

Issued in Washington, DC on September 8, 1998, under authority delegated by 49 CFR 1.56(a).

Charles A. Hunnicutt,

Assistant Secretary for Aviation and International Affairs.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Organizations, Functions, And Authority Delegations: The Chief Counsel and Associate Chief Counsel/Director of the Office of Dispute Resolution for Acquisition

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of delegation of authority.

SUMMARY: The FAA is giving notice of specific delegations of authority from the Administrator to the Chief Counsel and Associate Chief Counsel/Director of the Office of Dispute Resolution for Acquisition regarding decision making authority in all dispute resolution actions involving solicitations issued and contracts entered into after April 1, 1996. The specific delegations are set forth in a memorandum signed by the Administrator on July 29, 1998, and supplement the general delegation of authority to the Office of Dispute Resolution for Acquisition contained in the FAA's Acquisition Management System. The FAA is publishing the text of the specific delegations so that it is available to interested parties.

FOR FURTHER INFORMATION CONTACT:

Marie A. Collins, Staff Attorney and Dispute Resolution Officer for the Office of Dispute Resolution for Acquisition (AGC-70), Federal Aviation Administration, 400 Seventh Street, SW, Room 8332, Washington, DC 20590; telephone (202) 366-6400; facsimile (202) 366-7400.

SUPPLEMENTARY INFORMATION: Under the Department of Transportation and Related Agencies Appropriations Act of 1996, Pub. L. No. 104-50, 109 Stat. 436 (1995) ("Appropriations Act"), Congress directed the FAA to develop an acquisition system that addresses the mission and unique needs of the Agency and at a minimum, provides for more timely and cost-effective acquisition of equipment and materials. In the Appropriations Act, Congress expressly directed the FAA to create the new acquisition system without reference to existing procurement statutes and regulations. The result was the

development of the FAA's Acquisition Management System ("AMS") and the establishment of the Office of Dispute Resolution for Acquisition ("ODRA"), which is independent of the FAA's procurement offices and counsel. The ODRA's mandate is to resolve bid protests and contract disputes in a timely and efficient manner, while emphasizing the use of alternative dispute resolution techniques to the maximum extent practicable.

On August 25, 1998, a Notice of Proposed Rulemaking ("NPRM") was published in the **Federal Register** proposing regulations for the conduct of protests and contract disputes under the AMS. The proposed regulation sets forth a general delegation of authority from the Administrator to the Director of the ODRA to conduct dispute resolution proceedings concerning acquisition matters. The specific delegations issued by the Administrator on July 29, 1998, are consistent with the general delegation of authority proposed in the NPRM. They enhance the ODRA's ability to operate efficiently and effectively in resolving bid protests or contract disputes by using Alternative Dispute Resolution ("ADR") techniques or a default adjudicative process. The specific delegations also confirm the ODRA's authority to issue interlocutory orders and decisions. For example, they eliminate the need for the Administrator to review and consider minor, procedural or uncontested matters such as dismissals arising from settlements or voluntary withdrawals.

The text of the specific delegations of authority signed by the Administrator, in pertinent part, states as follows: Under 49 U.S.C. § 106(f)(2), 49 U.S.C. §§ 46101, et seq., and Pub. L. No. 104-50, I delegate to the Chief Counsel and to the Associate Chief Counsel/Director of the ODRA the authority of the FAA decisionmaker in all dispute resolution actions involving solicitations issued and contracts entered into after April 1, 1996, as follows:

- a. To administer individual protests and contract disputes and to appoint ODRA Dispute Resolution Officers and Special Masters to administer all or portions of individual protests and contract disputes;
- b. To deny motions for dismissal or summary relief which have been submitted to the ODRA by parties to protests or contract disputes;
- c. To grant or deny motions for partial dismissal or partial summary relief submitted to the ODRA by parties to protests or contract disputes, or to order such partial dismissals on its own initiative;

- d. To stay an award or the performance of a contract temporarily, for no more than ten (10) business days, pending an Administrator's decision on a more permanent stay. (This delegation will only be used in cases where the ODRA takes into account the views of both a protester and Agency counsel regarding the possible impact of a stay, finds compelling reasons which would justify a stay, and recommends a stay to the Administrator.);

- e. To dismiss protests or contract disputes, based on voluntary withdrawals by the parties which have instituted such proceedings;

- f. To dismiss protest or contract disputes, where the parties to such proceedings have achieved a settlement;

- g. To issue procedural and other interlocutory orders aimed a proper and efficient case management, including, without limitation, scheduling orders, subpoenas, sanctions orders for failure of discovery, and the like.

- h. To issue protective orders aimed at prohibiting the public dissemination of certain information and materials provided to the ODRA and opposing parties during the course of protest or contract dispute proceedings, including, but not limited to, documents or other materials reflecting trade secrets, confidential financial information and other proprietary or competition-sensitive data, as well as confidential Agency source selection information the disclosure of which might jeopardize future Agency procurement activities;

- i. To utilize ADR methods as the primary means of dispute resolution, in accordance with established Department of Transportation and FAA policies for using ADR to the maximum extent practicable;

- j. To designate ODRA Dispute Resolution Officers to engage with Agency program offices and contractors in voluntary mutual agreeable ADR efforts aimed at resolving acquisition related disputes at the earliest possible stage, even before any formal protest or contract dispute is formally filed with the ODRA;

- k. To take all other reasonable steps deemed necessary and proper for the management of the FAA Dispute Resolution System and for the resolution of protests or contract disputes, in accordance with the Acquisition Management System and applicable law. The Chief Counsel and Associate Chief Counsel/Director of the ODRA may redelegate the authority set forth above, in whole or in part, to an ODRA Dispute Resolution Officer or to a Special Master. The Federal Aviation Regulations shall be amended to incorporate this delegation of authority.

I am not delegating hereby final decision authority, other than for dismissals arising from settlements or voluntary withdrawals; nor final authority to stay awards or contract performance.

Issued in Washington, DC, on July 29, 1998.

Nicholas G. Garaufis,
Chief Counsel.

[FR Doc. 98-24618 Filed 9-11-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Use the Revenue From a Passenger Facility Charge (PFC) at Dallas-Fort Worth International Airport, DFW Airport, TX

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 use the revenue from a PFC at Dallas-Fort Worth 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) (Public Law 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before October 14, 1998.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate copies to the FAA at the following address: Mr. Ben Guttery, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW-610D, Fort Worth, Texas 76193-0610.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Jeffrey P. Fegan, Executive Director, of Dallas-Fort Worth International Airport at the following address: Mr. Jeffrey P. Fegan, Executive Director, Dallas-Fort Worth International Airport, PO Drawer 610428, DFW Airport, TX 75261-9428.

Air carriers and foreign air carriers may submit copies of the written comments previously provided to the Airport under Section 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Ben Guttery Federal Aviation Administration, Southwest Region, Airports Division, Planning and

Programming Branch, ASW-610D, Fort Worth, Texas 76193-0610, (817) 222-5614.

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 use the revenue from a PFC at Dallas-Fort Worth 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) (Public Law 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On September 1, 1998, the FAA determined that the application to use the revenue from a PFC submitted by the Airport 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 December 15, 1998.

The following is a brief overview of the application.

Level of the proposed PFC: \$3.00
Charge effective date: February 1, 1997

Proposed charge expiration date: December 1, 2001

Total estimated PFC revenue: \$517,441,547

PFC application number: 98-04-U-00-DFW

Brief description of proposed projects: Projects to Use PFC's.

5. Runway 17C Extension and Associated Development Project, and
6. Runway 18L and 18R, Extensions and Associated Development Project.

Proposed class or classes of air carriers to be exempted from collecting PFC's: All air taxi/commercial operators operating under a certificate authorizing transport of passengers for hire under FAR 135 that file FAA form 1800-31.

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

INFORMATION CONTACT and at the FAA regional Airports office located at: Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW-610D, 2601 Meacham Blvd., Fort Worth, Texas 76137-4298.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at Dallas-Fort Worth International Airport.

Issued in Fort Worth, Texas on September 1, 1998.

Naomi L. Saunders,
Manager, Airports Division.

[FR Doc. 98-24614 Filed 9-11-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-98-3782; Notice 2]

Laforza Automobiles, Inc.; Grant of Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 208

This notice grants the application by Laforza Automobiles, Inc., of Escondido, California, ("Laforza") for a temporary exemption from the automatic restraint requirements of Federal Motor Vehicle Safety Standard No. 208 *Occupant Crash Protection*, as described below. The basis of the application was that compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard.

Notice of receipt of the application was published on May 20, 1998, and an opportunity afforded for comment (63 FR 27784).

Laforza is a Nevada corporation established in August 1997. To date it has produced no motor vehicles. It intends to purchase chassis from Magnum Industriales s.r.l., an Italian company, "where it will undergo the necessary modifications for the US market." A Ford engine, transmission, and associated emission control systems will be installed, and the end result will be a multipurpose passenger vehicle (sport utility) called the Prima 4X4. Laforza estimated that it will produce a total of 400 units between the date of the exemption and December 31, 2000. This is the date that its requested temporary exemption would expire.

Laforza seeks an exemption from S4.2.6.1.1 and S4.2.6.2 of Standard No. 208. Paragraph S4.2.6.1.1, in pertinent part, requires Laforza to provide a driver side air bag on not less than 80 percent of all Primas manufactured before September 1, 1998. Paragraph S4.2.6.2 requires all Primas manufactured on and after September 1, 1998, to be equipped with both driver and right front passenger airbags. Although the passenger side air bag is not required until September 1 of this year, "the airbag development program has to include both the passenger and driver side airbags since the development duration for a driver's side airbag would overlap the time when a passenger's side airbag will be required." Laforza continued, "If the development is not combined, many of these tests would have to be repeated with a significant increase in test and material costs."

In the first 6 months after its agreement with Magnum, Laforza spent