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