

Washington, DC 20591; Telephone number (202) 267-9895.

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

Title: Special Federal Aviation Regulation No. 71.

OMB Control Number: 2120-0620.

Type of Request: Extension of currently approved collection.

Affected Public: Individuals, business or other for-profit organizations.

Abstract: As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the FAA submitted these requirements to OMB. As a result, an emergency clearance of the information collection requirement (No. 2120-0620) has been approved through February 28, 1998.

SFAR 71, which became effective on October 26, 1994, applies to air tour operators in the state of Hawaii. Under the SFAR, both Part 91 and Part 135 operators are required to provide a passenger safety briefing on water ditching procedures, use of required flotation equipment, and emergency egress from the aircraft in event of a water landing.

Annual Estimated Burden Hours: 6,977 hours.

Addressee: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention FAA Desk Officer.

Comments are Invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Departments estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC on January 15, 1998.

Phillip A. Leach,

Clearance Officer, United States Department of Transportation.

[FR Doc. 98-1421 Filed 1-21-98; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Index of Administrator's Decisions and Orders in Civil Penalty Actions; Publication

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of publication.

SUMMARY: This notice constitutes the required quarterly publication of an index of the Administrator's decisions and orders in civil penalty cases. This publication ensures that the agency is in compliance with statutory indexing requirements.

FOR FURTHER INFORMATION CONTACT: James S. Dillman, Assistant Chief Counsel for Litigation (AGC-400), Federal Aviation Administration, 400 7th Street, SW., Suite PL 200-A, Washington, DC 20590; telephone (202) 366-4118.

SUPPLEMENTARY INFORMATION: The Administrative Procedure Act requires Federal agencies to maintain and make available for public inspection and copying current indexes containing identifying information regarding materials required to be made available or published. 5 U.S.C. 552(a)(2). In a notice issued on July 11, 1990, and published in the **Federal Register** (55 FR 29148; July 17, 1990), the FAA announced the public availability of several indexes and summaries that provide identifying information about the decisions and orders issued by the Administrator under the FAA's civil penalty assessment authority and the rules of practice governing hearings and appeals of civil penalty actions. 14 CFR Part 13, Subpart G.

The FAA maintains an index of the Administrator's decisions and orders in civil penalty actions organized by order number and containing identifying information about each decision or order. The FAA also maintains a cumulative subject-matter index and digests organized by order number.

The indexes are published on a quarterly basis (i.e., January, April, July, and October). This publication represents the quarter ending on December 31, 1997.

The FAA first published these indexes and digests for all decisions and orders issued by the Administrator through September 30, 1990. 55 FR 45984; October 31, 1990. The FAA announced in that notice that only the subject-matter index would be published cumulatively and that the order number index would be non-cumulative. The FAA announced in a

later notice that the order number indexes published in January would reflect all of the civil penalty decisions for the previous year. 58 FR 5044; 1/19/93.

The previous quarterly publications of the indexes of the Administrator's decisions and orders in civil penalty cases have appeared in the **Federal Register** as follows:

| Dates of quarter | Federal Register publication |
|----------------------|------------------------------|
| 11/1/89-9/30/90 | 55 FR 45984; 10/31/90. |
| 10/1/90-12/31/90 .. | 56 FR 44886; 2/6/91. |
| 1/1/91-3/31/91 | 56 FR 20250; 5/2/91. |
| 4/1/91-6/30/91 | 56 FR 31984; 7/12/91. |
| 7/1/91-9/30/91 | 56 FR 51735; 10/15/91. |
| 10/1/91-12/31/91 .. | 57 FR 2299; 1/21/92. |
| 1/1/92-3/31/92 | 57 FR 12359; 4/9/92. |
| 4/1/92-6/30/92 | 57 FR 32825; 7/23/92. |
| 7/1/92-9/30/92 | 57 FR 48255; 10/22/92. |
| 10/1/92-12/31/92 .. | 58 FR 5044; 1/19/93. |
| 1/1/93-3/31/93 | 58 FR 21199; 4/19/93. |
| 4/1/93-6/30/93 | 58 FR 42120; 8/6/93. |
| 7/1/93-9/30/93 | 58 FR 58218; 10/29/93. |
| 10/1/93-12/31/93 .. | 59 FR 5466; 2/4/94. |
| 1/1/94-3/31/94 | 59 FR 12359; 4/29/94. |
| 4/1/94-6/30/94 | 59 FR 39618; 8/3/94. |
| 7/1/94-12/31/94 | 60 FR 4454; 1/23/95. |
| 1/1/95-3/31/95 | 60 FR 19318; 4/17/95. |
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| 10/1/96-12/31/96 .. | 62 FR 2434; 1/16/97. |
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| 4/1/97-6/30/97 | 62 FR 38339; 7/17/97. |
| 7/1/97-9/30/97 | 62 FR 53856; 10/16/97. |

The civil penalty decisions and orders, and the indexes and digests are available in FAA offices. In addition, the Administrator's civil penalty decisions have been published by commercial publishers (Hawkins Publishing Company and Clark Boardman Callahan) and are available on computer on-line services (Westlaw, LEXIS, Compuserve and FedWorld). (The addresses of FAA offices where the civil penalty decisions may be reviewed and information regarding these commercial publications and computer databases is provided at the end of this notice.)

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| 91.11 | 96-6 Ignatov; 97-12 Mayer. |
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Civil Penalty Actions—Orders Issued by The Administrator Digests

(Current as of December 31, 1997)

The digests of the Administrator's final decisions and orders are arranged by order number, and briefly summarize key points of the decision. The following compilation of digests includes all final decisions and orders issued by the Administrator from October 1, 1997, to December 31, 1997. The FAA publishes noncumulative supplements to this compilation on a quarterly basis (e.g., April, July, October, and January of each year).

These digests do not constitute legal authority, and should not be cited or relied upon as such. The digests are not intended to serve as a substitute for proper legal research. Parties, attorneys, and other interested persons should always consult the full text of the Administrator's decisions before citing them in any context.

In the Matter of Air St. Thomas

[Order No. 97-29 (10/1/97)]

Appeal Dismissed. Respondent has failed to show good cause for the lateness of its notice of appeal. As a result, its appeal is dismissed.

In the Matter of Emery Worldwide Airlines

[Order No. 97-30 (10/8/97)]

Aircraft Held Unairworthy. It was proven by the preponderance of the evidence that plexiglass light covers were missing in the cargo compartment of this DC-8-63 freighter during 21 flights. The Administrator affirmed the law judge's finding that the light covers had simply been removed while the light bulbs were being changed, were then reinstalled and were in place during the flights. The Administrator also affirmed the law judge's determination that the replacement of the missing plexiglass light covers could not be deferred under Respondent's Minimum Equipment List (MEL). The aircraft was unairworthy because, without the light covers, the aircraft deviated from its type design. The Administrator did not decide whether the aircraft was in a condition unsafe for flight due to the missing light covers. The Administrator affirms the \$9,000 civil penalty assessed by the law judge.

In the Matter of Sanford Air

[Order No. 97-31 (10/8/97)]

Responsibility for repairs for which Respondent has billed the customer. If Respondent was unaware of its employee's activities, its own deficiencies in supervising the employee are the cause.

Repair Station Responsibility. Repair station is responsible for improper repairs performed by its employee, despite Respondent's argument that repairs were performed after hours and off company premises. Respondent may not evade.

Lateness of Initial Decision. Dismissal is not an appropriate remedy for law judge's failure to issue written initial decision within 30 days. If time was Respondent's real concern, its remedy was to initiate action to compel the law judge to issue his decision. Respondent did not do this, nor has it shown any prejudice resulting from the delay. The law judge's order assessing a civil penalty of \$4,750 is affirmed.

In the Matter of Florida Propeller

[Order No. 97-32 (10/8/97)]

Evidence Insufficient. Complainant alleged that it was impossible for propeller blades to wear down so much in short time that passed since Respondent's overhaul of the propeller, and therefore, Respondent must have returned the propeller to service with undersized blades. It may be that it is impossible to wear down propeller blades in such a short time, but the evidence in this case is insufficient to prove this claim. Although Complainant argued it had un rebutted expert testimony that blades could not have worn down so much, the witness Complainant relied on admitted he had

no expertise or training in propeller wear and tear. The law judge believed the propeller mechanic who testified that he measured the blades at the time of overhaul, and the blades were within limits. Complainant has provided insufficient reason to overturn the law judge's credibility determinations, which are entitled to deference. The law judge's dismissal of the complaint is affirmed.

Failure to Preserve Issue for Appeal. Complainant argues that the case should be remanded to permit it to introduce its rebuttal testimony, which the law judge excluded. By refusing to offer the substance of the rebuttal testimony for the record, Complainant failed to preserve this issue for appeal.

In the Matter of Daniel B. Rawlings

[Order No. 97-33 (10/21/97)]

Memo to Law Judge Construed as Notice of Appeal; Respondent Directed to File Appeal Brief. After Respondent failed to file an answer to the complaint, the law judge issued an order assessing a civil penalty. Five days later, Respondent sent the law judge a memorandum indicating that he had not received either the complaint or the law judge's initial order advising him of the need to file an answer. Respondent's memorandum can be construed as a notice of appeal from the law judge's order assessing a civil penalty. Although ordinarily a party must perfect its appeal by filing an appeal brief within 50 days of the initial decision, an exception will be made here because Respondent's memorandum was not construed as a notice of appeal until now. As a result, Respondent is given until November 25, 1997, to file an appeal brief. If Respondent fails, without good cause, to meet this deadline, the law judge's order assessing a \$2,000 civil penalty will be affirmed. Respondent's appeal brief should address whether Respondent had good cause for failing to file a timely answer to the complaint. Complainant is granted 35 days from the service date of Respondent's appeal brief to file a reply brief.

In the Matter of Continental Airlines

[FAA Order No. 97-34 (10/23/97)]

Leave to File Additional Brief Denied. Complainant seeks leave to file a reply to Continental's reply brief. In Continental's reply brief, Continental attacked the validity of a security directive; Complainant had not addressed the issue of the validity of the security directive in its appeal brief.

Good cause does not exist to grant Complainant's petition for leave to file

an additional brief. The Federal Courts of Appeals constitute a more appropriate forum to attack existing regulations as not consistent with the U.S. Constitution, the Administrative Procedure Act, and/or the agency's enabling act. In this case, Continental is arguing that the public should have been given notice and opportunity to comment before the security directive became effective. Whether notice and an opportunity to comment should have been afforded when the security directive was issued is a question that is better left for review by a Federal Court. Also, the question of whether the security directive is justified has nothing to do with the facts of this case, and is better directed to a Federal Court.

In the Matter of Gordon Air Services

[Order No. 97-35 (10/29/97)]

Appeal Dismissed. Respondent failed to perfect its appeal by filing an appeal brief. As a result, Respondent's appeal is dismissed.

In the Matter of Avcon Conversions, Inc.

[Order No. 97-36 (10/29/97)]

Appeal Dismissed. Respondent failed to perfect its appeal by filing an appeal brief. As a result, Respondent's appeal is dismissed.

In the Matter of David E. Roush

[Order No. 97-37 (10/29/97)]

Appeal Dismissed. Respondent failed to perfect its appeal by filing an appeal brief. As a result, Respondent's appeal is dismissed.

In the Matter of Air St. Thomas

[Order No. 97-38 (11/17/97)]

Further Briefing Ordered. In an earlier order (FAA Order No. 97-29), the Administrator dismissed Respondent's appeal due to the lateness of its notice of appeal. Respondent then filed a document captioned "Notice of Appeal to Reopen Case," which can be construed as a petition for reconsideration of the Administrator's order of dismissal.

The record of this case does not explain Respondent's reasons for failing to file a timely notice of appeal. As a result, it is unclear whether Respondent had good cause for the untimeliness. Respondent is granted until January 20, 1998, to file a brief detailing its reasons for failing to file a timely notice of appeal. As for Complainant, Complainant is granted 30 days from the service date of Respondent's brief to file a reply brief.

In the Matter of Delta Air Lines

[FAA Order No. 97-39 (12/1/97)]

Appeal Dismissed. Complainant withdrew its notice of appeal. Complainant's appeal is dismissed.

Commercial Reporting Services of the Administrator's Civil Penalty Decisions and Orders

1. *Commercial Publications:* The Administrator's decisions and orders in civil penalty cases are available in the following commercial publications:

Civil Penalty Cases Digest Service, published by Hawkins Publishing Company, Inc., P.O. Box 480, Mayo, MD 21106, (410) 798-1677;

Federal Aviation Decisions, Clark Boardman Callaghan, a subsidiary of West Information Publishing Company, 50 Broad Street East, Rochester, NY 14694, 1-800-221-9428.

2. *CD-ROM.* The Administrator's orders and decisions are available on CD-ROM through Aeroflight Publications, P.O. Box 854, 433 Main Street, Gruver, TX 79040, (806) 733-2483.

3. *On-Line Services.* The Administrator's decisions and orders in civil penalty cases are available through the following on-line services:

- Westlaw (the Database ID is FTRAN-FAA).
- LEXIS [Transportation (TRANS) Library, FAA file.].
- CompuServe.
- FedWorld.

FAA Offices

The Administrator's decisions and orders, indexes, and digests are available for public inspection and copying at the following location in FAA headquarters:

FAA Hearing Docket, Federal Aviation Administration, 800 Independence Avenue, SW., Room 924A, Washington, DC 20591; (202) 267-3641.

These materials are also available at all FAA regional and center legal offices at the following locations:

Office of the Assistant Chief Counsel for the Aeronautical Center (AMC-7), Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73125; (405) 954-3296.

Office of the Assistant Chief Counsel for the Alaskan Region (AAL-7), Alaskan Region Headquarters, 222 West 7th Avenue, Anchorage, AL 99513; (907) 271-5269.

Office of the Assistant Chief Counsel for the Central Region (ACE-7), Central Region Headquarters, 601 East 12th Street, Federal Building, Kansas City, MO 64106; (816) 426-5446.

Office of the Assistant Chief Counsel for the Eastern Region (AEA-7), Eastern Region Headquarters, JFK International Airport, Federal Building, Jamaica, NY 11430; (718) 553-3285.

Office of the Assistant Chief Counsel for the Great Lakes Region (AGL-7), 2300 East Devon Avenue, Suite 419, Des Plaines, IL 60018; (708) 294-7108.

Office of the Assistant Chief Counsel for the New England Region (ANE-7), New England Region Headquarters, 12 New England Executive Park, Room 401, Burlington, MA 01803-5299; (617) 238-7050.

Office of the Assistant Chief Counsel for the Northwest Mountain Region (ANM-7), Northwest Mountain Region Headquarters, 1601 Lind Avenue, SW, Renton, WA 98055-4056; (206) 227-2007.

Office of the Assistant Chief Counsel for the Southern Region (ASO-7), Southern Region Headquarters, 1701 Columbia Avenue, College Park, GA 30337; (404) 305-5200.

Office of the Assistant Chief Counsel for the Southwest Region (ASW-7), Southwest Region Headquarters, 2601 Meacham Blvd., Fort Worth, TX 76137-4298; (817) 222-5087.

Office of the Assistant Chief Counsel for the Technical Center (ACT-7), Federal Aviation Administration Technical Center, Atlantic City International Airport, Atlantic City, NJ 08405; (609) 485-7087.

Office of the Assistant Chief Counsel for the Western-Pacific Region (AWP-7), Western-Pacific Region Headquarters, 15000 Aviation Boulevard, Lawndale, CA 90261; (310) 725-7100.

Issued in Washington, DC on January 12, 1998.

James S. Dillman,

Assistant Chief Counsel for Litigation.

[FR Doc. 98-1499 Filed 1-21-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Executive Committee of the Aviation Rulemaking Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Executive Committee of the Federal Aviation Administration Aviation Rulemaking Advisory Committee.

DATES: The meeting will be held on February 11, 1998, at 10 a.m.

ADDRESSES: The meeting will be held at the Aerospace Industries Association of America, 1250 Eye Street, NW., Goddard Room, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Miss Jean Casciano, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-9683; fax (202) 267-5075; e-mail Jean.Casciano@faa.dot.gov.

SUPPLEMENTARY INFORMATION:

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Executive Committee to be held on February 11, 1998, at the Aerospace Industries Association of America, 1250 Eye Street, NW., Goddard Room, Washington, DC, 10 a.m. The agenda will include:

- A vote on a proposed Use of Digital Systems for Direct Access and Interchange of Technical Data advisory circular.
- A brief update on the status of the proposed new Fuel Tank Harmonization Working Group.
- A brief update on the status of the Overflights of the National Parks effort.
- A brief update on the Rulemaking Business Process Reengineering effort.
- Administrative issues.

Attendance is open to the interested public but will be limited to the space available. The public must make arrangements by February 2, 1998, to present oral statements at the meeting. The public may present written statements to the executive committee at any time by providing 25 copies to the Executive Director, or by bringing the copies to him at the meeting.

Sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting. Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**. A copy of the proposed advisory circular being put to a vote may also be obtained from that person.

Issued in Washington, DC, on January 15, 1998.

Joseph A. Hawkins,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 98-1497 Filed 1-21-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use a Passenger Facility Charge (PFC) at Fort Lauderdale-Hollywood International Airport, Fort Lauderdale, FL

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 a PFC at Fort Lauderdale-Hollywood 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 January 23, 1998.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Orlando Airports District Office, 5950 Hazeltine National Dr., Suite 400, Orlando, Florida 32822.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to William F. Sherry, Manager of Airports of the Broward County Aviation Department at the following address: 320 Terminal Drive, Fort Lauderdale, Florida 33315.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Broward County Aviation Department under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Sandra A. Holliday, Project Manager, Orlando Airports District Office, 5950 Hazeltine National Dr., Suite 400, Orlando Florida 32822, 407-812-6331. 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 a PFC at Fort Lauderdale-Hollywood 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 January 13, 1998, the FAA determined that the application to impose and use a PFC submitted by the Broward County Aviation Department was substantially complete within the