparations under the Oil Pollution Act of 1990. Consideration of the last measure, a

prepositioned oil spill response vessel, will be incorporated in the evaluation of a prepositioned rescue tug.

These next steps provide meaningful and reasonable actions to further improve the already high level of marine safety in this region. We look forward to building on the progress and partnerships that have developed to this point as our efforts proceed.

[FR Doc. 98-31513 Filed 11-23-98; 8:45 am]
BILLING CODE 4910-62-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA has determined that the minimum percentage rate for drug testing for the period January 1, 1999, through December 31, 1999, will remain at 25 percent of covered aviation employees for random drug testing and will remain at 10 percent of covered aviation employees for random alcohol testing.

FOR FURTHER INFORMATION CONTACT: Ms. Patrice M. Kelly, Office of Aviation Medicine, Drug Abatement Division, Implementation, Regulations and Policy Branch (AAM-810), Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267-8976.

SUPPLEMENTARY INFORMATION:

Administrator's Determination of 1999 Random Drug and Alcohol Testing Rates

In final rules published in the **Federal Register** on February 15, and December 2, 1994 (59 FR 7380 and 62218, respectively), the FAA announced that it will set future minimum annual percentage rates for random alcohol and drug testing for aviation industry employers according to the results which the employers experience conducting random alcohol and drug testing during each calendar year. The rules set forth the formula for calculating an annual aviation industry "violation rate" for random alcohol testing and an annual aviation industry "positive rate" for random drug testing. The "violation rate" for random alcohol tests means the number of covered employees found during random tests given under 14 CFR part 121, appendix

J to have an alcohol concentration of 0.04 or greater plus the number of employees who refused a random alcohol test, divided by the total reported number of employees given random alcohol tests plus the total reported number of employees who refused a random test. The "positive rate" means the number of positive results for random drug tests conducted under 14 CFR part 121, appendix I plus the number of refusals to take random drug tests, divided by the total number of random drug tests plus the number of refusals to take random drug tests. The violation rate and the positive rate are calculated using information required to be submitted to the FAA by specified aviation industry employers as part of an FAA Management Information System (MIS) and form the basis for maintaining or adjusting the minimum annual percentage rates for random alcohol and drug testing as indicated in the following paragraphs.

When the annual percentage rate for random alcohol testing is 25 percent or more, the FAA Administrator may lower the rate to 10 percent of data received under the MIS reporting requirements for two consecutive calendar years indicate that the violation rate is less than 0.5 percent.

When the minimum annual percentage rate for random alcohol testing is 50 percent, the FAA Administrator may lower the rate to 25 percent if data received under the MIS reporting requirements for two consecutive calendar years indicate that the violation rate is less than 1.0 percent but equal to or greater than 0.5 percent.

When the minimum annual percentage rate for random alcohol testing is 10 percent, and the data received under the MIS reporting requirements for that calendar year indicate that the violation rate is equal to or greater than 0.5 percent but less than 1.0 percent, the FAA Administrator must increase the minimum annual percentage rate for random alcohol testing to 25 percent.

When the minimum annual percentage rate for random alcohol testing is 25 percent or less, and the data received under the MIS reporting requirements for that calendar year indicate that the violation rate is equal to or greater than 1.0 percent, the FAA Administrator must increase the minimum annual percentage rate for random alcohol testing to 50 percent.

When the minimum annual percentage rate for random drug testing is 50 percent, the FAA Administrator may lower the rate to 25 percent if data received under the MIS reporting requirements for two consecutive