

Background

The FAA has established an Aviation Rulemaking Advisory Committee to provide advice and recommendations to the FAA Administrator, through the Associate Administrator for Regulation and Certification, on the full range of the FAA's rulemaking activities with respect to aviation-related issues.

The Task

This notice is to inform the public that the FAA has asked ARAC to provide advice and recommendations on the following task:

Task: Review the comments received the response to the Notice of Availability of proposed Advisory Circular (AC 39.XX), titled "Continued Airworthiness Assessments of Powerplant and Auxiliary Power Unit Installation on Transport Category Airplanes." Provide advice and recommendations on the task, recommend disposition of the comments that are inappropriate for incorporation in the proposed AC, and provide recommended revised language, in paragraph form, to address those comments that have merit and warrant incorporation in the proposed AC.

Schedule: The recommendations should be forwarded to the FAA by September 1, 2001.

ARAC Acceptance of Tasks

ARAC has accepted the task and has chosen to assign the tasks to the newly formed Continued Airworthiness Assessments Working Group, Transport Airplane and Engine Issues. The working group will serve as staff to ARAC and assist in the analysis of the assigned task. Working group recommendations must be reviewed and approved by ARAC. If ARAC accepts the working group's recommendations, it forwards them to the FAA as ARAC recommendations.

Working Group Activity

The Continued Airworthiness Assessments Working Group is expected to comply with the procedures adopted by ARAC. As part of the procedures, the working group is expected to:

1. Recommend a work plan for completion of the task, including the rationale supporting such a plan, for consideration at the meeting of the ARAC Transport Airplane and Engine Issues held following publication of this notice.
2. Give a detailed conceptual presentation of the proposed recommendations.
3. Provide a status report at each meeting of the ARAC held to consider Transport Airplane and Engine Issues.

Participation in the working Group

The newly formed Continued Airworthiness Assessment Working Group will be composed of technical experts having an interest in the assigned task. A working group member need not be a representative of a member of the full committee.

An individual who has expertise in the subject matter and wishes to become a member of the working group should write to the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire, describing his or her interest in the task and stating the expertise he or she would bring to the working group. All requests to participate must be received no later than January 20, 2001. The requests will be reviewed by the assistant chair, the assistant executive director, and the working group chair, and the individuals will be advised whether or not the request can be accommodated.

Individuals chosen for membership on the working group will be expected to represent their aviation community segment and participate actively in the working group (*e.g.*, attend all meetings, provide written comments when requested to do so, *etc.*). They also will be expected to devote the resources necessary to support the ability of the working group in meeting any assigned deadlines. Members are expected to keep their management chain and those they may represent advised of working group activities and decisions to ensure that the agreed technical solutions do not conflict with their sponsoring organization's position when the subject being negotiated is presented to ARAC for approval.

Once the working group has begun deliberations, members will not be added or substituted without the approval of the assistant chair, the assistant executive director, and the working group chair.

The Secretary of Transportation has determined that the formation and use of the ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

Meetings of the ARAC will be open to the public. Meetings of the Continued Airworthiness Assessments Working Group will not be open to the public, except to the extent that individuals with an interest and expertise are selected to participate. No public announcement of working group meetings will be made.

Dated: Issued in Washington, DC, on December 21, 2000.

Anthony F. Fazio,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 00-32955 Filed 12-21-00; 4:43 pm]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

North Carolina Transportation Museum

[Docket Number FRA-2000-8418]

The North Carolina Transportation Museum of Spencer, North Carolina, has petitioned for a temporary waiver of compliance for one locomotive from the requirements of the Locomotive Inspection, 49 CFR 230.23(a), which requires staybolts having caps over their outer ends shall have the caps removed at least every two years and the bolts and sleeves examined for breakage. The museum states that they rotate the operation of steam locomotive number 604 on weekends during summer months in tourist service. Locomotive number 604 last had its staybolt caps removed on March 28, 1999, at which time the bolts and sleeves were inspected. If the waiver is approved the staybolt caps would be removed in 2002 when the locomotive would receive required work to bring it into compliance with the recently published, November 17, 1999, Inspection and Maintenance Standards for Steam Locomotives. The museum indicates that if the waiver is granted that the locomotive would operate an additional thirty five days over the next year.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before

the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2000-8418) and must be submitted in triplicate to the Docket Clerk, DOT Central Docket Management Facility, Room Pl-401, Washington, DC 20590-0001. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m.-5:00 p.m.) at DOT Central Docket Management Facility, Room Pl-401 (Plaza Level), 400 Seventh Street SW., Washington, DC. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

Issued in Washington, DC on December 20, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00-32880 Filed 12-26-00; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. RSPA-98-3577 (PDA-18 (R))]

Preemption Determination No. PD-18(R); Broward County, Florida's Requirements on the Transportation of Certain Hazardous Materials to or From Points in the County

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Administrative determination of preemption by RSPA's Associate Administrator for Hazardous Materials Safety.

Applicant: Association of Waste Hazardous Materials Transporters (AWHMT) and American Trucking Associations (ATA).

Local Laws Affected: Broward County, Florida Code of Ordinance No. 1999-53 §§ 27-352; 27-355(a)(1); 27-356(b)(4)d.1; 27-436; 27-439(b); 27-439(e)(2); 27-439(e)(3); 27-439(e)(4); 27-439(f)(1); 27-439(g)(1) and 27-439(g)(2).

Applicable Federal Requirements: Federal hazardous material transportation law, 49 U.S.C. 5101 *et seq.* and the Hazardous Materials

Regulations (HMR), 49 CFR Parts 171-180.

Modes Affected: Highway and rail.

SUMMARY: Federal hazardous material transportation law preempts Broward County, Florida's requirements pertaining to certain hazardous material definitions and all requirements that rely on those definitions, written notification of a hazardous material release, shipping paper retention for certain hazardous materials transporters, licensing fees for hazardous waste transporters and monthly transportation activity reporting. Federal hazardous material transportation law does not preempt Broward County, Florida's requirements pertaining to oral notification of a hazardous material release, packaging standards for hazardous waste transport vehicles, shipping paper retention for hazardous waste transporters, periodic vehicle inspection and vehicle marking.

FOR FURTHER INFORMATION CONTACT:

Donna L. O'Berry, Office of the Chief Counsel, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590-0001 (Tel. No. 202-366-6136).

I. Background

On April 9, 1998, AWHMT applied for a determination that the Federal hazardous material transportation law preempts the following provisions of the Broward County Ordinance (Ordinance) 93-47, Chapter 27:

- Ordinance 27-352 containing the definition of "Hazardous Materials",
- Ordinance 27-355(a)(1) containing release reporting requirements,
- Ordinance 27-356(b)(4) d.1 and Ordinance 27-356(d)(4) a.1 containing shipping paper retention requirements,
- Ordinance 27-356(d)(4) a.2 containing standards for waste-hauling vehicles,
- Ordinance 27-356(d)(4) a.3 containing periodic vehicle inspection requirements,
- Ordinance 27-356(d)(4) a.4 containing requirements that waste-hauling vehicles be marked with an identification tag issued by the County,
- Ordinance 27-356(d)(4) a.6 containing training requirements for drivers and other appropriate personnel,
- Ordinance 27-356(d)(4) a.7 containing fee requirements for a license to transport discarded hazardous material within the County,
- Ordinance 27-356(d)(4) b.1 containing requirements to request a

modification from the County prior to utilizing a vehicle for transporting a type of waste that is not specified on the current license, and —Ordinance 27-356(d)(4) c.1 containing reporting requirements for monthly activity reports to be submitted to the County.

On August 6, 1998, RSPA published a public notice and invitation to comment on AWHMT's application (63 FR 42098). The notice set forth the text of AWHMT's application and asked that comments be filed with RSPA on or before September 21, 1998, and that rebuttal comments be filed on or before November 4, 1998. Comments were submitted by Nufarm, the Hazardous Materials Advisory Council (HMAC), Freehold Cartage, Inc., the Association of American Railroads (AAR), Mr. Tony Tweedale, and the Institute of Makers of Explosives (IME). AWHMT submitted rebuttal comments.

On October 26, 1998, the County requested that RSPA stay its review of AWHMT's application for six to eight months. The County requested a stay because it was proposing changes to the Ordinance that would possibly resolve the preemption issues raised in AWHMT's application. In a December 23, 1998 letter, AWHMT opposed the County's request for a stay and requested that RSPA proceed to issue a ruling in the matter. On March 15, 1999, RSPA granted the County's request for a stay. The stay was effective until July 1, 1999.

On September 28, 1999, the Broward County Commissioners adopted Ordinance No. 1999-53 (the revised Ordinance), which amended Chapter 27. In the previous version of the Ordinance, all of the regulations at issue in this proceeding were contained in Chapter 27, Article XII, "Hazardous Material." In the revised Ordinance, the County retained a modified version of Article XII and created a new article, Chapter 27, Article XVII, "Waste Transporters." Article XVII applies solely to waste transporters. Some of the regulations originally challenged in this proceeding were modified and moved to Article XVII, some were deleted from the revised Ordinance, and others remained where they were in the previous Ordinance.

On November 2, 1999, RSPA published a public notice reopening the comment period and invited interested parties to comment on the County's revised Ordinance (64 FR 59231). Comments were due by December 17, 1999, and rebuttal comments were due by January 31, 2000. RSPA limited additional comments to a discussion of