

alcohol concentration of 0.02 or greater in their body, are not being used to operate CMVs on public roads, and show that drivers who have tested positive have received necessary assistance in resolving their use problem. The records are used by the FHWA, and its State and local partners in the Motor Carrier Safety Assistance Program, to determine whether drivers have driven CMVs while using alcohol and drugs in violation of the law.

Estimated Total Annual Burden: 2,309,703 hours.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725-17th Street, NW., Washington, DC 20503, Attention FHWA Desk Officer.

Interested parties are invited to send comments regarding any aspect of this collection of information, including, but not limited to: whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on July 23, 1997.

Phillip A. Leach,

Clearance Officer, United States Department of Transportation.

[FR Doc. 97-19952 Filed 7-28-97; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Executive Committee of the Aviation Rulemaking Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Executive Committee of the Federal Aviation Administration Aviation Rulemaking Advisory Committee.

DATES: The meeting will be held on August 13, 1997, at 10 a.m. Arrange for oral presentations by August 1, 1997.

ADDRESSES: The meeting will be held at the Aerospace Industries Association of

America, 1250 Eye Street, NW., Wright Room, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Miss Jean Casciano, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-9683; fax (202) 267-5075; e-mail Jean.Casciano@faa.dot.gov..

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Executive Committee to be held on August 13, 1997, at the Aerospace Industries Association of America, 1250 Eye Street, NW., Wright Room, Washington, DC, 10 a.m. The agenda will include:

- A status report from the Digital Information Working Group, including a possible vote on a proposed electronic access NPRM
- Update on the status of the effort to define a strategy for expediting the completion of old ARAC tasks and recommendations
- Update on the status of the Overflights of the National Parks effort
- Administrative issues

Attendance is open to the interested public but will be limited to the space available. The public must make arrangements by August 1, 1997, to present oral statements at the meeting. The public may present written statements to the executive committee at any time by providing 25 copies to the Executive Director, or by bringing the copies to him at the meeting.

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. Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Washington, DC, on July 22, 1997.

Joseph A. Hawkins,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 97-19857 Filed 7-28-97; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application (97-04-C-00-JFK) to Impose and Use the Revenue From a Passenger Facility Charge (PFC) at John F. Kennedy International Airport (JFK), Jamaica, NY; LaGuardia Airport (LGA), Flushing, NY and Newark NJ International (EWR), Newark, NJ

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 JFK, LGA, EWR 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 August 28, 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. Anthony G. Cracchiolo, Director of New York Airport Access Program, for the Port Authority of New York & New Jersey at the following address: The Port Authority of New York & New Jersey, One World Trade Center, Suite 2121, New York, New York 10048.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Port Authority of New York & New Jersey under 14 CFR § 158.23.

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 comments on the application to impose and use the revenue from a PFC at JFK, LGA, and EWR under the provisions of 49 U.S.C. 40117 and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On July 21, 1997, the FAA determined that the applications to impose and use the revenue from a PFC submitted by the Port Authority of New York & New Jersey were substantially complete

within the requirements of 14 CFR part 158 (§ 158.25). The FAA will approve or disapprove the applications, in whole or in part, no later than November 16, 1997. However, the FAA will make no decision on the use application until the Port Authority, the Federal Highway Administration, and the New York State Department of Transportation finalize the Transportation Conformity process.

The following is a brief overview of the application.

Applications number: 97-04-C-00-JFK, LGA, EWR.

Level of the proposed PFC: \$3.00.

Proposed charge effective date: September 1, 1997.

Proposed charge expiration date: December 1, 2009.

Total estimated PFC revenue: \$1,248,000,000.

Brief description of proposed projects:

The Port Authority of NY & NJ request authority to use PFC revenue on two projects previously approved for collection:

1. Construct a Light Rail System (LRS) to serve the JFK Central Terminal Area (CTA).
2. Construct a 3.3 mile LRS connecting the NYCT Howard Beach Subway Station to the JFK CTA.

The Port Authority of NY & NJ also request the authority to impose and use PFC's for one new project:

- Construct a 3.1 mile long LRS connecting the LIRR Jamaica Station to the NYCT Howard Beach LRS

Class or classes of air carriers which the public agency has requested not be required to collect PFC's: Air taxi, except commuter air carriers.

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 Port Authority of New York & New Jersey.

Issued in Jamaica, New York on July 21, 1997.

William DeGraaff,

Assistant Manager, Airports Division, Eastern Region.

[FR Doc. 97-19856 Filed 7-28-97; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 32760 (Sub-No. 23)]

Railroad Operation, Acquisition, Construction, Etc.: Union Pacific Corp, et al.

AGENCY: Surface Transportation Board.

ACTION: Notice that the Board has been requested to issue a finding that the terms and conditions of the proposed merger of St. Louis Southwestern Railway Company into SSW Merger Corp. are just and reasonable.

SUMMARY: St. Louis Southwestern Railway Company, approximately 99.96% of the common stock of which is owned by Southern Pacific Transportation Company, is to be merged into SSW Merger Corp., 100% of the common stock of which is owned by Southern Pacific Transportation Company. The merger envisions, among other things, a "cashing out," at a price of \$6,800 per share, of the four shareholders who own the approximately 0.04% of the common stock of St. Louis Southwestern Railway Company that is publicly held (61 out of 173,300 shares). The Board has been requested to issue a finding that the terms and conditions of the merger are just and reasonable.

DATES: Comments must be filed by August 28, 1997. Replies must be filed by September 12, 1997.

ADDRESSES: All pleadings should refer to STB Finance Docket No. 32760 (Sub-No. 23). Comments (an original and 10 copies) and replies (an original and 10 copies) should be sent to the Surface Transportation Board, Office of the Secretary, Case Control Unit, ATTN.: STB Finance Docket No. 32760 (Sub-No. 23), 1925 K Street, NW., Washington, DC 20423-0001. Comments should also be served (one copy each) on Arvid E. Roach II, Covington & Burling, 1201 Pennsylvania Avenue, NW., P.O. Box 7566, Washington, DC 20044-7566. Replies should also be served (one copy each) on the four shareholders who own the 61 publicly held shares of the common stock of St. Louis Southwestern Railway Company and on any other persons filing comments.

FOR FURTHER INFORMATION CONTACT: Julia M. Farr, (202) 565-1613. [TDD for the hearing impaired: (202) 565-1695.]

SUPPLEMENTARY INFORMATION: In Decision No. 44 in Finance Docket No. 32760, Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company—

Control and Merger—Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company (UP/SP), we approved the common control and merger of the rail carriers controlled by Union Pacific Corporation (Union Pacific Railroad Company and Missouri Pacific Railroad Company) and the rail carriers controlled by Southern Pacific Rail Corporation (Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company).¹

The common control authorized in UP/SP, Decision No. 44, was consummated on September 11, 1996, with the merger of SPR with and into UP Holding Company, Inc., a direct wholly owned subsidiary of UPC.

In the application filed on November 30, 1995, applicants had noted, among other things, that, in effectuating UP/SP common control, they intended to merge SPT, SSW, SPCSL, and DRGW into UPRR, although they added that these companies might retain their separate existence for some time. See UP/SP, Decision No. 44, slip op. at 8. With respect to SSW, applicants specifically noted that, although SSW had a small number of minority equity holders and although the Federal Railroad Administration (FRA) held certain SSW redeemable preference shares, the application did not include a request for a Schwabacher determination² with respect to the compensation that might be paid to SSW security holders in connection with a merger of SSW into UPRR. Applicants added, however, that, if they later determined to carry out such a merger, they would request either a Schwabacher determination respecting the terms of the merger or a declaratory order that no such determination was

¹In UP/SP, Decision No. 44: Union Pacific Corporation was referred to as UPC; Union Pacific Railroad Company was referred to as UPRR; Missouri Pacific Railroad Company was referred to as MPRR; UPRR and MPRR were referred to collectively as UP; Southern Pacific Rail Corporation was referred to as SPR; Southern Pacific Transportation Company was referred to as SPT; St. Louis Southwestern Railway Company was referred to as SSW; SPCSL Corp. was referred to as SPCSL; The Denver and Rio Grande Western Railroad Company was referred to as DRGW; SPT, SSW, SPCSL, and DRGW were referred to collectively as SP; UPC, UP, SPR, and SP were referred to collectively as "applicants"; and the application that had been filed by applicants on November 30, 1995, was variously referred to as "the application" and "the primary application."

²The reference is to *Schwabacher v. United States*, 334 U.S. 192 (1948).