

collected on FAA Form 8310-3, Application for Repair Station Certificate and/or Rating, is required from applicants who wish repair station certification. 14 CFR Part 145 prescribes the requirements for issuing repair station certificates and associated ratings to maintenance and alteration facilities. The collection of this information is necessary for the issuance, renewal, or amendment of applicants' repair station certificates, and ensuring that repair stations meet minimum acceptable standards. There are an estimated 1,000 applications annually for an annual burden of 270,000 hours.

2. 2120--0043, Recording of Aircraft Conveyances and Security Documents. Approval is needed for security conveyances, such as mortgages, submitted by the public for recording against aircraft, engines, propellers, and spare parts locations. There is an estimated 56,000 respondents annually for an estimated burden of 56,000 hours. 14 CFR part 49 establishes procedures for implementation of the recording of aircraft conveyances and security Documents. Part 49 describes what information must be contained in a security conveyance in order for it to be recorded with FAA. The convention on the International Recognition signatory, prevents, by treaty, the export of an aircraft and cancellation of its nationality marks if there is an outstanding lien recorded. The Civil Aviation Registry must have consent or release of lien from the lien holder prior to confirmation/cancellation for export.

3. 2120-0049, Agricultural Aircraft Operations, FAR 137. Standards have been established for the operation of agricultural aircraft and for the dispensing of chemicals, pesticides, and toxic substances. Information collected shows applicant compliance and eligibility for certification by FAA. 14 CFR Part 137 prescribes requirements for issuing agricultural aircraft operator certificates and for appropriate operating rules. We estimate 1000 respondents with an estimated annual burden of 14,000 hours.

4. 2120-0552, Suspected Unapproved Part Notification, FAA Form 8120-11. The information collected on the FAA Form 8120-11 will be reported by manufacturers, repair station operators, owner/operators, or the general public who wish to report suspected unapproved parts to the FAA. The notification information is collected, correlated, and used to determine if an unapproved part investigation is in fact warranted. It is estimated that there will be 1500 respondents for an estimated total burden of 450 hours annually.

5. 2120-0553, Transition to an all Stage 3 Fleet operating in the 48 contiguous United States and the District of Columbia. 14 CFR Part 91 implements Sections 9308 and 9309 of the Airport Noise and Capacity Act of 1990, by establishing a schedule of reductions of Stage 2 airplanes and prohibiting their use in the contiguous U.S. after 12/31/99. Also, it precludes the operation of airplanes in the contiguous U.S. that were imported pursuant to contracts executed after 11/5/90. It is estimated that there will be 230 respondents annually for an estimated burden of 280 hours.

6. 2120-0554, Employment Standards—Parts 107 and 108 of the Federal Aviation Regulation. Section 105 of Public Law 101-604, the Aviation Security Improvement Act of 1990, directed the FAA to prescribe standards for the hiring, continued employment and contracting of air carrier and appropriate airport security personnel. These standards were developed and have become part of 14 CFR parts 107 and 108. Airport operators will maintain at their principal business office at least one copy of evidence of compliance with training requirements for all employees having unescorted access privileges to security areas. Air carrier ground security coordinators are required to maintain at least one copy of the annual evaluation of their security related functions. This is a recordkeeping burden and the affected public is 450 airport operators and an estimated 815 air carrier checkpoints. The estimated annual recordkeeping burden is 16,300 hours.

7. 2120-0571, Alcohol Misuse Prevention Program for Personnel Engaged in Specified Aviation Activities. This regulation requires specified aviation employers to implement an FAA-approved alcohol misuse prevention program, (AMPP), to provide the FAA with an AMPP certification statement, and to report annually on alcohol testing results. The respondents are an estimated 5,300 specified aviation employers for an estimated burden of 14,000 hours annually.

Issued in Washington, DC., on October 17, 1996.

Steve Hopkins,

Manager, Corporate Information Division,
ABC-100.

[FR Doc. 96-27128 Filed 10-18-96; 8:45 am]

BILLING CODE 4910-13-M

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. The FAA is publishing an index by order number, an index by subject matter, and case digests that contain identifying information about the final decisions and orders issued by the Administrator. Publication of these indexes and digests is intended to increase the public's awareness of the Administrator's decisions and orders. Also, the publication of these indexes and digests should assist litigants and practitioners in their research and review of decisions and orders that may have precedential value in a particular civil penalty action. Publication of the index by order number, as supplemented by the index by subject matter, 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 PL201, 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 subject-matter index, and digests organized by order number.

In a notice issued on October 26, 1990, the FAA 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 it would publish supplements to these indexes and digests on a quarterly basis (*i.e.*, in January, April, July, and October of each year). The FAA announced further in that notice that only the subject-matter index would be published cumulatively, and that both the order number index and the digests would be non-cumulative. Since that first index was issued on October 26, 1990, the FAA has issued supplementary notices containing the quarterly indexes of the Administrator's civil penalty decisions.

The indexes of the Administrator's decisions and orders have been published 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.

Dates of quarter	Federal Register publication
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 22196; 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.
4/1/95–6/30/95	60 FR 36854; 7/18/95.
7/1/95–9/30/95	60 FR 53228; 10/12/95.
10/1/95–12/31/95.	61 FR 1972; 1/24/96.
1/1/96–3/31/96	61 FR 16955; 4/18/96.
4/1/96–6/30/96	61 FR 37526; 7/18/96.

In the notice published on January 19, 1993, the Administrator announced that for the convenience of the users of these indexes, the order number index published at the end of the year would reflect all of the civil penalty decisions for that year. 58 FR 5044; 1/19/93. The order number indexes for the first, second, and third quarters would be non-cumulative.

The Administrator's final decisions and orders, indexes, and digests are

available for public inspection and copying at all FAA legal offices. (The addresses of the FAA legal offices are listed at the end of this notice.)

Also, the Administrator's decisions and orders have been published by commercial publishers and are available on computer databases. (Information about these commercial publications and computer databases is provided at the end of this notice.)

Civil Penalty Actions—Orders Issued by the Administrator

Order Number Index

(This index includes all decisions and orders issued by the Administrator from July 1, 1996, to September 30, 1996.)

96–20	Donald M. Missilrian, 7/31/96, CP95WP0282
96–21	Matthew Houseal, 8/2/96, CP95EA0302
96–22	Mary Woodhouse, 8/13/96, CP94WP0184, 94EJAWP0017
96–23	Thomas Kilrain, 8/13/96, CP94NE0268
96–24	Horizon Air Industries, 8/13/96, CP94NM0228
96–25	USAir, Inc., 8/13/96, CP94EA0045
96–26	Midtown Neon Sign Corp., 8/13/96, CP94EA0057

Civil Penalty Actions—Orders Issued by the Administrator

Subject Matter Index

Administrative Law Judges—Power and Authority:

Authority to extend deadlines	95–28 Atlantic.
Continuance of hearing	91–11 Continental Airlines; 92–29 Haggland.
Credibility findings	90–21 Carroll; 92–3 Park; 93–17 Metcalf; 94–3 Valley Air; 94–4 Northwest Aircraft Rental; 95–25 Conquest; 95–26 Hereth.
Default Judgment	91–11 Continental Airlines; 92–47 Cornwall; 94–8 Nunez; 94–22 Harkins; 94–28 Toyota; 95–10 Diamond.
Discovery	89–6 American Airlines; 91–17 KDS Aviation; 91–54 Alaska Airlines; 92–46 Sutton-Sautter; 93–10 Costello.
Expert Testimony	94–21 Sweeney.
Granting extensions of time	90–27 Gabbert.
Hearing location	92–50 Cullop.
Hearing request	93–12 Langton; 94–6 Strohl; 94–27 Larsen; 94–37 Houston; 95–19 Rayner.
Initial Decision	92–1 Costello; 92–32 Barnhill.
Jurisdiction:	
Generally	90–20 Degenhardt; 90–33 Cato; 92–1 Costello; 92–32 Barnhill.
After issuance of order assessing civil penalty	94–37 Houston; 95–19 Rayner.
After complaint withdrawn	94–39 Kirola.
Motion for Decision	92–73 Wyatt; 92–75 Beck; 92–76 Safety Equipment; 93–11 Merkley; 96–24 Horizon.
Notice of Hearing	92–31 Eaddy.
Sanction	90–37 Northwest Airlines; 91–54 Alaska Airlines; 94–22 Harkins; 94–28 Toyota.
Vacate initial decision	90–20 Degenhardt; 92–32 Barnhill; 95–6 Sutton.
Aerial Photography	95–25 Conquest Helicopters.
Agency Attorney	93–13 Medel.
Air Carrier:	
Agent/independent contractor of	92–70 USAir.
Careless or Reckless	92–48 & 92–70 USAir; 93–18 Westair Commuter.
Duty of care: Non-delegable	92–70 USAir; 93–16 Westair Commuter; 96–24 Horizon.
Employee	93–18 Westair Commuter.
Ground Security Coordinator, Failure to provide	96–16 WestAir Commuter.
Aircraft Maintenance (see also Airworthiness, Maintenance Manual):	

Generally	90-11 Thunderbird Accessories; 91-8 Watts Agricultural Aviation; 93-36 & 94-3 Valley Air; 94-38 Bohan; 95-11 Horizon; 96-3 America West Airlines.
Acceptable methods, techniques, and practices	96-3 America West Airlines.
After certificate revocation	92-73 Wyatt.
Airworthiness Directive, compliance with	96-18 Kilrain.
Inspection	96-18 Kilrain.
Major/minor repairs	96-3 America West Airlines.
Minimum Equipment List (MEL)	94-38 Bohan; 95-11 Horizon.
Aircraft Records:	
Aircraft Operation	91-8 Watts Agricultural Aviation.
Flight and Duty Time	96-4 South Aero.
Maintenance Records	91-8 Watts Agricultural Aviation; 94-2 Woodhouse.
"Yellow tags"	91-8 Watts Agricultural Aviation.
Aircraft—Weight and Balance: (See Weight and Balance)	
Airmen:	
Pilots	91-12 & 91-31 Tarry & Menne; 92-8 Watkins; 92-49 Richardson & Shimp; 93-17 Metcalf.
Altitude deviation	92-49 Richardson & Shimp.
Careless or Reckless	91-12 & 91-31 Tarry & Menne; 92-8 Watkins; 92-49 Richardson & Shimp; 92-47 Cornwall; 93-17 Metcalf; 93-29 Sweeney; 96-17 Fenner.
Flight time limitations	93-11 Merkley.
Follow ATC Instruction	91-12 & 91-91 Terry & Menne; 92-8 Watkins; 92-49 Richardson & Shimp.
Low Flight	92-47 Cornwall; 93-17 Metcalf.
Owner's responsibility	96-17 Fenner.
See and Avoid	93-29 Sweeney.
Air Operations Area (AOA):	
Air Carrier Responsibilities	90-19 Continental Airlines; 91-33 Delta Air Lines; 94-1 Delta Air Lines.
Airport Operator Responsibilities	90-19 Continental Airlines; 91-4 [Airport Operator]; 91-18 [Airport Operator]; 91-40 [Airport Operator]; 91-41 [Airport Operator]; 91-58 [Airport Operator]; 96-1 [Airport Operator].
Badge Display	91-4 [Airport Operator]; 91-33 Delta Air Lines.
Definition of	90-19 Continental Airlines; 91-4 [Airport Operator]; 91-58 [Airport Operator].
Exclusive Areas	90-19 Continental Airlines; 91-4 [Airport Operator]; 91-58 [Airport Operator].
Airport Security Program (ASP):	
Compliance with	91-4 [Airport Operator]; 91-18 [Airport Operator]; 91-40 [Airport Operator]; 91-41 [Airport Operator]; 91-58 [Airport Operator]; 94-1 Delta Air Lines; 96-1 [Airport Operator].
Airport Operator Responsibilities	90-12 Continental Airlines; 91-4 [Airport Operator]; 91-18 [Airport Operator]; 91-40 [Airport Operator]; 91-41 [Airport Operator]; 91-58 [Airport Operator]; 96-1 [Airport Operator].
Air Traffic Control (ATC):	
Error as mitigating factor	91-12 & 91-31 Terry & Menne.
Error as exonerating factor	91-12 & 91-31 Terry & Menne; 92-50 Wendt.
Ground Control	91-12 Terry & Menne; 93-18 Westair Commuter.
Local Control	91-12 Terry & Menne.
Tapes & Transcripts	91-12 Terry & Menne; 92-49 Richardson & Shrimp.
Airworthiness	91-8 Watts Agricultural Aviation; 92-10 Flight Unlimited; 92-48 & 92-70 USAir; 94-2 Woodhouse; 95-11 Horizon; 96-3 America West Airlines; 96-18 Kilrain; 94-25 USAir.
Amicus Curiae Briefs	90-25 Gabbert.
Answer:	
Timeliness of answer	90-3 Metz; 90-15 Playter; 92-32 Barnhill; 92-47 Cornwall; 92-75 Beck; 92-76 Safety Equipment; 94-5 Grant; 94-29 Sutton; 94-30 Columna; 94-43 Perez; 95-10 Diamond; 95-28 Atlantic.
What constitutes	92-32 Barnhill; 92-75 Beck.
Appeals (See also Timeliness; Mailing Rule):	
Briefs, Generally	89-4 Metz; 91-45 Park; 92-17 Giuffrida; 92-19 Cornwall; 92-39 Beck; 93-24 Steel City Aviation; 93-28 Strohl; 94-23 Perez; 95-13 Kilrain.
Additional Appeal Brief	92-3 Park; 93-5 Wendt; 93-6 Westair Commuter; 93-28 Strohl; 94-4 Northwest Aircraft; 91-18 Luxemburg; 94-29 Sutton.
Appeal dismissed as premature	95-19 Rayner.
Appeal dismissed as moot after complaint withdrawn	92-9 Griffin.
Appellate arguments	92-70 USAir.

Court of Appeals, appeal to (See Federal Courts).	
Good Cause for Late-Filing	90-3 Metz; 90-27 Gabbert; 90-39 Hart; 91-10 Graham; 91-24 Easu; 91-48 Wendt; 91-50 & 91-1 Costello; 92-3 Park; 92-17 Giuffrida; 92-39 Beck; 92-41 Moore & Sabre Associates; 92-52 Beck; 92-57 Detroit Metro Wayne Co. Airport; 92-69 McCabe; 93-23 Allen; 93-27 Simmons; 93-31 Allen; 95-2 Meronek; 95-9 Woodhouse; 95-25 Conquest.
Motion to Vacate construed as a brief	91-11 Continental Airlines.
Perfecting an Appeal, generally	92-17 Giuffrida; 92-19 Cornwall; 92-39 Beck; 94-23 Perez; 95-13 Kilrain; 96-5 Alphin Aircraft.
Extension of Time for (good cause for)	89-8 Thunderbird Accessories; 91-26 Britt Airways; 91-32 Bergen; 91-50 Costello; 93-2 & 93-3 Wendt; 93-24 Steel City Aviation; 93-32 Nunez.
Failure to	89-1 Gressani; 89-7 Zenkner; 90-11 Thunderbird Accessories; 90-35 P. Adams; 90-39 Hart; 91-7 Pardue; 91-10 Graham; 91-20 Bergen; 91-43, 91-44, 91-46 & 91-47 Delta Air Lines; 92-11 Alilin; 92-15 Dillman; 92-18 Bergen; 92-34 Carrell; 92-35 Bay Land Aviation; 92-36 Southwest Airlines; 92-45 O'Brien; 92-56 Montauk Caribbean Airways; 92-67 USAir; 92-68 Weintraub; 92-78 TWA; 93-7 Dunn; 93-8 Nunez; 93-20 Smith; 93-23 & 93-31 Allen; 93-34 Castle Aviation; 93-35 Steel City Aviation; 94-12 Bartusiak; 94-24 Page; 94-26 French Aircraft; 94-34 American International Airways; 94-35 American International Airways; 94-36 American International Airways; 95-4 Hanson; 95-22 & 96-5 Alphin Aircraft; 96-2 Skydiving Center; 96-13 Winslow.
What Constitutes	90-4 Metz; 90-27 Gabbert; 91-45 Park; 92-7 West; 92-17 Giuffrida; 92-39 Beck; 93-7 Dunn; 94-15 Columna; 94-23 Perez; 94-30 Columna; 95-9 Woodhouse; 95-23 Atlantic World Airways; 96-20 Missirlian.
Service of brief:	
Failure to serve a party	92-17 Giuffrida; 92-19 Cornwall.
Timeliness of Notice of Appeal	90-3 Metz; 90-39 Hart; 91-50 Costello; 92-7 West; 92-69 McCabe; 93-27 Simmons; 95-2 Meronek; 95-9 Woodhouse; 95-15 Alphin Aviation; 96-14 Midtown Neo Sign Corp.
Withdrawal of	89-2 Lincoln-Walker; 89-3 Sittko; 90-4 Nordrum; 90-5 Sussman; 90-6 Dabaghian; 90-7 Steele; 90-8 Jenkins; 90-9 Van Zandt; 90-13 O'Dell; 90-14 Miller; 90-28 Puleo; 90-29 Sealander; 90-30 Steidinger; 90-34 D. Adams; 90-40 & 90-41 Westair Commuter Airlines; 91-1 Nestor; 91-5 Jones; 91-6; Lowery; 91-13 Kreamer; 91-14 Swanton; 91-15 Knipe; 91-16 Lopez; 91-19 Bayer; 91-21 Britt Airways; 91-22 Omega Silicone Co.; 91-23 Continental Airlines; 91-25 Sanders; 91-27 Delta Air Lines; 91-28 Continental Airlines; 91-29 Smith; 91-34 GASPRO; 91-35 M. Graham; 91-36; Howard; 91-37 Vereen; 91-39 America West; 91-42 Pony Express; 91-49 Shields; 91-56 Mayhan; 91-57 Britt Airways; 91-59 Griffin; 91-60 Brinton; 92-2 Koller; 92-4 Delta Air Lines; 92-6 Rothgeb; 92-12 Bertetto; 92-20 Delta Air Lines; 92-21 Cronberg; 92-22, 92-23, 92-24, 92-25, 92-26 & 92-28 Delta Air Lines; 92-33 Port Authority of NY & NJ; 92-42 Jayson; 92-43 Delta Air Lines; 92-44 Owens; 92-53 Humble; 92-54 & 92-55 Northwest Airlines; 92-60 Costello; 92-61 Romerdahl; 92-62 USAir; 92-63 Schaefer; 92-64 & 92-65 Delta Air Lines; 92-66 Sabre Associates & Moore; 92-79 Delta Air Lines; 93-1 Powell & Co.; 93-4 Harrah; 93-14 Fenske; 93-15 Browne; 93-21 Delta Air Lines; 93-22 Yannotone; 93-26 Delta Air Lines; 93-33 HPH Aviation; 94-9 B & G Instruments; 94-10 Boyle; 94-11 Pan American Airways; 94-13 Boyle; 94-14 B & G Instruments; 94-16 Ford; 94-33 Trans World Airlines; 94-41 Dewey Towner; 94-42 Taylor; 95-1 Diamond Aviation; 95-3 Delta Air Lines; 95-5 Araya; 95-6 Sutton; 95-7 Empire Airlines; 95-20 USAir; 95-21 Faisca; 95-24 Delta Air Lines; 96-7 Delta Air Lines; 96-8 Empire Airlines; 96-10 USAir; 96-11 USAir; 96-12 USAir; 96-21 Houseal.
Assault (see also Passenger Misconduct)	96-6 Ignatov.
“Attempt”	89-5 Schultz.
Attorney Conduct:	
“Obstreperous or Disruptive”	94-39 Kirola.
Attorney Fees (See EAJA).	
Aviation Safety Reporting System	90-39 Hart; 91-12 Terry & Menne; 92-49 Richardson & Shimp.
Balloon (Hot Air)	94-2 Woodhouse.
Bankruptcy	91-2 Continental Airlines.
Battery	96-6 Ignatov.
Certificates and Authorizations:	
Surrender when revoked	92-73 Wyatt.
Civil Air Security National Airport:	
Inspection Program (CASNAIP)	91-4 [Airport Operator]; 91-18 [Airport Operator]; 91-40 [Airport Operator]; 91-41 [Airport Operator]; 91-58 [Airport Operator].

Civil Penalty Amount (See Sanction).	
Closing Argument (See Final Oral Argument).	
Collateral Estoppel	91-8 Watts Agricultural Aviation.
Complaint:	
Complainant Bound By	90-10 Webb; 91-53 Koller.
No Timely Answer to. (See Answer).	
Partial Dismissal/Full Sanction	94-19 Pony Express; 94-40 Polynesian Airways.
Timeliness of complaint	91-51 Hagwood; 93-13 Medel; 94-7 Hereth; 94-5 Grant.
Withdrawal of	94-39 Kirola; 95-6 Sutton.
Compliance & Enforcement Program:	
(FAA Order No. 2150.3A)	89-5 Schultz; 89-6 American Airlines; 91-38 Esau; 92-5 Delta Air Lines.
Compliance/Enforcement Bulletins No. 92-3	96-19 [Air Carrier].
Sanction Guidance Table	89-5 Schultz; 90-23 Broyles; 90-33 Cato; 90-37 Northwest Airlines; 91-3 Lewis; 92-5 Delta Air Lines.
Concealment of Weapons (See Weapons Violations).	
Consolidation of Cases	90-12, 90-18 & 90-19 Continental Airlines.
Constitutionality (See also Double Jeopardy)	90-12 Continental Airlines; 90-18 Continental Airlines; 90-19 Continental Airlines; 90-37 Northwest Airlines; 96-1 [Airport Operator]; 96-25 USAir.
Continuance of Hearing	90-25 Gabbert; 92-29 Hagglund.
Corrective Action (See Sanction)	
Credibility of Witnesses:	
Generally	95-25 Conquest Helicopters; 95-26 Hereth.
Defer to ALJ determination of	90-21 Carroll; 92-3 Park; 93-17 Metcalf; 95-26 Hereth.
Expert witnesses (See also Witnesses)	90-27 Gabbert; 93-17 Metcalf; 96-3 American West Airlines.
Impeachment	94-4 Northwest Aircraft Rental.
De facto answer	92-32 Barnhill.
Deliberative Process Privilege	89-6 American Airlines; 90-12, 90-18 & 90-19 Continental Airlines.
Deterrence	89-5 Schultz; 92-10 Flight Unlimited; 95-16 Mulhall; 95-17 Larry's Flying Service.
Discovery:	
Deliberative Process Privilege	89-6 American Airlines; 90-12, 90-18 & 90-19 Continental Airlines.
Depositions, generally	91-54 Alaska Airlines.
Notice of deposition	91-54 Alaska Airlines.
Failure to Produce	90-18 & 90-19 Continental Airlines; 91-17 KDS Aviation; 93-10 Costello.
Sanction for	91-17 KDS Aviation; 91-54 Alaska Airlines.
Regarding Unrelated Case	92-46 Sutton-Sautter.
Double Jeopardy	95-8 Charter Airlines; 96-26 Midtown.
Due Process:	
Before finding a violation	90-27 Gabbert.
Violation of	89-6 American Airlines; 90-12 Continental Airlines; 90-37 Northwest Airlines; 96-1 [Airport Operator].
EAJA:	
Adversary Adjudication	90-17 Wilson; 91-17 & 91-52 KDS Aviation; 94-17 TCI; 95-12 Toyota.
Amount of award	95-27 Valley Air.
Appeal from ALJ decision	95-9 Woodhouse.
Expert witness fees	95-27 Valley Air.
Final disposition	96-22 Woodhouse.
Further proceedings	91-52 KDS Aviation.
Jurisdiction over appeal	92-74 Wendt; 96-22 Woodhouse.
Late-filed application	96-22 Woodhouse.
Other expenses	93-29 Sweeney.
Postion of agency	95-27 Valley Air.
Prevailing party	91-52 KDS Aviation.
Special circumstances	95-18 Pacific Sky.
Substantial justification	91-52 & 92-71 KDS Aviation; 93-9 Wendt; 95-18 Pacific Sky; 95-27 Valley Air; 96-15 Valley Air.
Supplementation of application	95-27 Valley Air.
Evidence (See Proof & Evidence).	
Ex Parte Communications	93-10 Costello; 95-16 Mulhall; 95-19 Rayner.
Expert Witnesses (See Witness).	
Extension of Time:	
By Agreement of Parties	89-6 American Airlines; 92-41 Moore & Sabre Associates.
Dismissal by Decisionmaker	89-7 Zenkner; 90-39 Hart.
Good Cause for	89-8 Thunderbird Accessories.
Objection to	89-8 Thunderbird Accessories; 93-3 Wendt.
Who may grant	90-27 Gabbert.
Federal Courts	92-7 West.
Federal Rules of Civil Procedure	91-17 KDS Aviation.
Federal Rules of Evidence (See also Proof & Evidence):	
Admissions	96-25 USAir.

Settlement Offers	95-16 Mulhall; 96-25 USAir.
Subsequent Remedial Measures	96-24 Horizon; 96-25 USAir.
Final Oral Argument	92-3 Park.
Firearms (See Weapons).	
Ferry Flights	95-8 Charter Airlines.
Flight & Duty Time:	
Circumstances beyond crew's control:	
Generally	95-8 Charter Airlines.
Foreseeability	95-8 Charter Airlines.
Late freight	95-8 Charter Airlines.
Weather	95-8 Charter Airlines.
Competency check flights	96-4 South Aero.
Limitation of Duty Time	95-8 Charter Airlines; 96-4 South Aero.
Limitation of Flight Time	95-8 Charter Airlines.
"Other commercial flying"	95-8 Charter Airlines.
Flights	94-20 Conquest Helicopters.
Freedom of Information Act	93-10 Costello.
Fuel Exhaustion	95-26 Hereth.
Guns (See Weapons).	
Ground Security Coordinator, (See also Air Carrier; Standard Security Program):	
Failure to provide	96-16 WestAir Commuter.
Hazardous Materials:	
Transportation of, generally	90-37 Northwest Airlines; 92-76 Safety Equipment; 92-77 TCI; 94-19 Pony Express; 94-28 Toyota; 94-31 Smalling; 95-12 Toyota; 95-16 Mulhall; 96-26 Midtown.
Civil Penalty, generally	92-77 TCI; 94-28 Toyota; 94-31 Smalling; 95-16 Mulhall; 96-25 Midtown.
Corrective Action	92-77 TCI; 94-28 Toyota.
Culpability	92-77 TCI; 94-28 Toyota; 94-31 Smalling.
Financial hardship	95-16 Mulhall.
Installment plan	95-16 Mulhall.
First-time violation	92-77 TCI; 94-28 Toyota; 94-31 Smalling.
Gravity of violation	92-77 TCI; 94-28 Toyota; 94-31 Smalling; 96-26 Midtown.
Minimum penalty	95-16 Mulhall.
Criminal Penalty	92-77 TCI; 94-31 Smalling.
EAJA, applicability of	94-17 TCI; 95-12 Toyota.
Individual violations	95-16 Mulhall.
Knowingly	92-77 TCI; 94-19 Pony Express; 94-31 Smalling.
Informal Conference	94-4 Northwest Aircraft Rental.
Initial Decision: What constitutes	92-32 Barnhill.
Interference with crewmembers (see also Passenger Misconduct; Assault).	92-3 Park; 96-6 Ignatov.
Interlocutory Appeal	89-6 American Airlines; 91-54 Alaska Airlines; 93-37 Airspect; 94-32 Detroit Metropolitan.
Internal FAA Policy &/or Procedures	89-6 American Airlines; 90-12 Continental Airlines; 92-73 Wyatt.
Jurisdiction:	
After initial decision	90-20 Degenhardt; 90-33 Cato; 92-32 Barnhill; 93-28 Strohl.
After Order Assessing Civil Penalty	94-37 Houston; 95-19 Rayner.
After withdrawal of complaint	94-39 Kirola.
\$50,000 Limit	90-12 Continental Airlines.
EAJA cases	92-74 Wendt; 96-22 Woodhouse.
HazMat cases	92-76 Safety Equipment.
NTSB	90-11 Thunderbird Accessories.
Knowledge of concealed weapon (See also Weapons Violation)	89-5 Schultz; 90-20 Degenhardt.
Laches (See Unreasonable Delay).	
Mailing Rule, generally	89-7 Zenkner; 90-3 Metz; 90-11 Thunderbird Accessories; 90-39 Hart.
Overnight express delivery	89-6 American Airlines.
Maintenance (See Aircraft Maintenance).	
Maintenance Instruction	93-36 Valley Air.
Maintenance Manual	90-11 Thunderbird Accessories; 96-25 USAir.
Air carrier maintenance manual	96-3 American West Airlines.
Approved/accepted repairs	96-3 American West Airlines.
Manufacturer's maintenance manual	96-3 American West Airlines.
Minimum Equipment List (MEL) (See Aircraft Maintenance).	
Mootness, appeal dismissed as moot	92-9 Griffin; 94-17 TCI.
National Aviation Safety Inspection Program (NASIP)	96-16 Rocky Mountain.
National Transportation Safety Board:	
Administrator not bound by NTSB case law	91-12 Terry & Menne; 92-49 Richardson & Shimp; 93-18 Westair Commuter.
Lack of Jurisdiction	90-11 Thunderbird Accessories; 90-17 Wilson; 92-74 Wendt.
Notice of Hearing: Receipt	92-31 Eaddy.
Notice of Proposed Civil Penalty:	
Initiates Action	91-9 Continental Airlines.
Signature of agency attorney	93-12 Langton.

Withdrawal of	90-17 Wilson.
Operate, generally	91-12 & 91-31 Terry & Menne; 93-18 Westair Commuter; 96-17 Fenner.
Responsibility of aircraft owner/operator for actions of pilot	96-17 Fenner.
Oral Argument before Administrator on appeal:	
Decision to hold	92-16 Wendt.
Instructions for	92-27 Wendt.
Order Assessing Civil Penalty:	
Appeal from	92-1 Costello; 95-19 Rayner.
Timeliness of request for hearing	95-19 Rayner.
Withdrawal of	89-4 Metz; 90-16 Rocky Mountain; 90-22 USAir; 95-19 Rayner.
Parts Manufacturer Approval (PMA): Failure to obtain	93-19 Pacific Sky Supply.
Passenger Misconduct	92-3 Park.
Assault	96-6 Ignatov.
Interference with a crewmember	96-6 Ignatov.
Smoking	92-37 Giuffrida.
Penalty (See Sanction; Hazardous Materials).	
Person	93-18 Westair Commuter.
Proof & Evidence (See also Federal Rules of Evidence):	
Affirmative Defense	92-13 Delta Air Lines; 92-72 Giuffrida.
Burden of Proof	90-26 & 90-43 Waddell; 91-3 Lewis; 91-30 Trujillo; 92-13 Delta Air Lines; 92-72 Giuffrida; 93-29 Sweeney.
Circumstantial Evidence	90-12, 90-19 & 91-9 Continental Airlines; 93-29 Sweeney; 96-3 America West Airlines.
Credibility (See Administrative Law Judges; Credibility of Witnesses).	
Criminal standard rejected	91-12 Terry & Menne.
Closing Arguments (See also Final Oral Argument)	94-20 Conquest Helicopters.
Extra-record material	95-26 Hereth; 96-24 Horizon.
Hearsay	92-72 Giuffrida.
Preponderance of evidence	90-11 Thunderbird Accessories; 90-12 Continental Airlines; 91-12 & 91-31 Terry & Menne; 92-72 Giuffrida.
Presumption that message on ATC tape is received as transmitted.	91-12 Terry & Menne; 92-49 Richardson & Shimp.
Presumption that gun is deadly or dangerous	90-26 Waddell; 91-30 Trujillo.
Presumption that owner gave pilot permission	96-17 Fenner.
Prima facie case	95-26 Hereth, 96-3 America West.
Settlement offer	95-16 Mulhall; 96-25 USAir.
Subsequent remedial measures	96-24 Horizon; 96-25 USAir.
Substantial evidence	92-72 Giuffrida.
Prima Facie Case (See also Proof & Evidence)	95-26 Hereth; 96-3 America West Airlines.
Pro Se Parties: Special Considerations	90-11 Thunderbird Accessories; 90-3 Metz; 95-25 Conquest.
Prosecutorial Discretion	89-6 American Airlines; 90-23 Broyles; 90-38 Continental Airlines; 91-41 [Airport Operator]; 92-46 Sutton-Sautter; 92-73 Wyatt; 95-17 Larry's Flying Service.
Reconsideration:	
Denied by ALJ	89-4 & 90-3 Metz.
Granted by ALJ	92-32 Barnhill.
Petition based on new material	96-23 Kilrain.
Repetitious petitions	96-9 [Airport Operator].
Stay of Order Pending	90-31 Carroll; 90-32 Continental Airlines.
Remand	89-6 American Airlines; 90-16 Rocky Mountain; 90-24 Bayer; 91-51 Hagwood; 91-54 Alaska Airlines; 91-1 Costello; 92-76 Safety Equipment; 94-37 Houston.
Repair Station	90-11 Thunderbird Accessories; 92-10 Flight Unlimited; 94-2 Woodhouse.
Request for Hearing	94-37 Houston; 95-19 Rayner.
Rules of Practice (14 CFR Part 13, Subpart G):	
Applicability of	90-12, 90-18 & 90-19 Continental Airlines; 91-17 KDS Aviation.
Challenges to	90-12, 90-18 & 90-19 Continental Airlines; 90-21 Carroll; 90-37 Northwest Airlines.
Effect of Changes in	90-21 Carroll; 90-22 USAir; 90-38 Continental Airlines.
Initiation of Action	91-9 Continental Airlines.
Runway incursions	92-40 Wendt; 93-18 Westair Commuter.
Sanction:	
Ability to Pay	89-5 Schultz; 90-10 Webb; 91-3 Lewis; 91-38 Esau; 92-10 Flight Unlimited; 92-32 Barnhill; 92-37 & 92-72 Giuffrida; 92-38 Cronberg; 92-46 Sutton-Sautter; 92-51 Koblick; 93-10 Costello; 94-4 Northwest Aircraft Rental; 94-20 Conquest Helicopters; 95-16 Mulhall; 95-17 Larry's Flying Service.
Agency policy:	
ALJ Bound by	90-37 Northwest Airlines; 92-46 Sutton-Sautter; 96-19 [Air Carrier].
Statements of (e.g., FAA Order 2150.3A, Sanction Guidance Table, memoranda pertaining to)	90-19 Continental Airlines; 90-23 Broyles; 90-33 Cato; 90-37 Northwest Airlines; 92-46 Sutton-Sautter; 96-4 South Aero; 96-19 [Air Carrier]; 96-25 USAir.

Consistency with Precedent	96-6 Ignatov; 96-26 Midtown.
But when precedent is based on superceded sanction policy	96-19 [Air Carrier].
Corrective Action	91-18 [Airport Operator]; 91-40 [Airport Operator]; 91-41 [Airport Operator]; 92-5 Delta Air Lines; 93-18 Westair Commuter; 94-28 Toyota; 96-4 South Aero; 96-19 [Air Carrier].
Discovery (See Discovery).	
Factors to consider	89-5 Schultz; 90-23 Broyles; 90-37 Northwest Airlines; 91-3 Lewis; 91-18 [Airport Operator]; 91-40 [Airport Operator]; 91-41 [Airport Operator]; 92-10 Flight Unlimited; 92-46 Sutton-Sautter; 92-51 Koblick; 94-28 Toyota; 95-11 Horizon; 96-19 [Air Carrier]; 96-26 Midtown.
First-Time Offenders	89-5 Schultz; 92-5 Delta Air Lines; 92-51 Koblick.
HazMat (See Hazardous Materials).	
Inexperience	92-10 Flight Unlimited.
Installment Payments	95-16 Mulhall; 95-17 Larry's Flying Service.
Maintenance	95-11 Horizon; 96-3 America West Airlines.
Maximum	90-10 Webb; 91-53 Koller; 96-19 [Air Carrier].
Minimum (HazMat)	95-16 Mulhall; 96-26 Midtown.
Modified	89-5 Schultz; 90-11 Thunderbird Accessories; 91-38 Esau; 92-10 Flight Unlimited; 92-13 Delta Air Lines; 92-32 Barnhill.
Partial Dismissal of Complaint/Full Sanction (See also Complaint).	94-19 Pony Express; 94-40 Polynesian Airways.
Sanctions in specific cases:	
Pilot Deviation	92-8 Watkins.
Test object detection	90-18 & 90-19 Continental Airlines; 96-19 [Air Carrier].
Unauthorized access	90-19 Continental Airlines; 90-37 Northwest Airlines; 94-1 Delta Air Lines.
Weapons violations	90-23 Broyles; 90-33 Cato; 91-3 Lewis; 91-38 Esau; 92-32 Barnhill; 92-46 Sutton-Sautter; 92-51 Koblick; 94-5 Grant.
Screening of Persons:	
Air Carrier failure to detect weapon Sanction	94-44 American Airlines.
Entering Sterile Areas	90-24 Bayer; 92-58 Hoedl.
Security (See Screening of Persons, Standard Security Program, Test Object Detection, Unauthorized Access, Weapons Violations).	
Separation of Functions	90-12 Continental Airlines; 90-18 Continental Airlines; 90-19 Continental Airlines; 90-21 Carroll; 90-38 Continental Airlines; 93-13 Medel.
Service (See also Mailing Rule; Receipt):	
Of NPCP	90-22 USAir.
Of FNPCP	93-13 Medel.
Receipt of document sent by mail	92-31 Eaddy.
Valid Service	92-18 Barga.
Settlement	91-50 & 92-1 Costello; 95-16 Mulhall.
Smoking	92-37 Giuffrida; 94-18 Luxemburg.
Standard Security Program (SSP):	
Compliance with	90-12, 90-18 & 90-19 Continental Airlines; 91-33 Delta Air Lines; 91-55 Continental Airlines; 92-13 & 94-1 Delta Air Lines; 96-19 [Air Carrier].
Ground Security Coordinator	96-16 Westair Commuter.
Stay of Orders	90-31 Carroll; 90-32 Continental Airlines.
Pending judicial review	95-14 Charter Airlines.
Strict Liability	89-5 Schultz; 90-27 Gabbert; 91-18 [Airport Operator]; 91-40 [Airport Operator]; 91-58 [Airport Operator].
Test Object Detection	90-12, 90-18, 90-19, 91-9 & 91-55 Continental Airlines; 92-13 Delta Air Lines; 96-19 [Air Carrier].
Proof of violation	90-18, 90-19 & 91-9 Continental Airlines; 92-13 Delta Air Lines.
Sanction	90-18 & 90-19 Continental Airlines; 96-19 [Air Carrier].
Timeliness (See also Complaint; Mailing Rule; and Appeals):	
Of response to NPCP	90-22 USAir.
Of complaint	91-51 Hagwood; 93-13 Medel; 94-7 Hereth.
Of NPCP	92-73 Wyatt.
Of request for hearing	93-12 Langton; 95-19 Rayner.
Of EAJA application (See EAJA-Final disposition, EAJA-Jurisdiction).	
Unapproved Parts (See also Parts Manufacturer Approval)	93-19 Pacific Sky Supply.
Unauthorized Access:	
To Aircraft	90-12 & 90-19 Continental Airlines; 94-1 Delta Air Lines.
To Air Operations Area (AOA)	90-37 Northwest Airlines; 91-18 [Airport Operator]; 91-40 [Airport Operator]; 91-58 [Airport Operator]; 94-1 Delta Air Lines.
Unreasonable Delay in Initiating Action	90-21 Carroll.
Visual Cues Indicating Runway, Adequacy of	92-40 Wendt.
Weapons Violations, generally	89-5 Schultz; 90-10 Webb; 90-20 Degenhardt; 90-23 Broyles; 90-33 Cato; 90-26 & 90-43 Waddell; 91-3 Lewis; 91-30 Trujillo; 91-38 Esau; 91-53 Koller; 92-32 Barnhill; 92-46 Sutton-Sautter; 92-51 Koblick; 92-59 Petek-Jackson; 94-5 Grant; 94-44 American Airlines.

Concealed weapon	89-5 Schultz; 92-46 Sutton-Sautter; 92-51 Koblick.
"Deadly or Dangerous"	90-26 & 90-43 Waddell; 91-30 Trujillo; 91-38 Esau.
First-time Offenders	89-5 Schultz.
Intent to commit violation	89-5 Schultz; 90-20 Degenhardt; 90-23 Broyles; 90-26 Waddell; 91-3 Lewis; 91-53 Koller.
Knowledge of Weapon Concealment (See also Knowledge) Sanction (See Sanction)	89-5 Schultz; 90-20 Degenhardt.
Weight and Balance	94-40 Polynesian Airways.
Witnesses (See also Credibility):	
Absence of, Failure to subpoena	92-3 Park.
Expert testimony: Evaluation of	93-17 Metcalf; 94-3 Valley Air; 94-21 Sweeney; 96-3 America West Airlines; 96-15 Valley Air.
Expert witness fees (See EAJA).	
<i>Regulations (Title 14 CFR, unless otherwise noted):</i>	
1.1 (maintenance)	94-38 Bohan.
1.1 (major repair)	96-3 America West Airlines.
1.1 (minor repair)	96-3 America West Airlines.
1.1 (operate)	91-12 & 91-31 Terry & Menne; 93-18 Westair Commuter; 96-17 Fenner.
1.1 (person)	93-18 Westair Commuter.
1.1 (propeller)	96-15 Valley Air.
13.16	90-16 Rocky Mountain; 90-22 USAir; 90-37 Northwest Airlines; 90-38 & 91-9 Continental Airlines; 91-18 [Airport Operator]; 91- 51 Hagwood; 92-1 Costello; 92-46 Sutton-Sautter; 93-13 Medel; 93-28 Strohl; 94-27 Larsen; 94-37 Houston; 94-31 Smalling; 95- 19 Rayner; 96-26 Midtown.
13.201	90-12 Continental Airlines.
13.202	90-6 American Airlines; 92-76 Safety Equipment.
13.203	90-12 Continental Airlines; 90-21 Carroll; 90-38 Continental Air- lines.
13.204	
13.205	90-20 Degenhardt; 91-17 KDS Aviation; 91-54 Alaska Airlines; 92- 32 Barnhill; 94-32 Detroit Metropolitan; 94-39 Kirola; 95-16 Mulhall.
13.206	
13.207	94-39 Kirola.
13.208	90-21 Carroll; 91-51 Hagwood; 92-73 Wyatt; 92-76 Safety Equip- ment; 93-13 Medel; 93-28 Strohl; 94-7 Hereth.
13.209	90-3 Metz; 90-15 Playter; 91-18 [Airport Operator]; 92-32 Barnhill; 92-47 Cornwall; 92-75 Beck; 92-76 Safety Equipment; 93-7 Dunn; 94-8 Nunez; 94-5 Grant; 94-22 Harkins; 94-29 Sutton; 94- 30 Columna; 95-10 Diamond; 95-28 Valley Air.
13.210	92-19 Cronwall; 92-75 Beck; 92-76 Safety Equipment; 93-7 Dunn; 93-28 Strohl; 94-5 Grant; 94-30 Columna; 95-28 Valley Air; 96- 17 Fenner.
13.211	89-6 American Airlines; 89-7 Zenkner; 90-3 Metz; 90-11 Thunder- bird Accessories; 90-39 Hart; 91-24 Esau; 92-1 Costello; 92-9 Griffin; 92-18 Bargaen; 92-19 Cornwall; 92-57 Detroit Metro Wayne County Airport; 92-74 Wendt; 92-76 Safety Equipment; 93-2 Wendt; 94-5 Grant; 94-18 Luxemburg; 94-29 Sutton; 95-12 Toyota; 95-28 Valley Air.
13.212	90-11 Thunderbird Accessories; 91-2 Continental Airlines.
13.213	
13.214	91-3 Lewis.
13.215	93-28 Strohl; 94-39 Kirola.
13.216	
13.217	91-17 KDS Aviation.
13.218	89-6 American Airlines; 90-11 Thunderbird Accessories; 90-39 Hart; 92-9 Griffin; 92-73 Wyatt; 93-19 Pacific Sky Supply; 94-6 Strohl; 94-27 Larsen; 94-37 Houston; 95-18 Rayner; 96-16 WestAir; 96-24 Horizon.
13.219	89-6 American Airlines; 91-2 Continental Airlines; 91-54 Alaska Airlines; 93-37 Airspect; 94-32 Detroit Metro. Wayne Airport.
13.220	89-6 American Airlines; 90-20 Carroll; 91-8 Watts Agricultural Aviation; 91-17 KDS Aviation; 91-54 Alaska Airlines; 92-46 Sut- ton-Sautter.
13.221	92-29 Haggland; 92-31 Eaddy; 92-52 Cullop.
13.222	92-72 Giuffrida; 96-15 Valley Air.
13.223	91-12 & 91-31 Terry & Menne; 92-72 Giuffrida; 95-26 Hereth; 96- 15 Valley Air.
13.224	90-26 Waddell; 91-4 [Airport Operator]; 92-72 Giuffrida; 94-18 Luxemburg; 94-28 Toyota; 95-25 Conquest; 96-17 Fenner.
13.225	
13.226	
13.227	90-21 Carroll; 95-26 Hereth.
13.228	92-3 Park.

13.229	
13.230	92-19 Cornwall; 95-26 Hereth; 96-24 Horizon.
13.231	92-32 Park.
13.232	89-5 Schultz; 90-20 Degenhardt; 92-1 Costello; 92-18 Bargaen; 92-32 Barnhill; 93-28 Strohl; 94-28 Toyota; 95-12 Toyota; 95-16 Mulhall; 96-6 Ignatov.
13.233	89-1 Gressani; 89-4 Metz; 89-5 Schultz; 89-7 Zenkner; 89-8 Thunderbird Accessories; 90-3 Metz; 90-11 Thunderbird Accessories; 90-19 Continental Airlines; 90-20 Degenhardt; 90-25 & 90-27 Gabbert; 90-35 P. Adams; 90-19 Continental Airlines; 90-39 Hart; 91-2 Continental Airlines; 91-3 Lewis; 91-7 Pardue; 91-8 Watts Agricultural Aviation; 91-10 Graham; 91-11 Continental Airlines; 91-12 Bargaen; 91-24 Esau; 91-26 Britt Airways; 91-31 Terry & Menne; 91-32 Bargaen; 91-43 & 91-44 Delta; 91-45 Park; 91-46 Delta; 91-45 Park; 91-46 Delta; 91-47 Delta; 91-48 Wendt; 91-52 KDS Aviation; 91-53 Koller; 92-1 Costello; 92-3 Park; 92-7 West; 92-11 Alilin; 92-15 Dillman; 92-16 Wendt; 92-18 Bargaen; 92-19 Cornwall; 92-27 Wendt; 92-32 Barnhill; 92-34 Carrell; 92-35 Bay Land Aviation; 92-36 Southwest Airlines; 92-39 Beck; 92-45 O'Brien; 92-52 Beck; 92-56 Montauk Caribbean Airways; 92-57 Detroit Metro. Wayne Co. Airport; 92-67 USAir; 92-69 McCabe; 92-72 Giuffrida; 92-74 Wendt; 92-78 TWA; 93-5 Wendt; 93-6 Westair Commuter; 93-7 Dunn; 93-8 Nunez; 93-19 Pacific Sky Supply; 93-23 Allen; 93-27 Simmons; 93-28 Strohl; 93-31 Allen; 93-32 Nunez; 94-9 B & G Instruments; 94-10 Boyle; 94-12 Bartusiak; 94-15 Columna; 94-18 Luxemburg; 94-23 Perez; 94-24 Page; 94-26 French Aircraft; 94-28 Toyota; 95-2 Meronek; 95-9 Woodhouse; 95-13 Kilrain; 95-23 Atlantic World Airways; 95-25 Conquest; 95-26 Hereth; 96-1 [Airport Operator]; 96-2 Skydiving Center.
13.234	90-19 Continental Airlines; 90-31 Carroll; 90-32 & 90-38 Continental Airlines; 91-4 [Airport Operator]; 95-12 Toyota; 96-9 [Airport Operator]; 96-23 Kilrain.
13.235	90-11 Thunderbird Accessories; 90-12 Continental Airlines; 90-15 Playter; 90-17 Wilson; 92-7 West.
Part 14	92-74 & 93-2 Wendt; 95-18 Pacific Sky Supply.
14.01	91-17 & 92-71 KDS Aviation.
14.04	91.17, 91-52 & 92-71 KDS Aviation; 93-10 Costello; 95-27 Valley Air.
14.05	90-17 Wilson.
14.12	95-27 Valley Air.
14.20	91-52 KDS Aviation; 96-22 Woodhouse.
14.22	93-29 Sweeney.
14.26	91-52 KDS Aviation; 95-27 Valley Air.
14.28	95-9 Woodhouse.
21.181	96-25 USAir.
21.303	93-19 Pacific Sky Supply; 95-18 Pacific Sky Supply.
25.855	92-37 Giuffrida.
39.3	92-10 Flight Unlimited; 94-4 Northwest Aircraft Rental.
43.3	92-73 Wyatt.
43.5	96-18 Kilrain.
43.9	91-8 Watts Agricultural Aviation.
43.13	90-11 Thunderbird Accessories; 94-3 Valley Air; 94-38 Bohan; 96-3 America West Airlines; 96-25 USAir.
43.15	90-25 & 90-27 Gabbert; 91-8 Watts Agricultural Aviation; 94-2 Woodhouse; 96-18 Kilrain.
65.15	92-73 Wyatt.
65.92	92-73 Wyatt.
91.8 (91.11 as of 8/18/90)	92-3 Park.
91.9 (91.13 as of 8/18/90)	90-15 Playter; 91-12 & 91-31 Terry & Menne; 92-8 Watkins; 92-40 Wendt; 92-48 USAir; 92-49 Richardson & Shimp; 92-47 Cornwall; 92-70 USAir; 93-9 Wendt; 93-17 Metcalf; 93-18 Westair Commuter; 93-29 Sweeney; 94-29 Sutton; 95-26 Hereth; 96-17 Fenner.
91.11	96-6 Ignatov.
91.29 (91.7 as of 8/18/90)	91-8 Watts Agricultural Aviation; 92-10 Flight Unlimited; 94-4 Northwest Aircraft Rental.
91.65 (91.111 as of 8/18/90)	91-29 Sweeney; 94-21 Sweeney.
91.67 (91.113 as of 8/18/90)	91-29 Sweeney.
91.75 (91.123 as of 8/18/90)	91-12 & 91-31 Terry & Menne; 92-8 Watkins; 92-40 Wendt; 92-49 Richardson & Shimp; 93-9 Wendt.
91.79 (91.119 as of 8/18/90)	90-15 Playter; 92-47 Cornwall; 93-17 Metcalf.
91.87 (91.129 as of 8/18/90)	91-12 & 91-31 Terry & Menne; 92-8 Watkins.
91.103	95-26 Hereth.
91.111	96-17 Fenner.
91.113	96-17 Fenner.
91.151	95-26 Hereth.

91.173 (91.417 as of 8/18/90)	91-8 Watts Agricultural Aviation.
91.703	94-29 Sutton.
107.1	90-19 Continental Airlines; 90-20 Degenhardt; 91-4 [Airport Operator]; 91-58 [Airport Operator].
107.13	90-12 & 90-19 Continental Airlines; 91-4 [Airport Operator]; 91-18 [Airport Operator]; 91-40 [Airport Operator]; 91-41 [Airport Operator]; 91-58 [Airport Operator]; 96-1 [Airport Operator].
107.20	90-24 Bayer; 92-58 Hoedl.
107.21	89-5 Schultz; 90-10 Webb; 90-22 Degenhardt; 90-23 Broyles; 90-26 & 90-43 Waddell; 90-33 Cato; 90-39 Hart; 91-3 Lewis; 91-10 Graham; 91-30 Trujillo; 91-38 Esau; 91-53 Koller; 92-32 Barnhill; 92-38 Cronberg; 92-46 Sutton-Sautter; 92-51 Koblick; 92-59 Petek-Jackson; 94-5 Grant; 94-31 Smalling.
107.25	94-30 Columna.
108.5	90-12, 90-18, 90-19, 91-2 & 91-9 Continental Airlines; 91-33 Delta Air Lines; 91-54 Alaska Airlines; 91-55 Continental Airlines; 92-13 & 94-1 Delta Air Lines; 94-44 American Airlines; 96-16 WestAir; 96-19 [Air Carrier].
108.7	90-18 & 90-19 Continental Airlines.
108.10	96-16 WestAir.
108.11	90-23 Broyles; 90-26 Waddell; 91-3 Lewis; 92-46 Sutton-Sautter; 94-44 American Airlines.
108.13	90-12 & 90-19 Continental Airlines; 90-37 Northwest Airlines.
121.133	90-18 Continental Airlines.
121.153	92-48 & 92-70 USAir; 95-11 Horizon; 96-3 America West Airlines; 96-24 Horizon; 96-25 USAir.
121.317	92-37 Giuffrida; 94-18 Luxemburg.
121.318	92-37 Giuffrida.
121.367	90-12 Continental Airlines; 96-25 USAir.
121.571	92-37 Giuffrida.
121.628	95-11 Horizon.
135.1	95-8 Charter Airlines; 95-25 Conquest.
135.5	94-3 Valley Air; 94-20 Conquest Helicopters; 95-25 Conquest; 95-27 Valley Air; 96-15 Valley Air.
135.25	92-10 Flight Unlimited; 94-3 Valley Air; 95-27 Valley Air; 96-15 Valley Air.
135.63	94-40 Polynesian Airways; 95-17 Larry's Flying Service; 95-28 Atlantic; 96-4 South Aero.
135.87	90-21 Carroll.
135.95	95-17 Larry's Flying Service.
135.185	94-40 Polynesian Airways.
135.263	95-9 Charter Airlines; 96-4 South Aero.
135.267	95-8 Charter Airlines; 95-17 Larry's Flying Service; 96-4 South Aero.
135.293	95-17 Larry's Flying Service; 96-4 South Aero.
135.343	95-17 Larry's Flying Service.
135.413	94-3 Valley Air; 96-15 Valley Air.
135.421	93-36 Valley Air; 94-3 Valley Air; 96-15 Valley Air.
135.437	94-3 Valley Air; 96-15 Valley Air.
145.53	90-11 Thunderbird Accessories.
145.57	94-2 Woodhouse.
145.61	90-11 Thunderbird Accessories.
191	90-12 & 90-19 Continental Airlines; 90-37 Northwest Airlines.
298.1	92-10 Flight Unlimited.
302.8	90-22 USAir.
49 CFR:	
1.47	92-76 Safety Equipment.
171 et seq	95-10 Diamond.
171.2	92-77 TCI; 94-28 Toyota; 94-31 Smalling; 95-16 Mulhall; 96-26 Midtown.
171.8	92-77 TCI.
172.101	92-77 TCI; 94-28 Toyota; 94-31 Smalling; 96-26 Midtown.
172.200	92-77 TCI; 94-28 Toyota; 95-16 Mulhall; 96-26 Midtown.
172.202	92-77 TCI; 94-28 Toyota; 94-31 Smalling; 95-16 Mulhall.
172.203	94-28 Toyota.
172.204	92-77 TCI; 94-28 Toyota; 94-31 Smalling; 95-16 Mulhall.
172.300	94-31 Smalling; 95-16 Mulhall; 96-26 Midtown.
172.301	94-31 Smalling; 95-16 Mulhall.
172.304	92-77 TCI; 94-31 Smalling; 95-16 Mulhall.
172.400	92-77 TCI; 94-28 Toyota; 94-31 Smalling; 95-16 Mulhall.
172.402	94-28 Toyota.
172.406	92-77 TCI.
173.1	92-77 TCI; 94-28 Toyota; 94-31 Smalling; 95-16 Mulhall.
173.3	94-28 Toyota; 94-31 Smalling.
173.6	94-28 Toyota.
173.22(a)	94-28 Toyota; 94-31 Smalling.

173.24	94-28 Toyota; 95-16 Mulhall.
173.25	94-28 Toyota.
173.27	92-77 TCI.
173.115	92-77 TCI.
173.240	92-77 TCI.
173.243	94-28 Toyota.
173.260	94-28 Toyota.
173.266	94-28 Toyota; 94-31 Smalling.
175.25	94-31 Smalling.
821.30	92-73 Wyatt.
821.33	90-21 Carroll.
Statutes:	
5 U.S.C.:	
504	90-17 Wilson; 91-17 & 92-71 KDS Aviation; 92-74, 93-2 & 93-9 Wendt; 93-29 Sweeney; 94-17 TCI; 95-27 Valley Air; 96-22 Woodhouse.
552	90-12, 90-18 & 90-19 Continental Airlines; 93-10 Costello.
554	90-18 Continental Airlines; 90-21 Carroll; 95-12 Toyota.
556	90-21 Carroll; 91-54 Alaska Airlines.
557	90-20 Degenhardt; 90-21 Carroll; 90-37 Northwest Airlines; 94-28 Toyota.
705	95-14 Charter Airlines.
5332	95-27 Valley Air.
11 U.S.C.:	
362	91-2 Continental Airlines.
28 U.S.C.:	
2412	93-10 Costello; 96-22 Woodhouse.
2462	90-21 Carroll.
49 U.S.C.:	
5123	95-16 Mulhall; 96-26 Midtown.
40102	96-17 Fenner.
44701	96-6 Ignatov; 96-17 Fenner.
44704	96-3 America West Airlines; 96-15 Valley Air.
46110	96-22 Woodhouse.
49 U.S.C. App.:	
1301(31) (operate)	93-18 Westair Commuter.
(32) (person)	93-18 Westair Commuter.
1356	90-18 & 90-19, 91-2 Continental Airlines.
1357	90-18, 90-19 & 91-2 Continental Airlines; 91-41 [Airport Operator]; 91-58 [Airport Operator].
1421	92-10 Flight Unlimited; 92-48 USAir; 92-70 USAir; 93-9 Wendt.
1429	92-73 Wyatt.
1471	89-5 Schultz; 90-10 Webb; 90-20 Degenhardt; 90-12, 90-18 & 90-19 Continental Airlines; 90-23 Broyles; 90-26 & 90-43 Waddell; 90-33 Cato; 90-37 Northwest Airlines; 90-39 Hart; 91-2 Continental Airlines; 91-3 Lewis; 91-18 [Airport Operator]; 91-53 Koller; 92-5 Delta Air Lines; 92-10 Flight Unlimited; 92-46 Sutton-Sautter; 92-51 Koblick; 92-74 Wendt; 92-76 Safety Equipment; 94-20 Conquest Helicopters; 94-40 Polynesian Airways; 96-6 Ignatov.
1472	96-6 Ignatov.
1475	90-20 Degenhardt; 90-12 Continental Airlines; 90-18, 90-19 & 91-1 Continental Airlines; 91-3 Lewis; 91-18 [Airport Operator]; 94-40 Polynesian Airways.
1486	90-21 Carroll; 96-22 Woodhouse.
1809	92-77 TCI; 94-19 Pony Express; 94-28 Toyota; 94-31 Smalling; 95-12 Toyota.

Civil Penalty Actions—Orders Issued by the Administrator

Digests

(Current as of September 30, 1996)

The digests of the Administrator's final decisions and orders are arranged by order number and briefly summarize key points of each decision. The following compilation of digests includes all final decisions and orders issued by the Administrator from July 1, 1996, to September 30, 1996. The FAA will publish 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 Donald M. Missirlian
Order No. 96-20 (7/31/96)

Notice of Appeal Construed as Brief.
Mr. Missirlian's notice of appeal

contains sufficient information and argument to meet the requirements for an appeal brief. Agency counsel is given 35 days in which to file a reply brief.

In the Matter of Matthew P. Houseal
Order No. 96-21 (8/2/96)

Appeal dismissed. Respondent has withdrawn his notice of appeal. The appeal is dismissed.

In the Matter of Mary Woodhouse
Order No. 96-22 (8/13/96)

Late-filed EAJA Application. The Administrator affirmed the law judge's order dismissing Ms. Woodhouse's

EAJA application for lack of jurisdiction.

Ms. Woodhouse was a partially prevailing party in Order No. 94-2. She filed a petition for review with the U.S. Court of Appeals for the Ninth Circuit, but she submitted the petition late, and for that reason, the Court dismissed the petition for lack of jurisdiction. Subsequently, Ms. Woodhouse filed an application for fees and expenses with the Agency. Her application was filed approximately 5 months after the issuance of Order No. 94-2.

Under 14 CFR 14.20, an EAJA application may be filed by a prevailing party "but in no case later than 30 days after the FAA Decisionmaker's final disposition of the proceeding." In this case, the Administrator's decision became the final disposition on the last date on which Ms. Woodhouse could have petitioned the Administrator to reconsider Order No. 94-2 (or 30 days after the issuance of Order No. 94-2). Then under the EAJA, Ms. Woodhouse had an additional 30 days in which to file her application. In other words, she has a total of 60 days in which to file her application with the Agency, but she failed to file in that time period.

Ms. Woodhouse argues that her application was timely because it was filed within 30 days of the Court's order denying her motion to reconsider its order dismissing her petition for review for lack of jurisdiction. She argues that it does not matter that the Court dismissed her petition for review for lack of jurisdiction. However, even if an EAJA application is not due until after an appellate court reviews a petition for review, that assumes the filing of a timely petition for review. Filing the petition for review after the expiration of the time period for filing a petition for review did not toll the time period for filing the EAJA application because Ms. Woodhouse had already foregone her right to seek Federal appellate court review of the Administrator's decision.

The 30-day limitation period for filing an EAJA application is jurisdictional and must be strictly construed in favor of the government because it is a waiver of the government's sovereign immunity. Thus, the Administrator lacks the authority to waive or extend the time limitation for filing the EAJA application in this case.

In the Matter of Thomas Kilrain Order No. 96-23 (8/13/96)

Petition for Reconsideration Denied. Mr. Kilrain sought reconsideration based upon his intention to "submit newly obtained evidence." He failed to demonstrate that reconsideration based upon new matter is warranted under 14

CFR 13.234(c); as a result, his petition for reconsideration is denied.

In the Matter of Horizon Air Industries, Inc. Order No. 96-24 (8/13/96)

Air Carrier Responsible for Employee Negligence. A Horizon flight took off with tape covering the static ports, resulting in erroneous altimeter and airspeed readings. The law judge correctly held that Horizon was responsible for the negligence of its employees—both its pilot, who failed to perform an adequate pre-flight inspection, and its maintenance personnel, who failed to remove tape from the static ports after washing the aircraft.

Consideration of Unauthenticated Exhibits Harmless Error. It was improper for the law judge to consider unauthenticated exhibits, particularly evidence of subsequent remedial measures. However, the law judge's error is harmless because, even without the documents, the agency was entitled to judgment as matter of law.

In the Matter of USAir, Inc. Order No. 96-25 (8/13/96)

Failure to Perform High Energy Stop Inspection. The law judge properly found that USAir violated 14 CFR 43.13, which requires air carriers to comply with the manufacturer's maintenance manual. There is no merit in USAir's argument that the manual was not clear enough on when a high energy stop inspection is required.

Operating an Unairworthy Aircraft. The law judge erred in failing to find violation of 14 CFR 121.153, which prohibits operating an unairworthy aircraft. USAir operated aircraft on 8 domestic flights before taking it out of service to perform the required high energy stop inspection. It is provided expressly in 14 CFR 21.181 that an airworthiness certificate is effective only as long as maintenance is performed in accordance with 14 CFR Part 43. Because the law judge properly found a violation of 14 CFR 43.13, he should also have found that USAir operated an unairworthy aircraft.

Sanction. As a result of the law judge's error in failing to find that USAir operated an unairworthy aircraft on 8 separate flights, the \$5,000 civil penalty he assessed is too low. The \$40,000 proposed civil penalty is reinstated.

In the Matter of Midtown Neon Sign Corp. Order No. 96-26 (8/13/96)

Proposed Hazmat Sanction Reinstated. The law judge reduced the \$25,000 civil penalty proposed by the agency attorney in this case involving an undeclared, leaking shipment of 2

one-gallon cans of paint, a flammable, hazardous material, to \$8,000. Due to several critical errors in the law judge's sanction analysis, the \$25,000 penalty is reinstated. The law judge thought the agency attorney had proven only one third of the violations originally alleged, and reduced the civil penalty on a pro rata basis. The law judge also seems to have multiplied the number of violations by a set dollar amount. This mathematical, formulaic approach is inappropriate and is not the approach mandated by the statute. The statute provides that in setting the penalty one must consider all the factors that justice requires. The Administrator's precedent indicates that it is the egregiousness of the respondent's conduct and not the number of violations that justifies the assessment of a particular civil penalty.

Double Jeopardy Clause. The law judge based his decision to reduce the sanction in part on the Double Jeopardy Clause of the United States Constitution. The law judge stated that the multiple punishments component of the Double Jeopardy Clause prohibited him from finding violations of certain general, introductory sections of the Hazardous Materials Regulations when he was also finding violations of more specific regulations.

Even if the Double Jeopardy Clause applies in civil penalty cases arising under the Federal hazardous material statute—and it has not been established that it does—a civil penalty of \$25,000 would still be appropriate. Even if the three general, introductory sections are not counted, there were still 9 violations under the law judge's analysis, each with a maximum civil penalty of \$25,000. Thus, the proposed civil penalty of \$25,000 is well within the range contemplated by Congress, and is appropriate given all the factors that Congress requires the Administrator to consider. Moreover, a penalty of \$25,000 is not inconsistent with previous penalties imposed.

Commercial Reporting Services of the Administrators

Civil Penalty Decisions and Orders

1. *Commercial Publications:* The Administrator's decisions and orders in civil penalty cases are now available in the following commercial publications: AvLex, published by Aviation Daily, 1156 15th Street, NW, Washington, DC 20005, (202) 822-4669; *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, 50 Broad Street

East, Rochester, NY 14694, (716) 546-1490.

2. *Disks/CD-ROM*. The decisions and orders may be obtained on disk from Aviation Records, Inc., P.O. Box 172, Battle Ground, WA 98604, (206) 896-0376. Aeroflight Publications, P.O. Box 854, 433 Main Street, Gruver, TX 79040, (806) 733-2483, is placing the decisions on CD-ROM.

3. *On-Line Services*. The Administrator's decisions and orders in civil penalty cases are available on CompuServe, FedWorld, and Westlaw. The Database ID for Westlaw is FTRAN-FAA.

The FAA has stated previously that publication of the subject-matter index and the digests may be discontinued once a commercial reporting service publishes similar information in a timely and accurate manner. No decision has been made yet on this matter, and for the time being, the FAA will continue to prepare and publish the subject-matter index and digests.

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 990261; (310) 725-7100.

Issued in Washington, DC on October 15, 1996.

James S. Dillman,

Assistant Chief Counsel for Litigation.

[FR Doc. 96-27070 Filed 10-21-96; 8:45 am]

BILLING CODE 4910-13-M

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Melbourne International Airport, Melbourne, 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 the Revenue from a PFC at Melbourne 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) (Public Law 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before November 21, 1996.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Orlando Airports District

Office, 9677 Tradeport Drive, Suite 130, Orlando, Florida 32827.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. James C. Johnson, Director of Aviation of the Melbourne Airport Authority at the following address: Melbourne International Airport, One Air Terminal Parkway, Suite 220, Melbourne, Florida 32901-1888.

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

FOR FURTHER INFORMATION CONTACT:

Mr. Vernon P. Rupinta, Project Manager, 9677 Tradeport Drive, Suite 130, Orlando, Florida, 32827-5397, (407) 648-6583. 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 Melbourne Airport Authority 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).

On October 10, 1996, the FAA determined that the application to impose and use the revenue from a PFC submitted by Melbourne 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 January 9, 1998.

The following is a brief overview of PFC Application No. 96-01-C-00-MLB. *Level of the proposed PFC:* \$3.00.

Proposed charge effective date: March 1, 1997.

Proposed charge expiration date: January 31, 1998.

Total estimated PFC revenue: \$787,470.

Brief description of proposed project(s):

Airfield Signage and Vault Improvement
FAR Part 107.14 Security Improvements
Master Plan Update
Construct Midfield ARFF Building
Environmental Assessment for Runway 9L Safety Area
Acquire Radio Equipment (107.14)
Federal Inspection Station

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Part 135 Air Taxi/Commercial Operators (ATCO) filing FAA Form 1800-31.