

**DEPARTMENT OF TRANSPORTATION****Coast Guard****[USCG 98-3324]****Critical Ship Safety Systems Table and Components of a Supplement Under the Alternate Compliance Program****AGENCY:** Coast Guard, DOT.**ACTION:** Notice of policy concerning critical ship safety systems and U.S. Supplement review process; request for comments.

**SUMMARY:** The Coast Guard announces a policy concerning critical ship safety systems, the creation of the Critical Ship Safety Systems Table, and their application to U.S. Supplements developed by classification societies seeking authorization under the Alternate Compliance Program. The Coast Guard also announces a policy determination on the components of a U.S. Supplement.

**DATES:** Comments are requested by April 14, 1998.

**ADDRESSES:** You may mail comments to the Docket Management Facility [USCG-98-3324], U.S. Department of Transportation, Room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001, or deliver them to room PL-401, located on the Plaza Level of the Nassif Building at the same address, between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 366-9329.

The Docket Management Facility maintains the public docket for this notice. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room PL-401, located on the Plaza Level of the Nassif Building at the above address, between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LCDR Raymond Petow or LCDR Daniel Pippenger, Marine Safety and Environmental Protection (G-MSE-1), U.S. Coast Guard Headquarters, telephone: (202) 267-2997 for questions concerning the substance of this notice or Paulette Twine, Chief, Documentary Services Division, U.S. Department of Transportation, telephone: (202) 366-9329 for questions concerning the filing and reviewing of comments.

**SUPPLEMENTARY INFORMATION:****Request for Comments**

The Coast Guard encourages submission of written data, views, or arguments on the Critical Ship Safety

Systems Table. Persons submitting comments should include their name and address, identify this notice [USCG 98-3324], the specific section of the Table to which each comment applies, and the reason for the comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing, to the DOT Docket Management Facility at the address under **ADDRESSES**. If you want acknowledgment of receipt of your comment, enclose a stamped, self-addressed postcard or envelope. The Coast Guard will consider all comments received during the comment period and may change this policy in view of the comments.

**Background and Purpose***Critical Ship Safety Systems*

The Coast Guard, in continuing to improve its Alternate Compliance Program, and in response to changes in the 1996 Coast Guard Authorization Act (Pub. L. 104-324) that permit the Coast Guard to rely on reports from other persons and permit expanded use of vessel classification societies (46 U.S.C. 3103, 3316), reviewed Subchapters D, F, H, I, and J of Title 46 of the Code of Federal Regulations (CFR) to determine critical ship safety systems. The review did not include Subchapter I-A (mobile offshore drilling units) and Subchapter O (chemical and gas carriers) as review of these subchapters, using the same process described here, is ongoing. These results will be published when the review is completed. This review also did not include operational requirements for which vessel owners and operators are still responsible and for which the Coast Guard retains authority to ensure compliance.

Critical ship safety systems encompass those systems that are addressed by the applicable regulations in 46 CFR relating to ship design and construction and, based on subjective and objective risk assessments, are necessary for the safe operations of vessels. The list of critical ship safety systems did not include those required by U.S. Statute.

Subjective assessments were obtained from a wide range of experts associated with the maritime industry including licensed mariners, vessel owners and operators, pilots, environmental organizations, private marine surveyors, and Coast Guard inspectors and plan reviewers. The assessments rated a list of shipboard systems from regulatory requirements, proposed by the Coast Guard program managers with experience in areas of vessel design,

operation and inspection. Examples of systems listed included propulsion, steering, life saving appliances, and fire protection systems. Respondents were asked to write in other systems as they saw fit. The experts rated each system's probability of failure (ranging from not probable to likely) and the consequence of failure (ranging from negligible to catastrophic). These two factors were quantified and multiplied together to obtain a relative risk of system failure. The systems were then rank ordered based on relative risk of failure as determined using expert opinion.

Objective data was obtained from historical data contained in the Coast Guard's Marine Safety Information System (MSIS) database. The data included 500,000 records documenting discrepancies found during marine inspections, vessel boardings, and marine casualty investigations conducted during the period of 1986 to May 1997. Relative risk of system failure was assessed using the underlying assumption that systems with an historically high number of discrepancies or casualties were high risk and should be considered critical. The systems were then rank ordered based on relative risk of failure as determined using historical data. The high risk items from each assessment method were then combined to yield a single list of critical ship safety systems.

*U.S. Supplement to Class Rules*

The Coast Guard applied this list of critical ship safety systems to the Alternate Compliance Program (ACP) for which a final rule was published in the **Federal Register** (62 FR 67525) on December 24, 1997. The ACP alleviates some of the cost burden on the U.S. maritime industry resulting from the Coast Guard inspection program by eliminating duplicate plan review and inspections currently performed by both the Coast Guard and the classification societies. The ACP improves international competitiveness of the U.S. merchant fleet by allowing recognized and authorized classification societies to perform those inspections necessary for the issuance of a Certificate of Inspection (COI). The final rule provided details on the recognition and authorization process for a classification society wishing to participate in the ACP. The final rule explained that such a classification society is required to develop and receive Coast Guard approval of a U.S. Supplement to its rules. The supplement would contain those regulations applicable for issuance of a COI, which are not adequately covered by either the class society's rules or

applicable international standards. A supplement would also contain U.S. statutory requirements, SOLAS interpretations, and other regulatory requirements applicable to all ships.

The only U.S. Supplement approved to date—the U.S. Supplement to American Bureau of Shipping (ABS) Rules—was partly developed based on the underlying principle that class rules plus international standards must achieve a level of safety equivalent to that of Coast Guard regulatory requirements. Lacking a process by which to develop the supplement, the comparison to the regulatory requirements of 46 CFR related to the design and construction of vessels eligible for the ACP was done using a resource intensive line-by-line approach. Any instance in which a Coast Guard regulation was found to be inadequately covered by the combination of ABS Rules and international conventions resulted in an entry in the supplement. This approach was applied to each and every Title 46 regulation in Subchapters D, F, H, I, J, N, and O without regard to the fact that a system required by ABS rules and international standards may have provided an equivalent level of safety. As a result, several entries not germane to the safe operation of ABS classed vessels inspected under the ACP, appeared in the first U.S. Supplement to ABS Rules.

The line-by-line approach was a time consuming process for both the classification society and the Coast Guard. Further, the resulting supplement was likely to include requirements that provided little, if any, additional safety when the dissimilar standards were combined. With requests to participate in ACP from Lloyd's Register of Shipping, Det Norske Veritas and Germanischer Lloyd, it became apparent that a more efficient process of preparing and reviewing U.S. Supplements had to be developed. As such, the Coast Guard is adopting the risk-based approach described here which focuses on critical ship safety systems. Differences between class rules plus international standards and Coast Guard regulations are acceptable provided each critical ship safety system attains an equivalent level of safety.

The Coast Guard used the list of critical ship safety systems to develop a table which may be used as a tool during development and review of U.S. Supplements. The table of critical ship safety systems was created by comparing the list of critical ship safety systems developed by subjective and objective risk assessments to

international standards to determine if the standards provided a level of safety for each critical system equivalent to that of the Coast Guard regulations. Critical ship safety systems adequately covered by international conventions were not included in the table. For example, steering gear systems, 46 CFR 58.25, were deemed to be critical by both subjective and objective analysis. However, the International Convention for the Safety of Life at Sea, as amended (SOLAS), Chapter II-1, Regulation 29 provides a level of safety for steering gear systems equivalent to the requirements of 46 CFR 58.25. Consequently, steering gear was not included in the table.

Although hull structures and stability are identified in the table as a critical ship safety system, for the purpose of developing a U.S. Supplement, a different approach was taken to assess whether classification society structural rules provide an equivalent level of safety. The structural design of any ship is based on many factors, including size, service, owner requirements, operating environment, and cargo, as well as the ship's classification society's calculation methods and philosophies on the importance of these and other factors. Classification society rules take these factors into consideration when determining the minimum required scantlings; which are the dimensions of the various framework parts of the structure, such as the frames, beams, flooring, stringers, and hull plating.

Because of the numerous factors, philosophies, and calculation methods, no two societies have the same rules for determining structural scantlings. Even within the same classification society, there may be several different ways to determine scantlings. For instance, an ABS classed tanker or bulk carrier may be designed using the ABS Rule book or the Safehull program. The ABS Rule book contains formulas for scantlings that have been developed over years of experience, whereas the Safehull program, a computer program developed by ABS, approaches structural design by linking the scantlings to the structural loadings expected over the life of the vessel. Since the basis of classification is to determine that a vessel's structure is fit for its intended purpose, a society generally puts a great deal of discretion into their rules to handle new or novel designs.

While it is possible to identify a number of major components that we think should be comparable in scantlings, to dictate specific requirements for each structure (e.g., plate thickness, longitudinals,

transverse framing) does not take into account such ancillary, but important, considerations such as corrosion allowances, inspection intervals, operating areas, coatings, cathodic protection, material selection/strength, shipyard, operator, crew and all other factors that have a great deal of influence on the long-term performance of a vessel's structure. Because of the system's nature of hull design, that is a hull design must consider all of the structural aspects of a hull (shell plating, longitudinals, transverse framing, decks, etc.) as a whole system, and not individually; a comparison of individual components is difficult since any possible shortcomings of one component can be offset by another component. For example, thinner shell plating can be compensated with additional stiffeners.

Therefore, the Coast Guard proposes to determine the equivalence of classification society structural rules through an assessment of the service history (structural failures documented in reports from classification society surveyors) of the classed fleet and the approach taken by the class society towards rule review and updating as appropriate. The ideal classification society not only maintains an excellent service history, but also takes an aggressive approach to rule review and updating by systematically evaluating casualty statistics and surveyor reports to identify trends and implement corrective changes before casualties occur. In evaluating a classification society, the Coast Guard will also compare the society's rules on structures to the International Association of Classification Society (IACS) requirements, and where appropriate, review the class society's reasoning for not adopting the IACS standard.

The stability portion of the critical ship safety systems table references International Maritime Organization (IMO) Resolution A.479(18), Code of Intact Stability for All Types of Ships Covered by IMO Instruments. The U.S. was a key player in the development of this international resolution and, therefore, it is accepted by the Coast Guard as an equivalent to the intact stability requirements in Title 46 CFR. Because SOLAS recommends vessels voluntarily comply with this resolution, and because the Coast Guard desires to harmonize its regulations with international standards, IMO Resolution A.479(18) was chosen as the standard by which to evaluate each class society's stability requirements.

**Critical Ship Safety Systems Table**

The following table contains those critical ship safety systems not adequately covered by international standards. Class societies must

demonstrate that their class rules provide an equivalent level of safety to the regulatory cite for each of the critical ship safety systems. For the structures and stability section, the previously

discussed methods of determining equivalence are applicable. In cases where equivalence cannot be shown, requirements must be included in the U.S. Supplement to bridge the gaps.

Critical system	Regulation (46 CFR * * *)
<b>SUBCHAPTER D—TANK VESSELS</b>	
Lifesaving appliances and arrangements .....	31.36–1.
Guards in dangerous places .....	32.02–15.
Anchors, chains, and hawsers .....	32.15–15.
Pressure vacuum relief valves .....	32.20–5.
Pumps, piping and hose for cargo handling .....	32.50.
Bilge systems .....	32.52.
Inert gas system .....	32.53.
Ventilation and venting .....	32.55.
Fire-extinguishing systems .....	34.05–5(a)(5), (a)(6), & (a)(7).
Carbon dioxide extinguishing system controls .....	34.15–10(f), 34.15–10(g).
Carbon dioxide extinguishing system piping .....	34.15–15(c).
Carbon dioxide extinguishing system storage .....	34.15–20(i).
Carbon dioxide extinguishing system alarms .....	34.15–30(a).
Deck foam system controls .....	34.20–10(a), 34.20–10(e).
Deck foam system piping .....	34.20–15(b).
Water spray extinguishing system piping .....	34.25–15(b).
Water spray extinguishing system nozzles .....	34.25–20(a).
Portable and semiportable extinguishers .....	34.50.
Self-contained breathing apparatus .....	35.30–20(c)(1).
Vapor control system .....	Part 39.
<b>SUBCHAPTER F—MARINE ENGINEERING</b>	
Power boilers: Adoption of Section I of the ASME Code .....	52.01–2.
Power boilers: Automatic controls .....	52.01–10.
Power boilers: Fusible plugs .....	52.01–50.
Power boilers: Safety valves and safety relief valves .....	52.01–120.
Heating boilers: Adoption of Section IV of the ASME Code .....	53.01–3.
Heating boilers: Pressure relieving devices .....	53.05.
Pressure vessels: Adoption of Division 1, Section VIII of ASME Code .....	54.01–2.
Pressure vessels: Standard hydrostatic test .....	54.10–10.
Pressure vessels: Pneumatic test .....	54.10–15.
Pressure vessels: Pressure relief devices .....	54.15.
Piping components .....	56.10–1.
Fittings .....	56.15.
Valves employing resilient seals .....	56.20–15.
Bilge and ballast piping .....	56.50–50.
Bilge pumps .....	56.50–55.
Systems containing oil .....	56.50–60.
Burner fuel-oil service systems .....	56.50–65.
Gasoline fuel systems .....	56.50–70.
Diesel fuel systems .....	56.50–75.
Tank vent piping .....	56.50–85.
Materials .....	56.60.
Welding .....	56.70.
Pressure tests .....	56.97.
Main propulsion machinery .....	58.05.
Internal combustion engines .....	58.10.
Periodic tests and inspections .....	Part 61.
Vital system automation .....	Part 62.
<b>SUBCHAPTER H—PASSENGER VESSELS</b>	
Lifesaving appliances and arrangements .....	70.28–1.
Ventilation .....	72.15.
Storm rails .....	72.40–10.
Barriers on vehicular ferries .....	72.40–15.
Guards in dangerous places .....	72.40–20.
Fixed fire extinguishing equipment .....	76.05–20.
Carbon dioxide system controls .....	76.15–10(f), 76.15–10(g).
Carbon dioxide system piping .....	76.15–15(c).
Carbon dioxide system storage .....	76.15–20(i).
Carbon dioxide system alarms .....	76.15–30(a).
Manual sprinkling system piping .....	76.23–20(b).
Manual sprinkling system heads .....	76.23–25(a).
Automatic sprinkling systems .....	76.25–1, 76.25–35(e).

Critical system	Regulation (46 CFR * * *)
Electric fire detecting system .....	76.27-15(b), 76.27-15(e).
Smoke detecting system .....	76.33-20(e), 76.33-20(f).
Manual alarm system .....	76.35-15(b), 76.35-15(d).
Portable and semiportable extinguishers .....	76.50.
Anchors, chains and hawsers .....	77.07.
Emergency equipment .....	77.30.
Fireman's outfit .....	77.35-5(a) & (b).

**SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS**

Lifesaving appliances and arrangements .....	90.27-1.
Structural fire protection .....	92.07-1(c).
Ventilation .....	92.15.
Storm rails .....	92.25-10.
Guards in dangerous places .....	92.25-15.
Fixed fire extinguishing systems .....	95.05-10(d), & (e).
Carbon dioxide extinguishing system controls .....	95.15-10(f), 95.15-10(g).
Carbon dioxide extinguishing system piping .....	95.15-15(c).
Carbon dioxide extinguishing system storage .....	95.15-20(i).
Carbon dioxide extinguishing system alarms .....	95.15-30(a).
Portable and semiportable extinguishers .....	95.50.
Anchors, chains and hawsers .....	96.07.
Fireman's outfit .....	96.35-5(a) & (b).
Anhydrous ammonia in bulk .....	98.25.
Vessels carrying marine portable tanks (MPTs) .....	98.30-3.

**SUBCHAPTER J—ELECTRICAL ENGINEERING**

Generator construction and circuits .....	111.12.
Motors .....	111.25.
Overcurrent protection .....	111.50.
Circuit breakers .....	111.54.
Wiring materials and methods .....	111.60.
Motor circuits, controllers, and protection .....	111.70.
Lighting circuits and protection .....	111.75.
Electric power-operated boat winches .....	111.95.
Electric power-operated watertight door systems .....	111.97.
Hazardous locations .....	111.105.
Emergency power and lighting system .....	Part 112.
Fire and smoke detecting and alarm systems .....	113.10.
Automatic sprinkler alarm system .....	113.20.
General emergency alarm systems .....	113.25.
Internal communications .....	113.30.
Engine order telegraph .....	113.35.
Steering failure alarm systems .....	113.43.

**Structures and Stability**

*Comment(s)*

Structures:

- Provide three examples from your classification society records of major structural failures in classed vessels over the last ten years along with the corrective action taken.
- Provide three examples of major breaches in watertight integrity in the last ten years along with corrective action taken.
- Provide three examples of major fractures in primary or secondary structural members in the last ten years along with corrective action taken.
- List International Association of Classification Societies (IACS) requirements not incorporated into classification rules and discuss why they have not been included.
- Demonstrate that Rules meet longitudinal strength requirements of IACS Uniform Requirements.
- Rules should address structural materials requirements, including acceptable

types, chemical and mechanical properties, certification, and manufacture procedures.

Rules should address structural welding procedures, including joint design, fitup, filler materials, acceptance standards, repair procedures, qualification procedures, NDT procedures.

Rules should include sections addressing requirements for primary and secondary structural members.

Stability: Rules should provide an equivalent level of safety to IMO Resolution A.479(18), Code of Intact Stability for All Types of Ships Covered by IMO Instruments.

*Supplement Components*

The Coast Guard sees the U.S. Supplement as being comprised of inputs from four distinct areas: critical ship safety systems, U.S. statutory requirements, interpretations of international conventions, and regulations applicable to all vessels

sailing in U.S. waters. Statutory requirements are those contained in Titles 33 and 46 of the U.S.C. which are applicable to all U.S. flagged vessels which are eligible for participation in the ACP. International interpretations include those regulations in which the Coast Guard clarifies requirements of international conventions left to the satisfaction of the flag state. For example, SOLAS Chapter II-2, Regulation 4.7.2 states, "Ships shall be provided with fire hoses the number and diameter of which shall be to the satisfaction of the Administration." The Coast Guard provides clarification to this international requirement in 46 CFR 34.10-10, 76.10-10, 95.10-10, and 108.425 where fire hose specifications are spelled out for U.S. flagged vessels. The Coast Guard is working at the IMO to remove vague wording from international conventions such as

SOLAS by harmonizing interpretations with other countries. One of the Coast Guard's long-term goals is to eliminate the need for administration-specific interpretations to international conventions. Regulations applicable to all vessels include the navigation safety and pollution prevention regulations of Title 33 Code of Federal Regulations. The Coast Guard plans to develop and publish a Navigation and Vessel Inspection Circular (NVIC) listing statutory requirements, U.S. interpretations to international conventions, and regulations applicable to all vessels.

In summary, the Coast Guard will review U.S. Supplements submitted by class societies seeking authorization under the ACP against four lists of inputs: statutory requirements, international interpretations, regulations applicable to all vessels, and the critical ship safety systems table. Class societies can and should use these four lists to develop their U.S. Supplement. Anyone seeking information on the content of these lists can contact LCDR Petow or LCDR Pippenger at the number listed under **FOR FURTHER INFORMATION**. Any item on the lists relating to ship design or construction that is not adequately covered by class rules and applicable international conventions must be included in a U.S. Supplement. Classification societies are in no way prohibited from using the line-by-line approach (comparing class rules and international conventions to Title 46 regulations) in developing their U.S. Supplement. However, the Coast Guard believes the risk-based approach offers a more efficient means with which to develop a U.S. Supplement to classification Society Rules.

Dated: January 29, 1998.

**R.C. North,**

*Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.*

[FR Doc. 98-3628 Filed 2-12-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### RTCA Special Committee 187; Mode Select Beacon and Data Link System

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for Special Committee 187 meeting to be held on March 10, 1998, starting at 9 a.m. The meeting will be held at RTCA, 1140 Connecticut

Avenue, NW., Suite 1020, Washington, DC, 20036.

The agenda will be as follows: (1) Introductory Remarks; (2) Review and Approval of the Agenda; (3) Review and Approval of the Summary of the Previous Meeting; (4) Review and Approval of Change 3 to RTCA/DO-181A; (5) Review and Approval of Change 2 to RTCA/DO-218; (6) Other Business; (7) Date and Place of Next Meeting.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036; (202) 833-9339 (phone); (202) 833-9434 (fax); or <http://www.rtca.org> (web site). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on February 9, 1998.

**Jancie L. Peters,**

*Designated Official.*

[FR Doc. 98-3727 Filed 2-12-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Wilmington International Airport, North Carolina

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of intent to rule on application.

**SUMMARY:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Wilmington International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

**DATES:** Comments must be received on or before March 16, 1998.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Atlanta Airports District Office, Campus Building, 1701 Columbia Avenue, Suite 2-260, College Park, Georgia, 30337-2747.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Willard G. Plentl, P.E. Airport Director at the following address: Mr. Willard G. Plentl, P.E., Airport Director, Wilmington International Airport, 1740 Airport Boulevard, Wilmington, NC 28405.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the New Hanover County Airport Authority under section 158.23 of Part 158.

**FOR FURTHER INFORMATION CONTACT:** Southern Region, Atlanta Airports District Office, Mr. Terry R. Washington, Program Manager, 1701 Columbia Avenue, Suite 2-260, College Park, Georgia 30337-2747, (404) 305-7143.

The application may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Wilmington International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

On February 6, 1998, the FAA determined that the application to impose and use the revenue from a PFC submitted by New Hanover County Airport Authority was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than May 8, 1998. The following is a brief overview of the application.

*Level of the proposed PFC:* \$3.00.

*Proposed charge effective date:* June 1, 1998.

*Proposed charge expiration date:* March 31, 2014.

*Total estimated PFC revenue:* \$8,251,051.

*Application number:* 98-03-C-00-ILM.

Brief description of proposed project(s): (1) Land acquisition; (2) construction of new equipment building; (3) airfield drainage system rehabilitation; (4) develop daylight/limited use taxiway; (5) establish a 1,000 foot safety area.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: (1) Air Taxi/Commercial Operators (ATCO), and (2) Large Certified Route Air Carriers filing RTSPA Form T-100 having less than 1,000 annual enplanements at ILM.

Any person may inspect the application in person at the FAA office