

submitted by the city of Atlanta was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than February 27, 1997.

The following is a brief overview of the application.

Level of the proposed PFC: \$3.00.

Proposed charge effective date: May 1, 1997.

Proposed charge expiration date: February 1, 2004.

Total estimated PFC revenue: \$491,566,664.

Application number: 96-01-C-00-ATL.

Brief description of proposed impose and use project(s): Acquisition of land for airport expansion, engineering design for the commuter runway, planning and environmental studies for eastside terminal, planning and environmental studies for road improvements. Brief description of proposed impose only project(s): Design and construction of eastside terminal, design and construction of roadside improvements.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi/Commercial Operators (ATCO) and Commuter or Small Certified Air Carriers (CAC).

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION**. In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the city of Atlanta's Department of Aviation.

Issued in College Park, Georgia on November 18, 1996.

Dell T. Jernigan,

Manager, Atlanta Airports District Office, Southern Region.

[FR Doc. 96-30062 Filed 11-25-96; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement: Kings County, NY

AGENCY: Federal Highway Administration (FHWA), New York State Department of Transportation (NYSDOT).

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed bridge/highway project in Kings County, New York.

FOR FURTHER INFORMATION CONTACT:

Richard A. Maitino, Regional Director, New York State Department of Transportation, 47-40 21st Street—8th Floor, Executive Office, Hunters Point Plaza, Long Island City, New York 11101, Telephone (718) 482-4526; or Harold Brown, Division Administrator, Federal Highway Administration, New York Division, Leo W. O'Brien Federal Building, 9th Floor, Clinton Avenue and North Pearl Street, Albany, New York 12207, Telephone: (518) 431-4141.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the New York State Department of Transportation (NYSDOT) will prepare an Environmental Impact Statement (EIS) on a proposal to rehabilitate/reconstruct or replace the Gowanus Expressway (I-278) Viaduct in Kings County, New York.

The proposed project is necessary to preserve the transportation services provided by the Gowanus Expressway that are currently in jeopardy due to its accelerating deterioration. The condition of this structure (viaduct deck and structural steel) is continuously monitored and the structure is frequently repaired. The continuous extensive repair work causes traffic diversions and increasing uncertainty over the remaining life of this structure. This, plus the fact that it may take several years to rehabilitate or replace the existing structure, requires that a fiscally viable solution be implemented quickly and cost effectively.

Three ways to achieve this goal include rehabilitating, reconstructing, or replacing the existing expressway. Reconstruction or rehabilitation actions will not only seek to rebuild or preserve the existing facility, but will also include, as practicable, changes to address the structural, operational and safety deficiencies of the existing facility. Replacement actions are of a significantly large scope, but still must be designed so as to provide: (1) Equivalent people and goods moving services to those currently provided by the Gowanus Expressway; (2) continuity with the adjacent portions of the interstate (I-278), and (3) avoidance of community impacts due to an emergency closure of the existing facility.

The Metropolitan Region's Long Range Plan does not recommend increasing the number of general use travel lanes of the Gowanus Expressway or any other portions of Interstate route I-278. It does, however, recommend the implementation of an HOV lane along the corridor and that opportunities for improving operating efficiencies be

considered when portions of this route are upgraded, replaced or rehabilitated.

A Draft Design Report/Environmental Assessment/Draft Section 4(f) Evaluation was prepared for this project and was released for public review on October 16, 1995. In this document, a number of alternatives were extensively evaluated. The following are the general categories of alternatives considered to date: (1) Taking no action other than routine maintenance and structural repair, (2) rehabilitating the viaduct while making safety and operational improvements, (3) reconstructing the viaduct in the same location, (4) reconstructing the viaduct in a different location, (5) replacing the elevated highway with a street level expressway, (6) replacing the elevated highway with a street level arterial, (7) replacing the elevated highway with a street level arterial that includes a light rail line. Alternative 2—Rehabilitation with Operational and Safety Improvements was the alternative that best met the project's needs and objectives. Since then, several innovative ideas have been put forth on how to perform the construction of this alternative that would minimize community disruption during the construction stage. If a new construction approach is believed to be practicable, this along with other alternatives will be addressed in the Environmental Impact Statement.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. Formal scoping meetings will be held in January 1997. In addition, public hearings will be held. Public notice will be given of the time and place of the meetings and hearings. The draft EIS will be available for public and agency review and comments prior to the public hearings.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and this EIS should be directed to the NYSDOT and FHWA at the addresses provided above.

(Catalog of Federal Domestic Assistance Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal Program and activities apply to this program.)

Issued on November 19, 1996.
Robert Arnold,
District Engineer, Albany, New York.
[FR Doc. 96-30192 Filed 11-25-96; 8:45 am]
BILLING CODE 4910-22-M

Federal Highway Administration

Environment Impact Statement; Orange County, FL

AGENCY: Federal Highway Administration (FHWA), DOT.
ACTION: Rescind notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will not be prepared for a proposed highway project in Orange County, Florida.

FOR FURTHER INFORMATION CONTACT: David Unkefer, Transportation Engineer, Federal Highway Administration, 227 North Bronough Street, Room 2015, Tallahassee, Florida, 32301, Telephone: (904) 942-9612.

SUPPLEMENTARY INFORMATION: A Notice of Intent to prepare an Environmental Impact Statement (EIS) for the Apopka Bypass new alignment roadway in Orange County, Florida, was issued on December 19, 1994 and published in the January 3, 1995 Federal Register. The FHWA, in cooperation with the Florida Department of Transportation, has since determined that preparation of an EIS is not necessary for this proposed highway project and hereby rescinds the previous Notice of Intent.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued On: November 12, 1996.
Mark D. Bartlett,
Program Operations, Engineer, Tallahassee, Florida.
[FR Doc. 96-30077 Filed 11-25-96; 8:45 am]
BILLING CODE 4910-22-M

Surface Transportation Board

[No. 41826]

National Association of Freight Transportation Consultants, Inc.— Petition for Declaratory Order

AGENCY: Surface Transportation Board, DOT.
ACTION: Institution of declaratory order proceeding.

SUMMARY: The Board is instituting a proceeding under 5 U.S.C. 554(e) to resolve questions regarding the application of the 180-day shipper

notification provisions of 49 U.S.C. 13710(b)(3)(B).

DATES: Comments by or on behalf of those opposing the positions of the National Association of Freight Transportation Consultants, Inc. (NAFTC) or petitioner and the Transportation Consumer Protection Council (TCPC), including any further comments by the Regular Common Carrier Conference (RCCC), are due December 26, 1996. Petitioner's replies and comments from any person desiring to submit comments in support of its positions are due January 10, 1997.

ADDRESSES: The original and 10 copies of submissions identified as such and referring to No. 41826 must be sent to: Office of the Secretary, Case Control Branch, Surface Transportation Board, Washington, DC 20423.

One copy of evidence and arguments by or on behalf of those opposing the positions of NAFTC and TCPC must be served simultaneously on their representatives: Donna F. Behme, Executive Director, National Association of Freight Transportation Consultants, Inc., P.O. Box 21418, Albuquerque, NM 87154-1418; Raymond A. Selvaggio, Augello, Pezold & Hirschmann, P.C., 120 Main Street, Huntington, NY 11743-6936.

One copy of evidence and arguments by or on behalf of those opposing the positions of the RCCC must be served simultaneously on its representative: Kevin M. Williams, Executive Director and General Counsel, Regular Common Carrier Conference, 211 North Union Street, Suite 102, Alexandria, VA 22314.

FOR FURTHER INFORMATION CONTACT: Michael Martin, (202) 927-6033, [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: In *Carolina Traffic Services of Gastonia, Inc.—Petition for Declaratory Order*, STB No. 41689 (June 7, 1996) (CTS), we issued a declaratory order answering certain questions regarding the so-called "180-day rule" of 49 U.S.C. 13710. That provision requires, inter alia, that shippers "contest the original bill or subsequent bill within 180 days of the receipt of the bill in order to have the right to contest such charges." 49 U.S.C. 13710(a)(3)(B).¹

¹ This provision and the companion carrier-notification provision [49 U.S.C. 13710(a)(3)(A)], which requires carriers to rebill within 180 days of the original freight bill in order to collect any amounts in addition to those originally billed and paid, were enacted in the Transportation Industry Regulatory Reform Act of 1994 (TIRRA), Pub. L. No. 103-311, 206(c)(4), 108 Stat. 1683, 1685 (1994) and reenacted by the ICC Termination Act of 1995 (ICTTA), Pub. L. No. 104-88, 1103, 109 Stat. 803,

In CTS, we concluded: (1) That the rule applies to all original freight bills issued on or after August 26, 1994 (date of TIRRA's enactment), and to rebillings issued on or after January 1, 1996 (the effective date of ICTTA, which clarified the applicability of the 180-day rule to rebillings by carriers); (2) that, to perfect its right of action, a shipper must, in addition to complying with the statute of limitations on court actions (49 U.S.C. 14705), notify carriers that they contest a billing or rebilling within 180 days of the contested billing, but that they need not request a Board determination within that time period, or at all; and (3) that there is no statutory prohibition against carriers paying late-contested claims.

On June 17, 1996, NAFTC (which represents the interests of freight bill auditors for shippers) filed a petition for declaratory order asking the Board to resolve a number of issues relating to the 180-day rule. In its petition, NAFTC suggests that we establish a procedural schedule to permit interested parties to file comments regarding the issues it raises.

NAFTC asserts that the 180-day rule does not apply to billing "errors", but only to billing "disputes". It attempts to draw a distinction between erroneous billings based on factual, arithmetical or clerical mistakes and disputes over, for example, which of two or more rates should apply. NAFTC points to the title of section 13710(a)(3) ("Billing disputes") and relies on legislative history of TIRRA. It also cites *Duplicate Payments of Freight Charges*, 350 I.C.C. 513 (1975), in which the ICC ruled that duplicate payments, because they are made in response to bills issued in error, are not subject to the statute of limitations on court actions for overcharges.

NAFTC also challenges the Board's holding in CTS that 49 U.S.C. 13710(a)(3)(b) requires a shipper to notify the carrier (rather than bring an action before the Board) within 180 days in order to perfect its claim. According to NAFTC, the subsection, when read as a whole, indicates that the 180-day rule is simply a time limit for filing challenges before the Board.

NAFTC next contends that the 180-day rule applies only to billings for transportation that is subject to the tariff filing requirements administered by the Board. Petitioner also argues that carriers should be required to accept fax notification of overcharge claims and should be required to accept such

876-77 (1995). Further background concerning these provisions is set forth in CTS.