

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****[Summary Notice No. PE-2002-40]****Petitions for Exemption; Summary of Petitions Received**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption, part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of a certain petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before July 8, 2002.

ADDRESSES: Send comments on the petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify the docket number FAA-2002-12419-1 at the beginning of your comments. If you wish to receive confirmation that the FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to <http://dms.dot.gov>. You may review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1-800-674-5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Pat Nininger (816-329-4129), Small Airplane Directorate (ACE-111), Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; or Vanessa Wilkins (202-267-8029), Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on June 12, 2002.

Donald P. Byrne,
Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: FAA-2002-12419-1.
Petitioner: Liberty Aerospace, Inc.
Section of 14 CFR Affected: 14 CFR 23.562.

Description of Relief Sought: To allow Liberty Aerospace, Inc. to obtain an exemption from 14 CFR 23.562 for the Liberty Model XL-2. The Liberty XL-2 meets the criteria for JAR-ALA class aircraft, with a maximum gross weight below 1654 pounds and flap down stall speed at or below 45 knots. The exemption will permit the XL-2 to receive a part 23 normal category type certification, as required for IFR or Night VFR operations. The XL-2 will be equipped with compensating design features that provide suitable occupant protection in an emergency dynamic landing condition.

[FR Doc. 02-15197 Filed 6-14-02; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly Notice of PFC Approvals and Disapprovals. In April 2002, there were six applications approved. Additionally, 12 approved amendments to previously approved applications are listed.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158). This notice is published pursuant to paragraph d of § 158.29.

PFC Applications Approved

Public Agency: City of Morgantown, West Virginia.

Application Number: 02-06-C-00-MGW.

Application Type: Impose and use a PFC.

PFC Level: \$4.50.

Total PFC Revenue Approved in This Decision: \$229,493.

Earliest Charge Effective Date: June 4, 2004.

Estimated Charge Expiration Date: March 1, 2008.

Classes of Air Carriers Not Required To Collect PFC's:

(1) Nonscheduled/on-demand air carriers; and (2) unscheduled Part 121 charter operators for hire to the general public.

Determination: Approved. Based on information submitted in the public agency's application, the FAA has determined that each proposed class accounts for less than 1 percent of the total annual enplanements at Morgantown Municipal Airport.

Brief Description of Projects Approved for Collection and Use:

Design and construct aircraft rescue and firefighting/snow equipment facility. Acquire snow removal equipment (SRE).

Design and construct taxiway A extension.

Rotating beacon.

Safety area study, runway 18/36.

Master plan study.

Decision Date: April 3, 2002.

For Further Information Contact: Eleanor Schiffin, Eastern Region Airports Division, (718) 553-3354.

Public Agency: City of Colorado Springs, Colorado.

Application Number: 02-07-C-00-COS.

Application Type: Impose and use a PFC.

PFC Level: \$3.00.

Total PFC Revenue Approved in this Decision: \$7,566,700.

Earliest Charge Effective Date: September 1, 2003.

Estimated Charge Expiration Date: February 1, 2006.

Class of Air Carriers Not Required to Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use:

Construct taxiway C from taxiway D to runway 12/30.

Construct vehicle service road.

Maintenance (snow removal) equipment storage facility.

Decision Date: April 3, 2002.

For Further Information Contact: Christopher J. Schaffer, Denver Airports District Office, (303) 342-1258.

Public Agency: Akron-Canton Regional Airport Authority, Akron, Ohio.

Application Number: 02-05-C-00-CAK.

Application Type: Impose and use a PFC.

PFC Level: \$4.50.

Total PFC Revenue Approved in This Decision: \$7,277,000.

Earliest Charge Effective Date: September 1, 2002.
Estimated Charge Expiration Date: November 1, 2006.

Class of Air Carriers Not Required To Collect PFC's: Air taxi/commercial operators.

Determination: Approved. Based on information submitted in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Akron-Canton Regional Airport.

Brief Description of Projects Approved for Collection and Use:

- Property acquisition—Nickison.
- Property acquisition—Lockhart.
- Property acquisition—Tucker.
- SRE—snow blower.
- Passenger loading bridge.
- Engine generator—backup power.
- Runaway 5/23 overlay.
- Entrance road rehabilitation.
- SRE—high speed rotary broom.
- Terminal baggage claim expansion.
- Terminal expansion/rehabilitation.
- Shift/extension runway 1/19 phase II: fill 19 end.
- Property acquisition—Peters.
- Passenger loading bridge II.

Brief Description of Projects Approved For Use:

- Relocate Mt. Pleasant and Frank Roads.
- Runway 1 extension.
- Runway 19 threshold relocation.

Brief Description of Disapproved Project: Airport access improvement—Shuffel Road interchange.

Determination: The FAA has determined that the scope of the project describes the construction of an interchange that does not exclusively serve airport traffic as is required by paragraph 553(a)(3) of FAA Order 5100.38A, AIP Handbook (October 24, 1989). Therefore, this project does not meet the requirements of § 158.15(b).

Decision Date: April 4, 2002.
For Further Information Contact: Arlene B. Draper, Detroit Airports District Office, (734) 487-7287.

Public Agency: Airport Authority of Washoe County, Reno, Nevada.

Application Number: 02-05-C-00-RNO.

Application Type: Impose and use a PFC.

PFC Level: \$3.00.

Total PFC Revenue Approved in This Decision: \$6,734,192.

Earliest Charge Effective Date: February 1, 2003.

Estimated Charge Expiration Date: October 1, 2003.

Class of Air Carriers Not Required To Collect PFC's: Nonschedule/on-demand air carriers filing FAA Form 1800-31.

Determination: Approved. Based on information submitted in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Reno/Tahoe International Airport.

Brief Description of Projects Approved for Collection and Use:

- Replacement of flight and baggage information display system.
- Airfield signage standardization (guidance signs)—phase 2.
- Concourse escalator replacement.
- Terminal lobby modernization.
- 800 Megahertz radio system.
- Terminal apron reconstruction—phase 5A.

Decision Date: April 12, 2002.
For Further Information Contact: Marlys Vandervelde, San Francisco Airports District Office, (650) 876-2806.

Public Agency: Port of Oakland, Oakland, California.
Application Number: 02-11-C-00-OAK.

Application Type: Impose and use a PFC.

PFC Level: \$4.50.
Total PFC Revenue Approved in this Decision: \$7,000,000.

Earliest Charge Effective Date: October 1, 2003.

Estimated Charge Expiration Date: January 1, 2004.

Classes of Air Carriers Not Required to Collect PFC's: (1) Nonscheduled/on-demand air carriers filing FAA Form 1800-31; and (2) commuters or small certificated air carriers filing Department of Transportation Form 298-C T1 or E1.

Determination: Approved. Based on information submitted in the public agency's application, the FAA has determined that each proposed class accounts for less than 1 percent of the total annual enplanements at Oakland International Airport.

Brief Description of Project Approved for Collection and Use: Terminal One gate improvement.

Brief Description of Project Approved for use at a \$3.00 PFC Level: Construct remote overnight aircraft parking apron.
Decision Date: April 16, 2002.

For Further Information Contact: Marlys Vandervelde, San Francisco Airports District Office, (650) 876-2806.

Public Agency: City of Chicago, Department of Aviation, Chicago, Illinois.

Application Number: 02-09-C-00-MDW.

Application Type: Impose and use a PFC.

PFC Level: \$3.00.
Total PFC Revenue Approved in This Decision: \$181,326,845.

Earliest Charge Effective Date: October 1, 2045.

Estimated Charge Expiration Date: April 1, 2051.

Class of Air Carriers Not Required to Collect PFC's: Air taxi operators.

Determination: Approved. Based on information submitted in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Chicago Midway Airport.

Brief Description of Projects Approved for Collection and Use:

- Federal inspection services facility.
- Replace visual approach slope indicator lights with precision approach path indicator lights.
- North triangle ramp development.
- West triangle ramp development.
- Residential insulation 2002-2004.
- Noise barrier extensions.
- Airfield operations area gate and booth rehabilitation/reconfiguration.
- Equipment acquisition 2002-2004: snow removal and security equipment.

Brief Description of Withdrawn Project: Obstruction removal.

Determination: This project was withdrawn by the public agency by letter dated April 4, 2002. Therefore, the FAA did not rule on this project in this Record of Decision.

Decision date: April 18, 2002.

For Further Information Contact: Philip M. Smithmeyer, Chicago Airports District Office, (847) 294-7335.

AMENDMENTS TO PFC APPROVALS

Amendment No., City, State	Amendment approved date	Original approved net PFC revenue	Amended approved net PFC revenue	Original estimated charge exp. date	Amended estimated charge exp. date
00-03-C-01-INL, International Falls, MN *	03/22/02	\$316,992	\$316,992	08/01/06	06/01/05
95-01-C-05-MKE, Milwaukee, WI	03/26/02	22,745,277	21,780,797	04/01/99	04/01/99
95-03-C-04-MKE, Milwaukee, WI	03/26/02	64,133,333	42,350,240	05/01/04	05/01/04

AMENDMENTS TO PFC APPROVALS—Continued

Amendment No., City, State	Amendment approved date	Original approved net PFC revenue	Amended approved net PFC revenue	Original estimated charge exp. date	Amended estimated charge exp. date
99-04-U-01-MKE, Milwaukee, WI	03/26/02	NA	NA	05/01/04	05/01/04
00-05-U-01-MKE, Milwaukee, WI	03/26/02	NA	NA	05/01/04	05/01/04
00-06-C-01-MKE, Milwaukee, WI	03/26/02	22,667,375	88,029,494	07/01/06	12/01/11
00-01-C-01-FAY, Fayetteville, NC	04/04/02	892,620	1,026,513	10/01/02	11/01/05
95-01-C-02-BFD, Lewis Run, PA	04/08/02	285,366	288,090	05/01/03	05/01/03
99-04-C-01-bli, Bellingham, WA *	04/23/02	1,400,000	1,400,000	03/01/04	06/01/03
98-03-C-01-LAN, Lansing, MI	04/26/02	3,306,343	2,906,220	06/01/02	02/01/01
94-01-C-02-BUR, Burbank, CA	04/30/02	32,989,000	33,330,107	09/01/97	09/01/97
96-02-U-01-BUR, Burbank, CA	04/30/02	NA	NA	09/01/97	09/01/97

Note: The amendments denoted by an asterisk (*) include a change to the PFC level charged from \$3.00 per enplaned passenger to \$4.50 per enplaned passenger. For International Falls, MN, this change is effective on June 1, 2002. For Bellingham, WA, this change is effective on July 1, 2002.

Issued in Washington, DC, on May 31, 2002.

Barry Molar,

Manager, Airports Financial Assistance Division.

[FR Doc. 02-15142 Filed 6-14-02; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34177]

Iowa, Chicago & Eastern Railroad Corporation—Acquisition and Operation Exemption—Lines of I&M Rail Link, LLC

Iowa, Chicago & Eastern Railroad Corporation (ICE)¹ filed a notice of exemption under 49 CFR 1150.31 on June 7, 2002, to acquire and operate the following rail lines and assets owned by I&M Rail Link, LLC (IMRL), a Class II carrier: (1) IMRL's existing rail lines, which extend approximately 1,125 miles between Chicago, IL, Kansas City, MO, and Minneapolis/St. Paul, MN, and across Northern Iowa and Southern Minnesota; (2) approximately 275 miles of IMRL's incidental trackage rights over lines of other carriers; (3) IMRL's ownership and operational interests in The Kansas City Terminal Railway Company; (4) IMRL's ownership and operational interests in the so-called "Joint Agency" in Kansas City (jointly owned with The Kansas City Southern Railway Company); and (5) IMRL's interests in jointly owned and/or operated industry trackage in various locations, including South Beloit, IL, Beloit and Janesville, WI, and Clinton, IA.

¹ ICE states that it is a noncarrier subsidiary of Cedar American Rail Holdings, Inc. (Holdings), which is a wholly owned subsidiary of Dakota, Minnesota & Eastern Railroad Corporation (DME).

ICE states that DME and Holdings expect to file an application in STB Finance Docket No. 34178, *Dakota, Minnesota & Eastern Railroad Corporation and Cedar American Rail Holdings, Inc.—Control-Iowa, Chicago & Eastern Railroad Corporation*, pursuant to 49 U.S.C. 11323(a)(3) and 49 CFR 1180.2(c), to continue in control of ICE once ICE acquires the IMRL lines and becomes a rail carrier.

Because the projected revenues of the rail lines to be operated exceed \$5 million, ICE certified to the Board, on February 26, 2002, that the required notice of its rail line acquisition was posted at the workplace of the employees of IMRL and was served on the national offices of all labor unions with employees on the affected lines on February 25, 2002. See 49 CFR 1150.35(a), referring to 49 CFR 1150.32(e).

ICE reported that it intends to consummate the transaction on or after June 28, 2002.

Prior to ICE's filing of the notice of exemption, the Board received a number of submissions from interested persons expressing concern about the transaction.² These persons identified a number of potential issues, including financial, environmental, shipper, and labor-related matters in connection with

² The Board has received correspondence from the following persons raising concerns about, or opposing, ICE's proposed acquisition: Iowa Department of Transportation, municipality of Dubuque, IA, and Sethness Products Company (financial viability, environmental/community impacts, and shipper effects); East Central Intergovernmental Association (community and shipper impacts); Tyson Foods, Inc. (rail service); Iowa Traction Railroad Company (financial viability, rail service, and downgrading of IMRL's grain lines); municipalities of Marquette and Mason City, IA, and Winona, MN (community concerns); Dubuque County Board of Supervisors (grain and agricultural marketing); Brotherhood of Locomotive Engineers (labor protection for IMRL employees and financial viability); and Ronald D. Barczak and William G. Jungbauer (IMRL employee injury claims).

ICE's anticipated acquisition. Given the passage of time since the Board received these submissions in this relatively large transaction, the lack of any response on the record from ICE to the submissions, and the uncertainty as to whether ICE has even received all of the submissions, this notice is being issued to advise interested parties of the process to be used for handling this matter.

Under the Board's exemption rules, ICE's exemption to acquire and operate IMRL's lines is due to become effective on June 28, 2002 (21 days after the notice was filed). See 49 CFR 1150.35(e). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. A petition to revoke under 49 U.S.C. 10502(d) does not automatically stay the transaction. Stay petitions must be filed within 7 days of the filing of the notice of exemption (no later than June 14, 2002). Any comments on the notice of exemption that parties wish the Board to consider prior to the effective date of the exemption must be filed by June 19, 2002. Replies to stay petitions and other comments will be due by June 21, 2002. To be considered, stay petitions and all comments, regardless of when submitted to the Board, must be served on ICE's representative in a manner that ensures receipt by June 14, 2002 (for stay petitions) and by June 19, 2002 (for all other comments).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34177, must be filed with the Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423-0001. In addition, one copy of each pleading must be served on William C. Sippel, Fletcher & Sippel LLC, Two Prudential Plaza, Suite 3125, 180 North Stetson Avenue, Chicago, IL 60601-6721.