

pages to navigate from screen to screen, rather than the browser controls, whenever possible. If you do not have internet access, you can register by calling 202-366-4723 or by writing to the contact person below. Please include your name, address, and phone number in your letter/postcard. Also, remember that space is limited and registration is on a first-come-first-served basis.

**FOR FURTHER INFORMATION CONTACT:**

Blane Workie, Office of General Counsel (C-50), Department of Transportation, Room 10424, 400 Seventh Street, SW, Washington, DC 20590. Phone: (202) 366-4723 (voice), (202) 755-7687 (TDD); Email: blane.workie@ost.dot.gov.

Issued in Washington, DC., this 3rd day of May, 1999.

**Robert C. Ashby,**

*Deputy Assistant General Counsel for Regulation and Enforcement.*

[FR Doc. 99-11494 Filed 05-06-99; 8:45 am]

BILLING CODE 4910-62-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

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

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of publication.

**SUMMARY:** This notice constitutes the required quarterly publication of an index of the Administrator's decisions and orders in civil penalty cases. This publication represents the quarter ending on March 31, 1999. This publication ensures that the agency is in compliance with statutory indexing requirements.

**FOR FURTHER INFORMATION CONTACT:**

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

**SUPPLEMENTARY INFORMATION:** The Administrative Procedure Act requires Federal agencies to maintain and make available for public inspection and copying current indexes containing identifying information regarding materials required to be made available or published. 5 U.S.C. 552(a)(2). In a

notice issued on July 11, 1990, and published in the **Federal Register** (55 FR 29148; July 17, 1990), the FAA announced the public availability of several indexes and summaries that provide identifying information about the decisions and orders issued by the Administrator under the FAA's civil penalty assessment authority and the rules of practice governing hearings and appeals of civil penalty actions. 14 CFR part 13, subpart G.

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

The indexes are published on a quarterly basis (*i.e.*, January, April, July, and October.) This publication represents the quarter ending on March 31, 1999.

The FAA first published these indexes and digests for all decisions and orders issued by the Administrator through September 30, 1990. 55 FR 35984; 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 these indexes 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.        |

| Dates of quarter     | Federal register publication |
|----------------------|------------------------------|
| 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.        |
| 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.         |
| 4/1/97-6/30/97 ..... | 62 FR 38339; 7/17/97.        |
| 7/1/97-9/30/97 ..... | 62 FR 53856; 10/16/97.       |
| 10/1/97-12/31/97 ..  | 63 FR 3373; 1/22/98.         |
| 1/1/98-3/31/98 ..... | 63 FR 19559; 4/20/98.        |
| 4/1/98-6/30/98 ..... | 63 FR 37914; 7/14/98.        |
| 7/1/98-9/30/98 ..... | 63 FR 57729; 10/28/98.       |
| 10/1/98-12/31/98 ..  | 64 FR 1855; 1/12/99.         |

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 Callaghan) and are available on computer on-line services (Westlaw, LEXIS, Compuserve and FedWorld). (A list of the addresses of the FAA offices where the civil penalty decisions may be reviewed and information regarding these commercial publications and computer databases are provided at the end of this notice.)

Information regarding the accessibility of materials filed in recently initiated civil penalty cases in FAA civil penalty cases at the DOT Docket and over the Internet is also set forth 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 January 1, 1999, to March 31, 1999.)

1999-1—American Airlines

3/2/99—CP95SW0195, CP95SO0196, CP95SW0197, CP95SW0199, CP95SW0200, CP95SW0201, CP95SW0202, CP95SW0207, CP95SW0208, CP95SW0209, CP95SW0210, CP95SW0211, CP95SW0212, CP95SW0213, CP95SW0215, CP95SW0216, CP95SW0217, CP95SW0294, CP95SW0295, CP96SW0132, CP96SW0133, CP96SW0134, CP96SW0170

1999-2—Oxygen Systems

3/4/99—CP97SO0071

**Civil Penalty Actions—Orders Issued by the Administrator***Subject Matter Index*

(Current as of March 31, 1999)

**Administrative Law Judges—Power and Authority:**

|                                                                                                   |                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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; 97-20 Werle; 97-30 Emery Worldwide Airlines; 97-32 Florida Propeller; 98-18 General Aviation.                                                                                                   |
| Default Judgment .....                                                                            | 91-11 Continental Airlines; 92-47 Cornwall; 94 8 Nunez; 94-22 Harkins; 94-28 Toyota; 95-10 Diamond; 97-28 Continental Airlines; 97-33 Rawlings; 98-13 Air St. Thomas.                                                                                                                                                   |
| 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.                                                                                                                                                                                                                                                                                          |
| Lateness of .....                                                                                 | 97-31 Sanford Air.                                                                                                                                                                                                                                                                                                      |
| Should include requirement to file appeal brief in decision .....                                 | 98-5 Squire.                                                                                                                                                                                                                                                                                                            |
| 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; 97-33 Rawlings.                                                                                                                                                                                                                                                                            |
| When complaint is withdrawn .....                                                                 | 94-39 Kirola.                                                                                                                                                                                                                                                                                                           |
| Motion for Decision .....                                                                         | 92-73 Wyatt; 92-75 Beck; 92-76 Safety Equipment; 93-11 Merkley; 96-24 Horizon; 98-20 Koenig.                                                                                                                                                                                                                            |
| No authority to extend due date for late Answer without showing of good cause. (See also Answer). | 95-28 Atlantic World Airways; 97-18 Robinson; 98-4 Larry's Flying Service.                                                                                                                                                                                                                                              |
| Notice of Hearing .....                                                                           | 92-31 Eaddy.                                                                                                                                                                                                                                                                                                            |
| Regulate proceedings .....                                                                        | 97-20 Werle.                                                                                                                                                                                                                                                                                                            |
| Sanction .....                                                                                    | 90-37 Northwest Airlines; 91-54 Alaska Airlines, 94-22 Harkins; 94-28 Toyota.                                                                                                                                                                                                                                           |
| Service of law judges by parties .....                                                            | 97-18 Robinson.                                                                                                                                                                                                                                                                                                         |
| 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; 96-16 Westair Commuter; 96-24 Horizon; 97-8 Pacific Av. d/b/a Inter-Island Helicopters.                                                                                                                                                                                                                    |
| Employee .....                                                                                    | 93-18 Westair Commuter; 97-8 Pacific Av. d/b/a Inter-Island Helicopters.                                                                                                                                                                                                                                                |
| Ground Security Coordinator, Failure to provide .....                                             | 96-16 WestAir Commuter.                                                                                                                                                                                                                                                                                                 |
| Intoxicated Passenger:                                                                            |                                                                                                                                                                                                                                                                                                                         |
| Allowing to board .....                                                                           | 98-11 TWA.                                                                                                                                                                                                                                                                                                              |
| Serving alcohol to .....                                                                          | 98-11 TWA.                                                                                                                                                                                                                                                                                                              |
| Liability for acts/omissions of employees in the scope of employment.                             | 98-11 TWA.                                                                                                                                                                                                                                                                                                              |
| 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; 97-8 Pacific Av. d/b/a Inter-Island Helicopters; 97-9 Alphin; 97-10 Alphin; 97-11 Hampton; 97-30 Emery Worldwide Airlines; 97-31 Sanford Air; 98-18 General Aviation. |
| Acceptable methods, techniques, and practices .....                                               | 96-3 America West Airlines.                                                                                                                                                                                                                                                                                             |
| After certificate revocation .....                                                                | 92-73 Wyatt.                                                                                                                                                                                                                                                                                                            |
| Airworthiness Directive, compliance with .....                                                    | 96-18 Kilrain; 97-9 Alphin.                                                                                                                                                                                                                                                                                             |
| Inspection .....                                                                                  | 96-18 Kilrain; 97-10 Alphin.                                                                                                                                                                                                                                                                                            |
| Major/minor repairs .....                                                                         | 96-3 America West Airlines.                                                                                                                                                                                                                                                                                             |
| Minimum Equipment List (MEL) .....                                                                | 94-38 Bohan; 95-11 Horizon; 97-11 Hampton; 97-21 Delta; 97-30 Emery Worldwide Airlines.                                                                                                                                                                                                                                 |
| 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; 97-30 Emery Worldwide Airlines; 97-31 Sanford Air; 98-18 General Aviation.                                                                                                                                                                                            |
| "Yellow tags" .....                                                                               | 91-8 Watts Agricultural Aviation.                                                                                                                                                                                                                                                                                       |
| Aircraft-Weight and Balance (See Weight and Balance)                                              |                                                                                                                                                                                                                                                                                                                         |
| Airmen:                                                                                           |                                                                                                                                                                                                                                                                                                                         |
| Pilots .....                                                                                      | 91-12 & 91-31 Terry & Menne; 92-8 Watkins; 92-49 Richardson & Shimp; 93-17 Metcalf.                                                                                                                                                                                                                                     |

|                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Altitude deviation .....                                             | 92-49 Richardson & Shimp.                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Careless or Reckless .....                                           | 91-12 & 91-31 Terry & 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 & 91-31 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]; 98-7 LAX.                                                                                                                                                                                                                                                  |
| Badge Display .....                                                  | 91-4 [Airport Operator]; 91-33 Delta Air Lines; 99-1 American Airlines.                                                                                                                                                                                                                                                                                                                                                                          |
| 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]; 98-7 LAX.                                                                                                                                                                                                                                                                                                                                                         |
| 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]; 97-23 Detroit Metropolitan; 98-7 LAX; 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]; 97-23 Detroit Metropolitan.                                                                                                                                                                                                                                |
| Air Traffic Control (ATC):                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Error as mitigating factor .....                                     | 91-12 & 91-31 Terry & Menne.                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Error as exonerating factor .....                                    | 91-12 & 91-31 Terry & Menne; 92-40 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 & Shimp.                                                                                                                                                                                                                                                                                                                                                                                                   |
| 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; 97-8 Pacific Av. d/b/a Inter-Island Helicopters; 97-9 Alphin; 97-10 Alphin; 97-11 Hampton; 97-21 Delta; 97-30 Emery Worldwide Airlines; 97-32 Florida Propeller; 98-18 General Aviation. .                                                                                 |
| Amicus Curiae Briefs .....                                           | 90-25 Gabbert.                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Answer:                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| ALJ may not extend due date for late Answer unless good cause shown. | 95-28 Atlantic World Airways; 97-18 Robinson; 97-33 Rawlings; 98-4 Larry's Flying Service.                                                                                                                                                                                                                                                                                                                                                       |
| Reply to each numbered paragraph in the complaint required ....      | 98-21 Blankson.                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 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 World Airways; 97-18 Robinson; 97-19 Missirlian; 97-33 Rawlings; 97-38 Air St. Thomas; 98-4 Larry's Flying Service; 98-13 Air St. Thomas.                                                                                                                      |
| What constitutes .....                                               | 92-32 Barnhill; 92-75 Beck; 97-19 Missirlian.                                                                                                                                                                                                                                                                                                                                                                                                    |
| Appeals (See also Filing; 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; 94-18 Luxemburg; 94-29 Sutton; 97-22 Sanford Air; 97-34 Continental Airlines; 97-38 Air St. Thomas; 98-18 General Aviation.                                                                                                                                                                                                                                 |
| 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-Filed Brief or Notice of Appeal .....            | 90-3 Metz; 90-27 Gabbert; 90-39 Hart; 91-10 Graham; 91-24 Esau; 91-48 Wendt; 91-50 & 92-1 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; 97-6 WRA Inc.; 97-7 Stalling; 97-28 Continental; 97-38 Air St. Thomas; 98-1 V. Taylor; 98-13 Air St. Thomas. |
| 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; 98-20 Koenig.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 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; 98-5 Squire; 98-15 Squire.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Failure to .....                                                                             | 89-1 Gressani; 89-7 Zenkner; 90-11 Thunderbird Accessories; 90-35 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; 97-3 [Airport Operator], 97-6 WRA, Inc.; 97-15 Houston & Johnson County; 97-35 Gordon Air Services; 97-36 Avcon; 97-37 Roush; 98-10 Rawlings; 99-2 Oxygen Systems.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Notice of appeal construed as appeal brief .....                                             | 92-39 Beck; 94-15 Columna; 95-9 Woodhouse 95-23 Atlantic World Airways; 96-20 Missirlian; 97-2 Sanford Air; 98-5 Squire; 98-17 Blue Ridge Airlines; 98-23 Instead Balloon Services.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 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; 97-2 Sanford Air.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Service of brief:                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Failure to serve other 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 Neon Sign Corp.; 97-7 & 97-17 Stallings; 97-28 Continental; 97-38 Air St. Thomas; 98-1 Taylor; 98-13 Air St. Thomas; 98-16 Blue Ridge Airlines; 98-17 Blue Ridge Airlines; 98-21 Blankson.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 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 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 American 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 Brown; 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 US Air; 96-12 USAir; 96-21 Houseal; 97-4 [Airport Operator]; 97-5 WestAir; 97-25 Martin & Jaworski; 97-26 Delta Air Lines; 97-27 Lock Haven; 97-39 Delta Air Lines; 98-9 Continental Express. |
| Assault (See also Battery, and Passenger Misconduct) .....                                   | 96-6 Ignatov; 97-12 Mayer.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| "Attempt" .....                                                                              | 89-5 Schultz.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Attorney Conduct Obstreperous or Disruptive .....                                            | 94-39 Kirola.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Attorney Fee (See EAJA)                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Aviation Safety Reporting System .....                                                       | 90-39 Hart; 91-12 Terry & Menne; 92-49 Richardson & Shimp.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Baggage Matching .....                                                                       | 98-6 Continental.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Balloon (Hot Air) .....                                                                      | 94-2 Woodhouse.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Bankruptcy .....                                                                             | 91-2 Continental Airlines.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Battery (See also Assault and Passenger Misconduct) .....                                    | 96-6 Ignatov; 97-12 Mayer.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 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.                                                                                                                                                                                                          |
| Staleness (See Stale Complaint Rule)                                |                                                                                                                                                                                                                                                        |
| Statute of Limitations (See Statute of Limitations)                 |                                                                                                                                                                                                                                                        |
| 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 Easu; 92-5 Delta Air Lines.                                                                                                                                                                                |
| Compliance/Enforcement Bulletin 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; 98-18 General Aviation.                                                                                                                           |
| Concealment of Weapons (See Weapons Violations)                     |                                                                                                                                                                                                                                                        |
| Consolidation of Cases .....                                        | 90-12, 90-18 & 90-19 Continental Airlines.                                                                                                                                                                                                             |
| Constitutionality of Regulations (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 US Air; 97-16 Mauna Kea; 97-34 Continental Airlines; 98-6 Continental Airlines; 98-11 TWA; 99-1 American. |
| Continuance of Hearing .....                                        | 90-25 Gabbert; 92-29 Haggland.                                                                                                                                                                                                                         |
| Corrective Action (See Sanction)                                    |                                                                                                                                                                                                                                                        |
| Counsel:                                                            |                                                                                                                                                                                                                                                        |
| Leave to withdraw .....                                             | 97-24 Gordon.                                                                                                                                                                                                                                          |
| No right to assigned counsel (See Due Process)                      |                                                                                                                                                                                                                                                        |
| Credibility of Witnesses:                                           |                                                                                                                                                                                                                                                        |
| Generally .....                                                     | 95-25 Conquest Helicopters; 95-26 Hereth; 97-32 Florida Propeller.                                                                                                                                                                                     |
| Bias .....                                                          | 97-9 Alphin.                                                                                                                                                                                                                                           |
| Defer to ALJ determination of .....                                 | 90-21 Carroll; 92-3 Park; 93-17 Metcalf; 95-26 Hereth; 97-20 Werle; 97-30 Emery Worldwide Airlines; 97-32 Florida Propeller; 98-11 TWA; 98-18 General Aviation.                                                                                        |
| Experts (See also Witness) .....                                    | 90-27 Gabbert; 93-17 Metcalf; 96-3 America West Airlines.                                                                                                                                                                                              |
| Impeachment .....                                                   | 94-4 Northwest Aircraft Rental.                                                                                                                                                                                                                        |
| Reliability of Identification by eyewitnesses .....                 | 97-20 Werle.                                                                                                                                                                                                                                           |
| De facto answer .....                                               | 92-32 Barnhill.                                                                                                                                                                                                                                        |
| Delay in initiating action .....                                    | 90-21 Carroll.                                                                                                                                                                                                                                         |
| 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; 97-11 Hampton.                                                                                                                                                      |
| 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:                                                        |                                                                                                                                                                                                                                                        |
| Generally .....                                                     | 89-6 American Airlines; 90-12 Continental Airlines; 90-37 Northwest Airlines; 96-1 [Airport Operator]; 97-8 Pacific Av. d/b/a Inter-Island Helicopters.                                                                                                |
| Before finding a violation .....                                    | 90-27 Gabbert.                                                                                                                                                                                                                                         |
| Multiple violations .....                                           | 96-26 Midtown; 97-9 Alphin.                                                                                                                                                                                                                            |
| No right to assigned counsel .....                                  | 97-8 Pacific Av. a/b/a Inter-Island Helicopters; 97-9 Alphin.                                                                                                                                                                                          |
| Violation of .....                                                  | 89-6 American Airlines; 90-12 Continental Airlines; 9037 Northwest Airlines; 96-1 [Airport Operator]; 97-8 Pacific Ave. d/b/a Inter-Island Helicopters; 98-19 Martain & Jaworski.                                                                      |
| 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.                                                                                                                                                                                                                                         |

|                                                                                                    |                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Position 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; 95-15 Valley Air; 98-19 Martin & Jaworski.                                    |
| 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; 97-1 Midtown Neon Sign; 98-8 Carr.                                                                                                              |
| Federal Rules of Civil Procedure .....                                                             | 91-17 KDS Aviation.                                                                                                                                        |
| Federal Rules of Evidence (See also Proof & Evidence):                                             |                                                                                                                                                            |
| Admission .....                                                                                    | 96-25 USAir.                                                                                                                                               |
| Settlement Offers .....                                                                            | 95-16 Mulhall; 9625 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.                                                                                                                                     |
| Filing (See also Appeals; Timelines):                                                              |                                                                                                                                                            |
| Burden to prove date of filing .....                                                               | 97-11 Hampton Air; 98-1 Taylor.                                                                                                                            |
| Discrepancy between certificate of service and postmark .....                                      | 98-16 Blue Ridge Airlines.                                                                                                                                 |
| Service on designated representative .....                                                         | 98-19 Martin & Jaworski.                                                                                                                                   |
| 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; 96-26 Midtown; 98-2 Carr.                                                                          |
| 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; 98-2 Carr.                                                                                         |
| Minimum penalty .....                                                                              | 95-16 Mulhall; 98-2 Carr.                                                                                                                                  |
| Number of violations .....                                                                         | 95-16 Mulhall; 96-26 Midtown Neon Sign; 98-2 Carr.                                                                                                         |
| Redundant violations .....                                                                         | 95-16 Mulhall; 96-26 Midtown Neon Sign; 98-2 Carr.                                                                                                         |
| Criminal Penalty .....                                                                             | 92-77 TIC; 94-31 Smalling.                                                                                                                                 |
| EAJA, applicability of .....                                                                       | 94-17 TIC; 95-12 Toyota.                                                                                                                                   |
| Individual violations .....                                                                        | 95-16 Mulhall.                                                                                                                                             |
| Judicial review .....                                                                              | 97-1 Midtown Neon Sign; 98-8 Carr.                                                                                                                         |
| Knowingly .....                                                                                    | 92-77 TIC; 94-19 Pony Express; 94-31 Smalling.                                                                                                             |
| Specific hazard class transported:                                                                 |                                                                                                                                                            |
| Combustible: Paint .....                                                                           | 95-16 Mulhall.                                                                                                                                             |
| Corrosive:                                                                                         |                                                                                                                                                            |
| Wet Battery .....                                                                                  | 94-28 Toyota Motor Sales.                                                                                                                                  |
| Other .....                                                                                        | 92-77 TIC.                                                                                                                                                 |
| Explosive: Fireworks .....                                                                         | 94-31 Smalling; 98-2 Barr.                                                                                                                                 |
| Flammable:                                                                                         |                                                                                                                                                            |
| Paint .....                                                                                        | 96-26 Midtown Neon Sign.                                                                                                                                   |
| Turpentine .....                                                                                   | 95-16 Mulhall.                                                                                                                                             |
| Radioactive .....                                                                                  | 94-19 Pony Express.                                                                                                                                        |
| Hearing: Failure of party to attend                                                                | 98-23 Instead Balloon Services.                                                                                                                            |

|                                                                         |                                                                                                                                                                       |
|-------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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; 97-12 Mayer; 98-11 TWA; 98-12 Stout.                                                                                                         |
| Interlocutory Appeal .....                                              | 89-6 American Airlines; 91-54 Alaska Airlines; 93-37 Airspect; 94-32 Detroit Metropolitan; 98-25 Gotbetter.                                                           |
| Internal FAA Policy &/or Procedures .....                               | 89-6 American Airlines; 90-12 Continental Airlines; 92-73 Wyatt.                                                                                                      |
| Jurisdiction:                                                           |                                                                                                                                                                       |
| After initial decision .....                                            | 90-20 Degenhardt; 99-33 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 .....                                                    | 19-12 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 Delay in initiating action)                                 |                                                                                                                                                                       |
| Mailing Rule, generally .....                                           | 89-7 Zenkner; 90-3 Metz; 90-11 Thunderbird Accessories, 90-39 Hart; 98-20 Koenig.                                                                                     |
| 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 America West Airlines.                                                                                                                                           |
| Approved/accepted repairs .....                                         | 96-3 America West Airlines.                                                                                                                                           |
| Manufacturer's maintenance manual .....                                 | 965-3 America West Airlines; 97-31 Sanford Air; 97-32 Florida Propeller.                                                                                              |
| Minimum Equipment List (MEL) (See Aircraft Maintenance)                 |                                                                                                                                                                       |
| Mootness, appeal dismissed as moot .....                                | 92-9 Griffin; 94-17 TCI.                                                                                                                                              |
| National Aviation Safety Inspection Program (NASIP) .....               | 90-16 Rocky Mountain.                                                                                                                                                 |
| ational Transportation Safety Board:                                    |                                                                                                                                                                       |
| Administratior 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; 97-7 Stalling                                                                                             |
| Parachuting .....                                                       | 98-3 Fedele.                                                                                                                                                          |
| Parts Manufacturer Approval (PMA): Failure to obtain .....              | 93-19 Pacific Sky Supply.                                                                                                                                             |
| Passenger Misconduct .....                                              | 92-3 Park.                                                                                                                                                            |
| Assault/Battery .....                                                   | 96-6 Ignatov; 97-12 Mayer; 98-11 TWA.                                                                                                                                 |
| Interference with a crewmember .....                                    | 96-6 Ignatov; 97-12 Mayer; 98-11 TWA; 98-12 Stout.                                                                                                                    |
| Smoking .....                                                           | 92-37 Giuffrida.                                                                                                                                                      |
| Stowing carry-on items .....                                            | 97-12 Mayer.                                                                                                                                                          |
| Penalty (See Sanction; Hazardous Materials)                             |                                                                                                                                                                       |
| Person .....                                                            | 93-18 Westair Commuter.                                                                                                                                               |
| Prima Facie Case (See also Proof & Evidence) .....                      | 95-26 Hereth; 96-3 America West Airlines.                                                                                                                             |
| Proof & Evidence (See also Federal Rules of Evidence):                  |                                                                                                                                                                       |
| Affirmative Defense .....                                               | 92-13 Delta Air Lines; 92-72 Giuffrida; 98-6 Continental Airlines.                                                                                                    |
| 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; 97-32 Florida Propeller.                                    |
| Circumstantial Evidence .....                                           | 90-12, 90-19 & 91-9 Continental Airlines; 93-29 Sweeney; 96-3 America West Airlines; 97-10 Alphin; 97-11 Hampton; 97-32 Florida Propeller; 98-6 Continental 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; 97-30 Emery Worldwide Airlines; 98-11 TWA.                                                                                                           |
| Offer of proof .....                                                    | 97-32 Florida Propeller.                                                                                                                                              |

|                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Preponderance of evidence .....                                                                        | 90-11 Thunderbird Accessories; 90-12 Continental Airlines; 91-12 & 91-31 Terry & Menne; 92-72 Giuffrida; 97-30 Emery Worldwide Airlines; 97-31 Sanford Air; 97-32 Florida Propeller; 98-3 Fedele; 98-6 Continental Airlines; 98-11 TWA.                                                                                                                                                                                  |
| Presumption that message on ATC tape is received as transmitted.                                       | 91-12 Terry & Menne; 92-49 Richardson & Shimp.                                                                                                                                                                                                                                                                                                                                                                           |
| Presumption that a 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; 98-6 Continental Airlines.                                                                                                                                                                                                                                                                                                                                                              |
| Settlement offer .....                                                                                 | 95-16 Mulhall; 96-25 USAir.                                                                                                                                                                                                                                                                                                                                                                                              |
| Subsequent remedial measures .....                                                                     | 96-24 Horizon; 96-25 USAir.                                                                                                                                                                                                                                                                                                                                                                                              |
| Substantial evidence .....                                                                             | 92-72 Giuffrida.                                                                                                                                                                                                                                                                                                                                                                                                         |
| 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.                                                                                                                                                                                                                                                            |
| Administator does not review Complainant's decision not to bring action against anyone but respondent. | 98-2 Carr.                                                                                                                                                                                                                                                                                                                                                                                                               |
| Reconsideration:                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Denied by ALJ .....                                                                                    | 89-4 & 90-3 Metz.                                                                                                                                                                                                                                                                                                                                                                                                        |
| Granted by ALJ .....                                                                                   | 92-32 Barnhill.                                                                                                                                                                                                                                                                                                                                                                                                          |
| Late request for .....                                                                                 | 97-14 Pacific Aviation; 98-14 Larry's Flying Service.                                                                                                                                                                                                                                                                                                                                                                    |
| 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.                                                                                                                                                                                                                                                                                                                                                                               |
| Redundancy, enhancing safety .....                                                                     | 97-11 Hampton.                                                                                                                                                                                                                                                                                                                                                                                                           |
| Remand .....                                                                                           | 89-6 American Airlines; 90-16 Rocky Mountain; 90-24 Bayer; 91-51 Hagwood; 91-54 Alaska Airlines; 92-1 Costello; 92-76 Safety Equipment; 94-37 Houston.                                                                                                                                                                                                                                                                   |
| Repair Station .....                                                                                   | 90-11 Thunderbird Accessories; 92-10 Flight Unlimited; 94-2 Woodhouse; 97-9 Alphin; 97-10 Alphin; 97-31 Sanford Air; 97-32 Florida Propeller.                                                                                                                                                                                                                                                                            |
| Request for Hearing .....                                                                              | 94-37 Houston; 95-19 Rayner.                                                                                                                                                                                                                                                                                                                                                                                             |
| Constructive withdrawal of .....                                                                       | 97-7 Stalling; 98-23 Instead Balloon Services.                                                                                                                                                                                                                                                                                                                                                                           |
| 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 Shultz; 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; 97-8 Pacific Av. d/b/a Inter-Island Helicopters; 97-11 Hampton; 97-16 Mauna Kea; 98-4 Larry's Flying Service; 98-11 TWA. |
| Agency policy:                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                          |
| ALJ bound by .....                                                                                     | 90-37 Northwest Airlines; 92-46 Sutton-Sautter; 96-19 [Air Carrier].                                                                                                                                                                                                                                                                                                                                                     |
| Changes after complaint .....                                                                          | 97-7 & 97-17 Stallings.                                                                                                                                                                                                                                                                                                                                                                                                  |
| 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.                                                                                                                                                                                                                                                                |
| Compliance Disposition .....                                                                           | 97-23 Detroit Metropolitan.                                                                                                                                                                                                                                                                                                                                                                                              |
| Consistency with Precedent .....                                                                       | 96-6 Ignatov; 96-26 Midtown; 97-30 Emery Worldwide Airlines; 98-12 Stout; 98-18 General Aviation.                                                                                                                                                                                                                                                                                                                        |
| 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]; 97-16 Mauna Kea; 97-23 Detroit Metropolitan; 98-6 Continental Airlines; 98-22 Northwest Airlines.                                                                                                                                        |
| 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; 97-16 Mauna Kea; 98-2 Carr.                                                                                                               |
| 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; 97-8 Pacific Av. d/b/a Inter-Island Helicopters; 97-9 Alphin; 97-10 Alphin; 97-11 Hampton; 97-30 Emery Worldwide Airlines.                     |
| Maximum .....                                                                                                                   | 90-10 Webb; 91-53 Koller; 96-19 [Air Carrier].                                                                                                                                            |
| Minimum (HazMat) .....                                                                                                          | 95-16 Mulhall; 96-26 Midtown; 98-2 Carr.                                                                                                                                                  |
| 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:                                                                                                    |                                                                                                                                                                                           |
| Unairworthy aircraft .....                                                                                                      | 97-8 Pacific Av. d/b/a Inter-Island Helicopters; 97-9 Alphin; 98-18 General Aviation.                                                                                                     |
| Passenger/baggage matching .....                                                                                                | 98-6 Continental Airlines.                                                                                                                                                                |
| Passenger Misconduct .....                                                                                                      | 97-12 Mayer; 98-12 Stout.                                                                                                                                                                 |
| Person evading screening (See also Screening) .....                                                                             | 97-20 Werle.                                                                                                                                                                              |
| 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; 98-7 LAX.                                                                                                     |
| 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; 97-7 & 97-17 Stallings.                                               |
| Screening of Persons:                                                                                                           |                                                                                                                                                                                           |
| Air carrier failure to detect weapon Sanction .....                                                                             | 94-44 American Airlines.                                                                                                                                                                  |
| Air carrier failure to match bag with passenger .....                                                                           | 98-6 Continental Airlines.                                                                                                                                                                |
| Entering Sterile Areas .....                                                                                                    | 90-24 Bayer; 92-58 Hoedl; 97-20 Werle; 98-20 Koenig.                                                                                                                                      |
| Sanction for individual evading screening (See also Sanction) ....                                                              | 97-20 Werle; 98-20 Koenig                                                                                                                                                                 |
| Security (See Screening of Persons, Standard Security Program, Test Object Detection, Unauthorized Access, Weapons Violations): |                                                                                                                                                                                           |
| Giving false information about carrying a weapon or explosive on board an aircraft.                                             | 98-24 Stevens.                                                                                                                                                                            |
| Sealing of Record .....                                                                                                         | 97-13 Westair Commuter; 97-28 Continental Airlines.                                                                                                                                       |
| 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; 97-20 Werle.                                                                                                                                                                 |
| Of FNPCP .....                                                                                                                  | 93-13 Medel.                                                                                                                                                                              |
| Receipt of document sent by mail .....                                                                                          | 92-31 Eaddy.                                                                                                                                                                              |
| Return of certified mail .....                                                                                                  | 97-7 & 97-17 Stallings.                                                                                                                                                                   |
| Valid Service .....                                                                                                             | 92-18 Bargen; 98-19 Martin & Jaworski.                                                                                                                                                    |
| Settlement .....                                                                                                                | 91-50 & 92-1 Costello; 95-16 Mulhall.                                                                                                                                                     |
| Skydiving .....                                                                                                                 | 98-3 Fedele.                                                                                                                                                                              |
| Smoking .....                                                                                                                   | 92-37 Giuffrida; 94-18 Luxemburg.                                                                                                                                                         |
| Stale Complaint Rule: If NPCP not sent .....                                                                                    | 97-20 Werle.                                                                                                                                                                              |
| 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]; 98-22 Northwest Airlines; 99-1 American. |
| Checkpoint Security Coordinator .....                                                                                           | 98-22 Northwest Airlines.                                                                                                                                                                 |
| Ground Security Coordinator .....                                                                                               | 96-16 Westair Commuter.                                                                                                                                                                   |
| Statute of Limitation .....                                                                                                     | 97-20 Werle.                                                                                                                                                                              |
| 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]; 97-23 Detroit Metropolitan; 98-7 LAX.                                          |
| 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; Filing; Mailing Rule; and Appeals):                                                             |                                                                                                                                                                                           |
| Burden to prove date of filing .....                                                                                            | 97-11 Hampton Air; 98-1 Taylor.                                                                                                                                                           |
| Of response to NPCP .....                                                                                                       | 90-22 US Air.                                                                                                                                                                             |
| Of complaint .....                                                                                                              | 91-51 Hagwood; 93-13 Medel; 94-7 Hereth.                                                                                                                                                  |
| Of initial decision .....                                                                                                       | 97-31 Sanford Air.                                                                                                                                                                        |
| Of NPCP .....                                                                                                                   | 92-73 Wyatt.                                                                                                                                                                              |
| Of reply brief .....                                                                                                            | 97-11 Hampton.                                                                                                                                                                            |
| 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 [Air Operator]; 91-40 [Airport Operator]; 91-58 [Airport Operator]; 94-1 Delta Air Lines.                                                                 |

|                                                            |                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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) ..... | 89-5 Schultz; 90-20 Degenhardt.                                                                                                                                                                                                                                    |
| Sanction (See Sanction)                                    |                                                                                                                                                                                                                                                                    |
| Weight and Balance .....                                   | 94-40 Polynesian Airways.                                                                                                                                                                                                                                          |
| Witnesses (See also Credibility):                          |                                                                                                                                                                                                                                                                    |
| Absence of, Failure to subpoena .....                      | 92-3 Park; 98-2 Carr.                                                                                                                                                                                                                                              |
| Expert testimony—Evaluation of .....                       | 93-17 Metcalf; 94-3 Valley Air; 94-21 Sweeney; 93-3 America West Airlines; 96-15 Valley Air; 97-9 Alphin; 97-32 Florida Propeller.                                                                                                                                 |
| Expert witness fees (See EAJA).                            |                                                                                                                                                                                                                                                                    |

#### Regulations (Title 14 CFR, unless otherwise noted)

|                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.1 (maintenance) .....  | 94-38 Bohan; 97-11 Hampton.                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 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 Neon Sign; 97-1 Midtown Neon Sign; 97-9 Alphin; 98-18 General Aviation.                                                                                                         |
| 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 Airlines.                                                                                                                                                                                                                                                                                                                                                                                            |
| 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; 97-20 Werle.                                                                                                                                                                                                                                                                                                                |
| 13.206 .....             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 13.207 .....             | 94-39 Kirola.                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 13.208 .....             | 90-21 Carroll; 91-51 Hagwood; 92-73 Wyatt; 92-76 Safety Equipment; 93-13 Medel; 93-28 Strohl; 94-7 Hereth; 97-20 Werle; 98-4 Larry's.                                                                                                                                                                                                                                                                                                                             |
| 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; 94-8 Nunez; 94-5 Grant; 94-22 Harkins; 94-29 Sutton; 94-30 Columna; 95-10 Diamond; 95-28 Atlantic World Airways; 97-7 Stalling; 97-18 Robinson; 97-33 Rawlings; 98-21 Blankson.                                                                                                                                                           |
| 13.210 .....             | 92-19 Cornwall; 92-75 Beck; 92-76 Safety Equipment; 93-7 Dunn; 93-28 Strohl; 94-5 Grant; 94-30 Columna; 95-28 Atlantic World Airways; 96-17 Fenner; 97-11 Hampton; 97-18 Robinson; 97-38 Air St. Thomas; 98-16 Blue Ridge Airlines.                                                                                                                                                                                                                               |
| 13.211 .....             | 89-6 American Airlines; 89-7 Zenkner; 90-3 Metz; 90-11 Thunderbird 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; 97-7 Stalling; 97-11 Hampton; 98-4 Larry's Flying Service; 98-19 Martin & Jaworski; 98-20 Koenig; 99-2 Oxygen Systems. |
| 13.212 .....             | 90-11 Thunderbird Accessories; 91-2 Continental Airlines; 99-2 Oxygen Systems.                                                                                                                                                                                                                                                                                                                                                                                    |
| 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; 98-20 Koenig.                                                                                                                                                                                                                                       |

|               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 13.219 .....  | 89-6 American Airlines; 91-2 Continental; 91-54 Alaska Airlines; 93-37 Airspect; 94-32 Detroit Metro. Wayne County Airport; 98-25 Gotbetter.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 13.220 .....  | 89-6 American Airlines; 90-20 Carroll; 91-8 Watts Agricultural Aviation; 91-17 KDS Aviation; 91-54 Alaska Airlines; 92-46 Sutton-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; 97-11 Hampton; 97-31 Sanford Air; 97-32 Florida Propeller; 98-3 Fedele; 98-6 Continental Airlines.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 13.224 .....  | 90-26 Waddell; 91-4 [Airport Operator]; 92-72 Giuffrida; 94-18 Luxemburg; 94-28 Toyota; 95-25 Conquest; 96-17 Fenner; 97-32 Florida Propeller; 98-6 Continental Airlines.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 13.225 .....  | 97-32 Florida Propeller.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 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 .....  | 92-3 Park.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 13.232 .....  | 89-5 Schultz; 90-20 Degenhardt; 92-1 Costello; 92-18 Bargen; 92-32 Barnhill; 93-28 Strohl; 94-28 Toyota; 95-12 Toyota; 95-16 Mulhall; 96-6 Ignatov; 98-18 General Aviation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 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 Bargen; 91-24 Esau; 91-26 Britt Airways; 91-31 Terry & Menne; 91-32 Bargen; 91-43 & 91-44 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 Bargen; 92-19 Cornwall; 92-7 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; 97-1 Midtown Neon Sign; 97-2 Sanford Air; 97-7 Stalling; 97-22 Sanford Air; 97-24 Gordon Air; 97-31 Sanford Air; 97-33 Rawlings; 97-38 Air St. Thomas; 98-4 Larry's Flying Service; 98-3 Fedele; Continental Airlines 98-6; LAX 98-7; 98-10 Rawlings; 98-15 Squire; 98-18 General Aviation; 98-19 Martin & Jaworski; 98-20 Koenig; 99-2 Oxygen Systems. |
| 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 14.23 .....   | 98-19 Martin & Jaworski.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 25.787 .....  | 97-30 Emery Worldwide Airlines.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 25.855 .....  | 92-37 Giuffrida; 97-30 Emery Worldwide Airlines.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 39.3 .....    | 92-10 Flight Unlimited; 94-4 Northwest Aircraft Rental.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 43.3 .....    | 92-73 Wyatt; 97-31 Sanford Air; 98-18 General Aviation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 43.5 .....    | 96-18 Kilrain; 97-31 Sanford Air.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

|                                     |                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 43.9 .....                          | 91-8 Watts Agricultural Aviation; 97-31 Sanford Air; 98-4 Larry's Flying Service.                                                                                                                                                                                                                                 |
| 43.13 .....                         | 90-11 Thunderbird Accessories; 94-3 Valley Air; 94-38 Bohan; 96-3 America West Airlines; 96-25 USAir; 97-9 Alphin; 97-10 Alphin; 97-30 Emery Worldwide Airlines; 97-31 Sanford Air; 97-32 Florida Propeller.                                                                                                      |
| 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.                                                                                                                                                                                                                                                                                                      |
| 91.7 .....                          | 97-8 Pacific Av. d/b/a Inter-Island Helicopters; 97-16 Mauna Kea; 98-18 General Aviation.                                                                                                                                                                                                                         |
| 91.8 (91.11 as of 8/18/90) .....    | 92-3 Park.                                                                                                                                                                                                                                                                                                        |
| 91.9 (91.13 as of 8/18/90) .....    | 90-15 Player; 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; 97-12 Mayer; 98-12 Stout.                                                                                                                                                                                                                                                                           |
| 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.                                                                                                                                                                                                                                                                                                    |
| 91.71 .....                         | 97-11 Hampton.                                                                                                                                                                                                                                                                                                    |
| 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 Player; 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 (91.147 as of 8/18/90) ..... | 91-8 Watts Agricultural Aviation.                                                                                                                                                                                                                                                                                 |
| 91.205 .....                        | 98-18 General Aviation.                                                                                                                                                                                                                                                                                           |
| 91.213 .....                        | 97-11 Hampton.                                                                                                                                                                                                                                                                                                    |
| 91.403 .....                        | 97-8 Pacific Av. d/b/a Inter-Island Helicopters; 97-31 Sanford Air.                                                                                                                                                                                                                                               |
| 91.405 .....                        | 97-16 Mauna Kea; 98-4 Larry's Flying Service; 98-18 General Aviation.                                                                                                                                                                                                                                             |
| 91.407 .....                        | 98-4 Larry's Flying Service.                                                                                                                                                                                                                                                                                      |
| 91.417 .....                        | 98-18 General Aviation.                                                                                                                                                                                                                                                                                           |
| 91.517 .....                        | 98-12 Stout.                                                                                                                                                                                                                                                                                                      |
| 91.703 .....                        | 94-29 Sutton.                                                                                                                                                                                                                                                                                                     |
| 105.29 .....                        | 98-3 Fedele; 98-19 Martin & Jaworski.                                                                                                                                                                                                                                                                             |
| 107.1 .....                         | 90-19 Continental Airlines; 90-20 Degenhardt; 91-4 [Airport Operator]; 91-58 [Airport Operator]; 98-7 LAX.                                                                                                                                                                                                        |
| 107.9 .....                         | 98.7 LAX.                                                                                                                                                                                                                                                                                                         |
| 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]; 97-23 Detroit Metropolitan; 98-7 LAX.                                                                               |
| 107.20 .....                        | 90-24 Bayer; 92-58 Hoedl; 97-20 Werle; 98-20 Koenig.                                                                                                                                                                                                                                                              |
| 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; 97-7 Stalling. |
| 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]; 98-22 Northwest Airlines; 99-1 American.                                              |
| 108.7 .....                         | 90-18 & 90-19 Continental Airlines; 99-1 American.                                                                                                                                                                                                                                                                |
| 108.9 .....                         | 98-22 Northwest 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.                                                                                                                                                                                                                                                     |
| 108.18 .....                        | 98-6 Continental 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; 97-30 Emery Worldwide Airlines.                                                                                                                                                                          |
| 121.221 .....                       | 97-30 Emery Worldwide Airlines.                                                                                                                                                                                                                                                                                   |
| 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.                                                                                     |
| 121.575 ..... | 98-11 TWA.                                                                                           |
| 121.577 ..... | 98-11 TWA.                                                                                           |
| 121.589 ..... | 97-12 Mayer.                                                                                         |
| 121.628 ..... | 95-11 Horizon; 97-21 Delta; 97-30 Emery Worldwide Airlines.                                          |
| 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.                                                                        |
| 135.179 ..... | 97-11 Hampton.                                                                                       |
| 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.                                                                        |
| 135.411 ..... | 97-11 Hampton.                                                                                       |
| 135.413 ..... | 94-3 Valley Air; 96-15 Valley Air; 97-8 Pacific Av. d/b/a Inter-Island Helicopters; 97-16 Mauna Kea. |
| 135.421 ..... | 93-36 Valley Air; 94-3 Valley Air; 96-15 Valley Air.                                                 |
| 135.437 ..... | 94-3 Valley Air; 96-15 Valley Air.                                                                   |
| 141.101 ..... | 98-18 General Aviation.                                                                              |
| 145.1 .....   | 97-10 Alphin.                                                                                        |
| 145.3 .....   | 97-10 Alphin.                                                                                        |
| 145.25 .....  | 97-10 Alphin.                                                                                        |
| 145.45 .....  | 97-10 Alphin.                                                                                        |
| 145.47 .....  | 97-10 Alphin.                                                                                        |
| 145.49 .....  | 97-10 Alphin.                                                                                        |
| 145.53 .....  | 90-11 Thunderbird Accessories.                                                                       |
| 145.57 .....  | 94-2 Woodhouse; 97-9 Alphin; 97-32 Florida Propeller.                                                |
| 145.61 .....  | 90-11 Thunderbird Accessories.                                                                       |
| 191 .....     | 90-12 & 90-19 Continental Airlines; 90-37 Northwest Airlines; 98-6 Continental 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; 98-2 Carr. |
| 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; 98-2 Carr.                 |
| 172.202 .....    | 92-77 TCI; 94-28 Toyota; 94-31 Smalling; 95-16 Mulhall; 98-2 Carr.                |
| 172.203 .....    | 94-28 Toyota.                                                                     |
| 172.204 .....    | 92-77 TCI; 94-28 Toyota; 94-31 Smalling; 95-16 Mulhall; 98-2 Carr.                |
| 172.300 .....    | 94-31 Smalling; 95-16 Mulhall; 96-26 Midtown; 98-2 Carr.                          |
| 172.301 .....    | 94-31 Smalling; 95-16 Mulhall; 98-2 Carr.                                         |
| 172.304 .....    | 94-77 TCI; 94-31 Smalling; 95-16 Mulhall; 98-2 Carr.                              |
| 172.400 .....    | 92-77 TCI; 94-28 Toyota; 94-31 Smalling; 95-16 Mulhall; 98-2 Carr.                |
| 172.402 .....    | 94-28 Toyota.                                                                     |
| 172.406 .....    | 92-77 TCI.                                                                        |
| 173.1 .....      | 92-77 TCI; 94-28 Toyota; 94-31 Smalling; 95-16 Mulhall; 98-2 Carr.                |
| 173.3 .....      | 94-28 Toyota; 94-31 Smalling; 98-2 Carr.                                          |
| 173.6 .....      | 94-28 Toyota.                                                                     |
| 173.22(a) .....  | 94-28 Toyota; 94-31 Smalling; 98-2 Carr.                                          |
| 173.24 .....     | 94-28 Toyota; 95-16 Mulhall.                                                      |
| 173.25 .....     | 94-28 Toyota.                                                                     |
| 173.27 .....     | 92-77 TCI.                                                                        |
| 173.62 .....     | 98-2 Carr.                                                                        |
| 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.               |
| 191.5 .....   | 97-13 Westair Commuter.       |
| 191.7 .....   | 97-13 Westair Commuter.       |
| 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; 98-19 Martin & Jaworski.                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 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 & 97-1 Midtown Neon Sign; 98-2 Carr.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 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; 97-1 Midtown Neon Sign.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 46301 .....               | 97-1 Midtown Neon Sign; 97-16 Mauna Kea; 97-20 Werle.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 46302 .....               | 98-24 Stevens.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 46303 .....               | 97-7 Stalling.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 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; 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; 97-7 Stalling. |
| 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 March 31, 1999)

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

January 1, 1999, to March 31, 1999. The FAA will publish non-cumulative 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 American Airlines*

Order No. 99-1 (3/2/99)

**Badge Display Requirement.** This appeal involved 23 related security cases and 51 alleged violations of the badge display requirement at Dallas/Fort Worth Airport by American employees. Under the Air Carrier Standard Security Program, the

employees' badges were not adequately displayed when they were hidden inside a shirt or pants pocket or under an outer garment. American knew or should have known that the FAA intended continuous display. Before the FAA initiated the instant cases, it repeatedly provided American notice that the security program required continuous display. It did so first when the FAA provided American a copy of the proposed change, again when it actually promulgated the change, and finally when it initiated each of the hundreds of Dallas-Fort Worth badge display cases that the agency ultimately closed administratively prior to the instant cases.

**Due Process.** Due process does not require an evidentiary hearing where there are no factual issues to resolve. The law judge ordered American to outline, in its prehearing brief, its anticipated factual presentation and any justification for lowering the sanctions, but American failed to comply. Later, when Complainant FAA filed its motion for decision, American again had the opportunity, as well as the obligation, to show that a hearing was necessary, but once again American filed no affidavits or other evidence.

American has never denied that the badges of its employees and contractors were hidden. For example, it stated in its appeal brief that "[t]he 23 badge cases pending before [the Administrator] involve circumstances where an American employee wore his identification media \* \* \* attached to a work shirt or placed in a pocket [so that] it was covered by an outer garment \* \* \*."

**Work on Particular Flight.** An airline employee's work on a particular flight is not an element of a violation of 14 CFR 108.5. The badge display requirement applies to all portions of the Security Identification Display Area. American does not dispute that the American employees were inside the Security Identification Display Area, or that American conducts operations subject to Part 108 at the Dallas-Fort Worth Airport.

**Conclusion.** American's appeal is denied and American is assessed civil penalties of \$250,500.

*In the Matter of Oxygen Systems, Inc.*  
Order No. 99-2 (3/4/99)

**Appeal Dismissed for Failure to Perfect.** Respondent Oxygen Systems filed a timely notice of appeal from the law judge's written initial decision. However, Oxygen Systems failed to file an appeal brief or request for an extension of time. In addition, Oxygen

Systems failed to reply to Complainant FAA's motion to dismiss the appeal for failure to perfect. Accordingly, Oxygen Systems' appeal is dismissed under 14 CFR 13.233(D)(2).

### **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-lien services:

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

### **Docket**

The FAA Hearing Docket is located at FAA Headquarters, 800 Independence Avenue, SW, Room 926A, Washington, DC, 20591 (tel. no. 202-267-3641.) The clerk of the FAA Hearing Docket is Ms. Stephanie McClain. All documents required to be filed in civil penalty proceedings must be filed with the FAA Hearing Docket Clerk at the FAA Hearing Docket. (See 14 CFR 13.210.) Materials contained in the dockets of any case not containing sensitive security information (protected by 14 CFR part 191) may be viewed at the FAA Hearing Docket.

In addition, materials filed in the FAA Hearing Docket in non-security cases in which the complaints were filed on or after December 1, 1997, are available for inspection at the Department of Transportation Docket, located at 400 7th Street, SW, Room PL-401, Washington, DC, 20590, (tel. no. 202-366-9329.) While the originals will be retained in the FAA Hearing Docket, the DOT Docket will scan copies of documents in non-security cases in which the complaint was filed after December 1, 1997, into their computer

database. Individuals who have access to the Internet can view the materials in these dockets using the following Internet address: <http://dms.dot.gov>.

### **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 Regional 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 Regional Counsel for the Alaskan Region (AAL-7), Alaskan Region Headquarters 222 West 7th Avenue, Anchorage, AL 99513; (907) 271-5269.

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

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

Office of the Regional 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 Regional Counsel for the Northwest Mountain Region (ANM-7), Northwest Mountain Region Headquarters, 1601 Lind Avenue, SW, Renton, WA 98055-4056; (425) 227-2007.

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

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

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

Issued in Washington, DC on April 26, 1999.

**James S. Dillman,**

*Assistant Chief Counsel for Litigation.*

[FR Doc. 99-11178 Filed 05-06-99; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Intent To Rule on Application 99-02-C-00-CID To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at the Eastern Iowa Airport, Cedar Rapids, IA

**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 the Eastern Iowa 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:** Comment must be received on or before June 7, 1999.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Central Region, Airports Division, 601 E. 12th Street, Kansas City, MO 64106

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Lawrence K. Mullendore, Airport Director, The Eastern Iowa Airport, at the following address: Cedar Rapids Airport Commission, 2515 Wright Brothers Boulevard, Cedar Rapids, IA 52404.

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

**FOR FURTHER INFORMATION CONTACT:**

Lorna Sandridge, PFC Program Manager, FAA, Central Region, 601 E. 12th Street,

Kansas City, MO 64106, (816) 426-4730. 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 the Eastern Iowa Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On January 13, 1999, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Eastern Iowa Airport, Cedar Rapids, Iowa, was not substantially complete within the requirements of § 158.25 of part 158. The Cedar Rapids Airport Commission submitted supplemental information on April 14, 1999. The FAA will approve or disapprove the supplemental application, in whole or in part, no later than August 16, 1999.

The following is a brief overview of the application.

*Level of the proposed PFC:* \$3.00.

*Proposed charge effective date:* July, 2000.

*Proposed charge expiration date:* June, 2004.

*Total estimated PFC revenue:* \$4,303,003.

*Brief description of proposed project(s):* Construct snow removal equipment and deicing material building; acquire snow removal multipurpose unit broom, snow blower, and snow plow, acquire two snow plow trucks, two each snow plow, dump box, and spreader; acquire high-rise turret with penetrating nozzle; acquire disabled passenger lift; replace multiple user flight information display system; renovate terminal public-use corridor and waiting areas near the airline ticketing areas; and construct new loading bridge.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Eastern Iowa Airport.

Issued in Kansas City, Missouri on April 23, 1999.

**George A. Hendon,**

*Manager, Airports Division, Central Region.*

[FR Doc. 99-11544 Filed 5-6-99; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Customer Service Survey of FTA Circular 4220.1D, Third Party Contracting Requirements

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Federal Transit Administration ("FTA") is publishing a notice of its Customer Service Survey for FTA Circular 4220.1D. The objective of this survey is to assess the degree to which the changes implemented in FTA Circular 4220.1D ("Circular") have met the needs of grant recipients and contractors (including Disadvantaged Business Enterprises) in accomplishing their procurement function. Many of your comments may also provide useful information for the preparation of a Notice of Proposed Rulemaking on Third Party Procurement Requirements, which will be issued by FTA later this year. In addition, suggestions and ideas are being sought for improvement in the Circular and other procurement related documents such as the Best Practices Procurement Manual.

**DATES:** Survey responses due by May 14, 1999.

**ADDRESSES:** All responses to the survey should be mailed to: Leon Snead & Company, P.C.; 416 Hungerford Drive, Suite 400; Rockville, Maryland 20850.

**FOR FURTHER INFORMATION CONTACT:** Ms. Lucy Jackson, (202) 366-4980 or Mr. Reginald Lovelace, (202) 366-2654, Office of Procurement.

**SUPPLEMENTARY INFORMATION:** This Customer Service Survey should take no more than thirty (30) minutes to complete. Your prompt response will insure that you play a meaningful role in the maintenance and continual updating of the Best Practices Procurement Manual and the administrative and regulatory requirements imposed in FTA Circular 4220.1D. FTA's goal is to reduce the unnecessarily burdensome requirements imposed upon our customers while providing an enhanced level of technical assistance.