

District Office in Las Vegas and actually fly the proposed routes, a full, fair, complete and objective evaluation simply is not possible by the January 12, 2001 deadline.”

The FAA is very interested in receiving the air tour operators' comments to the Notice of Availability and welcomes the operators' interest in aviation safety. Thus, the FAA is extending the comment period to the Notice of Availability until January 26, 2001. The FAA believes that this extension accounts for the time lost due to the holidays and provides the air tour operators with two additional weeks to complete any route reviews and prepare written comments. Given that the suggested route modifications were not extensive (and in fact the modification to the Dragon Corridor reverts the turnaround back to its present location), the FAA believes the additional 15–45 days requested by the air tour operators is unnecessary.

Issued in Washington, DC on January 8, 2001.

Gregory L. Michael,

Acting Director, Flight Standards Service.

[FR Doc. 01–1066 Filed 1–9–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 186; Automatic Dependent Surveillance— Broadcast (ADS-B)

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for Special Committee (SC)–186 meeting to be held February 5–8, 2001, starting at 9 a.m. The meeting will be held at the Sheraton Four Points Barcelo Hotel, 10220 North Metro Parkway East, Phoenix, AZ 85051.

The agenda will include: February 5: Working Group (WG)–4, Airborne Separation Assurance (ASA) Minimum Aviation System Performance Standards (MASPS); February 6, 7: WG–1, Operations and Implementation; WG–4, ASA MASPS; February 8: Plenary Session: (1) Welcome and Introductory Remarks; (2) Review of Meeting Agenda; (3) Review and Approval of the Previous Meeting Minutes, RTCA Paper No. 394–00/SC186–175; (4) Briefing—FAA ADS–B “Big Picture” Roadmap; (5) Briefing—ASDE–X Program; (6) Briefing—OCG–3 Memphis Op Eval–PM Status and Plans; (7) Briefing—DOD Requirements Process; (8) Eurocae WG–51 Status Report; (9) SC–186 Activity Reports for the following Working Groups: (a) WG–

1, Operations & Implementation; (b) WG–2, Traffic Information Services—Broadcast (TIS–B); (c) WG–3, 1090 MHz Minimum Operational Performance Standards (MOPS); (d) WG–4, Application Technical Requirements; (e) WG–5, Universal Access Transceiver (UAT) MOPS; (f) Ad Hoc MASPS Working Group (DO–242); (10) Review Action Items/Work Program; (11) Other Business; (12) Date and Location of Next Meeting; (13) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036; (202) 833–9339 (phone); (202) 833–9434 (fax); or the on-site contact, Greg Stayton at (602) 436–1234 (phone), (602) 436–5500 (fax) or *greg.stayton@1-3com.com* (email). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on January 3, 2001.

Janice L. Peters,

Designated Official.

[FR Doc. 01–1094 Filed 1–11–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

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

Issuance of Policy Memorandum, In- Flight Operation of Propellers at Pitch Settings Below the Flight Regime for 14 CFR Part 23/CAR 3 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of policy statement.

SUMMARY: This document announces an FAA general statement of policy for certification of normal, utility, acrobatic, and commuter category turbine powered airplanes with propeller beta mode pitch settings.

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:

Background

This notice announces the following policy statement, ACE–00–23.1155–01. The purpose of this statement is to address certification of normal, utility, acrobatic, and commuter category turbine powered airplanes with propeller beta mode pitch settings.

What Is the General Effect of This Policy?

The FAA is presenting this information as a set of guidelines suitable for use. However, we do not intend that this policy set up a binding norm; it does not form a new regulation and the FAA would not apply or rely on it as a regulation.

The FAA Aircraft Certification Offices (ACO's) and Flight Standards District Offices (FSDO's) that certify changes in type design and approve alterations in normal, utility, and acrobatic category airplanes should try to follow this policy when appropriate. Applicants should expect the certifying officials would consider this information when making findings of compliance.

As with all advisory material, this statement of policy identifies one way, but not the only way, of compliance.

General Discussion of Comments

Has FAA Taken Any Action to This Point?

We issued a notice of policy statement, request for comments. This proposed policy appeared in the **Federal Register** on September 1, 2000 (65 FR 53340) and the public comment period closed October 2, 2000.

Was the Public Invited To Comment?

The FAA encouraged interested people to join in making this proposed policy. We received comments from 5 different commenters. Commenters included manufacturers and aviation regulatory authorities.

Two commenters did not provide recommendations specific to the policy. The first agreed with the content. The second provided information and safety concerns on the possible rulemaking discussed in the background to the policy. We have noted the second's comment, which will be considered if we determine that rulemaking should be pursued.

Two commenters recommended that FAA consider for part 23 the material that was recently prepared for 14 CFR part 25 under the Powerplant Installation Harmonization Working Group (PPIHWG), as the same risks and considerations apply. We disagree that the same risks and considerations for part 25 airplanes directly relate to part

23 airplanes. The tasking that PPIHWG is working for part 25 airplanes only considered transport category airplane design and operation. The design and operation of part 23 airplanes is different from part 25 airplanes. Therefore, direct adoption of part 25 requirements into part 23 without fully evaluating these operational and design differences could result in lowering the overall safety of part 23 airplanes.

A commenter stated that the proposed policy does not appear to contain new policy material. We disagree. The proposed policy provides new criteria, which has not been applied to all part 23/CAR 3 airplanes.

A commenter wrote that they oppose this policy as it proposes to require new designs to prevent intentional prohibited operations. We disagree. This policy is not requiring new designs to prevent intentional prohibited operations, rather the policy is providing certification considerations for part 23/CAR 3 airplanes that have in-flight beta capability.

A commenter stated that the policy is for regulations that have not been issued or approved. We disagree. The rules applicable to this policy are § 23.1155, which was adopted by Amendment 23-7 effective September 14, 1969, and 14 CFR part 21, §§ 21.21(b)(2) and 21.101(b), which were both effective with the basic part 21 dated February 1, 1965. Therefore, the rules in question are more than 30 years old.

A commenter stated that it is unclear if the section "Inadvertent In-Flight Operation" is directed towards existing type certificated airplanes or future type certificated airplanes. Further, the commenter states that the policy can be easily misconstrued as to require a manufacturer to retrofit airplanes to prohibit in-flight beta operations. We disagree in that the section specifically states "For airplanes with a certification basis before Amendment 23-7 that are modified to add in-flight beta capability * * *" Therefore, the section obviously applies to existing type certificated airplanes that are modified.

A commenter said the requirement for the flight manual to contain appropriate operational limitations and consequence statements for in-flight beta operation could not be mandated by policy. We agree, but the policy does not mandate such actions. Rather the policy provides certification guidance, which is reflected when the policy is finalized.

A commenter stated that the beta lock-out systems discussion is unclear; specifically, is it directed towards future type certificated airplanes, existing type certificated airplanes undergoing modification, or existing type

certificated airplanes not undergoing modification? Also, the commenter requested clarification of which version of § 23.1155 this section applies; before Amendment 23-7, at Amendment 23-7, or the proposed § 23.1155. Further, the commenter states that if the section applies to the proposed § 23.1155, this policy can not enforce a rule that has not been issued. We agree with the commenter's first comment. Therefore, the beginning of the second paragraph of this section was modified to add qualifiers on which airplanes this section applies. We disagree with the commenter's remaining comments in that there is only one version of § 23.1155, the version at Amendment 23-7, which was the amendment level that adopted the rule. Further, the commenter is incorrect in that this policy is not proposing a rule change.

A commenter requested clarification on who does a system safety analysis. We agree and this section was modified by indicating that the applicant performs the analysis.

The 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, § 23.1155, added by Amendment 23-7, 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, the FAA issued Airworthiness Directives that required applicable Flight Manuals to include an operational limitation with consequence statement for in-flight beta operation.

Also, 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 unintentional 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 § 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.

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 unintentionally placed or creep into the beta regime over 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 an assurance that in-flight beta will not occur, some airplanes have incorporated lock-out systems. These systems remove the ability to do this operation in-flight, even if intentionally commanded. It is important to note that the installation of a beta lock-out system cannot be used instead of the design requirements of § 23.1155 compliance. Also, in some cases, propeller beta operation is used to show compliance with stopping distances in part 23, Subpart B. Under Subpart B, when means other than wheel brakes are used for determining stopping distances, the means must be "safe and reliable." If beta operation is used to show

compliance with stopping distances, the reliability of a system that would prevent in-flight beta operation must be such that this capability, when required, will be available to comply with Subpart B, and § 21.21(b)(2) or § 21.101(b). With a system safety analysis, the applicant can determine the required reliability level for the beta lock-out system based on the hazard level (for example, § 23.1309 compliance).

Therefore, for new type certificated airplanes that have a beta lock-out system incorporated or previously certificated airplanes that add a beta lock-out system, the applicant should perform a system safety analysis of the installation of this system. This analysis should consider hazards such as the inability to command beta on one engine on a multiengine airplane. For example, if beta is commanded on both engines during land roll-out, but only one propeller goes into beta mode, this might adversely affect ground controllability.

Issued in Kansas City, Missouri on December 22, 2000.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01-1088 Filed 1-11-01; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Riverside County, CA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Riverside County, California.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Cushing, Environmental Planning Engineer, Federal Highway Administration, 555 Zang Street, Rm 259, Lakewood, Colorado 80228, telephone 303-716-2138.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with San Bernardino National Forest, the California Department of Transportation, and Riverside County, will prepare an Environmental Impact Statement (EIS) on a proposal to improve California Forest Highway (FH) 224, Bautista Canyon Road. The portion that is proposed for improvement begins

10.3 miles southeast of Valle Vista and extends 8.2 miles to a point 3.2 miles northwest of State Highway 371 west of Anza. The FHWA is the lead agency. Riverside County will assist the FHWA in the preparation of the EIS.

Improvements are being considered to provide a safe, all-weather facility for existing and projected traffic demand. Alternatives under consideration include (1) taking no action, (2) the improvement of the existing facility to appropriate County, American Association of State Highway and Transportation Officials (AASHTO), or other acceptable design criteria, and (3) other alternatives that may be developed during the environmental process.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens. Public scoping meetings will be held on January 30, 2001 at 7 p.m. in Anza and on January 31, 2001 at 7 p.m. to Valle Vista. A public hearing will also be held in the project area. The draft EIS will be available for public and agency review and comment prior to the public hearing. Information on the time and place of public meetings and hearings will be provided in the local news media and by letter to individuals and agencies that have expressed interest in the proposal.

To ensure that the full range of issues and alternatives related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning the proposed action should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: January 4, 2001.

Larry C. Smith,

Division Engineer, FHWA Denver, Colorado.

[FR Doc. 01-1006 Filed 1-11-01; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No.'s FRA-2000-6923 and FRA-2000-6924]

Notice of Public Hearing; CSX Transportation, Incorporated

CSX Transportation, Incorporated has petitioned the Federal Railroad

Administration (FRA) seeking approval of the proposed discontinuance and removal of the manual block systems (DCS Operating Rules), on the single secondary track, between Weir, milepost 13.3 and Dock, milepost 28.2, near New Bedford, Massachusetts, New Bedford Subdivision, and on the single secondary track, between Swamp, milepost 0.0 and Wharf, milepost 12.0, near Fall River, Massachusetts, Fall River Subdivision, Albany Service Lane, and re-designation of the secondary tracks to industrial tracks.

These proceedings are identified as FRA block signal applications, Docket numbers FRA-2000-6923 and FRA-2000-6924 respectively.

FRA has issued a public notice seeking comments of interested parties and has conducted a field investigation in this matter. After examining the carrier's proposal and the available facts, FRA has determined that a public hearing is necessary before a final decision is made on this proposal.

Accordingly, a public hearing is hereby set for 9 a.m. on Tuesday, February 6, 2001, in the John A. Volpe National Transportation Systems Center, Room 1228, located at 55 Broadway, Cambridge, Massachusetts 02142. Interested parties are invited to present oral statements at the hearing.

The hearing will be an informal one and will be conducted in accordance with Rule 25 of the FRA Rules of Practice (49 CFR 211.25), by a representative designated by the FRA. The hearing will be a non-adversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

Issued in Washington, DC on January 5, 2001.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 01-1097 Filed 1-11-01; 8:45 am]

BILLING CODE 4910-06-P