(d) This amendment becomes effective on November 4, 1998.

Issued in Renton, Washington, on September 23, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–25972 Filed 9–29–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–254–AD; Amendment 39–10751; AD 98–19–09]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all Boeing Model 737–100, –200, –300, –400, and –500 series airplanes, that currently requires removal of the fuel boost pump wiring in the conduits of the wing and center fuel tanks; an inspection to detect damage of the wiring, and corrective action, if necessary; and eventual installation of Teflon sleeving over the electrical cable. That AD was prompted by reports of severe wear of the fuel boost pump wiring due to chafing between the wiring and the surrounding conduit inside the fuel tank; pin-hole-sized holes in the conduit that appear to be the result of arc-through of the conduit; and exposure of the main tank boost pump wire conductor inside a conduit and signs of arcing to the wall of the conduit. This amendment expands the inspection requirement to include additional airplanes. The actions specified by this AD are intended to detect and correct chafing and electrical arcing between the fuel boost pump wiring and the surrounding conduit, which, if not corrected, could result in arc-through of the conduit, and consequent fire or explosion of the fuel tank.

DATES: Effective October 15, 1998.

The incorporation by reference of Boeing Alert Service Bulletin 737–28A1120, dated April 24, 1998, as revised by Notices of Status Change NSC 01, dated May 7, 1998, NSC 02, dated May 8, 1998, and NSC 03, dated May 9, 1998, as listed in the regulations, was previously approved by the Director of the Federal Register on June 29, 1998.

The incorporation by reference of Boeing Alert Service Bulletin 737–28A1120, Revision 1, dated May 28, 1998, as listed in the regulations, is approved by the Director of the Federal Register as of October 15, 1998.

Comments for inclusion in the Rules Docket must be received on or before November 30, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–254–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dorr Anderson, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2684; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: On June 12, 1998, the FAA issued AD 98–11–52, amendment 39–10611 (63 FR 34271, June 24, 1998), applicable to all Boeing Model 737–100, –200, –300, –400, and –500 series airplanes, to require removal of the fuel boost pump wiring in the conduits of the wing and center fuel tanks; an inspection to detect damage of the wiring, and corrective action, if necessary; and eventual installation of Teflon sleeving over the electrical cable. That action was prompted by reports of severe wear of the fuel boost pump wiring due to chafing between the wiring and the surrounding conduit inside the fuel tank; pin-hole-sized holes in the conduit that appear to be the result of arc-through of the conduit; and exposure of the main tank boost pump wire conductor inside a conduit and signs of arcing to the wall of the conduit. The actions required by that AD are intended to detect and correct chafing and electrical arcing between the fuel boost pump wiring and the surrounding conduit, which, if not corrected, could result in arc-through of the conduit, and consequent fire or explosion of the fuel tank.

Actions Since Issuance of Previous Rule

Since the issuance of that AD, the FAA has received reports of severe chafing of the boost pump wiring (with wear of the primary wire insulation between 40 percent and 80 percent) on Boeing Model 737 series airplanes that had accumulated between 29,000 and 35,000 total flight hours. Some of these airplanes had accumulated fewer flight hours than the number of flight hours specified as the inspection threshold in AD 98–11–52.

In light of these findings, the FAA has determined that it is necessary to expand the inspection requirement to include airplanes that have accumulated between 20,000 and 30,000 total flight hours. This is necessary to ensure that these airplanes have not also developed a problem with chafing and electrical arcing between the fuel boost pump wiring and the surrounding conduit.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 737–28A1120, Revision 1, dated May 28, 1998. The procedures for inspecting the fuel boost pump wiring and installing Teflon sleeving are essentially identical to the procedures described in the original version of the alert service bulletin (referenced in AD 98–11–52). The only change effected by Revision 1 is to provide information concerning revised rework instructions and optional parts and procedures.

Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of this same type design, this AD supersedes AD 98–11–52 to continue to require removal of the fuel boost pump wiring in the conduits of the wing and center fuel tanks; an inspection to detect damage of the wiring, and corrective action, if necessary; and eventual installation of Teflon sleeving over the electrical cable. This AD expands the inspection requirement to include airplanes that have accumulated between 20,000 and 30,000 total flight hours. The actions are required to be accomplished in accordance with the alert service bulletin described previously. This AD also requires that operators report findings of discrepancies to the manufacturer.

Possible Future Rulemaking Action

The FAA currently is considering further rulemaking action that would supersede this action to additionally require inspection of Model 737 series airplanes that have accumulated less

than 20,000 total flight hours. However, the planned compliance time for the inspection is sufficiently long so that notice and opportunity for prior public comment will be practicable.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–254–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–10611 (63 FR 34271, June 24, 1998), and by adding a new airworthiness directive (AD), amendment 39–10751, to read as follows:

98–19–09 Boeing: Amendment 39–10751. Docket 98–NM–254–AD. Supersedes AD 98–11–52, Amendment 39–10611.

Applicability: All Model 737–100, –200, –300, –400, and –500 series airplanes; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (m)(1) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct chafing and electrical arcing between the fuel boost pump wiring and the surrounding conduit, which, if not corrected, could result in arc-through of the conduit, and consequent fire or explosion of the fuel tank, accomplish the following:

Inspections Required by AD 98–11–52

(a) For all airplanes that have accumulated 50,000 or more total flight hours as of June 29, 1998 (the effective date of AD 98–11–52, amendment 39–10611): Prior to further flight, remove the fuel boost pump wiring from the in-tank conduit for the aft boost pumps in main tanks numbers 1 and 2, and perform a detailed visual inspection to detect damage of the wiring, in accordance with the procedures specified in Boeing Alert Service Bulletin 737–28A1120, dated April 24, 1998, as revised by Notices of Status Change NSC 01, dated May 7, 1998, NSC 02, dated May 8, 1998, and NSC 03, dated May 9, 1998; or Revision 1, dated May 28, 1998.

(b) For all airplanes that have accumulated less than 50,000 total flight hours as of receipt of telegraphic AD T98–11–51: Prior to the accumulation of 40,000 total flight hours, or within 14 days after June 29, 1998, whichever occurs later, remove the fuel boost pump wiring from the in-tank conduit for the aft boost pumps in main tanks numbers 1 and 2, and perform a detailed visual inspection to detect damage of the wiring, in accordance with the procedures specified in Boeing Alert Service Bulletin 737–28A1120, dated April 24, 1998, as revised by Notices of Status Change NSC 01, dated May 7, 1998, NSC 02, dated May 8, 1998, and NSC 03, dated May 9, 1998; or Revision 1, dated May 28, 1998.

(c) For all airplanes: Remove the fuel boost pump wiring from the in-tank conduit for the center tank left and right boost pumps, and perform a detailed visual inspection to detect damage of the wiring, in accordance with the procedures specified in Boeing Alert Service Bulletin 737–28A1120, dated April 24, 1998, as revised by Notices of Status Change NSC 01, dated May 7, 1998, NSC 02, dated May 8, 1998, and NSC 03, dated May 9, 1998; or Revision 1, dated May 28, 1998. Accomplish the inspection at the earliest of the times specified in paragraphs (c)(1), (c)(2), and (c)(3).

(1) For Model 737–300, –400, and –500 series airplanes: Inspect prior to the accumulation of 40,000 total flight hours, or within 14 days after June 29, 1998, whichever occurs later.

(2) For Model 737–100 and –200 series airplanes: Inspect prior to the accumulation of 40,000 total flight hours, or within 10 days after June 29, 1998, whichever occurs later.

(3) For all airplanes: Inspect prior to the accumulation of 50,000 total flight hours, or within 5 days after June 29, 1998, whichever occurs later.

(d) For all airplanes: Prior to the accumulation of 30,000 total flight hours or

within 45 days after June 29, 1998, whichever occurs later, remove the fuel boost pump wiring from the in-tank conduit for the aft boost pumps in main tanks numbers 1 and 2, and the center tank left and right boost pumps, and perform a detailed visual inspection to detect damage of the wiring, in accordance with the procedures specified in Boeing Alert Service Bulletin 737–28A1120, dated April 24, 1998, as revised by Notices of Status Change NSC 01, dated May 7, 1998, NSC 02, dated May 8, 1998, and NSC 03, dated May 9, 1998; or Revision 1, dated May 28, 1998.

New Inspection Requirement

(e) For airplanes that have accumulated 20,000 or more total flight hours and less than 30,000 total flight hours as of the effective date of this AD: Within 60 days after the effective date of this AD, remove the fuel boost pump wiring from the in-tank conduit for the aft boost pumps in main tanks numbers 1 and 2, and the center tank left and right boost pumps, and perform a detailed visual inspection to detect damage of the wiring; in accordance with the procedures specified in Boeing Alert Service Bulletin 737–28A1120, dated April 24, 1998, as revised by Notices of Status Change NSC 01, dated May 7, 1998, NSC 02, dated May 8, 1998, and NSC 03, dated May 9, 1998; or Revision 1, dated May 28, 1998.

Corrective Actions

(f) If red, yellow, blue, or green wire insulation cannot be seen through the outer jacket of the electrical cable during any inspection required by this AD: Prior to further flight, accomplish paragraph (f)(1), (f)(2), or (f)(3) of this AD in accordance with procedures specified in Boeing Alert Service Bulletin 737–28A1120, dated April 24, 1998, as revised by Notices of Status Change NSC 01, dated May 7, 1998, NSC 02, dated May 8, 1998, and NSC 03, dated May 9, 1998; or Revision 1, dated May 28, 1998.

(1) Install Teflon sleeving over the electrical cable, and reinstall the cable. Or

(2) Reinstall the electrical cable without Teflon sleeving over the cable. Within 500 flight hours after accomplishment of the reinstallation, repeat the inspection described in paragraph (d) of this AD; and install Teflon sleeving over the cable. Or

(3) Replace the electrical cable with new cable without Teflon sleeving. Within 18 months or 6,000 flight hours, whichever occurs first, repeat the inspection specified in paragraph (d) of this AD, and install Teflon sleeving over the cable.

(g) If red, yellow, blue, or green wire insulation can be seen through the outer jacket of the electrical cable during any inspection required by this AD, but no evidence of electrical arcing is found: Prior to further flight, accomplish either paragraph (g)(1) or (g)(2) of this AD in accordance with the procedures specified in Boeing Alert Service Bulletin 737–28A1120, dated April 24, 1998, as revised by Notices of Status Change NSC 01, dated May 7, 1998, NSC 02, dated May 8, 1998, and NSC 03, dated May 9, 1998; or Revision 1, dated May 28, 1998.

(1) Replace the damaged electrical cable with a new cable, install Teflon sleeving over the cable, and reinstall the cable. Or

(2) Replace the electrical cable with a new cable without Teflon sleeving. Within 18 months or 6,000 flight hours, whichever occurs first, repeat the inspection described in paragraph (d) of this AD; and install Teflon sleeving over the cable.

(h) If any evidence of electrical arcing but no evidence of fuel leakage is found on the removed electrical cable during any inspection required by this AD: Prior to further flight, accomplish paragraphs (h)(1) and (h)(2) of this AD in accordance with the procedures specified in Boeing Alert Service Bulletin 737–28A1120, dated April 24, 1998, as revised by Notices of Status Change NSC 01, dated May 7, 1998, NSC 02, dated May 8, 1998, and NSC 03, dated May 9, 1998; or Revision 1, dated May 28, 1998.

(1) Verify the integrity of the conduit in accordance with the instructions contained in NSC 03 or Revision 1 of the alert service bulletin. And

(2) Accomplish either paragraph (h)(2)(i) or (h)(2)(ii) of this AD in accordance with the alert service bulletin.

(i) Replace the damaged electrical cable with a new cable, install Teflon sleeving over the cable, and reinstall the cable. Or

(ii) Replace the electrical cable with a new cable without Teflon sleeving. Within 18 months or 6,000 flight hours, whichever occurs first, repeat the inspection described in paragraph (d) of this AD; and install Teflon sleeving over the cable.

(i) If any evidence of fuel is found on the removed electrical cable during any inspection required by this AD: Prior to further flight, accomplish paragraphs (i)(1) and (i)(2) of this AD in accordance with the procedures specified in Boeing Alert Service Bulletin 737–28A1120, dated April 24, 1998, as revised by Notices of Status Change NSC 01, dated May 7, 1998, NSC 02, dated May 8, 1998, and NSC 03, dated May 9, 1998; or Revision 1, dated May 28, 1998.

(1) Replace the conduit section where electrical arcing was found. And

(2) Accomplish either paragraph (i)(2)(i) or (i)(2)(ii) of this AD.

(i) Replace the damaged electrical cable with a new cable, install Teflon sleeving over the cable, and reinstall the cable. Or

(ii) Replace the electrical cable with a new cable without Teflon sleeving. Within 18 months or 6,000 flight hours, whichever occurs first, repeat the inspection described in paragraph (d) of this AD; and install Teflon sleeving over the cable.

(j) For Groups 1 and 2 airplanes, as identified in Boeing Alert Service Bulletin 737–28A1120, dated April 24, 1998: Concurrent with the first accomplishment of corrective action in accordance with paragraph (f), (g), (h), or (i) of this AD, as applicable, replace the case ground wire with a new wire in accordance with Boeing Alert Service Bulletin 737–28A1120, dated April 24, 1998; as revised by Notices of Status Change NSC 01, dated May 7, 1998, NSC 02, dated May 8, 1998, and NSC 03, dated May 9, 1998; or Revision 1, dated May 28, 1998.

(k) Installation of Teflon sleeving over any electrical cable that is new or has been inspected in accordance with paragraph (a), (b), (c), (d), or (e) of this AD, constitutes terminating action for the requirements of this AD.

(l) If any damage specified in paragraph (g), (h), or (i) of this AD is found during any inspection required by this AD, within 10 days after accomplishing the inspection required by paragraph (a), (b), (c), (d), or (e) of this AD, as applicable, accomplish paragraphs (l)(1) and (l)(2) of this AD. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(1) Submit any damaged electrical cables and conduits to Boeing, in accordance with Boeing Alert Service Bulletin 737–28A1120, dated April 24, 1998, as revised by Notices of Status Change NSC 01, dated May 7, 1998, NSC 02, dated May 8, 1998, and NSC 03, dated May 9, 1998; or Revision 1, dated May 28, 1998; include the serial number of the airplane, the number of total flight hours and flight cycles accumulated on the airplane, and the location of the electrical cable on the airplane.

(2) For airplanes that are inspected after June 29, 1998, submit the serial number of the airplane, the number of total flight hours and flight cycles accumulated on the airplane, and the location of the electrical cable on the airplane to the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; fax (425) 227–1181.

(m)(1) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

(m)(2) Alternative methods of compliance, approved previously in accordance with AD 98–11–52 are approved as alternative methods of compliance with this AD.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(n) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(o) Except as provided in paragraph (k)(2) of this AD, the actions shall be done in accordance with Boeing Alert Service Bulletin 737–28A1120, dated April 24, 1998, as revised by Notice of Status Change NSC 01, dated May 7, 1998, Notice of Status Change NSC 02, dated May 8, 1998, and Notice of Status Change NSC 03, dated May 9, 1998; or Boeing Alert Service Bulletin 737–28A1120, Revision 1, dated May 28, 1998.

(1) The incorporation by reference of Boeing Alert Service Bulletin 737–28A1120, Revision 1, dated May 28, 1998, as listed in the regulations, is approved by the Director of the Federal Register as of October 15, 1998.

(2) The incorporation by reference of Boeing Alert Service Bulletin 737–28A1120,

dated April 24, 1998, as revised by Notice of Status Change NSC 01, dated May 7, 1998, Notice of Status Change NSC 02, dated May 8, 1998, and Notice of Status Change NSC 03, dated May 9, 1998, was approved previously by the Director of the Federal Register as of June 29, 1998 (63 FR 34271, June 24, 1998).

(3) Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(p) This amendment becomes effective on October 15, 1998.

Issued in Renton, Washington, on September 23, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–25971 Filed 9–29–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 243

[Docket No. OST–95–950]

RIN 2105–AB78

Passenger Manifest Information

AGENCY: Office of the Secretary, DOT.

ACTION: Denial of Petition for Rulemaking.

SUMMARY: The National Air Carrier Association (NACA) filed a petition for reconsideration of DOT's final rule concerning passenger manifests on airline flights to or from the United States. NACA asked that travel agents and tour operators be required to collect the full name of each U.S. citizen passenger and solicit the name and telephone number of a contact. Currently, this is required only of airlines. DOT is denying the petition.

FOR FURTHER INFORMATION CONTACT: Joanne Petrie, Office of the General Counsel, U.S. Department of Transportation, 400 Seventh St., SW., Washington, DC 20905; 202 366–9315.

SUPPLEMENTARY INFORMATION:

Background

On February 18, 1998, the Department of Transportation published a final rule (63 FR 8258) requiring certificated air carriers and large foreign air carriers authorized to operate large aircraft to collect the full name of each U.S. citizen traveling on flight segments to or from the United States, and to solicit a contact name and telephone number. In the event of an aviation disaster, airlines would be required to provide the information to the Department of State and, in certain instances, to the National Transportation Safety Board. Each carrier would develop its own collection system. The rule was adopted pursuant to the Aviation Security Improvement Act of 1990. The rule is intended to provide the United States government with prompt and adequate information in the event of an aviation disaster on covered flights.

Petition for Reconsideration

On June 18, 1998, the National Air Carrier Association (NACA), on behalf of American Trans Air, Miami Air International, Omni Air International, Tower Air, and World Airways, filed a Petition for Reconsideration. The petition requested that the Department modify the provisions regarding information collection requirements (§ 243.7) in the final rule to require that tour operators and travel agents, in addition to air carriers, be required to collect the full name of each U.S. citizen and solicit the name and telephone number of a contact for each U.S. citizen passenger boarded on covered flight segments.

NACA argued that the rule would be more successful if all sellers of air transportation are required to participate in the collection of contact information. NACA contended that the psychological environment is more conducive to soliciting the required information at the time the ticket is sold and the reservation made than at boarding, which is often chaotic and confusing. It stated that utilizing the first point of contact to solicit and collect the required information would reduce check-in time at boarding. In addition, NACA stated that passengers are more likely to provide their full name and contact information at the first point of contact rather than at the airport.

NACA asserted that because tour operators normally prepare manifests that include the full name of the traveler, the traveler's ticket number, and other pertinent information, it would be very easy for a tour operator to obtain the contact name and telephone number at the time of sale and include it on the manifest.

Additionally, NACA noted that the Task Force on Assistance to Families of Aviation Disasters recommended that travel agents and tour operators, as well as airlines, be required to obtain the contact information.

Comments on the Petition.

The Air Transport Association of America (ATA) supported NACA's petition. It stated that NACA's proposal would lead to a more efficient system of information collection because the information would be collected in advance of check-in. ATA estimated that over 80 percent of passengers flying on international flights use travel agents to purchase their transportation. ATA said that collecting passenger information at check-in was not desirable because it would delay the processing of passengers, lead to slower and longer check-in lines, and place additional burdens on currently constrained facilities. In conclusion, ATA argued that modifying the rule will enhance the public interest in general and passenger convenience in particular.

The American Association for Families of KAL 007 Victims and the Families of TWA Flight 800 Association jointly filed comments in support of NACA's proposal. In addition, they asked that the tour operators and travel agents be required to share this information with the air carriers on which their passenger clients are actually transported because tour operators and travel agents may be difficult to reach in case of an aviation disaster. These organizations stated that a substantial number of bookings are made via travel agents and tour operators. In the case of charters, the air carrier has no relationship with any of the passengers prior to boarding. The groups argued that the change would be more cost-effective for all parties concerned, and thus, would better fulfill the intent of the rule and provide more accurate information and facilitate post-disaster crisis management operations.

The American Society of Travel Agents (ASTA) opposed the petition on substantive and procedural grounds. It noted that DOT considered this issue at length and would have to begin another rulemaking before making the change. It argued that the petition was untimely because it was filed four months after publication of the final rule in the **Federal Register**. ASTA stated that efficiency would not be enhanced by having travel agents and tour operators collect the information, but rather would result in wasted time because some of those from whom information was collected would ultimately travel on a different flight, or not at all. In other cases, the information will be out-of-date and will need to be updated. ASTA argued that the only way to obtain accurate passenger information is to collect it at the gate. ASTA concluded that the regulation properly assigned the responsibility to collect the information to the business that is actually providing the service.