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 1⅜ inch and 1½ 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

in a train carrying other commodities could also be used.

AAR's petition states that the wheels would be monitored by visual inspection and by taking profiles of flanges. Reports on these wheels would be forwarded to FRA three months, six months, one year and two years following installation of the FBF crossing diamond. Reports on the condition of the first diamond itself would be forwarded to FRA at the same time intervals. AAR proposes that not more than four additional FBF crossing diamonds be installed within the first six months after the initial installation. The railroads would notify FRA at least thirty days in advance of the installation of each FBF crossing diamond. This notification would include the location, train MGT, speed and train types (intermodal, mixed freight, unit coal, passenger, etc.) for each of the crossing tracks, as well as plans and specifications for the crossing diamond itself. Six months after the first FBF crossing diamond enters service, additional FBF diamonds beyond the first five could be installed. For each such location, the industry would provide FRA with the same train and diamond design information on the first five FBF crossing diamonds thirty days in advance of installation.

Each new FBF crossing diamond would be inspected on foot daily for the first five days of service and on foot weekly thereafter for the first year of service. After this, inspection would be at the normal inspection interval for track crossings in accordance with § 213.235 of the Federal Track Safety Standards.

In support of its argument, AAR's petition states that there are two major safety advantages created by the use of FBF crossing diamonds instead of the conventional tread-bearing diamonds. AAR's petition also states that first advantage is the elimination of adverse effects on track, locomotives and railroad cars caused by rolling stock passing over the eight 2-inch gaps in the running rail surface of conventional diamonds where two tracks cross on the level. According to the petition, the vertical impacts at conventional crossing diamonds are the highest found in railroad service, other than in derailments. AAR's petition states that the second safety advantage is a result of the introduction of residual compressive stresses in the flange tip of the wheel due to cold working. AAR believes that this can prevent any crack opening and, therefore, retard wheel crack growth, which could lead to wheel failure. In an attachment to the petition, AAR included a technical report concerning the ''lack of significant impact loads due to the transition from tread-bearing to flange-bearing diamonds.''

AAR's petition also states that FRA currently permits the use of the FBF concept. AAR says that the proposal for FBFs is not a radical change because the concept is already in use. AAR's petition states that it has been widely used on rail transit lines now under the Federal Transit Authority's jurisdiction for more than a century, not only where tracks cross, but also for turnout frogs and, in some cases, switches. For example, FBF use is the current practice on light rail lines in Boston, Philadelphia, Toronto, New Orleans, San Francisco, Galveston, Memphis and other cities.

AAR says that FRA permits the flange-bearing concept in some cases now, and it was also permitted prior to the recent revisions to the track safety standards. FRA allows flange depth at 10 mph (15 mph passenger) to be 1⅜ inches (See 49 CFR 213.137(as)), even though flanges are allowed to be 1½ inches under current freight car standards. The petition goes on to state that even at speeds up to 90 mph, flangeways are only required to be 1½ inches deep, which means that with the most minute variations, flange-bearing will occur. The petition states that the track standards ''properly'' allow flanges to ride on the tops of joint bars at any speed as this condition has not been shown to cause safety problems. Yet, this condition is more severe than designed flange-bearing because of the sudden impact from the flange hitting the end of the joint bar.

The petition states that in addition, FBFs are used and have been used for over a century when regular railroad tracks cross double-flanged gantry crane rails in port facilities. AAR's petition states that this is a standard way of handling such crossings and exists at numerous ports. For example, at Savannah, Norfolk Southern locomotives and crews make dozens and perhaps hundreds of flange-bearing crossings per day and have done so for decades with no adverse safety effect or wheel problems.

AAR's petition states that FRA has no prohibition against flange-bearing in general, only with respect to frogs. According to the petition, the railroads are free to install the flange-bearing switches that exist on some transit properties (where the switch points provide guidance but do not support vertical loads) and flange-bearing weight scales (offered for sale by European manufacturers).

AAR's petition states that extensive full-scale testing of the FBF concept has been performed by them at speeds up to 80 mph to prove the safety of the FBF concept. The petition included a summary of the safety issues evaluated during the full-scale testing. AAR testing included a wheel ''torture test'' involving overheating, locked brakes and other items when the test over the flange-bearing sections took place. According to AAR's petition, the results of the tests provided convincing evidence of the safety of the concept, and the use of wheels in flange-bearing was approved by AAR's Wheel, Axle, Bearing and Lubrication (WABL) Committee in 1997.

AAR says that extensive tests also took place on locomotives. The first test was performed at AAR's Chicago Track Lab in early 1995 (This facility has since been moved to Pueblo). These tests involved 10,000 passes of a 263,000 pound car over flange-bearing sections and caused no adverse effects.

The second series of tests were performed from 1995 through 1997. These tests involved severe braking and high wheel temperatures with cars up to 315,000 pounds at 60 mph, as well as passenger and other equipment at speeds up to 80 mph. This series of tests involved both AC and DC locomotives with wheels locked and dragged over the flange-bearing sections. Some wheels with pre-existing cracks were used, and even under these severe conditions, the cracks did not grow.

Following approval of the flange-bearing concept by the WABL Committee in 1997, a decision was made to use the FAST loop for a third series of tests at TTC to test specific designs of crossing diamonds using the flange-bearing concept. These tests were much more severe than present revenue service because nearly all of the cars were 315,000 pounds with no empties, and the wheels were subjected to a frequency of diamond crossings of at least 10 times what would be expected in revenue service. According to AAR's report, in these tests, the flange-bearing diamond has lasted longer than any other diamond design. These tests also showed how FBF diamond designs could be further improved for additional durability, primarily through the elimination of flange-bearing joints.

AAR's petition states that with all of this extensive testing (documented in attachments) whose cost has run well over one million dollars, the crossing diamonds using FBFs have been shown to be suitable for revenue service. Other items of trackwork innovation, such as swing-nosed frogs and tangential geometry switch points, are developed

by the industry without the need for FRA waivers. AAR states that, of course, this type of product improvement will continue with FBFs also.

In conclusion, the petition states that the granting of this waiver request concerning revenue service use of FBF crossing diamonds is necessary for implementation of a technological improvement in railway engineering.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number 1999–5104) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW, Washington, DC 20590. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m.–5:00 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's web site at *http://dms.dot.gov.*

Issued in Washington, DC, on January 3, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–709 Filed 1–11–00; 8:45 am]

BILLING CODE 4910–06–P

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.

Chesaning Central & Owosso Railroad; Waiver Petition Docket Number FRA–1999–5793

Chesaning Central & Owosso Railroad seeks a permanent waiver of compliance from certain provisions of the Safety Glazing Standards, 49 CFR part 223, which requires certified glazing, for its road switcher, locomotive CC&O 1508, ALCO RS–3, built in 1954.

Locomotive CC&O 1508 is utilized as a locomotive for a tourist train operation, which operates strictly in a captive rural farm area and does not exceed 25 mph at any time during its operation, which is seasonal.

The reason for this request for relief is economical. The cost to retrofit the locomotive with updated window frames and glazing would cause an economical burden that this rail operation is unable to bear.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number 1999–5793) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW, Washington, DC 20590. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's web site at *http://dms.dot.gov.*

Issued in Washington, DC on January 3, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–711 Filed 1–11–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

Docket No. FRA–1999–6516

Applicant: Burlington Northern and Santa Fe Railway, Mr. William G. Peterson, Director Signal Engineering, 4515 Kansas Avenue, Kansas City, Kansas 66106.

Burlington Northern and Santa Fe Railway seeks approval of the proposed reduction of the traffic control system limits, on the North and South Fast Tracks between AY Tower, CP39, milepost 3.9 and CP50, milepost 5.0, on the Kansas City Division, Emporia Subdivision, near Kansas City, Kansas. The proposed changes include the discontinuance and removal of two holding signals at CP50, removal of the No.5 power-operated switch at CP39, and relocation of the begin/end CTC to milepost 3.9.

The reason given for the proposed changes is to make track changes near AY Tower to allow for improved access to the Diesel Shops.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the Protestant in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, DC 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at DOT Central Docket Management Facility,