

Reconstruct, widen, and extend runway 3/21.
PFC application preparation.
Improve existing airfield service road.
Preparation of plans and specifications for the rehabilitation of runway 13/31 and taxiway A.
Rehabilitate runway 13/31.
Rehabilitate runway 13/31 lighting.
Rehabilitate taxiway A.

Brief Description of Project Approved for Collection: Rehabilitate baggage claim area.

Decision Date: March 24, 1998.

FOR FURTHER INFORMATION CONTACT: Irene R. Porter, Bismarck Airports District Office, (701) 250-4358.

Public Agency: County of Jefferson, Beaumont, Texas.

Application Number: 98-03-C-00-BPT.

Application Type: Impose and use a PFC.

PFC Level: \$3.00.

Total PFC Revenue Approved in This Decision: \$667,020.

Earliest Charge Effective Date: August 1, 1998.

Estimated Charge Expiration Date: November 1, 2000.

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

Brief Description of Projects Approved for Collection and Use: Airfield safety improvements: Rehabilitate runway 16/34, phase II; widen taxiways C, E, G,

and H; install runway end identifier lights for runways 30 and 34; acquire airfield sweeper.

Airport entrance signs.

Widen taxiway D.

ARFF facility.

Ground level covered passenger walkway.

PFC application and administrative costs.

Decision Date: March 25, 1998.

FOR FURTHER INFORMATION CONTACT: Ben Guttery, Southwest Region Airports Division, (817) 222-5614.

Public Agency: Kenton County Airport Board, Covington, Kentucky.

Application Number: 98-03-C-00-CVG.

Application Type: Impose and use a PFC.

PFC Level: \$3.00.

Total PFC Revenue Approved in This Decision: \$21,097,000.

Earliest Charge Effective Date: June 1, 1998.

Estimated Charge Expiration Date: April 1, 1999.

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

(1) Part 121 supplemental operators which operate at Cincinnati/Northern Kentucky International Airport without an operating agreement with the public agency and enplane less than 1,500 passengers per year; and (2) Part 135 on

demand air taxis, both fixed wing and rotary.

Determination: Approved. Based on the information contained 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 Cincinnati/Northern Kentucky International Airport.

Brief Description of Projects Approved for Collection and Use:

ARFF equipment (quick response truck).

Taxiway K and hold apron.

Taxiway S extension.

Field equipment.

Northwest environmental collection system.

North crossfield taxiway.

Runway 9/27 extension: clear, drain, and grade.

Field lighting to new tower.

Runway 9/27 extension: pave and light.

Taxiway S and tunnel extension.

Environmental impact statement (runway 18R/36L/master plan projects).

Part 150 study.

Taxiway M rehabilitation.

Decision Date: March 31, 1998.

FOR FURTHER INFORMATION CONTACT: Peggy S. Kelley, Memphis Airports District Office, (901) 544-3495.

Amendments to PFC Approvals:

Amendment number city, state	Amendment approved date	Original approved net PFC revenue	Amended approved net PFC revenue	Original estimated charge expired date	Amended estimated charge expired date
93-01-C-04-CRW Charleston, WV	02/26/98	\$2,489,473	\$2,504,316	11/01/09	11/01/98
94-01-C-04-CVG Covington, KY	03/25/98	43,267,000	37,146,000	09/01/00	06/01/98
95-02-C-01-CVG Covington, KY	03/25/98	111,930,000	85,441,000	09/01/00	06/01/98

Issued in Washington, DC, on April 16, 1998.

Eric Gabler,

Manager, Passenger Facility Charge Branch.

[FR Doc. 98-10805 Filed 4-22-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Denial of Motor Vehicle Defect Petition

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petition for a defect investigation.

SUMMARY: This notice sets forth the reasons for the denial of a petition submitted to NHTSA under 49 U.S.C. 30162, requesting that the agency commence a proceeding to determine the existence of a defect related to motor vehicle safety. The petition is hereinafter identified as DP98-003.

FOR FURTHER INFORMATION CONTACT: Dr. George Chiang, Office of Defects Investigation (ODI), NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366-5206.

SUPPLEMENTARY INFORMATION: Ms. Lisa Smith of Newburgh, Indiana, submitted a petition dated February 24, 1998, requesting that an investigation be initiated to determine whether Model Year (MY) 1989 Chrysler minivans (Voyagers) contain a defect related to motor vehicle safety within the meaning

of 49 U.S.C. Chapter 301. The petition alleges that MY 1989 Plymouth Voyagers have a defective automatic transmission that can fail early in the life of the vehicle and require a costly repair.

In her petition letter, Ms. Smith stated that "I am filing this petition against the Chrysler Plymouth Corp. for their failure to produce a quality transmission in the 1989 minivans (Voyagers). Starting in 1989 model vans they installed a transmission that was faulty in its performance * * * I feel Chrysler is putting quantity before quality * * * I request you have a hearing on this costly issue. In the meantime I will be paying my repair bill for my 3rd transmission."

Clearly, failure of her transmission with the high cost of its replacement is

frustrating to the petitioner. While frustrating, the type of transmission problem the petitioner described is not related to motor vehicle safety. The agency has no jurisdiction over non-safety defects, warranty, dealership, and remuneration matters.

Accordingly, it is unlikely that NHTSA would issue an order for the notification and remedy of a safety-related defect in the subject vehicles at the conclusion of the investigation requested in the petition. Therefore, the petition is denied.

Authority: 49 U.S.C. 30162(d); delegations of authority at CFR 1.50 and 501.8.

Kenneth N. Weinstein,

Associate Administrator for Safety Assurance.

[FR Doc. 98-10834 Filed 4-22-98; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33575]

State of North Carolina—Intracorporate Family Exemption—Merger of Beaufort and Morehead Railroad Company Into North Carolina Railroad Company

The State of North Carolina (the State), Beaufort and Morehead Railroad Company (B&M), and North Carolina Railroad Company (NCR) have filed a verified notice of exemption to merge B&M, a Class III rail carrier wholly owned by the State (a noncarrier),¹ into NCR, a Class III rail carrier controlled by the State.²

The proposed merger is an element of a financial restructuring, not subject to Board jurisdiction, related to the proposed buyout by the State of the private shareholders of NCR.³ See *North Carolina Railroad Company—Petition to Set Trackage Compensation and Other Terms and Conditions—Norfolk Southern Railway Company, Norfolk & Western Railway Company, and Atlantic and East Carolina Railway Company*, STB Finance Docket No. 33134 (STB served May 29, 1997).⁴ The

parties expected to consummate the merger on or after March 31, 1998.

This transaction is one within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1180.2(d)(3). The parties state that the transaction will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to reopen will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33575, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on: Betty Jo Christian, Steptoe & Johnson, 1330 Connecticut Avenue, N.W., Washington, DC 20036; and Farhana Y. Khera, Hogan & Hartson L.L.P., 555 Thirteenth Street, N.W., Washington, DC 20004-1109.

Decided: April 15, 1998.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 98-10703 Filed 4-22-98; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33572 (Sub-No. 1)]

Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of exemption.

SUMMARY: The Board, under 49 U.S.C. 10502, exempts the trackage rights described in STB Finance Docket No. 33572¹ to permit the trackage rights to expire, as they relate to the operation between Council Bluffs and Hastings, on July 16, 1998, and as they relate to the operation between Hastings and Northport, on October 1, 1998, in accordance with the agreement of the parties.²

DATES: This exemption is effective on May 23, 1998. Petitions to reopen must be filed by May 13, 1998.

ADDRESSES: An original and 10 copies of all pleadings referring to STB Finance Docket No. 33572 (Sub-No. 1) must be filed with the Office of the Secretary, Case Control Unit, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of all pleadings must be served on petitioner's representative, Joseph D. Anthofer, Esq., 1416 Dodge Street, #830, Omaha, NE 68179.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927-1600. [TDD for the hearing impaired: (202) 565-1695.]

SUPPLEMENTARY INFORMATION:

Additional information is contained in

¹ On March 23, 1998, UP filed a notice of exemption under the Board's class exemption procedures at 49 CFR 1180.2(d)(7). The notice covered the agreement by The Burlington Northern and Santa Fe Railway Company (BNSF) to grant temporary overhead trackage rights over two segments of its line to UP: (1) between Council Bluffs, IA, at milepost 483.6 on BNSF's Bayard Subdivision (at a point which is equal to milepost 12.8 on BNSF's Omaha Subdivision) and Hastings, NE, at milepost 156.5 on BNSF's Hastings Subdivision, a distance of approximately 214.6 miles over a segment which extends from Council Bluffs through Omaha, NE, Ashland, NE, Lincoln, NE, Crete, NE, and Fairmont, NE, to Hastings, for the period March 30, 1998, through July 15, 1998; and (2) between Hastings, NE, at milepost 156.5 on BNSF's Hastings Subdivision and Northport, NE, at milepost 34.4 on BNSF's Angora Subdivision, a distance of approximately 387.7 miles over a segment which extends from Hastings through Holdrege, NE, Oxford, NE, Culbertson, NE, Wray, CO, East Brush, CO, Sterling, CO, and Sidney, NE, to Northport, for the period March 30, 1998, through September 30, 1998. The portion of the trackage rights operation between Council Bluffs, IA, and Hastings, NE, is scheduled to expire effective July 16, 1998. The portion of the trackage rights operation between Hastings and Northport, NE, is scheduled to expire effective October 1, 1998. See *Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company*, STB Finance Docket No. 33572 (STB served Apr. 2, 1998). The exemption became effective on March 30, 1998, 7 days after the verified notice was filed.

² Trackage rights normally remain in effect unless discontinuance authority or approval of a new agreement is sought. See *Milford-Bennington Railroad Company, Inc.—Trackage Rights Exemption—Boston and Maine Corporation and Springfield Terminal Railway Company*, Finance Docket No. 32103 (ICC served Sept. 3, 1993).

¹ An agency of the State, the North Carolina Department of Transportation, owns 100% of the outstanding common stock of B&M.

² The State owns approximately 75% of the outstanding common stock of NCR.

³ The merger will allow NCR to issue new preferred stock in exchange for B&M preferred stock. The preferred stock issuance will evidently preserve NCR's Federal tax status as a real estate investment trust after the State acquires all of its common stock.

⁴ There, a trackage compensation proceeding was held in abeyance to allow the State to negotiate a buyout of the private shareholders of NCR whose dissension had precipitated the compensation dispute.