

GRANT, February 17, 1998, Exemption No. 6729.

Docket No.: 28945.

Petitioner: Air Transport International.

Sections of the FAR Affected: 14 CFR 121.433(c)(1)(iii), 121.441(a)(1), 121.441(b)(1), and Appendix F to part 121.

Description of Relief Sought/

Disposition: To permit Air Transportation International regulatory relief to the extent necessary to conduct a single visit training program for flight crewmembers and eventually transition into the Advanced Qualification Program codified in Special Federal Aviation Regulation 58. GRANT, February 9, 1998, Exemption No. 6728.

Docket No.: 28808.

Petitioner: DHL Airlines, Inc.

Sections of the FAR Affected: 14 CFR 121.433(c)(1)(iii), 121.441(a)(1), 121.441(b)(1), and Appendix F to part 121.

Description of Relief Sought/

Disposition: To permit DHL Airlines, Inc., regulatory relief to the extent necessary to conduct a single visit training program for flight crewmembers and eventually transition into the Advanced Qualification Program codified in Special Federal Aviation Regulation 58. GRANT, February 9, 1998, Exemption No. 6727.

Docket No.: 29077.

Petitioner: Bombardier Inc. Canadian.

Sections of the FAR Affected: 14 CFR 25.1435(b)(1).

Description of Relief Sought/

Disposition: To permit type certification of the Model BD700-1A10 by conducting a proof pressure test of the hydraulic system at 3400 psig (the system relief pressure) per the proposed § 25.1435(c)(3) and component testing at 1.5 times the operating pressure (4500 psig) per the current § 25.1435(a)(2). GRANT, February 13, 1998, Exemption No. 6726.

[FR Doc. 98-6321 Filed 3-11-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee; Aircraft Certification Procedures Issues

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting cancellation.

SUMMARY: The FAA is issuing this notice to advise the public that the March 19 meeting of the Federal Aviation

Administration Aviation Rulemaking Advisory Committee to discuss Aircraft Certification Procedures Issues (63 FR 10258, March 2, 1998) has been cancelled.

FOR FURTHER INFORMATION CONTACT:

Ms. Angela O. Anderson, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-9681; fax (202) 267-5075.

Issued in Washington, DC, on March 6, 1998.

Brian A. Yanez,

Assistant Executive Director, Aviation Rulemaking Advisory Committee, Aircraft Certification Procedures Issues.

[FR Doc. 98-6372 Filed 3-11-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at MBS International Airport, Saginaw, MI

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 MBS International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before April 13, 1998.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road Belleville, Michigan 48111.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Ms. Elizabeth Owen, Airport Manager, of the MBS International Airport Commission at the following address: 8500 Garfield Road, P.O. Box P, Freeland, MI 48623.

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

FOR FURTHER INFORMATION CONTACT:

Mr. Jon Gilbert, Program Manager, Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111 (734-487-7281). 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 MBS International 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 February 27, 1998, the FAA determined that the application to impose and use the revenue from a PFC submitted by MBS International Airport Commission was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than May 28, 1998.

The following is a brief overview of the application.

PFC Application No.: 98-02-C-00-MBS.

Level of the proposed PFC: \$3.00.

Proposed charge effective date: November 1, 1998.

Proposed charge expiration date: November 30, 1999.

Total estimated PFC revenue: \$812,050.00.

Brief description of proposed projects: (1) SRE building rehabilitation, (2) G.A. expansion, (3) Perimeter road rehabilitation, (4) SRE building apron rehabilitation, (5) Service road rehabilitation, (6) SRE procurement sand spreader, (7) SRE procurement plow truck, (8) Watermain to SRE building, (9) ARFF design, (10) ARFF building construction, (11) Snow sweeper SRE procurement, (12) Storm water drainage study, and (13) Runway 5/23 and taxiways rehab design.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air taxis and charters.

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 MBS International Airport Commission.

Issued in Des Plaines, IL on March 4, 1998.

Benito De Leon,

*Manager, Planning/Programming Branch,
Airports Division, Great Lakes Region.*

[FR Doc. 98-6319 Filed 3-11-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. FHWA-97-3202]

Waiver for Canadian Electric Utility Motor Carriers From Alcohol and Controlled Substances Testing

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of petition for waiver; request for comments.

SUMMARY: The FHWA is announcing its intent to waive certain Canadian electric utility motor carriers and drivers from the alcohol and controlled substances testing requirements in connection with certain limited emergency operations. The FHWA has received a petition from Hydro Quebec and Eastern Utilities Associates to waive these carriers. The FHWA would waive those Canadian electric utility motor carriers and drivers who enter the United States at the emergency request of a member New England Mutual Assistance Roster utility to quickly restore electric utility service for the New England electric utilities and their customers. The FHWA is proposing this action in accordance with the Commercial Motor Vehicle Safety Act of 1986. This waiver for Canadian electric utility motor carriers would extend only to the alcohol and controlled substances testing requirements for drivers required to be licensed under the commercial driver's license (CDL) requirements.

DATES: Submit comments on or before April 13, 1998.

ADDRESSES: All signed, written comments must refer to the docket number appearing at the top of this document. Submit all comments to the Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Mr. David Miller, Office of Motor Carrier Research and Standards, (HCS-10),

(202) 366-4009; Mr. Michael Falk, Office of Chief Counsel, (HCC-20), (202) 366-1384; Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users may access all comments received by the U.S. DOT Dockets, Room PL-401, by using the universal resource locator (URL): <http://dms.dot.gov>. It is available 24 hours each day, 365 days each year. Please follow the instructions on-line for more information and help.

An electronic copy of this document may be downloaded using a modem and suitable communications software from the **Federal Register** Electronic Bulletin Board Service at (202) 512-1661. Internet users may reach the **Federal Register's** home page at URL: <http://www.nara.gov/nara/fedreg> and at the Government Printing Office's databases at URL: http://www.access.gpo.gov/su_docs.

Under What Authority Does the FHWA Have Responsibility To Act?

The Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (Pub. L. 99-570, Title XII, October 27, 1986, 100 Stat. 3207-170), as amended, requires the FHWA to provide notice and an opportunity for comment before the FHWA waives a regulation as it applies to individuals or commercial motor vehicles. The specific section of the law, now codified at 49 U.S.C. 31315, provides the following:

After notice and an opportunity for comment, the Secretary of Transportation (Secretary) may waive any part of this chapter or a regulation prescribed under this chapter as it applies to a class of individuals or commercial motor vehicles if the Secretary decides the waiver is not contrary to the public interest and does not diminish the safe operation of commercial motor vehicles. A waiver under this section shall be published in the **Federal Register** with reasons for the waiver. (Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 1029).

This waiver authority has been delegated to the Federal Highway Administrator [49 CFR 1.48(v) (1996)].

On October 28, 1991, the Omnibus Transportation Employee Testing Act of 1991 (Omnibus Act), Pub. L. 102-143, 105 Stat. 959, was enacted and codified at 49 U.S.C. 31306. The Omnibus Act amended the CMVSA and required the Secretary to issue regulations requiring alcohol and controlled substances testing of CMV drivers who are subject to the CDL requirements of the CMVSA.

The final rule implementing such testing requirements was published on February 15, 1994. See 59 FR 7302, codified at 49 CFR part 382. This 1994 rule replaced the controlled substances testing rule in 49 CFR part 391, and instituted alcohol testing. With subpart H of part 391 completely superseded by part 382 on January 1, 1996, the most recent compliance dates in part 391 for foreign-based motor carriers were removed. See 60 FR 54, January 3, 1995.

The Omnibus Act applies only to motor carriers and drivers operating in the United States, which includes foreign motor carriers and their drivers. The only express reference to foreign-based operations is the requirement that regulations established under the statute be "consistent with international obligations of the United States," and that the Secretary "shall consider applicable laws and regulations of foreign countries." 49 U.S.C. 31306(h). Thus, the statute requires foreign-based drivers to be subject to testing to the extent such rules are consistent with United States international obligations, and the Secretary is granted the authority to deem the requirement satisfied by, and must take into consideration, the laws and regulations of other nations.

As part of its consideration of foreign laws, the FHWA solicited information from interested parties regarding the applicability of part 382 to foreign-based drivers. 57 FR 59536 (December 15, 1992) (advance notice of proposed rulemaking); 59 FR 7528 (February 15, 1994) (notice of proposed rulemaking). In the notice of proposed rulemaking (NPRM), the FHWA proposed to apply part 382 to foreign-based operations beginning on January 1, 1996, while continuing to explore the possibility of entering into agreements to recognize other nations' testing programs for purposes of compliance with part 382. On September 22, 1995 (60 FR 49322), based upon comments received and the FHWA's intent to provide regulatory flexibility for foreign motor carriers, the agency established July 1, 1996, as the effective date for large foreign motor carriers and their drivers to comply with these regulations; and July 1, 1997, as the effective date for small foreign motor carriers and their drivers to comply with these regulations.

What Has Prompted This Notice?

Hydro Quebec, an electric utility motor carrier based in Quebec, Canada, and Eastern Utilities Associates, an electric utility motor carrier based in Boston, Massachusetts have petitioned the FHWA to waive from compliance with 49 CFR part 382 Canadian member