environmental effects of the action alternatives.

(2) *On-water Mechanical Recovery.* Under this alternative, the Coast Guard would implement a regulation that would change the amount of mechanical recovery equipment planholders are required to have available to respond to an oil discharge. No other changes to existing regulations would be required. On-water mechanical recovery equipment is used to block the spread of oil, concentrate the oil into one area, and physically remove it from the water surface by the use of floating containment booms and skimmers.

(3) *On-water Dispersants Use.* Under this alternative the Coast Guard would implement a regulation that would require planholders to have dispersant capabilities to respond to an oil discharge. The dispersant credit in the current regulations would be eliminated. No other changes to existing regulations would be required. Dispersants, which are applied by either aircraft or vessel, act to break the oil into small droplets. These small droplets are then dispersed into the water column to be naturally degraded.

(4) *On-water In situ Burning.* Under this alternative the Coast Guard would implement a regulation that would require planholders to have *in situ* burning capabilities to respond to an oil discharge. No other changes to existing regulations would be required. In this alternative, oil would be removed off the water surface by use of floating containment booms and igniting the contained oil.

(5) *Combinations of Alternatives 2, 3, and 4.* Under this alternative, the Coast Guard would implement a regulation requiring planholders to change oil removal capabilities based on any combination of alternatives 2, 3, and 4.

None of the alternatives being considered under the proposed action would require the actual use of a particular technology, nor do they dictate the methods or circumstances with which any oil spill removal technology would be used for any specific oil spill incident. The actual use of such response technologies will continue to be at the discretion of the Federal On-scene Coordinator in accordance with the controlling guidance contained within the Regional Contingency Plans and Area Contingency Plans. However, the proposed action, depending on which alternative is chosen for implementation, may change localized infrastructure for mechanical recovery equipment, dispersant use and *in situ* burning resources. If either alternatives 3, 4 or 5, are implemented, it is anticipated that, in areas where dispersant use and *in situ* burning have been evaluated and determined to be potentially beneficial (*e.g.*, where interagency pre-authorization agreements have been adopted), there would be increased opportunities to use dispersants and *in situ* burning at incidents where those options were previously not employed solely due to the lack of ready availability.

Under all the alternatives, planholders would be required to have oil spill aerial tracking capabilities available by contract or other approved means. This requirement would provide planholders the ability to maintain visual observation of spill response operations and allow for efficient deployment of mechanical recovery resources, as well as dispersant application systems and *in situ* burning equipment.

Scope

Certain environmental issues have been tentatively identified for analysis in the PEIS. These issues are presented to facilitate public comment during the scoping process of the PEIS. It is neither intended to be all-inclusive nor a predetermined set of potential impacts. Additions to or deletions of issues may occur as a result of the scoping process. These environmental issues include the following:

(1) Endangered or threatened species: Potential impacts to endangered or threatened marine life and birds from each of the alternatives.

(2) Essential fish habitat: Potential effects to waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity from each of the alternatives.

(3) Other Biological Habitats: Potential impacts to wetlands, estuaries, shorelines and benthos from each of the alternatives.

(4) Coastal and Marine Birds: Potential impacts to coastal marine and birds from each of the alternatives.

(5) Aquatic Resources: Potential effects to marine mammals, sea turtles, open ocean fisheries, nearshore fisheries, phytoplankton, zooplankton, aquatic vegetation, and benthic organisms from each of the alternatives.

(6) Atmospheric Resources: Potential air quality impacts resulting from emissions from each of the alternatives.

(7) Water quality: Potential impact to water quality resulting from each of the alternatives.

(8) Archeological/Historic Resources: Potential impact to archeological/historic resources resulting from each of the alternatives.

(9) Socio-economics: Potential impact to recreational activities, tourism, recreational fishing, and subsistence activities due to each of the alternatives.

(10) Public Health and Safety: Potential impacts to public health and safety associated with each of the alternatives.

Public scoping meetings may be scheduled if comments indicate that a meeting would yield useful information.

Once the draft PEIS is published, the Coast Guard will hold a public meeting during the comment period. A notice of that meeting will be published in the **Federal Register**. All appropriate written and oral comments provided at the public meeting, will be considered in the preparation of the Final PEIS, and will become part of the public record (*i.e.*, names, addresses, letters of comments, comments provided during the public meeting).

Dated: August 28, 2000.

R.C. North,

Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 00–22316 Filed 8–31–00; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Policy Statement Number ACE–00–23.901(d)(2)]

Proposed Issuance of Policy Memorandum, Notice of Compliance With the Engine Ingestion Requirements Applicable to Turbine Powered, Part 23, Normal, Utility, Acrobatic, and Commuter Category Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of policy statement; request for comments.

SUMMARY: This document proposes to adopt new policy for compliance with the engine ingestion requirements applicable to turbine powered, normal, utility, acrobatic, and commuter category airplanes.

DATES: Comments submitted must be received no later than October 2, 2000.

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

FOR FURTHER INFORMATION CONTACT: Randy Griffith, Federal Aviation Administration, Small Airplane Directorate, Regulations and Policy Branch, ACE–111, 901 Locust, Room 301, Kansas City, Missouri 64106;

telephone (816) 329–4126; fax (816) 329–4090; email: <randy.griffith@faa.gov>.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite your comments on this proposed policy statement, ACE–00–23.901(d)(2). You may submit whatever written data, views, or arguments you choose. You should mark your comments, ''Comments to policy statement ACE–00–23.901(d)(2),'' and submit in duplicate to the above address. We will consider all comments received on or before the closing date. We may change the proposals contained in this notice in light of the comments received.

You may also send comments via the Internet using the following address: *randy.griffith@faa.gov.* Comments sent via fax or the Internet must contain ''Comments to policy statement ACE–00–23.901(d)(2)'' in the subject line. You do not need to submit in duplicate. Writers should format in Microsoft Word 97 or ASCII any file attachments that are sent via the Internet.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a comment concerning design evaluation and a comment about maintenance as two separate issues.
- For each issue, state what specific change you are requesting to the proposed policy memorandum.
- Include justification (for example, reasons or data) for each request.

The Proposed Policy

Background

The current § 23.901(d)(2) requirement was incorporated by Amendment 23–53. However, the basic requirement, which has evolved into the current § 23.901(d)(2), was incorporated by Amendment 23–18.

Amendment 23–18 required that the engine installation provide continued engine operation without a sustained loss of power when operated at flight idle in rain for at least three minutes. The rate of rain ingestion was to be not less than 4 percent, by weight, of the engine induction airflow rate. The rule was incorporated due to reports of turbine engine power loss while operating in heavy rain. The intent of the rule was twofold: (1) To ensure that installation effects do not result in deterioration of the engine's rain ingestion tolerance determined by engine certification, and (2) to evaluate the engine's capability for rain ingestion for engines that were certificated before Amendment 33–6 since rain ingestion requirements were not added to 14 CFR part 33 until Amendment 33–6. Therefore, the rate of rain ingestion to be considered was based upon the part 33 engine certification requirement at the time.

Revisions of Standards

Amendment 23–29 revised the requirement to consider rated takeoff power/thrust. Also, the preamble to Amendment 23–29 further defined the intent of § 23.901(d)(2) by specifically stating that the rule is to ensure that installation effects do not result in any deterioration of the powerplant rain ingestion tolerance. Therefore, compliance with § 23.901(d)(2) required a separate determination for engine installation other than the requirements addressed by part 33 (for example, engine certification without further installation certification is inadequate to demonstrate compliance with the part 23 requirement).

Amendment 23–43 added a requirement that the installation be evaluated at the maximum installed power/thrust for takeoff. This new requirement was due to engine installations where rated takeoff power could be less than installed takeoff power; for example, de-rate thrust. The amendment also added a requirement that the engine be accelerated and decelerated safely under the rain conditions; however, Amendment 23–51 removed this consideration.

Amendment 23–53 added the current rule. The current amendment requires the installed engine to withstand ingestion of rain, hail, ice, and birds at a level not less than that established under engine certification. The significant changes with the new rule include operating concerns other than loss of power (for example, engine surges), the addition of hail, ice, and bird ingestion requirements, and replacement of specific rain quantification with the conditions used during engine certification. Under Amendment 23–53, the airplane applicant needs to evaluate the conditions used to address rain, hail, ice, and bird ingestion during engine certification and how the installation relates to these conditions.

Means of Compliance

When showing compliance with the rain ingestion requirements for all amendment levels of § 23.901(d)(2), compliance is typically accomplished with design analysis that identifies areas of concern and test. Items that you should consider when evaluating the installation include: Areas where water pooling (for example, inlet system channels, indentations, and so forth, typical of turbopropeller type inlets) or water shed (for example, wings directing water into the inlet system typical of engines mounted behind the wings) may occur. Areas such as these could cause localized ''slugs'' of water ingestion that would not normally be addressed during engine certification. Also, since the rain ingestion requirements in part 33 were not added until Amendment 33–6, the airplane applicant needs to evaluate the engine's certification basis to determine if the engine has been subjected to part 33 rain ingestion testing. If the engine does not have Amendment 33–6 or a subsequent amendment as part of the certification basis, in accordance with § 23.903(a)(2)(iii), the engine must have a safe service history of rain ingestion in similar installations.

Although testing is typically performed, if design analysis shows that the installation will not affect the water ingestion characteristics, appropriately substantiated design analysis may be adequate to demonstrate rain ingestion compliance. Proof could include, or be a combination of, items such as data from rig tests, previous tests by the applicant on a similar installation, service experience by the applicant on a similar installation, or representative developmental tests, and so forth.

If it is determined that testing for rain ingestion is required, flight test is not required. The intent of the part 23 rule is to ensure that the engine installation has the same rain ingestion tolerance as the certificated engine. Since a ground static engine test normally demonstrates engine certification compliance, use of installation ground tests at the required power/thrust settings has been the normally accepted means of compliance. You can use design analysis to determine critical configurations and conditions of the installation; possibly reducing required installation tests to those critical configurations and conditions instead of repeating the entire part 33 test conditions. Engine certification should address the results of the critical point analysis for the engine with the scope of required installation testing possibly influenced by this analysis. Therefore, it is important for the engine installer to research the conditions and requirements used for engine certification.

Other Considerations for Compliance

Amendment 23–53 also added requirements for ice, hail, and birds. Examples of installation issues normally not addressed by engine certification,

but which should be addressed for installation compliance, include the following: Ice build-up on areas where ice shed may be ingested by the engines (for example, ice shed from wings into aft mounted engines) and consideration of items such as inlet splitters, acoustic liners, and so forth, that may be damaged by impact with ice, hail, and birds.

Issued in Kansas City, Missouri on August 16, 2000.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–22541 Filed 8–31–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Policy Statement Number ACE–00–23.1155–01]

Proposed Issuance of Policy Memorandum, In-Flight Operation of Propellers at Pitch Settings Below the Flight Regime for Part 23/CAR 3 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of policy statement; request for comments.

SUMMARY: This document proposes to adopt new policy for certification of normal, utility, acrobatic, and commuter category turbine powered airplanes with propeller beta mode pitch settings.

DATE: Comments submitted must be received no later than October 2, 2000.

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

FOR FURTHER INFORMATION CONTACT: Randy Griffith, Federal Aviation Administration, Small Airplane Directorate, Regulations and Policy Branch, ACE–111, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone (816) 329–4126; fax (816) 329–4090; email: <randy.griffith@faa.gov>.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite your comments on this proposed policy statement, ACE–00–23.1155–01. You may submit whatever written data, views, or arguments you choose. You should mark your comments, ''Comments to policy statement ACE–00–23.1155-01'' and submit in duplicate to the above address. We will consider all comments received on or before the closing date. We may change the proposals contained in this notice in light of the comments received.

You may also send comments via the Internet using the following address: randy.griffith@faa.gov. Comments sent via fax or the Internet must contain ''Comments to policy statement ACE–00–23.1155–01'' in the subject line. You do not need to submit in duplicate. Writers should format in Microsoft Word 97 or ASCII any file attachments that are sent via the Internet.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a comment concerning design evaluation and a comment about maintenance as two separate issues.
- For each issue, state what specific change you are requesting to the proposed policy memorandum.
- Include justification (for example, reasons or data) for each request.

The Proposed Policy

Background

The National Transportation Safety Board (NTSB) has recommended rulemaking action to amend 14 CFR part 23 to require a means to prevent in-flight operation of the propeller at pitch settings below the flight regime (beta mode). For turbine engine installations, Amendment 23-7, § 23.1155, requires that operation of the propeller controls for pitch settings below the flight regime have a means to prevent inadvertent operation. The new requirement recommended by the NTSB would be fundamentally different from the current § 23.1155. Unless the airplane is certificated for such use, beta mode could not occur in-flight, even if intentionally commanded. The Small Airplane Directorate is initiating an ARAC, Aviation Rulemaking Advisory Committee, study to determine whether a rulemaking effort should occur.

The FAA has taken actions to address previously certificated airplanes with in-flight beta capability. A fleet wide review of all turbopropeller powered transport, normal, utility, acrobatic, and commuter category airplanes was performed. As a result of the review, FAA issued Airworthiness Directives that required applicable Flight Manuals to include an operational limitation with consequence statement for in-flight beta operation.

Additionally, the safety of future type certificated airplanes, with in-flight beta capability, or currently certificated airplanes, which are being modified to add an in-flight beta capability, should be assessed. This assessment should consider both inadvertent and intentional operation of propellers in pitch settings below the flight regime.

Inadvertent In-Flight Operation

Regarding inadvertent operation, as previously mentioned, Amendment 23–7 added a requirement (§ 23.1155) that operations of the propeller controls at pitch settings below the flight regime have a means to prevent inadvertent operation. For airplanes with a certification basis before Amendment 23–7 that are modified to add in-flight beta capability, the provisions of 14 CFR part 21, § 21.101(b) should be used to evaluate the possible unsafe nature of inadvertent operation of propellers in the beta regime. If it is determined that such operation is unsafe, the issue may be addressed by showing compliance with § 23.1155 at Amendment 23–7 or subsequent.

The nature of the regulatory requirement provided by § 23.1155 allows a subjective, qualitative evaluation for compliance determination. The intent is to prevent inadvertent operation in the beta mode, even if the possibility of inadvertent operation is remote. If an operation or feature of the design can allow in-flight, inadvertent placement of the control below the flight regime, the design does not comply with the regulation. In other words, the design should be evaluated considering the types of operations that will be seen in service. Consider items such as hardware wear modes or maintenance issues that may cause the control to be inadvertently placed or creep into the beta regime over a period of time.

Intentional In-Flight Operation

On all future type certification projects, the Flight Manuals should include the appropriate operational limitations and consequence statement for in-flight beta operation.

Beta Lock-Out Systems

To add a level of assurance that in-flight beta will not occur, some airplanes have incorporated lock-out systems. These systems eliminate the ability to perform this operation in flight, even if intentionally commanded. It is important to note that the installation of a beta lock-out system can not be used in lieu of the design requirements of § 23.1155 compliance. Also, in some cases, propeller beta operation is used to show compliance with stopping distances in 14 CFR part 23, Subpart B. In accordance with Subpart B, when means other than wheel brakes are used for determining