

An operator, crewmember or manufacturer can participate by voluntarily providing data related to implementation of safety enhancements to an FAA inspector, to another FAA representative or to CAST through a CAST member organization.

#### D. Duration of this protection?

Information related to implementation of safety enhancements recommended by CAST will be protected indefinitely.

#### Proposed Findings

The FAA proposes to designate information received from operators and manufacturers related to implementation of CAST safety enhancements as protected under 49 U.S.C. 40123 and 14 CFR 193.7 based on the following findings:

1. Summary of why FAA finds that the information will be provided voluntarily. The very essence of CAST is voluntary participation. Those who are members of CAST, who take part in the accident analysis, determine the feasibility of safety enhancements, and agree to implement the enhancements do so voluntarily. The key to CAST success now rests on understanding the level and effectiveness of implementation. Operators, crewmembers and manufacturers who have taken part in the program voluntarily to this point can be expected to provide information voluntarily to support achieving a shared goal of improving safety.

2. Description of the type of information that may be voluntarily provided under the program and why FAA finds that the information is safety related.

CAST participants will provide information as to safety enhancements implemented, the method of implementation, the process to evaluate the implementation and any other information, such as best practices related to the implementation of safety enhancements. The FAA finds this information is safety related because it will aid in measuring whether the safety goal—reducing the commercial fatal accident rates by 80% by 2007—is being achieved.

3. Summary of why the FAA finds that the disclosure of the information would inhibit persons from voluntarily providing that type of information.

Because the safety enhancements are not required by regulation, operators, crewmembers and manufacturers have wide discretion when they implement them. Industry is concerned that if disclosed, there is the potential for the information to be used for other than improving aviation safety, which was the primary reason for establishing

CAST. Withholding such information from disclosures is consistent with FAA's safety responsibilities because without information on implementation of the safety enhancements, FAA and CAST will not be able to determine the effectiveness of safety enhancements. If FAA and CAST do not receive the information, FAA and the public will be deprived of the opportunity to determine whether the safety goal can be reached.

4. Summary of why receiving the information aids in fulfilling FAA's safety responsibilities.

With this information, FAA and industry will be able to determine whether the safety enhancements are effective. If the data suggests the goal to reduce the fatal accident rate will not be achieved, additional safety enhancements could be identified and implemented.

5. Summary of why withholding the information from disclosure is consistent with FAA safety responsibilities. Summary of when withholding the information from disclosure would not be consistent with FAA safety responsibilities as described in 14 CFR 193.9.

Withholding the information from disclosure is consistent with FAA safety responsibilities because, to reach FAA's safety goal FAA must be able to evaluate the implementation and effectiveness of safety enhancements identified through CAST. FAA will release information, as set forth in part 193, to explain the need for changes in FAA policies, procedures and regulations. FAA may release de-identified, summarized information derived from information reported about implementation of the CAST safety enhancements. When necessary to correct a condition that may compromise safety, or to encourage more complete and timely implementation of safety enhancements, FAA may release information to the members of CAST. The FAA will give information to CAST members who are government agencies only if each agency meets the requirements 14 CFR 193.7(e). FAA will give information to CAST members that are not government agencies only if each member provides adequate assurance that it will protect the information from further release and it will limit access to those with a need to know to carry out safety responsibilities.

6. Summary of how FAA will distinguish information protected under part 193 from information the FAA receives from other sources.

Operators, crewmembers and manufacturers will provide information related to the implementation of CAST

safety enhancements directly to FAA inspectors or other FAA employees designated to receive such information. In this way, the information protected under this order will be easily identified and distinguished from other information FAA receives from other sources.

#### Proposed Designation

Accordingly, the Federal Aviation Administration hereby proposes to designate the above-described information submitted to demonstrate implementation of CAST safety enhancements to be protected under 49 U.S.C. 40123 and 14 CFR part 193.

Issued in Washington, DC, on October 18, 2004.

**Nicholas A. Sabatini,**

*Associate Administrator for Regulation and Certification.*

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**BILLING CODE 4910-13-P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No. ANE-2003-35-1-R0]

#### Policy for Ice Protection Equipment

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

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

**SUMMARY:** The Federal Aviation Administration (FAA) announces the availability of proposed policy for Ice Protection Equipment.

**DATES:** Comments must be received by December 15, 2004.

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

**FOR FURTHER INFORMATION CONTACT:** Jay Turnberg, FAA, Engine and Propeller Standards Staff, ANE-110, 12 New England Executive Park, Burlington, MA 01803; e-mail: [jay.turnberg@faa.gov](mailto:jay.turnberg@faa.gov); telephone: (781) 238-7116; fax: (781) 238-7199. The policy statement is available on the Internet at the following address: <http://www.airweb.faa.gov/rgl>. If you do not have access to the Internet, you may request a copy of the policy by contacting the individual listed in this section.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

The proposed policy statements are available on the Internet at the following address: <http://www.faa.gov/certification/aircraft/>

*enginedraftpolicyby.htm*. If you do not have access to the Internet, you may request a copy of the proposed policies by contacting the individual listed under **FOR FURTHER INFORMATION CONTACT**. The FAA invites interested parties to comment on the proposed policies. Comments should identify the subject of the proposed policy and be submitted to the individual identified under **FOR FURTHER INFORMATION CONTACT**. The FAA will consider all comments received by the closing date before issuing the final policies.

### Background

The certification of the propeller ice protection system involves an overlap between airplane and propeller requirements. The airplane is required to meet the icing requirements of parts 23 or 25, whereas the propeller is required to meet the applicable structural and durability requirements of part 35. This overlap in certification requirements between two certified products, airplanes and propellers, has led to confusion over the configuration and quality control responsibility for the certificate holders. For example a deicing system shown on a propeller type certificate data sheet does not mean that compliance with part 23 icing requirements was shown.

This proposed policy provides guidance for compliance with parts 21, 23, 25, and 35 of Title 14 of the Code of Federal Regulations. The proposed policy clarifies configuration and quality control responsibilities for certificate holders and parts suppliers involved with propeller ice protection systems. This proposed policy does not create any new requirements.

[Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44704.]

Issued in Burlington, Massachusetts, on October 15, 2004.

**Jay J. Pardee,**

*Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 04–23860 Filed 10–25–04; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: Oconto & Marinette Counties, Wisconsin

**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 (EIS) will be prepared for transportation improvements on the U.S. 41 corridor from Oconto to Peshtigo in Oconto and Marinette Counties, Wisconsin. The environmental impact statement will be prepared in conformance with 40 CFR part 1500 and the FHWA regulations **FOR FURTHER INFORMATION CONTACT:** Mr. Johnny M Gerbitz, Field Operations Engineer, Federal Highway Administration, 567 D'Onofrio Drive, Madison, Wisconsin, 53719–2814; telephone: (608) 829–7500. You may also contact Mr. Eugene Johnson, Director, Bureau of Equity & Environmental Services, Wisconsin Department of Transportation, P.O. Box 7965, Madison, Wisconsin, 53707–7965; telephone: number (608) 266–9626.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

An electronic copy of this document may be downloaded by using a computer, modem and suitable communications software from the Government Printing Offices' Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the Office of Federal Register's home page at: <http://www.archives.gov/> and the Government Printing Offices' database at: <http://www.gpoaccess.gov/nara/index.html>.

##### Background

The FHWA, in cooperation with the Wisconsin Department of Transportation, will prepare a Draft Environmental Impact Statement (EIS) on a proposal to provide capacity, safety and operational improvements on an approximate 21-mile (34-kilometer) portion of U.S. 41 between the cities of Oconto and Peshtigo in Oconto and Marinette Counties, including community bypasses at Oconto and Peshtigo.

FHWA's decision to prepare a draft EIS is based on the initial environmental assessment that indicates the proposed action is likely to have significant impacts on the environment including wetlands. The draft EIS will evaluate the social, economic, and environmental impacts of the alternatives including no build, improvements within the existing highway corridor, and improvements on new location.

Information describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, private agencies and organizations, and citizens who have

expressed or are known to have an interest in this proposal.

During environmental assessment activities, agency scoping and coordination was conducted with state and federal review agencies (including an inter-agency meeting in September 2004), and there was extensive coordination with local officials and Native American Tribes. Public information meetings were also conducted from 2002 to 2004 and two open forum public hearings were held in August 1999. Another public information meeting is planned following completion of the draft EIS. Public notice will be given of the time and place of the meeting and the draft EIS will be available for public and agency review and comment prior to the meeting. Coordination with state and federal review agencies will also continue throughout preparation of the draft EIS.

To ensure that the full range of issues related to this proposed action are addressed, and all substantive issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the draft EIS should be directed to FHWA or the Wisconsin Department of Transportation at the addresses provided under the heading **FOR FURTHER INFORMATION CONTACT**.

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

**Authority:** 23 U.S.C. 315; 49 CFR 1.48.

Issued on: October 20, 2004.

**Johnny M Gerbitz,**

*Field Operations Engineer, Federal Highway Administration, Madison, Wisconsin.*

[FR Doc. 04–23932 Filed 10–25–04; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Waiver Petition Docket Number FRA–2004–18746]

#### Union Pacific Railroad Company; Notice of Extension of Comment Period

On August 10, 2004, FRA published a notice in the **Federal Register** announcing the Union Pacific Railroad Company's (UP) request to be granted a waiver of compliance from certain provisions of the Brake System Safety Standards for Freight and Other Non-