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Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

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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 September 30, 1998.* This publication ensures that the agency is in compliance with statutory indexing requirements.

FOR FURTHER INFORMATION CONTACT:

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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 decision 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.)

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 the civil penalty decisions for the previous year. 58 FR 5044; 1/19/93.

The previous quarterly publications of the 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.
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7/1/94-12/31/94	60 FR 4454; 1/23/95.
1/1/95-3/31/95	60 FR 19318; 4/17/95.
4/1/95-6/30/95	60 FR 36854; 7/18/95.
7/1/95-9/30/95	60 FR 53228; 10/12/95.
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1/1/96-3/31/96	61 FR 16955; 4/18/96.
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Dates of quarter	Federal Register publication
7/1/96-9/30/96	61 FR 54833; 10/22/96.
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1/1/97-3/31/97	62 FR 24533; 5/2/97.
4/1/97-6/30/97	62 FR 38339; 7/17/97.
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1/1/98-3/31/98	63 FR 19559; 4/20/98.
4/1/98-6/30/98	63 FR 37914; 7/14/98.

Availability of Decisions and Orders.

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 Callahan) and are available on computer online 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 appear at the end of this notice.

Accessibility through the Internet.

Information regarding the accessibility over the Internet of documents contained in the FAA Civil Penalty Docket in non-security cases in which the complaint was filed on or after December 1, 1997, is set forth at the end of this notice.

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108.7	90-18 & 90-19 Continental 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.
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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.
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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.
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135.63	94-40 Polynesian Airways; 95-17 Larry's Flying Service; 95-28 Atlantic; 96-4 South Aero.
135.87	90-21 Carroll.
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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.
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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	92-77 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.
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Civil Penalty Actions—Orders Issued By The Administrator

Digests

(The digest includes all decisions and orders issued by the Administrator from July 1, 1998 to September 30, 1998.)

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 July 1, 1998, to September 30, 1998. 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 Larry's Flying Service

[Order No. 98-14 (7/3/98)]

Reconsideration denied. The document filed by Larry's Flying Service is construed as a petition for reconsideration. However, as a petition for reconsideration, it must be denied because: (1) it was late-filed and good cause for the lateness was not demonstrated; and (2) the petition fails to state the alleged errors in FAA Order No. 98-4 and the grounds that support the petition for reconsideration.

In the Matter of James Squire

[Order No. 98-15 (7/13/98)]

Extension granted. Complainant's request for time to file a reply brief is granted. Respondent did not serve a

copy of the appeal brief on Complainant. The manager of the Adjudication Branch forwarded a copy of the appeal brief to Complainant. The due date of the reply brief should be calculated from the date on which the appeal brief was forwarded to Complainant. Complainant sought an extension of 1 extra day. Because of the timeliness of the request and the limited amount of time requested, the extension is granted.

In the Matter of Blue Ridge Airlines

[Order No. 98-16 (8/13/98)]

Order to Show Cause Issued. The date on the certificate of service attached to Blue Ridge Airline's notice of appeal is almost a week before the deadline, but the postmark date is more than two weeks after the deadline. Ordinarily, the filing date under the Rules of Practice (specifically, 14 CFR 13.210) is simply the date on the certificate of service, but

here the large discrepancy between the certificate of service and the postmark demands an explanation. As a result, Blue Ridge Airlines is ordered to show cause, on or before September 14, 1998, why the discrepancy exists. Failure to file a response, on or before September 14, 1998, will result in the dismissal of Blue Ridge Airline's appeal, leaving only Complainant's appeal to be decided.

In the Matter of Blue Ridge Airlines

[Order No. 98-17 (9/11/98)]

Notice of Appeal Accepted as Timely. In an earlier order (Order No. 98-16), Blue Ridge Airlines was ordered to show cause why there was a large discrepancy between the date on the certificate of service attached to Blue Ridge Airlines' notice of appeal and the postmark date on the envelope. Blue Ridge Airlines has filed a timely response in which its Chief Executive Officer (CEO) attests that Blue Ridge Airlines mailed the notice of appeal on time. Blue Ridge Airlines' CEO points out that the post office may have delayed processing the envelope containing the notice of appeal. Under the circumstances, Blue Ridge Airlines' notice of appeal is accepted as timely.

Notice of Appeal Construed as Brief. Although Blue Ridge Airlines failed to perfect its appeal by filing an appeal brief, its notice of appeal contains sufficient information and argument to meet the requirements for an appeal brief. Complainant FAA is granted 35 days to file a reply brief.

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) 498-1677;

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-line 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 1997, into their computer database. Individuals who have access to the Internet can view the materials in these docket 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 of 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 16, 1998.

James S. Dillman,

Assistant Chief Counsel for Litigation.

[FR Doc. 98-28832 Filed 10-27-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Prepare an Environmental Impact Statement for Lihue Airport, Lihue, Kauai, HI

AGENCY: Federal Aviation Administration.

ACTION: Notice of intent to prepare an Environmental Impact Statement and hold three (3) scoping meetings for Lihue Airport, Lihue, Kauai, Hawaii.

SUMMARY: The Federal Aviation Administration (FAA), in cooperation with the State of Hawaii, Department of Transportation, Airports Division is issuing this notice to advise the public