

MA, 01803, telephone (617) 238-7114, fax (617) 238-7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

A copy of the subject AC may be obtained by contacting the person named above under **FOR FURTHER INFORMATION CONTACT**. Interested persons are invited to comment on the proposed AC, and to submit such written data, views, or arguments as they may desire. Commenters must identify the subject of the AC and submit comments in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the New England Region Engine & Propeller Directorate, Aircraft Certification Service, before issuing the final AC.

Background

The Federal Aviation Administration (FAA) established the Titanium Rotating Components Review Team (TRCRT) to review the adequacy of current efforts within the engine industry, and address the safety of titanium alloy high energy rotating components of turbine engines.

In May of 1991, the TRCRT held a public meeting and presented a report consisting of recommendations and an implementation plan. In response to the TRCRT implementation plan, in 1991, the American Industries Association (AIA) Materials and Structures Committee was formed (AIA Project P341-2) to assist the FAA in developing an advisory circular to address the processing of titanium material used in critical rotating components of aircraft engines.

The AIA Materials and Structures Committee found that existing AC's provide a means to obtain and maintain production approvals, however, these documents do not fully cover the manufacturing process used in the manufacture of premium quality titanium alloy forged rotating components for type certificated turbine establishment. This proposed AC therefore, provides supplemental guidance for the establishment of a manufacturing process, in-process material and component inspections, and finished component inspections, for manufacture of premium quality titanium alloy forged rotating components, such as disks, spacers, hubs, shafts, spools and impellers, but not blades.

This proposed advisory circular provides guidance and information for compliance pertaining to the materials suitability and durability requirements,

as applicable, to the manufacture of titanium alloy high energy rotating parts of aircraft engines.

Issued in Burlington, Massachusetts, on July 7, 1997.

James C. Jones,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 97-18787 Filed 7-16-97; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activity Under OMB Review

AGENCY: Department of Transportation, Federal Aviation Administration (DOT/FAA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) this notice announces that the information collection request described below has been forwarded to the Office of Management and Budget (OMB) for review. The FAA is requesting an emergency clearance by August 8, 1997, in accordance with 5 CFR § 1320.13. The following information describes the nature of the information collection and its expected burden.

DATES: Submit any comments to OMB and FAA by September 15, 1997.

SUPPLEMENTARY INFORMATION:

Title: Overflight Billing and Collection Customer Information Form

Need: The customer information form is needed in order to request and obtain proper billing information from carriers as well as properly identify Tail numbers as commercial or general aviation in order that carriers are charged the correct rate.

Respondents: 600.

Frequency: One time per respondent unless there is a change to the billing address.

Burden: 50 hours.

FOR FURTHER INFORMATION CONTACT: or to obtain a copy of the request for clearance submitted to OMB, you may contact Ms. Judith Street at the: Federal Aviation Administration, Corporate Information Division, ABC-100, 800 Independence Avenue, SW, Washington, DC 20591. Comments may be submitted to the agency at the address above and to: Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10202, Attention FAA Desk

Officer, 725 17th Street, NW, Washington, DC 20503.

Issued in Washington, DC on July 11, 1997.

Patricia W. Carter,

Acting, Manager, Corporate Information Division, ABC-100.

[FR Doc. 97-18843 Filed 7-16-97; 8:45 am]

BILLING CODE 4910-13-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. The FAA is publishing an index by order number, an index by subject matter, and case digests containing 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 these indexes 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 June 30, 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 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
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4/1/96-6/30/96	61 FR 37526; 7/18/96
7/1/96-9/30/96	61 FR 54833; 10/22/96
10/1/96-12/31/96	62 FR 2434; 1/16/97
1/1/97-3/31/97	62 FR 24533; 5/2/97

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.)

CIVIL PENALTY ACTIONS—ORDERS ISSUED BY THE ADMINISTRATOR ORDER NUMBER INDEX

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97-15	Ray Randall Houston and Johnson County Aerial Services, Inc.
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97-16	Mauna Kea Helicopters.
5/23/97	CP94WP0005, CP95WP0021, CP94WP0022.
97-17	Ronald V. Stallings.
5/23/97	CP96WP0083.
97-18	Pierre A. Robinson.
5/23/97	CP96EA0268.
97-19	Donald M. Missirlian.
5/23/97	CP95WP0282.
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5/23/97	CP96WP0066.
97-21	Delta Air Lines, Inc.
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97-22	Sanford Air, Inc.
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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; 97-21 Delta.
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172.202	92-77 TCI; 94-28 Toyota; 94-31 Smalling; 95-16 Mulhall.
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CIVIL PENALTY ACTIONS—ORDERS ISSUED BY THE ADMINISTRATOR SUBJECT MATTER INDEX—Continued

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Civil Penalty Actions—Orders Issued by the Administrator Digests

(Current as of June 30, 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 April 1, 1997, to June 30, 1997. 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 Pacific Aviation International d/b/a Inter-Island Helicopters

Order No. 97–14 (5/2/97)

Petition for Reconsideration Dismissed. Inter-Island's petition for reconsideration is dismissed because it was filed late under 14 CFR 13.234(a) and good cause for the delay was not shown.

In the Matter of Ray Randall Houston and Johnson County Aerial Services, Inc.

Order No. 97–15 (5/8/97)

Appeal Dismissed. Respondents' appeal is dismissed for failure to perfect under 14 CFR 13.233(d)(2).

In the Matter of Mauna Kea Helicopters

Order No. 97–16 (5/23/97)

Appeal Denied. The Administrator finds that he does, contrary to Mauna Kea's argument, have jurisdiction over the appeal. The Administrator rejects Mauna Kea's argument that it was denied due process because it did not receive an initial decision from the law judge in one of the three consolidated cases. The Administrator finds that the record supports the law judge's assessment of the testimony of a Mauna Kea witness as weak, vacillating, vague and uncorroborated, and upholds the

law judge's finding that Mauna Kea did not prove financial hardship. In certain exceptional cases it is possible that the testimony of a credible, independent witness could suffice to prove financial hardship, even without supporting documentary evidence; however the uncorroborated testimony in this case was too weak to prove financial hardship. The Administrator affirms the penalties assessed by the law judge in each case involving violations of 14 CFR 91.7(a), 91.405(a) and 135.413(a): \$10,000 in Docket No. CP94WP0005; \$15,000 in Docket No. CP94WP0021; \$30,000 in Docket No. CP94WP0022. The argument that the penalties are excessive in light of "remedial action" taken by Mauna Kea is rejected.

In the Matter of Ronald V. Stallings

Order No. 97–17 (5/23/97)

Appeal Dismissed. The notice of appeal is dismissed because Mr. Stallings failed to file a brief (see FAA Order No. 97–7 (2/20/97).) The penalty is reduced from \$2,000 to \$500 to bring the penalty into line with current agency policy regarding similar violations of 14 CFR 107.21(a)(1) and 49 U.S.C. 46303(a).

In the Matter of Pierre A. Robinson

FAA Order No. 97–18 (5/23/97)

Case Remanded to Office of Hearings. Case remanded to the law judge to give Mr. Robinson an opportunity to demonstrate good cause for failure to file an answer to the complaint within the timeframe set forth in 14 CFR 13.209. This decision quotes *In the Matter of Atlantic World Airways*, FAA Order No. 95–28 (12/19/95), for the proposition that the "Rules of Practice do not grant law judges the authority to extend the deadline for filing an answer without a showing of good cause."

In the Matter of Donald M. Missirlian

FAA Order No. 97–19 (5/23/97)

Dismissal of Request for Hearing Affirmed. The Administrator affirms the law judge's dismissal of the request for hearing due to Mr. Missirlian's failure to file an answer to the complaint. The Administrator finds that Mr. Missirlian failed to demonstrate good cause for failing to file the answer. This decision cites *In the Matter of Barnhill*, FAA

Order No. 92–32 (5/5/92) for the proposition that pre-complaint writings, including responses to notices of proposed civil penalty, do not satisfy the requirement for an answer. Also the Administrator notes that if Mr. Misserlian had wanted to rely upon pre-complaint correspondence, he should have re-filed that correspondence as the answer within the timeframe of 14 CFR 13.209(a). The law judge's assessment of a \$1,000 civil penalty for a violation of 14 CFR 107.20 is affirmed.

In the Matter of Nicholas Werle

FAA Order No. 97–20 (5/23/97)

Appeal Denied. The Administrator affirms the law judge's finding that Mr. Werle bypassed x-ray screening at an airport security checkpoint in violation of 14 CFR 107.20. The Administrator rejects the arguments regarding Complainant's alleged failure to send him a Notice of Proposed Civil Penalty, finding that the Notice had indeed been sent, and even if it had not, Mr. Werle had timely notice of the allegations. The Administrator cites *In the Matter of Park*, FAA Order No. 92–3 (1/9/92) for the proposition that a law judge's credibility findings will not be disturbed on review based upon minor inconsistencies in the evidence. The Administrator affirms the law judge's determination that the witnesses' identification of Mr. Werle was reliable, holding that under the totality of the circumstances, the absence of a line-up did not render this identification unreliable. Also, the Administrator affirmed the assessment of a \$1,000 civil penalty for the violation of 14 CFR 107.20.

In the Matter of Delta Air Lines, Inc.

FAA Order No. 97–21 (5/28/97)

Appeal Granted. The law judge held that Complainant failed to prove that an inoperative number 2 bus galley power switch indicator light in the cockpit of a Lockheed L–1011 aircraft rendered the aircraft unairworthy. The Administrator reverses the law judge's finding that Delta did not violate 14 CFR 121.153(a)(2) and assesses a \$4,000 civil penalty.

Airworthiness. The Administrator notes that air carriers may not take off with an inoperable instruments or equipment unless an approved

Minimum Equipment List (MEL) exists that so permits, citing 14 CFR 121.628. It is the agency's position that without an applicable MEL provision, an inoperable instrument or piece of equipment renders the aircraft's airworthiness certificate ineffective.

It is held that a light in the cockpit, indicating to the flight crew whether power is going to the galley is neither galley equipment nor a passenger convenience item. Hence, the MEL did not allow the aircraft to operate with that cockpit indicator light inoperative, and the aircraft did not conform to its type design. Also, the evidence indicated that the inoperative indicator light reduced the margin of safety that conformity with the type design is intended to provide. The Administrator finds that the aircraft was unairworthy under both prongs of the test for airworthiness. See e.g., *In the Matter of Valley Air Services*, FAA Order No. 96-15 (5/3/96); *In the Matter of Watts Agricultural Aviation, Inc.*, FAA Order No. 91-8 (4/11/91).

Administrator distinguishes this case from *Administrator v. Calavaero*, 5 NTSB 1099 (1986).

In the Matter of Sanford Air, Inc.

FAA Order No. 97-22 (5/28/97)

Additional Written Argument Allowed. Sanford Air's request to file an additional brief is granted. It is possible that Sanford Air's claim that there are factual errors in Complainant's reply brief has merit. Additional brief should be limited to alleged factual errors.

In the Matter of Detroit-Metropolitan Wayne County Airport

FAA Order No. 97-23 (6/5/97)

Appeal Denied. The Administrator reiterates that 14 CFR 107.13(a) does not impose absolute liability on airport operators, citing *In the Matter of [Airport Operator]*, FAA Order No. 96-1 (1/4/96). The Administrator finds that the law judge was correct in finding a violation in this case because airport personnel failed to stop and challenge the unauthorized individual who had entered and crossed the restricted area. The airport operator had not properly implemented its airport security program. The Administrator affirms the \$1,000 civil penalty.

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, AK 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 (ACE-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 (ANW-7), Northwest Mountain Region Headquarters, 1601 Lind Avenue, SW, Renton, WA 98055-4556; (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 Regional 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 Regional Headquarters, 15000 Aviation Boulevard, Lawndale, Ca 90261; (310) 725-7100.

Issued in Washington, DC on July 10, 1997.

James S. Dillman,

Assistant Chief Counsel for Litigation.

[FR Doc. 97-18757 Filed 7-16-97; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Intent to Rule on Application to Impose a Passenger Facility Charge (PFC) at Chicago O'Hare International Airport, Chicago, Illinois and Use PFC Revenue at Gary Regional Airport, Gary, Indiana

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 a PFC at Chicago O'Hare International Airport and use the revenue from a PFC at Gary Regional 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 August 18, 1997.

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