

Minimum Equipment List (MEL) exists that so permits, citing 14 CFR 121.628. It is the agency's position that without an applicable MEL provision, an inoperable instrument or piece of equipment renders the aircraft's airworthiness certificate ineffective.

It is held that a light in the cockpit, indicating to the flight crew whether power is going to the galley is neither galley equipment nor a passenger convenience item. Hence, the MEL did not allow the aircraft to operate with that cockpit indicator light inoperative, and the aircraft did not conform to its type design. Also, the evidence indicated that the inoperative indicator light reduced the margin of safety that conformity with the type design is intended to provide. The Administrator finds that the aircraft was unairworthy under both prongs of the test for airworthiness. See e.g., *In the Matter of Valley Air Services*, FAA Order No. 96-15 (5/3/96); *In the Matter of Watts Agricultural Aviation, Inc.*, FAA Order No. 91-8 (4/11/91).

Administrator distinguishes this case from *Administrator v. Calavaero*, 5 NTSB 1099 (1986).

In the Matter of Sanford Air, Inc.

FAA Order No. 97-22 (5/28/97)

Additional Written Argument Allowed. Sanford Air's request to file an additional brief is granted. It is possible that Sanford Air's claim that there are factual errors in Complainant's reply brief has merit. Additional brief should be limited to alleged factual errors.

In the Matter of Detroit-Metropolitan Wayne County Airport

FAA Order No. 97-23 (6/5/97)

Appeal Denied. The Administrator reiterates that 14 CFR 107.13(a) does not impose absolute liability on airport operators, citing *In the Matter of [Airport Operator]*, FAA Order No. 96-1 (1/4/96). The Administrator finds that the law judge was correct in finding a violation in this case because airport personnel failed to stop and challenge the unauthorized individual who had entered and crossed the restricted area. The airport operator had not properly implemented its airport security program. The Administrator affirms the \$1,000 civil penalty.

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) 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 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.

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 Assistant Chief 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 Assistant Chief Counsel for the Alaskan Region (AAL-7), Alaskan Region Headquarters, 222 West 7th Avenue, Anchorage, AK 99513; (907) 271-5269.

Office of the Assistant Chief 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 Assistant Chief Counsel for the Eastern Region (ACE-7), Eastern Region Headquarters, JFK International Airport, Federal Building, Jamaica, NY 11430; (718) 553-3285.

Office of the Assistant Chief Counsel for the Great Lakes Region (AGL-7), 2300 East Devon Avenue, Suite 419, Des Plaines, IL 60018; (708) 294-7108.

Office of the Assistant Chief 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 Assistant Chief Counsel for the Northwest Mountain Region (ANW-7), Northwest Mountain Region Headquarters, 1601 Lind Avenue, SW, Renton, WA 98055-4556; (206) 227-2007.

Office of the Assistant Chief Counsel for the Southern Region (ASO-7), Southern Region Headquarters, 1701 Columbia Avenue, College Park, GA 30337; (404) 305-5200.

Office of the Assistant Chief Counsel for the Southwest Region (ASW-7), Southwest Regional Headquarters, 2601 Meacham Blvd., Fort Worth, TX 76137-4298; (817) 222-5087.

Office of the Assistant Chief 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 Assistant Chief Counsel for the Western-Pacific Region (AWP-7), Western-Pacific Regional Headquarters, 15000 Aviation Boulevard, Lawndale, Ca 90261; (310) 725-7100.

Issued in Washington, DC on July 10, 1997.

James S. Dillman,

Assistant Chief Counsel for Litigation.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Intent to Rule on Application to Impose a Passenger Facility Charge (PFC) at Chicago O'Hare International Airport, Chicago, Illinois and Use PFC Revenue at Gary Regional Airport, Gary, Indiana

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 a PFC at Chicago O'Hare International Airport and use the revenue from a PFC at Gary Regional 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 August 18, 1997.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following

address: Federal Aviation Administration, Chicago Airports District Office, 2300 East Devon Avenue, Room 201, Des Plaines, Illinois 60018.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Ms. Mary Rose Loney, Commissioner, of the City of Chicago Department of Aviation at the following address: Chicago O'Hare International Airport, P.O. Box 66142, Chicago, Illinois 60666.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of Chicago Department of Aviation under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT:

Mr. Louis H. Yates, Manager, Chicago Airports District Office, 2300 East Devon Avenue, Room 201, Des Plaines, Illinois 60018, (847) 294-7335. 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 a PFC at Chicago O'Hare International Airport and use the revenue from a PFC at Gary Regional 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 June 24, 1997, the FAA determined that the application to impose and use the revenue from a PFC submitted by City of Chicago Department of Aviation 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 October 16, 1997.

The following is a brief overview of the application.

PFC application number: 97-06-C-00-ORD.

Level of the proposed PFC: \$3.00.

Original charge effective date: September 1, 1993.

Revised proposed charge expiration date: June 1, 2004.

Total estimated PFC revenue: \$1,470,500.

Brief description of proposed projects:

- a. Terminal Renovations Program.
- b. Automated Weather Observation Station.
- c. General Aviation Apron Overlay/Expansion.

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

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 City of Chicago Department of Aviation.

Issued in Des Plaines, Illinois on July 9, 1997.

Benito De Leon,

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

[FR Doc. 97-18789 Filed 7-16-97; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application (97-01-C-00-ROC) To Impose and Use The Revenue From a Passenger Facility Charge (PFC) at Greater Rochester International Airport, Rochester, New York

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 Greater Rochester 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 August 18, 1997.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Mr. Philip Brito, Manager, New York Airports District Office, 600 Old County Road, Suite 446, Garden City, New York 11530.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Terrence G. Slaybaugh, Director of Aviation, for the County of Monroe at the following address: Greater Rochester International Airport, 1200 Brooks Avenue, Rochester, New York 14624.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the County of Monroe under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Philip Brito, Manager, New York

Airports District Office, 600 Old County Road, Suite 446, Garden City, New York 11530 (Telephone 516-227-3800). 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 Greater Rochester 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 July 1, 1997, the FAA determined that the application to impose and use the revenue from a PFC submitted by the County of Monroe 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 September 20, 1997.

The following is a brief overview of the application.

Application number: 97-01-C-00-ROC.

Level of the proposed PFC: \$3.00.

Proposed charge effective date: December 1, 1997.

Proposed charge expiration date: April 1, 2001.

Total estimated PFC revenue: \$10,050,000.

Brief description of proposed projects:

- Taxiway "C" Rehabilitation.
- Terminal Apron Improvements (Including Bond Financing & Interest).
- Purchase Snow Removal Equipment.
- Construct Snow Removal Equipment Storage Building.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: None.

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: Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the office of the Monroe County Director of Aviation at Greater Rochester International Airport.

Issued in Jamaica, New York on July 9, 1997.

Thomas Felix,

Grant-In-Aids Program Manager, Airports Division, Eastern Region.

[FR Doc. 97-18786 Filed 7-16-97; 8:45 am]

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