Tuesday, June 9, 1998

- General Structures HWG Report.
- Electromagnetic Effects HWG Report.
- Loads & Dynamics HWG Report.
- Airworthiness Assurance HWG Report.
- Hydraulic Test HWG Report and Vote.
- Brake Systems Harmonization Working Group (if needed).
- Review Action Items.

The Systems Design and Analysis HWG is requesting a vote for formal FAA economic and legal review of a draft notice and advisory circular relating to a review of 14 CFR 25.1309, European Joint Aviation Requirements (JAR) 25.1309, associated Advisory Circular 25.1309–1A, and Advisory Circulars Joint Numbers 1 through 8. The Hydraulic Test HWG is requesting a vote for the acceptance of a disposition of comments to Notice of Proposed Rulemaking No. 96–6. The proposed rulemaking would amend the airworthiness standards for transport category airplanes to harmonize hydraulic systems design and test requirements with standards proposed for the JAR.

Attendance is open to the public, but will be limited to the space available. Arrangements may be made to present statements, request the public must make arrangements by June 1, 1998, to present oral statements at the meeting. Written statements may be presented to the Committee at any time by providing 25 copies to the Assistant Executive Director for Transport Airplane and Engine issues or by providing copies at the meeting. Copies of the documents to be voted upon may be made available by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

Sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting.

Issued in Washington, DC on May 13, 1998.

Joseph A. Hawkins,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 98–13519 Filed 5–20–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Intent To Rule on PFC Application (98–03–I–00–OTH) To Impose Only a Passenger Facility Charge (PFC) at North Bend Municipal Airport; Submitted by the City of North Bend, North Bend, Oregon

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 only a PFC at North Bend Municipal Airport under the provisions of 49 U.S.C. 40117 and part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before June 22, 1998.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: J. Wade Bryant, Manager; Seattle airports District Office, SEA–ADO; Federal Aviation Administration; 1601 Lind Avenue, S.W., Suite 250; Renton, Washington 98055–4056.

Om addition, one copy of any comments submitted to the FAA must be mailed or delivered to Gary Le Tellier, Airport Manager, at the following address: City of North Bend, P.O. Box B, North Bend, OR 97459.

Air carriers and foreign air carriers may submit copies of written comments previously provided to North Bend Municipal airport under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Ms. Mary Vargas, (425) 227–2660; Seattle Airports District Office, SEA–ADO; Federal Aviation Administration; 1601 Lind Avenue, S.W., Suite 250; Renton, Washington 98055–4056. 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 (98–03–I–00–OTH) to impose only a PFC at North Bend Municipal Airport, under the provisions of 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On May 13, 1998, the FAA determined that the application to impose only a PFC submitted by the City of North Bend, Oregon, 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 August 22, 1998.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00.

Proposed charge effective date: June 1, 1998.

Proposed charge expiration date: January 1, 2001.

Total estimated PFC revenue: $136,800.

Brief description of proposed projects—(Impose Only): East Side.

Terminal Area Site Preparation; and East Airport Roadway Alignment, and Runway 13—31 Safety Area.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Non-scheduled air taxi/commercial operators utilizing aircraft having a seating capacity of less than 20 passengers not to be required to collect PFCs.

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, Northwest Mountain Regional Office, Airports Division, 1601 Lind Avenue, S.W., Suite 315; Renton, Washington 98055–4056.

In addition, any person may, upon request, inspect the application, notice, and other documents germane to the application in person at the North Bend Municipal Airport, North Bend, Oregon.

Issued in Renton, Washington on May 134, 1998.

David A. Field,

Manager, Planning, Programming and Capacity Branch, Northwest Mountain Region.

[FR Doc. 98–13576 Filed 5–20–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–98–3701; Notice 1]

Mitsubishi Motor Sales of America Inc.; Receipt of Application for Decision of Inconsequential Noncompliance

Mitsubishi Motor Sales of America (MMSA) of Cypress, California, has determined that some of its 1994–1998 models fail to meet the requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 118, ''S4,'' and has filed an appropriate report pursuant to 49 CFR Part 573, ''Defects and Noncompliance Reports.'' MMSA has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—''Motor Vehicle Safety'' on the basis that the

noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

During the periods indicated below, the applicant imported and sold and/or distributed approximately 57,294 vehicles equipped with power sunroofs that did not meet certain requirements mandated by Federal Motor Vehicle Safety Standard (FMVSS) No. 118. Specifically, FMVSS No. 118 requires that power windows, partitions, and sunroofs only be operable under certain circumstances. One of those circumstances specifies that a power sunroof may operate:

during the interval between the time the locking device which controls the activation of the vehicle's engine is turned off and the opening of either of a two-door vehicle's doors or, in the case of a vehicle with more than two doors, the opening of either of its front doors. 49 CFR 571.118 S4(e) states that once the ignition key is turned off and either of the two front doors is opened, the power sunroof must not operate.

In the Mitsubishi vehicles identified below, activation of the power sunroof stops immediately after the ignition is turned off and the driver's side door is open. The sunroof continues to operate, however, for thirty seconds after the ignition is turned off and the passenger front door is opened. This continued operation does not comply with the requirements of S4 FMVSS No.118.

Make	Line	Model year	No. of affected vehicles	Dates of manufacture
MMC	Mitsubishi 3000GT	1994–98	5,855	5/94—4/98
MMC	Mitsubishi Mirage (Coupe & Sedan)	1997–98	1,383	6/96—5/98
Mitsubishi Motor Manufacturing of America, Inc.	Mitsubishi Galant	1994–98	50,056	3/93—3/98

MMSA supports its application for inconsequential noncompliance with the following:

MMSA does not believe that the foregoing noncompliance will impact motor vehicle safety for the following reasons, FMVSS 118 sets forth requirements for power operated windows, partitions, and roof panel systems (e.g., sunroofs) to minimize the risk of injury or death from accidental operation of these systems. The National Highway Traffic Safety Administration (NHTSA or the Agency) has identified children as the group of people most likely at risk from unsupervised or inadvertent operation of power windows and sunroofs. See 57 FR 23958 (1992). In order to address the foregoing concerns, FMVSS 118 S4 specifies the conditions under which a power window, partition or sunroof may operate. S4(e) specifically requires that power windows, partitions and sunroofs not be operational when the ignition key is off *and* either one of the vehicle's front doors is opened. The power windows may continue to operate after the ignition has been turned off, but prior to the opening of either of the vehicle's front doors.

''FMVSS 118 S4(e) was designed to reduce the possibility of *unsupervised* children from operating the power windows, partitions or sunroofs in a vehicle. Specifically, S4(e) is based on the logical presumption that after a vehicle's ignitions is turned off, but prior to opening either of the vehicle's front doors, an adult will remain in the vehicle to supervise and protect children from the safety risks associated with operation of a power window, partition, or sunroof system. Hence there is little to no additional risk in allowing continued operation of the power window, partition or sunroof after the ignition is turned off but prior to the opening of either front door because of the presence of the supervising adult. This premise is especially true for the driver side door. In most circumstances, and adult driver normally exits the vehicle from the driver side door. If the vehicle's driver side door has not been opened, the adult driver is most likely still in the vehicle''.

MMSA believes that the failure to comply is inconsequential to motor vehicle safety for the following reasons:

''The power sunroof immediately ceases to operate when the ignition key is turned off and the driver side door is open. The sunroof will continue to operate, however, for approximately 30 seconds after the ignition key is turned off and the passenger side door is open. The rationale supporting this feature was to allow the driver to close the sunroof even if the driver has turned off the ignition and the passenger has opened the door and exited the vehicle. This delay in operation cut-off is a convenience feature similar to those found in Japanese and European versions of the affected Mitsubishi vehicles. As long as the driver door remains closed, the adult driver inevitably remains in the vehicle to supervise any operation of the power sunroof. It is highly unlikely that the driver would exit from the front passenger side in the affected vehicles. Each of the vehicles listed above has a front seating configuration consisting of two bucket type seats and a center console that rises up from the floor space between the driver and passenger seats. The transmission shift lever for these automatic and standard transmission vehicles rises up from the center console. The combination of bucket seats, center console, and gear shift make exiting the affected vehicles from the driver's side through the passenger side door extremely difficult and highly unfeasible. In addition, the period of operation for the sunroof after the front passenger door is extremely short (i.e., 30 seconds). This short period of time is sufficient to allow drivers to close the sunroof prior to exiting the vehicle, but insufficient to cause any safety concerns for children. Consequently, continued, short-term operation of the sunroof after the ignition has been turned off and the passenger side door opened, but prior to the opening of the driver's side door, does not pose any significant safety concern. The probability of unsupervised children being exposed to injury from the foregoing sunroof system during the 30 seconds after the ignition key has been turned off and the front passenger door only is opened is non-existent.''

Additionally, MMSA asserts that the situation is similar to another situation involving vehicles manufactured by Volkswagen of America, Inc. (Volkswagen). In Volkswagen's case, the company manufactured approximately 20,000 vehicles with power windows. The power windows ceased to operate immediately after the ignition was turned off and the driver's size door was opened. The windows continued to operate, however, for ten minutes after the ignition was turned off and the front passenger door only was opened. Volkswagen petitioned the Agency for a determination of inconsequential noncompliance. See 60 FR 26475 (1995). NHTSA granted the petition based on reasons similar to those set forth above by MMSA. See 60 FR 48197 (1995).

Interested persons are invited to submit written data, views, and arguments on the application of the petitioner described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that six copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in

the **Federal Register** pursuant to the authority indicated below.

Comment closing date: June 28, 1998.

(49 U.S.C. 30118 and 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: May 14, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98–13520 Filed 5–20–98; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33567]

Albany & Eastern Railroad Company—Acquisition and Operation Exemption—The Burlington Northern and Santa Fe Railway Company

Albany & Eastern Railroad Company (AERC), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from The Burlington Northern and Santa Fe Railway Company (BNSF), and to operate 17.40 miles of rail line between MP–14.50, at or near Lebanon, and MP–31.90, at or near Foster, in Linn County, OR.[1] AERC also is acquiring incidental trackage rights over Union Pacific Railroad Company's (UP) rail line between MP–688.96, at or near Lebanon, and MP–691.52, at or near Albany, and over BNSF's line between MP–0.0, at Albany, and MP–0.89, east of Albany, in Linn County, OR, a total of 13.62 miles. The incidental trackage rights will permit AERC to interchange traffic with BNSF at its Albany yard.

The transaction was expected to be consummated on or shortly after May 8, 1998.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33567, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Fritz R. Kahn, Suite 750 West, 1100 New York Avenue, N.W., Washington, DC 20005–3934.

[1] AERC will acquire the track, ties, and other improvements, and a permanent, irrevocable easement to operate on this line, but not the real estate.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: May 14, 1998.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 98–13593 Filed 5–20–98; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–494X]

Akron Barberton Cluster Railway Company—Abandonment Exemption—in Summit County, OH

Akron Barberton Cluster Railway Company (ABCR) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon 4.14 miles of its line of railroad from Valuation Station 440 + 00 at Main Street to Valuation Station 658 + 63 at Seiberling Avenue, in Summit County, OH. The line traverses United States Postal Service Zip Codes 44301, 44305, 44300 and 44311.

ABCR has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment— Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on June 20, 1998, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by June 1, 1998. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by June 10, 1998, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423. A copy of any petition filed with the Board should be sent to applicant's representative: Christopher E. V. Quinn, Oppenheimer Wolff & Donnelly, Two Prudential Plaza, 45 Floor, 180 North Stetson Avenue, Chicago, IL 60601.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

ABCR has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by May 26, 1998. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565–1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), ABCR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by ABCR's filing of a notice of consummation by May 21, 1999, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: May 8, 1998.

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each offer of financial assistance must be accompanied by the filing fee, which currently is set at $1000. *See* 49 CFR 1002.2(f)(25).