

and Wildlife Service, U.S. Forest Service, the Eastern Band of Cherokee Indians and Cherokee Nation of Oklahoma, the Tennessee Department of Environmental and Conservation, North Carolina Department of Environment and Natural Resources, Tennessee Wildlife Resources Agency, The Tennessee State Historic Preservation Officer, Greene County, the town of Greeneville, and other agencies, as appropriate.

TVA will develop and maintain a mailing list to identify the agencies, organizations, and individuals or groups identified as interested parties who have requested to be included in the process. TVA will also maintain a public reference file at the Cherokee/Douglas Watershed Team Office, 2611 Andrew Johnson Highway, Morristown, Tennessee, which will include copies of all written correspondence, documents, meeting notices, agendas and summaries, etc.

After consideration of the scoping comments, TVA will develop the sets of environmental issues and alternatives to be addressed in the EIS. Once the evaluation of these issues and analysis of the environmental consequences of each alternative is completed, TVA will issue a draft EIS for public review and comment. A Notice of Availability of the draft EIS will be published by the Environmental Protection Agency in the **Federal Register**. TVA will solicit written comments on the draft EIS and hold at least one public information meeting to receive comments on the draft EIS.

TVA is interested in receiving comments on the scope of issues and alternatives that should be addressed in the EIS. Written comments on the scope of the issues and alternatives to be addressed in this EIS should be mailed on or before February 21, 2000. TVA anticipates completing the draft EIS early in 2001.

Dated: January 5, 2000.

**Kathryn J. Jackson,**

*Executive Vice President, River System Operations & Environment.*

[FR Doc. 00-579 Filed 1-11-00; 8:45 am]

**BILLING CODE 8120-08-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Policy Statement Number ACE-00-23.683-01]

#### Proposed Issuance of Policy Memorandum, Discussion of Compliance Methods in Advisory Circular (AC) 23.683-1

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of policy statement; request for comments.

**SUMMARY:** This document announces an FAA proposed general statement of policy applicable to the type certification of normal, utility, acrobatic, and commuter category airplanes. This document advises the public, in particular manufacturers of normal, utility, acrobatic, and commuter category airplanes, of additional information related to the compliance methods in current advisory circular AC 23.683-1. This notice is necessary to advise the public of FAA policy and give all interested persons an opportunity to present their views on the policy statement.

**DATE:** Comments submitted must be received no later than February 11, 2000.

**ADDRESSES:** Send all comments on this policy statement to the individual identified under **FOR FURTHER INFORMATION CONTACT**.

**FOR FURTHER INFORMATION CONTACT:** Lester Cheng, Federal Aviation Administration, Small Airplane Directorate, ACE-111, Room 301, 901 Locust, Kansas City, Missouri 64106; telephone (816) 329-4120; fax 816-329-3047; e-mail: Lester.Cheng@faa.gov.

**SUPPLEMENTARY INFORMATION:**

#### Comments Invited

Interested persons are invited to comment on this proposed policy statement, ACE-00-23.683-01, by submitting such written data, views, or arguments as they desire. Comment should be marked, "Comments to policy statement ACE-00-23.683-01," and be submitted in duplicate to the above address. The Manager, Small Airplane Directorate, will consider all communications received on or before the closing date for comments.

#### Background

After reviewing the compliance methods in advisory circular 23.683-1, the directorate determined that there was additional information related to the compliance methods in current AC

23.683-1 that might be beneficial. This notice announces the availability of the following proposed policy memorandum, ACE-00-23.683-01, for review and comment. The purpose of this memorandum is to address certification projects initiated after the final date of the memo. Certification projects already in work do not necessarily need to comply. However, normal compliance and safety considerations, including the effects of deformation per § 23.305(a), would apply to existing and future projects.

#### Effect of General Statement of Policy

The FAA is presenting this information as a set of guidelines appropriate for use. However, this document is not intended to establish a binding norm; it does not constitute a new regulation and the FAA would not apply or rely upon it as a regulation. The FAA Aircraft Certification Offices (ACO's) that certify normal, utility, acrobatic, and commuter category airplanes should generally attempt to follow this policy when appropriate. Applicants should expect that the certificating officials would consider this information when making findings of compliance relevant to new certificate actions. Applicants also may consider the material contained in this proposed policy statement as a supplement to that currently contained in AC 23.683-1 when developing a means of compliance with the relevant certification standards.

Also, as with all advisory material, this statement of policy identifies one means, but not the only means, of compliance.

Because this proposed general statement of policy only announces what the FAA seeks to establish as policy, the FAA considers it to be an issue for which public comment is appropriate. Therefore, the FAA requests comment on the following proposed general statement of policy relevant to compliance with § 23.305(a) and other related regulations.

#### General Statement of Policy

The method of showing compliance with 23.683 presented in AC 23.683-1 dwells only on the control system. It does not explicitly specify the consideration of loading on adjacent structures and elements. This is consistent with the wording in § 23.683 of the regulations. Testing, not analysis must be used to show compliance with § 23.683. There are other regulations, related to 23.683, which must also be met. These include the following:

Section 23.305(a), [Subpart C—Structure, General] Strength and

Deformation, requires that "At any load up to limit loads, the deformation may not interfere with safe operation."

Section 23.307, [Subpart C—Structure, General] Proof of Structure, states that "Compliance with the strength and deformation requirements of § 23.305 must be shown for each critical load condition. Structural analysis may be used only if the structure conforms to those for which experience has shown this method to be reliable. In other cases, substantiating load tests must be made."

Section 23.655(a), [Subpart D—Design and Construction, Control Surfaces] Installation, requires that "Moveable surfaces must be installed so that there is no interference between any surfaces, their bracing, or adjacent fixed structure, when one surface is held in its most critical clearance positions and the others are operated through their full movement."

Section 23.681(a), [Subpart D—Design and Construction, Control Surfaces] Limit Load Static Tests, requires that "Compliance with the limit load requirements of this part must be shown by tests in which—

(1) The direction of the test loads produces the most severe loading in the control system; and  
(2) Each fitting, pulley, and bracket used in attaching the system to the main structure is included."

The current method in AC 23.683–1 is modified below to account for the deformation effects of adjacent structure or elements. In addition to § 23.683, this modified method demonstrates compliance with § 23.305(a) as it relates to § 23.683. It also demonstrates compliance with § 23.681(a). This testing may be conducted as follows:

Except where otherwise specified, the tests described below in sections (1), (2), and (3) should be conducted within the following parameters.

a. Conduct the control system operation tests by operating the controls from the pilot's compartment.

b. All the control surfaces must be installed in accordance with the type design to their adjacent fixed surface on the airframe.

c. The entire control system and adjacent fixed structure should be loaded simultaneously.

d. The adjacent fixed surfaces (wings, horizontal stabilizers, vertical stabilizers, etc.) should be loaded to provide deflections equivalent to critical limit load flight conditions.

e. The structural deflections should correspond to the limit flight conditions which represent the worst case conditions for increased cable tension, decreased cable tension, and control/

fixed surface proximity for each control system as appropriate.

f. The entire control system must be loaded to the limit airloads or the limit pilot forces whichever are less (§ 23.683 (b)(1)).

g. Minimum clearances around control surfaces and minimum tensions in cable systems should be defined to be incorporated in the airplane's instructions for continued airworthiness. The test article should incorporate these minimum clearances and tensions, unless they are to be otherwise accounted for.

h. If reductions in the minimum clearances described in paragraph g above are possible due to environmental conditions expected in service, then this must be accounted for. This can be accomplished through analysis or during testing by adjusting the test article clearances to encompass these effects.

(1) The tests described in this section support the demonstration that the control system is free from jamming, excessive friction, and excessive deflection as required by § 23.683(a)(1), (2), and (3). They also support the demonstration that structural deformations not interfere with safe operation as required by § 23.305(a). Accomplish the following:

(i) Load the adjacent fixed aerodynamic surface (wing, horizontal tail, or vertical tail) in accordance with one of the conditions of paragraphs d and e above.

(ii) Support the control surface being tested while it is located at the neutral position.

(iii) Load the control surfaces to the critical limit loads, as described in paragraph f above, and evaluate their proximity to the fixed adjacent structure for interference (contact).

(iv) Load the pilot's control until the control surface is just off the support.

(v) Determine the available control surface travel which is the amount of movement of the surface from neutral when the cockpit control is moved through the limits of its travel.

(vi) The control surface under loads described in paragraph f above, should travel a minimum of 10 percent of the total unloaded travel, as measured from the neutral position. This should be demonstrated for both directions of travel.

(vii) To address the possibility of a critical intermediate control surface loading, gradually remove load from the control surface (while maintaining the load on the adjacent fixed surface) until maximum control surface travel is achieved.

(viii) The above procedure should be repeated in the opposite direction.

(ix) With limit load applied to the adjacent fixed surface and limit or intermediate load applied to the control surface, no signs of jamming, or of any permanent set of any connection, bracket, attachment, etc., may be present.

(x) The control system should operate freely without excessive friction.

(xi) Cable systems should be checked with the loads applied to ensure that excessive slack does not develop in the system.

(xii) Repeat this process for each of the critical loading conditions as defined by paragraphs d and f above.

(2) The tests described in this section support the demonstration that structural deformations not interfere with safe operation as required by § 23.305(a). Accomplish the following:

(i) Load the adjacent fixed aerodynamic surface (wing, horizontal tail, or vertical tail) in accordance with one of the conditions of paragraph d and e above.

(ii) Operate the unloaded control system from stop to stop.

(iii) No signs of interference (contact) may be present.

(iv) The control system should operate freely without excessive friction.

(v) Repeat this process for each of the critical adjacent fixed surface loading conditions as defined by paragraphs d and e above.

**Note:** An alternate procedure may be used to accommodate the testing described in sections (1) and (2) above during structural tests of a partial airplane. This method requires that all control system components that are attached to or enclosed by the loaded test structure be installed per type design. A sufficiently representative mockup of remaining control system components must be used to ensure that the full length of any cables which extend from the loaded test structure are included. This is necessary to make a reasonable assessment that slack that could develop in control cables is not excessive enough to cause an entanglement or jam. The control surface activation may be input at any convenient location between the mockup terminus and the cockpit.

(3) The tests described in this section will demonstrate that the control system is free from excessive deflection as required by § 23.683(a)(3). These tests complete the demonstration that the control system is free from jamming and excessive friction as required by § 23.683(a)(1) and (2) as well as the demonstration that structural deformations not interfere with safe operation as required by § 23.305(a). Also, these tests meet the limit load

static test requirements of § 23.681(a). Accomplish the following:

- (i) With the adjacent fixed surface (wing, horizontal tail, or vertical tail) unloaded, support the control surface being tested while it is located at the neutral position.
- (ii) Load the control surfaces to the critical limit loads, as described in paragraph f above, and evaluate their proximity to the fixed adjacent structure for jamming or contact.
- (iii) Load the pilot's control until the control surface is just off the support.
- (iv) Operate the cockpit control in the direction opposite the load to the extent of its travel.
- (v) The above procedure should be repeated in the opposite direction.
- (vi) The minimum loaded control surface travel from the neutral position in each direction is 10 percent of the total unloaded control surface travel.
- (vii) Under limit load, no signs of jamming, or of any permanent set of any connection, bracket, attachment, etc., may be present.
- (viii) The control system should operate freely without excessive friction.

**Note:** The tests described in section (3) above are normally accomplished using a complete airplane. As a minimum, they must be completed using an airframe/control system that completely represents the final product from the cockpit controls to the control surface.

Regardless of the amount of travel of a control surface when tested as described above, the airplane must have adequate flight characteristics as specified in § 23.141. Any airplane which is a close derivative of a previous type certificated airplane needs not exceed the control surface travel of the original airplane; however, the flight characteristics should be tested to ensure compliance.

Issued in Kansas City, Missouri, on December 21, 1999.

**Michael Gallagher,**  
Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00-689 Filed 1-11-00; 8:45 am]

**BILLING CODE 4910-13-U**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement Withdrawal: Ontonagon County; Michigan

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of Intent Withdrawal.

**SUMMARY:** On February 1, 1996, the Federal Highway Administration issued a Notice of Intent to prepare an Environmental Impact Statement (EIS) for the proposed replacement of the M-64 bridge over the Ontonagon River in the Village of Ontonagon, Ontonagon County, Michigan. The M-64 bridge is eligible for the National Register of Historic Places. The proposed project also involves reconstruction of the bridge approach roadways on either side of the river. The Federal Highway Administration is issuing this Notice to withdraw its original Notice of Intent from February 1, 1996.

**SUPPLEMENTARY INFORMATION:** During the past several years, several alternatives have been studied and coordination has taken place with the public and various interested agencies. This coordination has resulted in alternatives being developed which will likely not have significant impacts on the natural or human environment. As a result, the Federal Highway Administration has determined that an environmental impact statement is no longer needed. In lieu of an EIS, the Federal Highway Administration and the Michigan Department of Transportation are preparing an environmental assessment/programmatic Section 4(f) evaluation which will be circulated for public and interested agency review and comments. Should it be determined during this process that an EIS is needed, one will be prepared following a new Notice of Intent.

Issued on: January 5, 2000.

**James J. Steele,**  
Division Administrator, Lansing, Michigan.  
[FR Doc. 00-708 Filed 1-11-00; 8:45 am]

**BILLING CODE 4910-22-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

#### Association of American Railroads; (Waiver Petition Docket Number FRA- 1999-5104)

The Association of American Railroads (AAR) seeks a waiver of compliance from certain provisions of 49 CFR part 213, Track Safety Standards. Specifically, the petitioner seeks relief from the requirements of § 213.137(d), to use flange-bearing frogs (FBF) in crossing diamonds on Classes 2 through 5 track in revenue service. Currently, the standards allow FBFs only in Class 1 track.

Specifically, § 213.137(a) limits the flangeway depth measured from a plane across the wheel-bearing area of a frog on Class 1 track to not less than 1<sup>3</sup>/<sub>8</sub> inch and 1<sup>1</sup>/<sub>2</sub> inches on Classes 2 through 5 track. Section 213.137(d) states that where frogs are designed as flange-bearing, flangeway depth may be less than that shown for Class 1 if operated at Class 3 speeds. AAR seeks a waiver from § 213.137(d) to allow the use of FBFs in Track Classes 2 through 5 in addition to Class 1.

AAR's petition states that it seeks the waiver in order to improve safety. The petition discusses the development of the recently revised federal Track Safety Standards and states that at the time of the discussions by the Railroad Safety Advisory Committee (an industry committee which recommended revisions to the track standards), AAR had not completed its tests on the FBFs at higher speeds. AAR says those tests have now been completed and support application of Section 213.

The petition proposes that up to five FBF crossing diamond installations be permitted during the first six-month period with one installation subject to wheel inspection. AAR proposes that the first FBF crossing diamond for use above Class 1 speeds be installed by the industry, after FRA's approval of this waiver petition, in a location where speeds of 40 mph or greater are allowed in at least one direction over the diamond.

While the railroad industry feels that the recent Facility for Accelerated Service Testing (FAST) tests, as well as earlier tests at AAR's Transportation Technology Center (TTC), provided a much more severe test on wheels than would ever occur in revenue service, the industry said it is "willing to monitor wheels for the first FBF crossing diamond if FRA believes such monitoring is necessary." Wheels of at least 10 cars (80 wheels) of one dedicated group of cars (most likely on a unit train that cycles on a pre-determined route using the diamond) would be used. A cut of cars included