

while meeting national security requirements.

Given the diverse positions of our trading partners and their varying degrees of willingness to liberalize aviation relations, we must also have a strategy for dealing with countries that are not prepared or willing to join us in moving quickly to an unrestricted air service regime. Our approach is a practical one: It proposes to advance the liberalization of air service regimes as far as our partners are willing to go, and to withhold benefits from those countries that are not willing to move forward. Specifically, we will pursue the following strategy:

1. We will offer liberal agreements to a country or group of countries if it can be justified economically or strategically. We will view economic value more broadly than we have in the past, in terms of both direct and indirect access and in terms of potential future development. Moreover, there may be strategic value in adopting liberal agreements with smaller countries where doing so puts competitive pressure on neighboring countries to follow suit.

2. We recognize that some countries believe that they can resist the trend of economic forces and continue to control access to their markets tightly. We believe that they cannot, and that attempts to do so will ultimately fail. Nevertheless, we will work with these countries to develop alternatives that address their immediate concerns where this will advance our international aviation policy objectives. We will examine alternative approaches that may include departing from established methods of negotiation (perhaps negotiations with two or more trading partners); trying to develop service opportunities for the foreign airline to make service to the U.S. more economically advantageous for it; and continuing our efforts to help those governments and their constituencies appreciate the benefits that unrestricted air services can bring to their economies and industries.

While we work with such countries, we can consider, in the interim, transitional or sectoral agreements.

**Transitional agreements**—Under this approach, we would agree to a specified phased removal of restrictions and liberalization of the air service market. This approach contemplates that both sides would agree, from the beginning, to a completely liberalized air service regime that would come into effect at the end of a certain period of time.

**Sectoral agreements**—Traditionally, aviation agreements have covered all elements of air transportation between

two countries. However, as a first step, we can consider agreements that eliminate restrictions only on services in specific aviation sectors, such as air cargo or charter services.

3. For countries that are not willing to advance liberalization of the market, we will maintain maximum leverage to achieve our procompetitive objectives. We can limit their airlines' access to the U.S. market and restrict commercial relations with U.S. airlines. When airlines request authority to serve restricted bilateral markets that is not provided for under an international agreement, we will consider their requests on a case-by-case basis in light of all our policy objectives, including, *inter alia*:

- Whether approval will increase the variety of pricing and service options available to consumers;
- Whether approval will improve the access of cities, shippers and travelers to the international air transportation system;
- The effect of granting code-sharing authority on the Civil Reserve Air Fleet program;
- The effect of the proposed transaction on the U.S. airline industry and its employees. In this regard, we will ascribe greater value to code-sharing arrangements where U.S. airlines provide the long-haul operations. We will also recognize the greater economic value of such arrangements where the services connect one hub to another; and
- Whether the transaction will advance our goals of eliminating operating and market restrictions and achieving liberalization.

If aviation partners fail to observe existing U.S. bilateral rights, or discriminate against U.S. airlines, we will act vigorously, through all appropriate means, to defend our rights and protect our airlines.

### Conclusion

We are living through a period in which international aviation rules must change. Privatization, competition, and globalization are trends fueled by economic and political forces that will ultimately prevail. Governments and airlines that embrace these trends will far outpace those that do not. The U.S. government will be among those that embrace the future.

**Authority citation:** 49 U.S.C.40101, 40113, 41102, 41302, and 41310.

Dated: April 25, 1995.

**Patrick V. Murphy,**

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

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[Docket No. 50315]

### Study of Gambling on Commercial Aircraft

**AGENCY:** Office of the Secretary, Department of Transportation.

**ACTION:** Notice of request for comments on study of gambling on commercial aircraft.

**SUMMARY:** This notice sets forth the elements of an ongoing study of gambling on commercial aircraft. This notice is being published to provide interested persons an opportunity to provide comments on specific questions important to the study.

**DATES:** Comments must be received no later than May 31, 1995.

**ADDRESSES:** Comments should be sent to the Docket Clerk, Docket 50315, Department of Transportation, 400 7th Street SW., Plaza 401, Washington, DC 20590. To facilitate consideration of the comments, we ask commenters to file eight copies of each comment. We encourage commenters who wish to do so also to submit comments to the Department through the Internet; our Internet address is [dot\\_dockets@postmaster.dot.gov](mailto:dot_dockets@postmaster.dot.gov).<sup>1</sup> However, at this time the Department considers only the paper copies filed with the Docket Clerk to be the official comments. Comments will be available for inspection at this address from 9:00 a.m. to 5:00 p.m., Monday through Friday. Commenters who wish the Department to acknowledge the receipt of their comments should include a stamped, self-addressed postcard with their comments. The Docket Clerk will date-stamp the postcard and mail it back to the commenter.

**FOR FURTHER INFORMATION CONTACT:** James H. New, II, Office of Planning and Special Projects, Office of the Secretary, U.S. Department of Transportation, 400 7th Street SW., Room 9215A, Washington, DC 20590, (202) 366-4868.

**SUPPLEMENTARY INFORMATION:** This study, which is mandated by 49 U.S.C. 41311, requires the consideration of, among other things, the safety and competitive implications of gambling on commercial aircraft. Before this study is

<sup>1</sup> Our X.400 e-mail address is S=dotdockets/OU1=qqmail/O=hq/p=gov+dot/a=attmail/c=us.

completed, we will carefully consider any comments that are received.

### Study of Gambling on Commercial Aircraft

#### Background

Section 205 of the Federal Aviation Administration Authorization Act of 1994 (the "Act"), P.L. No. 103-305 (August 23, 1994) added section 41311 to Title 49 of the U.S. Code. Under 49 U.S.C. 41311(a), "an air carrier or foreign air carrier may not install, transport, or operate, or permit the use of any gambling device on board an aircraft in foreign air transportation." Section 41311(a) was designed to clarify current statutory prohibitions and to ensure equal treatment of U.S.-flag air carriers with foreign flag carriers with regard to in-flight gambling on commercial aircraft while the Department of Transportation studied the issue and recommended whether a different approach might be appropriate. Moreover, there was some concern that at some future time a different rule might be more appropriate. See 140 Cong. Rec. S6664 (June 9, 1994).

Pursuant to 49 U.S.C. 41311(b), the Secretary of Transportation is required to complete a study not later than one year (August 23, 1995) after the date of the enactment of the Federal Aviation Administration Authorization Act of 1994.

The study must have three components outlined as follows:

(1) the aviation safety effects of gambling applications on electronic interactive video systems installed on board aircraft for passenger use, including an evaluation of the effect of such systems on the navigational and other electronic equipment of the aircraft, on the passengers and crew of the aircraft and on issues relating to the method of payment;

(2) the competitive implications of permitting foreign air carriers only, but not United States air carriers, to install, transport, and operate gambling applications on electronic interactive video systems on board aircraft in the foreign commerce of the United States on flights over international waters, or in fifth freedom city-pair markets; and

(3) whether gambling should be allowed on international flights, including proposed legislation to effectuate any recommended changes in existing law.

Within five days after completion of the study, the Secretary of Transportation must submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the results of the study.

Interested parties are invited to participate in this study of gambling on aircraft by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasonable responses to the congressional issues raised. Comments are specifically invited regarding:

(a) Effects on safety of allowing gambling devices, including payment methods, to be installed and/or operated onboard aircraft including the effects on: (1) Navigational and other electronic equipment, and (2) passengers and crew. Regarding payment methods, at a minimum, the following issues are of particular interest—payments that require an air-to-surface interface, and whether payments/losses will interfere with passenger safety and duties of the crew.

(b) Competitive effects of retaining, lifting, or modifying the current restrictions on U.S. carriers with respect to (1) foreign air transportation, (2) code-share arrangements, and (3) flights involving fifth freedom markets.

(c) Whether gambling should be allowed in foreign air transportation by U.S. and/or foreign air carriers.

(Authority Citation: 49 U.S.C. 41311)

Dated: April 27, 1995.

#### Patrick V. Murphy

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

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### Federal Aviation Administration

#### Airborne Ground Proximity Warning Equipment; Proposed Technical Standard Order

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of availability for public comment.

**SUMMARY:** This notice announces the availability of and request comments on a proposed technical standard order (TSO) pertaining to airborne ground proximity equipment. The proposed TSO prescribes the minimum performance standards that airborne ground proximity equipment must meet to be identified with the marking "TSO-C92c."

**DATES:** Comments must identify the TSO file number and be received on or before August 4, 1995.

**ADDRESSES:** Send all comments on the proposed technical standard order to: Technical Programs and Continued

Airworthiness Branch, AIR-120, Aircraft Engineering Division, Aircraft Certification Service—File No. TSO-C92c, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. Or deliver comments to: Federal Aviation Administration, Room 804, 800 Independence Avenue, SW., Washington, DC 20591.

**FOR FURTHER INFORMATION CONTACT:** Ms. Bobbie J. Smith, Technical Programs and Continued Airworthiness Branch, AIR-120, Aircraft Engineering Division, Aircraft Certification Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267-9546.

#### Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they desire to the above specified address. Comments received on the proposed technical standard order may be examined, before and after the comment closing date, in Room 804, FAA Headquarters Building (FOB-10A), 800 Independence Avenue, SW., Washington, DC 20591, weekdays except Federal holidays, between 8:30 a.m. and 4:30 p.m. All communications received on or before the closing date for comments specified above will be considered by the Director of the Aircraft Certification Service before issuing the final TSO.

#### Background

The FAA has reviewed TSO-C92b and the referenced RTCA, Inc., Document No. DO-161A and finds that there is a need to revise this TSO to address NTSB Safety Recommendations A-92-39 through A-92-42 and to update the computer software and environmental requirements.

Proposed TSO-C92c would add two new requirements: Each aural warning shall identify the reason for a GPWS warning, and each approved equipment would include airspeed in the logic that determines GPWS warning times. These requirements should satisfy Safety Recommendations A-92-39 and A-92-40. The proposal adds a new paragraph which will allow added features, such as altitude callouts during nonprecision approaches and warnings based on airport location and aircraft position data. This paragraph addresses Safety Recommendations A-92-41 and A-92-42. Additionally, the FAA proposes to include RTCA DO-178B as the computer software requirement (none specified in TSO-C92b) and to update