

"Raphael and Titian: The Renaissance Portrait," imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to loan agreements with a foreign lender. I also determine that the exhibition or display of the exhibit objects at The Art Institute of Chicago, Chicago, Illinois, from on or about December 15, 1999, to on or about March 19, 2000, is in the national interest.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of exhibit objects, contact Lorie J. Nierenberg, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619-6084). The address is U.S. Department of State, SA-44; 301-4th Street, S.W., Room 700, Washington, D.C. 20547-0001.

Dated: October 26, 1999.

James D. Whitten,

Executive Director, Bureau of Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 99-28540 Filed 10-29-99; 8:45 am]

BILLING CODE 4710-08-P

DEPARTMENT OF STATE

[Public Notice 3151]

Modification of Description of "Territory of Afghanistan Controlled by The Taliban" in Executive Order 13129

Executive Order 13129 of July 4, 1999 blocks property and prohibits transactions with the Taliban. Under section 4(d) of this Order, the Secretary of State, in consultation with the Secretary of the Treasury, is authorized to modify the description of the term "territory of Afghanistan controlled by the Taliban." Acting under the authority delegated to me by the Secretary of State on October 14, 1999, and in consultation with the Secretary of the Treasury, I hereby modify the description of the term "territory of Afghanistan controlled by the Taliban" to include the City of Kabul.

This notice shall be published in the **Federal Register**.

Dated: October 21, 1999.

Thomas R. Pickering,

Under Secretary of State for Political Affairs, U.S. Department of State.

[FR Doc. 99-28541 Filed 10-29-99; 8:45 am]

BILLING CODE 4710-07-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Index of Administrator's Decisions and Orders of 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 September 30, 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 45984; October 31, 1990. The FAA announced in that notice that only the subject-matter index would be published cumulatively and that the

order number index would be non-cumulative. The FAA announced in a later notice that the order number indexes published in January would reflect all of 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; 7/21/91
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
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1/1/96-3/31/96	61 FR 16955; 4/18/96
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10/1/98-12/31/98 ..	64 FR 1855; 1/12/99
1/1/99-3/31/99	64 FR 24690; 5/7/99
4/1/99-6/30/99	64 FR 43236; 8/9/99

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.

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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 Sandford Air.
43.9	91-8 Watts Agricultural Aviation; 97-31 Sandford 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 Sandford Air; 97-32 Florida Propeller.
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61.3	99-11 Evergreen Helicopters.
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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; 99-5 Africa Air.
91.8 (91.11 as of 8/18/90)	92-3 Park .

91.9 (91.13 as of 8/18/90)	90-15 Playter; 91-12 & 91-31 Terry & Menne; 92-8 Watkins; 92-40 Wendt; 92-48 USAir; 92-49 Richardson & Shimp; 92-47 Cornwall; 92-70 USAir; 93-9 Wendt; 93-17 Metcalf; 93-18 Westair Commuter; 93-29 Sweeney; 94-29 Sutton; 95-26 Hereth; 96-17 Fenner.
91.11	96-6 Ignatov; 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.
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91.71	97-11 Hampton.
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91.79 (91.119 as of 8/18/90)	90-15 Playter; 92-47 Cornwall; 93-17 Metcalf.
91.87 (91.129 as of 8/18/90)	91-12 & 91-31 Terry & Menne; 92-8 Watkins.
91.103	95-26 Hereth.
91.111	96-17 Fenner.
91.113	96-17 Fenner.
91.151	95-26 Hereth.
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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; 99-5 Africa Air.
91.407	98-4 Larry's Flying Service; 99-5 Africa Air.
91.417	98-18 General Aviation.
91.517	98-12 Stout.
91.703	94-29 Sutton.
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107.9	98-7 LAX.
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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 Airlines; 94-44 American Airlines; 96-16 WestAir; 96-19 [Air Carrier]; 98-22 Northwest Airlines; 99-1 American; 99-12 TWA.
108.7	90-18 & 90-19 Continental Airlines; 99-1 American.
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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; 99-12 TWA.
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121.221	97-30 Emery Worldwide Airlines.
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121.577	98-11 TWA.
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556	90-21 Carroll; 91-54 Alaska Airlines.
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Civil Penalty Actions—Orders Issued by the Administrator

Digests

(Current as of September 30, 1999)

The digests of the Administrator's final decisions and orders are arranged by order number, and summarize briefly key points of the decision. The following compilation of digests includes all final decisions and orders issued by the Administrator from July 1, 1999, to September 20, 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 person should always consult the full text of the Administrator's decisions before citing them in any context.

In the Matter of Warbelow's Air Ventures, Inc.

Order No. 99-4 (7/1/99)

Motion to Dismiss Denied. Good cause exists to excuse Respondent's late-filing (by 8 days) of an appeal brief. Counsel had no prior experience with FAA civil penalty appeals and simply calculated

the deadline starting from the wrong date (the service date of the notice of appeal rather than that of the initial decision). Counsel took steps to protect against the danger of default. Counsel has committed no previous defaults in this case, and the appeal brief was only 9 days late. Complainant has neither alleged nor shown any prejudice resulting from the delay. Complainant is granted 30 days from the service date of this order, plus an additional 5 days under 14 CFR 13.211(e), to file a reply brief.

In the Matter of Africa Air Corporation
 (Order No. 99-5 (8/31/99))

Settlement offers. Federal Rule of Evidence 408's public policy purpose of encouraging frank settlement discussions is as compelling in FAA civil penalty proceedings as it is in Federal trials. Hence, its guidance will be followed in these proceedings. Not only was it appropriate for the law to exclude the offer to settle in the last paragraph of the letter but it was also appropriate to exclude any admissions contained elsewhere in the letter.

Evidentiary admissions rebuttable. It is unclear whether a conciliatory letter on behalf of Respondent should be regarded as a settlement offer and therefore excluded. It is unlikely that the law judge would have found the evidentiary admission contained in this other letter as compelling an outcome favoring Complainant in light of other rebutting evidence that the law judge found to be persuasive. Evidentiary admissions, unlike judicial admissions, are rebuttable through the introduction of other evidence.

Failure to prove that the oil lines in the wings constituted a major alteration. Inspector's testimony was too vague, as a result of the fact that he never looked in the wings, to be persuasive on the issue of whether the oil lines in the wings constituted a major alteration.

In the Matter of James K. Squire

Order No. 99-6 (8.31/99)

Smoking in aircraft lavatory. The law judge made credibility assessments in favor of the flight attendants who testified that the smell of smoke intensified when Mr. Squire opened the door of the lavatory. The Administrator deferred to that assessment. None of Mr. Squire's arguments compelled a reversal of the law judge's findings that Mr. Squire had been smoking in the aircraft lavatory. To sustain its burden of proof, Complainant did not have to resolve the question why the smoke alarm had not gone off in the lavatory if Mr. Squire had been smoking in there.

No right to appointed counsel. Mr. Squire's argument that the case should be dismissed because the law judge failed to appoint counsel for him (because he could not afford to hire counsel) was rejected. There is no right to assigned counsel in FAA civil penalty proceedings.

Mr. Squire was assessed \$719 civil for violations of 14 C.F.R. 121.317 (g), (h) and (i).

In the Matter of the Premier Jets, Inc.
 Order No. 99-7 (8/31/99)

Appeal Denied. In its appeal of the law judge's decision finding that it committed several violations of a flight time recordkeeping rule, Respondent argues that the FAA inspectors should not have examined its flight logs because they were not part of the "individual record" of each pilot under 14 CFR 135.63. Without the flight logs, FAA inspectors would not have been able to determine conclusively that the crew duty time sheets contained errors. Contrary to Respondent's contentions, the inspectors acted appropriately when they examined the flight logs. Indeed, if the inspectors had chosen to ignore or overlook any compliance concerns raised by their examination of the crew duty time sheets, they would have been abrogating their critical safety duties.

Second, Respondent argues that it committed no violation because the flight logs were part of the "individual record" of each pilot's flight time. Respondent did not, however, keep the flight logs as part of the individual record of each pilot. Instead, the flight logs for all of Respondents' pilots for a single month were kept in the same file. Where there was more than one pilot for a flight, multiple pilots appeared on a single flight log. Moreover, when Respondent gave the inspectors its individual records, it gave them only the crew duty time sheets and not the flight logs.

This decision denies Respondent's appeal and affirms the law judge's decision assessing \$1,125.

In the Matter of Michael McDermott

Order No. 99-8 (8/3/99)

DMS No. FAA-1999-5516

Notice of appeal construed as appeal brief; appeal denied. Mr. McDermott filed a notice of appeal but no appeal brief. The notice of appeal was construed as an appeal brief because it was sufficiently detailed. However, the argument presented by Mr. McDermott was not compelling. Mr. McDermott argued that he had moved several times during the precomplaint stages of these proceedings. That argument does not excuse Mr. McDermott's failure to file to an answer.

In the Matter of Lifeflite Medical Air Transport, d/b/a American Native Medical Air

Order No. 99-9 (8/31/99)

Remand to law judge. The law judge issued an order assessing civil penalty against Lifeflite Medical Air Transport based on his belief that Lifeflite has not

filed an answer. However, Lifeflite had filed an answer. The law judge's order is reversed, and the case is remanded to the Office of Hearings. The law judge must decide whether good cause existed for Lifeflite's failure to file a timely answer.

In the Matter of Azteca Aviation, Inc.

Order No. 99-10 (8/31/99)

Complainant is ordered to withdraw the orders assessing civil penalty. The law judge dismissed these cases and terminated these proceedings based on his understanding that the parties had settled the case. However, Respondent never filed any document indicating that it agreed to the settlement or to withdraw its requests for hearing. Respondent wrote to the law judge that neither he nor his attorney had ever agreed to withdraw. Complainant was ordered to withdraw the orders assessing civil penalty. Cases remanded to the law judge.

In the Matter of Evergreen Helicopters of Alaska, Inc.

Order No. 99-11 (8/31/99)

Parties Granted Opportunity to Brief New Issues. Evergreen, a U.S. air carrier, holds an FAA-issued certificate to conduct commuter and on-demand operations under 14 C.F.R. Part 135. In February 1996, under contract with the United Nations, Evergreen transported passengers on a U.S.-registered airplane, using Angolan pilots on approximately 20 flights inside Angola. The pilots held only Angolan airline transport pilot certificates; they did not hold U.S. airline transport pilot certificates.

Complainant alleged that Evergreen violated 14 CFR 135.243(a) by using pilots who lacked U.S. airline transport pilot certificates. The law judge, however, dismissed Complainant's case, holding that Complainant had failed to meet its burden of proof. Complainant has appealed.

Complainant is granted 30 days from the service date of this order, plus the 5 additional days provided by 14 CFR § 13.211(e), to brief the following issues:

1. What is the FAA's specific statutory authority for bringing the instant civil penalty action against Evergreen, given that neither the departure nor arrival points of any of the flights in question involved a point inside the U.S., and there is no evidence in the record that the flights at issue had any contact with other flights to or from the U.S.?

2. A letter of interpretation issued on January 28, 1985, issued by the FAA Assistant Chief Counsel for Regulations and Enforcement indicates that a holder of a foreign pilot license may indeed

operate a U.S.-registered airplane for compensation or hire inside the foreign country, even if the pilot does not hold a U.S. airline transport pilot certificate. Is Complainant's position in this case consistent with the 1985 interpretation, or is it distinguishable?

Evergreen is granted 35 days from the service date of Complainant's documents briefing the new issues to reply to Complainant's briefing of the new issues.

Commercial Reporting Services of the Administrators

Civil Penalty Decisions and Orders

1. *Commercial Publications*: The Administrator's decisions and orders in civil penalty cases are 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 Publication, P.O. 854, 433 Main Street, Gruver, TX 79040, (806) 733-2483.

3. *On-Line Services*. The Administrator's decisions and orders in civil penalty cases are available through the following on-line services:

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

Docket

The FAA Hearing Docket is located at FAA Headquarters, 800 Independence Avenue, SW, 926A, Washington, DC, 20591 (tel. no. 202-267-3641). The clerk of the FAA Hearing Docket is Ms. Stephanie McCain. All documents that are 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 coping at the following location in FAA headquarters:

FAA Hearing Docket, Federal Aviation Administration, 800 Independence Avenue, SW, Room 926A, 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 October 26, 1999.

James S. Dillman,

Assistant Chief Counsel for Litigation.

[FR Doc. 99-28510 Filed 10-29-99; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly Notice of PFC Approvals and Disapprovals. In September 1999, there were five applications approved. This notice also includes information on one application, approved in August 1999, inadvertently left off the August 1999 notice. Additionally, eight approved amendments to previously approved applications are listed.

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

PFC Applications Approved

Public Agency: Monroe County, Key West, Florida.

Application Number: 99-04-C-00-EYW.

Application Type: Impose and use a PFC.

PFC Level: \$3.00.

Total PFC Revenue Approved in This Decision: \$946,503.

Earliest Charge Effective Date: November 1, 1999.

Estimated Charge Expiration Date: May 1, 2001.