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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1030

[Docket No. AO–361–A39; DA–04–03–B]

Milk in the Upper Midwest Marketing Area; Order Amending the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends regulations pertaining to the Upper Midwest Federal milk order. More than the required number of producers for the Upper Midwest marketing area approved the issuance of the final order amendments.

DATES: *Effective Date:* December 1, 2006.

FOR FURTHER INFORMATION CONTACT: Gino Tosi, Associate Deputy Administrator, Order Formulation and Enforcement Branch, USDA/AMS/Dairy Programs, STOP 0231—Room 2968, 1400 Independence Avenue, SW., Washington, DC 20250–0231, (202) 690–1366, e-mail: *gino.tosi@usda.gov.*

SUPPLEMENTARY INFORMATION: This document amends the pooling provisions of the Upper Midwest Federal milk order. Specifically, this final rule adopts provisions that: (1) Establish a limit on the volume of milk a handler may pool during the months of April through February to 125 percent of the volume of milk pooled in the prior month; (2) Establish a limit on the volume of milk a handler may pool during the month of March to 135 percent of the volume of milk pooled in the prior month; and (3) Allow the market administrator to increase the maximum administrative assessment rate up to 8 cents per hundredweight on all pooled milk if necessary to maintain the required fund reserves. This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12866.

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. The rule is not intended to have a retroactive effect. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may request modification or exemption from such order by filing with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with the law. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Department's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Regulatory Flexibility Act and Paperwork Reduction Act

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Agricultural Marketing Service has considered the economic impact of this action on small entities and has certified that this final rule will not have a significant economic impact on a substantial number of small entities.

For the purpose of the Regulatory Flexibility Act, a dairy farm is considered a ''small business'' if it has an annual gross revenue of less than $750,000, and a dairy products manufacturer is a ''small business'' if it has fewer than 500 employees.

For the purposes of determining which dairy farms are ''small businesses,'' the $750,000 per year criterion was used to establish a production guideline of 500,000 pounds per month. Although this guideline does not factor in additional monies that may be received by dairy producers, it should be an inclusive standard for most ''small'' dairy farmers. For purposes of determining a handler's size, if the plant is part of a larger company operating multiple plants that collectively exceed the 500-employee limit, the plant will be considered a large business even if the local plant has fewer than 500 employees.

During August 2004, the month during the hearing occurred, there were 15,802 dairy producers pooled on and 60 handlers regulated by the UMW order. Approximately 15,608 producers, or 97 percent, were considered small businesses based on the above criteria. Of the 60 handlers regulated by the UMW during August 2004, 49 handlers, or 82 percent, were considered small businesses. The adopted amendments regarding the pooling standards serve to revise established criteria that determine those producers, producer milk, and plants that have a reasonable association with and consistently serve the fluid needs of the Upper Midwest milk marketing area. Criteria for pooling milk are established on the basis of performance standards that are considered adequate to meet the Class I fluid needs of the market and, by doing so, to determine those producers who are eligible to share in the revenue that arises from the classified pricing of milk.

Criteria for pooling are established without regard to the size of any dairy industry organization or entity. Administrative assessments are similarly charged without regard to the size of any dairy industry organization or entity. Therefore, the amendments will not have a significant economic impact on a substantial number of small entities.

The Agricultural Marketing Service is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

This action does not require additional information collection that requires clearance by the Office of Management and Budget (OMB) beyond currently approved information collection. The primary sources of data used to complete the approved forms are routinely used in most business transactions. The forms require only a

minimal amount of information which can be supplied without data processing equipment or a trained statistical staff. Thus, the information collection and reporting burden is relatively small. Requiring the same reports for all handlers does not significantly disadvantage any handler that is smaller than the industry average.

No other burdens are expected to fall on the dairy industry as a result of overlapping Federal rules. This rulemaking proceeding does not duplicate, overlap, or conflict with any existing Federal rules.

Prior Documents in This Proceeding

Notice of Hearing: Issued June 15, 2004; published June 23, 2004 (69 FR 34963).

Notice of Hearing Delay: Issued July 14, 2004; published July 21, 2004 (69 FR 43538).

Tentative Partial Decision: Issued April 8, 2005; published April 14, 2005 (70 FR 19709).

Interim Final Rule: Issued May 26, 2005; published June 1, 2005 (70 FR 31321).

Final Partial Decision: Issued September 29, 2005; published October 5, 2005 (70 FR 58086).

Final Partial Rule: Issued December 5, 2005; published December 9, 2005 (70 FR 73126).

Recommended Decision: Issued February 15, 2006; published February 22, 2006 (71 FR 9004).

Final Decision: Issued September 1, 2006; published September 13, 2006 (71 FR 54136).

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the Upper Midwest order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

The following findings are hereby made with respect to the Upper Midwest order:

(a) *Findings upon the basis of the hearing record:* A public hearing was held upon certain proposed amendment to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Midwest marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement act of 1937, as amended (7 U.S.C. 601–604), the applicable rules of practice and procedure (7 CFR part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, will tend to effectuate the declared policy of the Act;

(1) The Upper Midwest order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The Upper Midwest order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional Findings:* It is necessary and in the public interest to make these amendments to the Upper Midwest order effective December 1, 2006. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the aforesaid marketing area.

The amendments to the Upper Midwest order are known to handlers. The final decision containing the proposed amendments to the order was issued on September 1, 2006.

The changes that result from these amendments will not require extensive preparation or substantial alteration in the method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making these order amendments effective December 1, 2006.

(c) *Determinations:* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk that is marketed within the specified marketing area to sign a proposed marketing agreement tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order amending the Upper Midwest order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined by the order as hereby amended;

(3) The issuance of the order amending the Upper Midwest order is favored by at least two-thirds of the producers who were engaged in the production of milk for sale in the marketing area.

List of Subjects in 7 CFR Part 1030

Milk marketing orders.

Order Relative to Handling

■ *It is therefore ordered,* that on and after the effective date hereof, the handling of milk in the Upper Midwest marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

PART 1030—MILK IN THE UPPER MIDWEST MARKETING AREA

■ 1. The authority citation for 7 CFR part 1030 is amended to read as follows:

Authority: 7 U.S.C. 601–674, 7253.

■ 2. Section 1030.13 is amended by adding a new paragraph (f), to read as follows:

§ 1030.13 Producer milk.

* * * * *

(f) The quantity of milk reported by a handler pursuant to either § 1030.30(a)(1) or § 1030.30(c)(1) for April through February may not exceed 125 percent, and March may not exceed 135 percent of the producer milk receipts pooled by the handler during the prior month. Milk diverted to nonpool plants reported in excess of this limit shall be removed from the pool. Milk in excess of this limit received at pool plants, other than pool distributing plants, shall be classified pursuant to § 1000.44(a)(3)(v) and § 1000.44(b). The handler must designate, by producer pick-up, which milk is to be removed from the pool. If the handler fails to provide this information, the market administrator will make the determination. The following provisions apply:

(1) Milk shipped to and physically received at pool distributing plants in excess of the previous month's pooled volume shall not be subject to the 125 or 135 percent limitation;

(2) Producer milk qualified pursuant to § ____.13 of any other Federal Order and continuously pooled in any Federal Order for the previous six months shall not be included in the computation of the 125 or 135 percent limitation;

(3) The market administrator may waive the 125 or 135 percent limitation:

(i) For a new handler on the order, subject to the provisions of § 1030.13(f)(4), or

(ii) For an existing handler with significantly changed milk supply conditions due to unusual circumstances;

(4) A bloc of milk may be considered ineligible for pooling if the market administrator determines that handlers altered the reporting of such milk for the purpose of evading the provisions of this paragraph.

■ 3. Section 1030.85 is revised, to read as follows:

§ 1030.85 Assessment for order administration.

On or before the payment receipt date specified under § 1030.71, each handler shall pay to the market administrator its pro rata share of the expense of administration of the order at a rate specified by the market administrator that is no more than 8 cents per hundredweight with respect to:

(a) Receipts of producer milk (including the handler's own production) other than such receipts by a handler described in § 1000.9(c) that were delivered to pool plants of other handlers;

(b) Receipts from a handler described in § 1000.9(c);

(c) Receipts of concentrated fluid milk products from unregulated supply plants and receipts of nonfluid milk products assigned to Class I use pursuant to § 1000.43(d) and other source milk allocated to Class I pursuant to § 1000.44(a)(3) and (8) and the corresponding steps of § 1000.44(b), except other source milk that is excluded from the computations pursuant to § 1030.60(h) and (i); and

(d) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to § 1000.76(a)(1)(i) and (ii).

Dated: October 25, 2006.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E6–18174 Filed 10–27–06; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1032

[Docket No. AO–313–A48; DA–04–06]

Milk in the Central Marketing Area; Order Amending the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends regulations pertaining to the Central Federal milk order. More than the required number of producers for the Central marketing area approved the issuance of the final order amendments.

DATES: *Effective Date:* December 1, 2006.

FOR FURTHER INFORMATION CONTACT: Jack Rower, Marketing Specialist, Order Formulation and Enforcement Branch, USDA/AMS/Dairy Programs, STOP 0231-Room 2971, 1400 Independence Avenue, SW., Washington, DC 20250–0231, (202) 720–2357, e-mail address: *jack.rower@usda.gov.*

SUPPLEMENTARY INFORMATION: This document amends the pooling provisions of the Central Federal milk order. Specifically, this final rule adopts provisions that: (1) Increase supply plant performance standards to 25 percent for the months of August through February and to 20 percent for the months of March through July; (2) Require the non-pool side of a split plant to maintain nonpool status for 12 months; (3) Amend the ''touch-base'' feature of the order to require that at least one day's production of the milk of a dairy farmer be received at a pool plant in each of the months of January, February, and August through November, to be eligible for diversion to non-pool plants; (4) Lower the diversion limit standards by five percentage points, from 80 percent to 75 percent, for the months of August through February, and by five percentage points, from 85 percent to 80 percent for the months of March through July; and (5) Establish provisions that limit the volume of milk a handler may pool in a month to 125 percent of the volume of milk pooled in the prior month.

This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12866. This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. The rule is not intended to have a retroactive effect. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may request modification or exemption from such order by filing with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with the law. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Department's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Regulatory Flexibility Act and Paperwork Reduction Act

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Agricultural Marketing Service has considered the economic impact of this action on small entities and has certified that this final rule will not have a significant economic impact on a substantial number of small entities.

For the purpose of the Regulatory Flexibility Act, a dairy farm is considered a ''small business'' if it has an annual gross revenue of less than $750,000, and a dairy products manufacturer is a ''small business'' if it has fewer than 500 employees.

For the purposes of determining which dairy farms are ''small businesses,'' the $750,000 per year criterion was used to establish a production guideline of 500,000 pounds per month. Although this guideline does not factor in additional monies that may be received by dairy producers, it should be an inclusive standard for most ''small'' dairy farmers. For purposes of determining a handler's size, if the plant is part of a larger company operating multiple plants that collectively exceed the 500-employee limit, the plant will be considered a large business even if the local plant has fewer than 500 employees.

During January 2005, the time of the hearing, there were 5,778 dairy producers pooled on, and 23 handlers regulated by, the Central order. Approximately 5,365 producers, or 92.9 percent, were considered ''small businesses'' based on the above criteria. Of the 23 handlers regulated by the Central order during January 2005, 11 handlers, or 47.8 percent, were considered ''small businesses.''

The adopted amendments regarding the pooling standards serve to revise established criteria that determine those producers, producer milk, and plants that have a reasonable association with and consistently serve the fluid needs of the Central milk marketing area. Criteria for pooling milk are established on the basis of performance standards that are considered adequate to meet the Class I fluid needs of the market and, by doing so, to determine those producers who are eligible to share in the revenue that

arises from the classified pricing of milk.

Criteria for pooling are established without regard to the size of any dairy industry organization or entity. Therefore, the amendments will not have a significant economic impact on a substantial number of small entities.

A review of reporting requirements was completed under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). It was determined that these amendments would have no impact on reporting, recordkeeping, or other compliance requirements because they would remain identical to the current requirements. No new forms are proposed and no additional reporting requirements would be necessary.

This action does not require additional information collection that requires clearance by the Office of Management and Budget (OMB) beyond currently approved information collection. The primary sources of data used to complete the approved forms are routinely used in most business transactions. The forms require only a minimal amount of information which can be supplied without data processing equipment or a trained statistical staff. Thus, the information collection and reporting burden is relatively small. Requiring the same reports for all handlers does not significantly disadvantage any handler that is smaller than the industry average.

No other burdens are expected to fall on the dairy industry as a result of overlapping Federal rules. This rulemaking proceeding does not duplicate, overlap, or conflict with any existing Federal rules.

Prior Documents in This Proceeding

Notice of Hearing: Issued September 17, 2004; published September 22, 2004 (69 FR 56725).

Notice of Hearing Delay: Issued October 18, 2004; published October 13, 2004 (69 FR 61323).

Recommended Decision: Issued February 15, 2006; published February 22, 2006 (71 FR 9015).

Final Decision: Issued September 1, 2006; published September 13, 2006 (71 FR 54152).

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the Central order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

The following findings are hereby made with respect to the Mideast order:

(a) *Findings upon the basis of the hearing record:* A public hearing was held upon certain proposed amendment to the tentative marketing agreement and to the order regulating the handling of milk in the Central marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement act of 1937, as amended (7 U.S.C. 601–604), the applicable rules of practice and procedure (7 CFR part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, will tend to effectuate the declared policy of the Act;

(1) The Central order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The Central order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional Findings:* It is necessary and in the public interest to make these amendments to the Central order effective December 1, 2006. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the aforesaid marketing area.

The amendments to the Central order are known to handlers. The final decision containing the proposed amendments to the order was issued on September 1, 2006.

The changes that result from these amendments will not require extensive preparation or substantial alteration in the method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making these order amendments effective December 1, 2006.

(c) *Determinations:* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk that is marketed within the specified marketing area to sign a proposed marketing agreement tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order amending the Central order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined by the order as hereby amended;

(3) The issuance of the order amending the Central order is favored by at least two-thirds of the producers who were engaged in the production of milk for sale in the marketing area.

List of Subjects in 7 CFR Part 1032

Milk marketing orders.

Order Relative to Handling

■ *It is therefore ordered*, that on and after the effective date hereof, the handling of milk in the Central marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

PART 1032—MILK IN THE CENTRAL MARKETING AREA

■ 1. The authority citation for 7 CFR part 1032 is amended to read as follows:

Authority: 7 U.S.C. 601–674, and 7253.

■ 2. Section 1032.7 is amended by revising paragraph (c) introductory text and paragraph (h)(7), to read as follows:

§ 1032.7 Pool plant.

* * * * *

(c) A supply plant from which the quantity of bulk fluid milk products shipped to (and physically unloaded into) plants described in paragraph (c)(1) of this section is not less than 25 percent during the months of August through February and 20 percent in all other months of the Grade A milk received from dairy farmers (except dairy farmers described in § 1032.12(b)) and from handlers described in § 1000.9(c), including milk diverted pursuant to § 1032.13, subject to the following conditions:

* * * * *

(h) * * *

(7) That portion of a regulated plant designated as a nonpool plant that is physically separate and operated separately from the pool portion of such plant. The designation of a portion of a plant must be requested in advance and in writing by the handler and must be approved by the market administrator. Such nonpool status shall be effective on the first day of the month following approval of the request by the market administrator and thereafter for the longer of twelve (12) consecutive months or until notification of the

desire to requalify as a pool plant, in writing, is received by the market administrator. Requalification will require deliveries to a pool distributing plant(s) as provided for in § 1032.7(c). For requalification, handlers may not use milk delivered directly from producer's farms pursuant to § 1000.9(c) or § 1032.13(c) for the first month.

■ 3. Section 1032.13 is amended by:
■ a. Revising paragraph (d)(1);
■ b. Redesignating paragraphs (d)(2) through (d)(6) as paragraphs (d)(4) through (d)(8);
■ c. Adding new paragraphs (d)(2) and (d)(3);
■ d. Revising newly redesignated paragraph (d)(4); and
■ e. Adding a new paragraph (f).

The revisions and additions read as follows:

§ 1032.13 Producer milk.

* * * * *

(d) * * *

(1) Milk of a dairy farmer shall not be eligible for diversion until milk of such dairy farmer has been physically received as producer milk at a pool plant and the dairy farmer has continuously retained producer status since that time. If a dairy farmer loses producer status under the order in this part (except as a result of a temporary loss of Grade A approval), the dairy farmer's milk shall not be eligible for diversion until milk of the dairy farmer has been physically received as producer milk at a pool plant;

(2) The equivalent of at least one day's milk production is caused by the handler to be physically received at a pool plant in each of the months of January and February, and August through November;

(3) The equivalent of at least one day's milk production is caused by the handler to be physically received at a pool plant in each of the months of March through July and December if the requirement of paragraph (d)(2) of this section (§ 1032.13) in each of the prior months of August through November and January through February are not met, except in the case of a dairy farmer who marketed no Grade A milk during each of the prior months of August through November or January through February.

(4) Of the quantity of producer milk received during the month (including diversions, but excluding the quantity of producer milk received from a handler described in § 1000.9(c)) the handler diverts to nonpool plants not more than 75 percent during the months of August through February, and not more than 80 percent during the months of March through July, provided that not less than 25 percent of such receipts in the months of August through February and 20 percent of the remaining months' receipts are delivered to plants described in § 1032.7(a), (b), or (i).;

* * * * *

(f) The quantity of milk reported by a handler pursuant to § 1032.30(a)(1) and/or § 1032.30(c)(1) for the current month may not exceed 125 percent of the producer milk receipts pooled by the handler during the prior month. Milk diverted to nonpool plants reported in excess of this limit shall be removed from the pool. Milk received at pool plants in excess of the 125 percent limit, other than pool distributing plants, shall be classified pursuant to § 1000.44(a)(3)(v). The handler must designate, by producer pick-up, which milk is to be removed from the pool. If the handler fails to provide this information the provisions of paragraph (d)(5) of this section shall apply. The following provisions apply:

(1) Milk shipped to and physically received at pool distributing plants shall not be subject to the 125 percent limitation;

(2) Producer milk qualified pursuant to § ____.13 of any other Federal Order in the previous month shall not be included in the computation of the 125 percent limitation; provided that the producers comprising the milk supply have been continuously pooled on any Federal Order for the entirety of the most recent three consecutive months.

(3) The market administrator may waive the 125 percent limitation:

(i) For a new handler on the order, subject to the provisions of paragraph (f)(3) of this section, or

(ii) For an existing handler with significantly changed milk supply conditions due to unusual circumstances;

(4) A bloc of milk may be considered ineligible for pooling if the market administrator determines that handlers altered the reporting of such milk for the purpose of evading the provisions of this paragraph.

Dated: October 25, 2006.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E6–18176 Filed 10–27–06; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1033

[Docket No. AO–166–A72; DA–05–01–B]

Milk in the Mideast Marketing Area; Order Amending the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends regulations pertaining to the Mideast Federal milk order. More than the required number of producers for the Mideast marketing area approved the issuance of the final order amendments.

DATES: *Effective Date:* December 1, 2006.

FOR FURTHER INFORMATION CONTACT: Gino Tosi, Associate Deputy Administrator, Order Formulation and Enforcement Branch, USDA/AMS/Dairy Programs, STOP 0231—Room 2968, 1400 Independence Avenue, SW., Washington, DC 20250–0231, (202) 690–1366, e-mail: *gino.tosi@usda.gov*.

SUPPLEMENTARY INFORMATION: This document amends the pooling provisions of the Mideast Federal milk order. Specifically, this final rule permanently adopts provisions that: (1) Establish a limit on the volume of milk a handler may pool during the months of April through February to 115 percent of the volume of milk pooled in the prior month; and (2) Establish a limit on the volume of milk a handler may pool during the month of March to 120 percent of the volume of milk pooled in the prior month.

This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12866. This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. The rule is not intended to have a retroactive effect. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may request modification or exemption from such order by filing with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is

not in accordance with the law. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Department's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Regulatory Flexibility Act and Paperwork Reduction Act

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Agricultural Marketing Service has considered the economic impact of this action on small entities and has certified that this final rule will not have a significant economic impact on a substantial number of small entities.

For the purpose of the Regulatory Flexibility Act, a dairy farm is considered a ''small business'' if it has an annual gross revenue of less than $750,000, and a dairy products manufacturer is a ''small business'' if it has fewer than 500 employees.

For the purposes of determining which dairy farms are ''small businesses,'' the $750,000 per year criterion was used to establish a production guideline of 500,000 pounds per month. Although this guideline does not factor in additional monies that may be received by dairy producers, it should be an inclusive standard for most ''small'' dairy farmers. For purposes of determining a handler's size, if the plant is part of a larger company operating multiple plants that collectively exceed the 500-employee limit, the plant will be considered a large business even if the local plant has fewer than 500 employees.

During March 2005, the month the hearing occurred, there were 9,767 dairy producers pooled on, and 36 handlers regulated by, the Mideast order. Approximately 9,212 producers, or 94.3 percent, were considered small businesses based on the above criteria. Of the 36 handlers regulated by the Mideast during March 2005, 26 handlers, or 72.2 percent, were considered small businesses.

The adopted amendments regarding the pooling standards serve to revise established criteria that determine those producers, producer milk, and plants that have a reasonable association with and consistently serve the fluid needs of the Mideast milk marketing area. Criteria for pooling milk are established on the basis of performance standards that are considered adequate to meet the Class I fluid needs of the market and, by doing so, to determine those producers who are eligible to share in the revenue that arises from the classified pricing of milk.

Criteria for pooling are established without regard to the size of any dairy industry organization or entity. Therefore, the amendments will not have a significant economic impact on a substantial number of small entities.

The Agricultural Marketing Service is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

This action does not require additional information collection that requires clearance by the Office of Management and Budget (OMB) beyond currently approved information collection. The primary sources of data used to complete the approved forms are routinely used in most business transactions. The forms require only a minimal amount of information which can be supplied without data processing equipment or a trained statistical staff. Thus, the information collection and reporting burden is relatively small. Requiring the same reports for all handlers does not significantly disadvantage any handler that is smaller than the industry average.

No other burdens are expected to fall on the dairy industry as a result of overlapping Federal rules. This rulemaking proceeding does not duplicate, overlap, or conflict with any existing Federal rules.

Prior Documents in This Proceeding

Notice of Hearing: Issued February 14, 2005; published February 17, 2005 (70 FR 8043).

Amended Notice of Hearing: Issued March 1, 2005; published March 3, 2005 (70 FR 10337).

Tentative Partial Decision: Issued July 21, 2005; published July 27, 2005 (70 FR 43335).

Interim Final Rule: Issued September 20, 2005; published September 26, 2005 (70 FR 56111).

Final Partial Decision: Issued January 17, 2006; published January 23, 2006 (71 FR 3435).

Recommended Decision: Issued February 15, 2006; published February 22, 2006 (71 FR 9033).

Final Partial Rule: Issued April 17, 2006; published April 20, 2006 (71 FR 20335).

Final Decision: Issued September 1, 2006; published September 13, 2006 (71 FR 54172).

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the Mideast order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

The following findings are hereby made with respect to the Mideast order:

(a) *Findings upon the basis of the hearing record:* A public hearing was held upon certain proposed amendment to the tentative marketing agreement and to the order regulating the handling of milk in the Mideast marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement act of 1937, as amended (7 U.S.C. 601–604), the applicable rules of practice and procedure (7 CFR part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, will tend to effectuate the declared policy of the Act;

(1) The Mideast order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The Mideast order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional Findings:* It is necessary and in the public interest to make these amendments to the Mideast order effective December 1, 2006. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the aforesaid marketing area.

The amendments to the Mideast order are known to handlers. The final decision containing the proposed amendments to the order was issued on September 1, 2006.

The changes that result from these amendments will not require extensive preparation or substantial alteration in the method of operation for handlers. In view of the foregoing, it is hereby found

and determined that good cause exists for making these order amendments effective December 1, 2006.

(c) *Determinations:* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk that is marketed within the specified marketing area to sign a proposed marketing agreement tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order amending the Mideast order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined by the order as hereby amended;

(3) The issuance of the order amending the Mideast order is favored by at least two-thirds of the producers who were engaged in the production of milk for sale in the marketing area.

List of Subjects in 7 CFR Part 1033

Milk marketing orders.

Order Relative to Handling

■ *It is therefore ordered*, that on and after the effective date hereof, the handling of milk in the Mideast marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

PART 1033—MILK IN THE MIDEAST MARKETING AREA

■ 1. The authority citation for 7 CFR part 1033 is amended to read as follows:

Authority: 7 U.S.C. 601–674, and 7253.

■ 2. Section 1033.13 is amended by adding a new paragraph (f), to read as follows:

§ 1033.13 Producer milk.

* * * * *

(f) Producer milk of a handler shall not exceed the limits as established in § 1033.13(f)(1) through § 1033.13(f)(3).

(1) Producer milk for the months of April through February may not exceed 115 percent of the producer milk receipts of the prior month. Producer milk for March may not exceed 120 percent of producer receipts of the prior month; plus

(2) Milk shipped to and physically received at pool distributing plants and allocated to Class I use in excess of the volume allocated to Class I in the prior month; plus

(3) If a producer did not have any milk delivered to any plant as other than producer milk as defined under the order in this part or any other Federal milk order for the preceding three months; and the producer had milk qualified as producer milk on any other Federal order in the previous month, add the lesser of the following:

(i) Any positive difference of the volume of milk qualified as producer milk on any other Federal order in the previous month, less the volume of milk qualified as producer milk on any other Federal order in the current month, or

(ii) Any positive difference of the volume of milk qualified as producer milk under the order in this part in the current month, less the volume of milk qualified as producer milk under the order in this part in the previous month.

(4) Milk received at pool plants in excess of these limits shall be classified pursuant to § 1000.44(a)(3)(v) and § 1000.44(b). Milk diverted to nonpool plants reported in excess of this limit shall not be producer milk. The handler must designate, by producer pick-up, which milk shall not be producer milk. If the handler fails to provide this information the provisions of § 1033.13(d)(6) shall apply.

(5) The market administrator may waive these limitations:

(i) For a new handler on the order, subject to the provisions of § 1033.13(f)(6), or

(ii) For an existing handler with significantly changed milk supply conditions due to unusual circumstances;

(6) Milk may not be considered producer milk if the market administrator determines that handlers altered the reporting of such milk for the purpose of evading the provisions of this paragraph.

Dated: October 25, 2006.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E6–18175 Filed 10–27–06; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–26118; Directorate Identifier 2006–NM–226–AD; Amendment 39–14803; AD 2006–22–06]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model CL–600–2B16 (CL–604) Airplanes and Model CL–600–2B19 (Regional Jet Series 100 & 440) Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule; request for comments.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD) that applies to certain Bombardier Model CL–600–2B16 (CL–604) airplanes and Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. These models may be referred to by their marketing designations as RJ100, RJ200, RJ440, CRJ100, CRJ200, CRJ440, and CL–65. The existing AD currently requires revising the Emergency Procedures section of the airplane flight manual (AFM) to advise the flightcrew of additional procedures to follow in the event of stabilizer trim runaway. For certain airplanes, the existing AD also requires revising the Abnormal Procedures section of the AFM to advise the flightcrew of procedures to follow in the event of MACH TRIM, STAB TRIM, and horizontal stabilizer trim malfunctions. This AD requires revising the same Emergency and Abnormal Procedures sections of the AFM to advise the flightcrew of revised/additional procedures. This AD also requires revising the Normal section of the AFM to require a review of the location of certain circuit breakers and a functional check of the stabilizer trim system. This AD also requires installing circuit breaker identification collars and provides an optional terminating action for the requirements of the AD. This AD also removes airplanes from the applicability of the existing AD. This AD results from reports of uncommanded horizontal stabilizer trim motion. We are issuing this AD to ensure that the flightcrew is advised of appropriate procedures to follow in the event of uncommanded movement or stabilizer trim runaway. Failure to follow these procedures could result in excessive uncommanded movement of the horizontal stabilizer trim actuator

(HSTA) and loss of ability to use trim switches to override uncommanded movement or yoke disconnect switches to disconnect the HSTA, which could result in reduction of or loss of pitch control and consequent reduced controllability of the airplane.

DATES: This AD becomes effective November 14, 2006.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of November 14, 2006.

On September 1, 2006 (71 FR 51990, September 1, 2006), the Director of the Federal Register approved the incorporation by reference of certain other publications listed in the AD.

We must receive any comments on this AD by December 29, 2006.

ADDRESSES: Use one of the following addresses to submit comments on this AD.

- *DOT Docket Web site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590.
- *Fax:* (202) 493–2251.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Contact Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada, for service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: Bruce Valentine, Aerospace Engineer, Systems and Flight Test Branch, ANE–172, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, suite 410, Westbury, New York 11590; telephone (516) 228–7328; fax (516) 794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

On August 29, 2006, the FAA issued AD 2006–18–04, amendment 39–14742 (71 FR 51990, September 1, 2006). That AD applies to certain Bombardier Model CL–600–2B16 (CL–604) airplanes and Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. That AD requires revising the Emergency Procedures section of the airplane flight manual (AFM) to advise the flightcrew of additional procedures to follow in the event of stabilizer trim runaway. For certain airplanes, that AD also requires revising the Abnormal Procedures section of the AFM to advise the flightcrew of procedures to follow in the event of MACH TRIM, STAB TRIM, and horizontal stabilizer trim malfunctions. That AD resulted from reports of uncommanded horizontal stabilizer trim motion. The actions specified in that AD are intended to ensure that the flightcrew is advised of appropriate procedures to follow in the event of stabilizer trim runaway. Failure to follow these procedures could result in excessive uncommanded movement of the horizontal stabilizer trim actuator (HSTA) and loss of ability to use trim switches to override uncommanded movement or yoke disconnect switches to disconnect the HSTA, which could result in reduction of or loss of pitch control and consequent reduced controllability of the airplane.

That AD paralleled Canadian airworthiness directives CF–2006–20, dated August 22, 2006, and CF–2006–21, dated August 23, 2006.

Actions Since AD Was Issued

Since we issued that AD 2006–18–04, Transport Canada Civil Aviation (TCCA), which is the airworthiness authority for Canada, issued Canadian airworthiness directives CF–2006–21R1, dated October 3, 2006, and CF–2006–20R1, dated October 4, 2006, which supersede Canadian airworthiness directives CF–2006–21 and CF–2006–20, respectively. The new Canadian airworthiness directives specify revising the AFM procedures for stabilizer trim runaway, installing circuit breaker collars, and introducing trim system preflight tests. The Canadian airworthiness directives also specify installing a new, improved horizontal stabilizer trim control unit (HSTCU). The new Canadian airworthiness directives also revise the affected airplanes by removing serial numbers (S/Ns) 5666 and subsequent for the Model CL–600–2B16 (CL–604) airplanes and removing S/Ns 8067 and subsequent for Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. Model CL–600–2B16 (CL–604) airplanes, S/Ns 5666 and subsequent, and Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes, S/Ns 8067 and subsequent, have the new, improved HSTCU installed during production.

In AD 2006–18–04, we stated that we considered that AD interim action and that the manufacturer was developing service bulletins that specify replacing HSTCU circuit boards with HSTCU circuit boards having conformal coating and was exploring other interim measures. The manufacturer now has developed a replacement and other interim measures, and we have determined that further rulemaking is indeed necessary; this AD follows from that determination.

Relevant Service Information

Bombardier has issued the temporary revisions (TRs) specified in the table below.

TABLE—TRS

For Bombardier Model—	Use—	Dated—	To the—
CL–600–2B16 (CL–604) airplanes	Canadair Challenger TR 604/21–1	October 3, 2006	Canadair Challenger CL–604 AFM, PSP 604–1.
CL–600–2B19 (Regional Jet Series 100 & 440) airplanes.	Canadair Regional Jet TR RJ/152–5.	October 3, 2006	Canadair Regional Jet AFM, CSP A–012.

TR 604/21–1 describes revising the Emergency and Abnormal Procedures sections of the Canadair Challenger CL–604 AFM to advise the flightcrew of additional procedures to follow in the event of stabilizer trim runaway and to advise the flightcrew of revised procedures to follow in the event of MACH TRIM, STAB TRIM, and horizontal stabilizer trim malfunctions. TR RJ/152–5 describes revising the Emergency and Abnormal Procedures sections of the Canadair Regional Jet AFM to advise the flightcrew of revised procedures to follow in the event of stabilizer trim runaway and in the event of MACH TRIM, STAB TRIM, and horizontal stabilizer trim malfunctions.

Bombardier has also issued Modification Summary Package IS601R27410051, Revision C, dated September 29, 2006 (for Model CL–600–2B19 (Regional Jet Series 100 & 440)

airplanes). The modification summary package describes procedures for installing circuit breaker identification collars on certain circuit breakers.

Bombardier has also issued Alert Service Bulletin A604–27–029, dated September 28, 2006 (for Model CL–600–2B16 (CL–604) airplanes). The service bulletin describes procedures for installing circuit breaker identification collars on certain circuit breakers and for installing a new, improved HSTCU.

Bombardier has also issued Service Bulletin 601R–27–147, dated September 28, 2006 (for Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes). The service bulletin describes procedures for installing a new, improved HSTCU. The service bulletin refers to Sagem Service Bulletin HSTCU–27–011, dated September 22, 2006, as an additional source of service information for doing the installation.

TCCA mandated the service information and issued Canadian airworthiness directives CF–2006–20R1, dated October 4, 2006, and CF–2006–21R1, dated October 3, 2006, to ensure the continued airworthiness of these airplanes in Canada. The Canadian airworthiness directives also specify to brief the flightcrew to do the following actions prior to the first flight of the day: Do a review of the location of certain circuit breakers, and do a functional check of the stabilizer trim system.

FAA's Determination and Requirements of This AD

These airplane models are manufactured in Canada and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, TCCA has kept the FAA informed of the situation described above. We have examined TCCA's findings, evaluated all pertinent information, and determined that we need to issue an AD for products of this type design that are certificated for operation in the United States.

Therefore, we are issuing this AD to supersede AD 2006–18–04. This new AD retains the requirements of the existing AD and requires revising the Emergency and Abnormal Procedures sections of the AFM to advise the flightcrew of additional/revised procedures to follow in the event of stabilizer trim runaway, which replace AFM revisions required by the existing AD. This new AD also requires the installation of circuit breaker identification collars. This AD also requires revising the Normal section of the AFM to require the flightcrew to review the location of certain circuit breakers and do a functional check of the stabilizer trim system prior to the first flight of the day. This new AD also provides an optional terminating action for the requirements of this AD. This new AD also removes airplanes from the applicability of the existing AD.

Interim Action

We consider this AD interim action. We are currently considering requiring the installation of a new, improved HSTCU, which will constitute terminating action for the requirements of this AD action. However, the planned compliance time for the installation of the modification would allow enough time to provide notice and opportunity for prior public comment on the merits of the modification.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD; therefore, providing notice and opportunity for public comment before the AD is issued is impracticable, and good cause exists to make this AD effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements that affect flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any relevant written data, views, or arguments regarding this AD. Send your comments to an address listed in the **ADDRESSES** section. Include ''Docket No. FAA–2006–26118; Directorate Identifier 2006–NM–226–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the AD that might suggest a need to modify it.

We will post all comments we receive, without change, to *http://dms.dot.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this AD. Using the search function of that Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You can review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you can visit *http://dms.dot.gov.*

Examining the Docket

You may examine the AD docket on the Internet at *http://dms.dot.gov*, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the Docket Management System receives them.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The Federal Aviation Administration (FAA) amends § 39.13 by removing amendment 39–14742 (71 FR 51990, September 1, 2006) and adding the following new AD:

2006–22–06 Bombardier, Inc. (Formerly Canadair): Docket No. FAA–2006–26118; Directorate Identifier 2006–NM–226–AD; Amendment 39–14803.

Effective Date

(a) This AD becomes effective November 14, 2006.

Affected ADs

(b) This AD supersedes AD 2006–18–04.

Applicability

(c) This AD applies to Bombardier Model CL–600–2B16 (CL–604) airplanes, serial numbers 5301 through 5665 inclusive; and Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes, serial numbers 7003 through 7990 inclusive and 8000 through 8066 inclusive; certificated in any category.

Note 1: The Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes may be referred to by their marketing designations as RJ100, RJ200, RJ440, CRJ100, CRJ200, CRJ440, and CL–65.

Unsafe Condition

(d) This AD results from reports of uncommanded horizontal stabilizer trim motion. We are issuing this AD to ensure that the flightcrew is advised of appropriate procedures to follow in the event of uncommanded movement or stabilizer trim runaway. Failure to follow these procedures could result in excessive uncommanded movement of the horizontal stabilizer trim actuator (HSTA) and loss of ability to use trim switches to override uncommanded movement or yoke disconnect switches to disconnect the HSTA, which could result in reduction of or loss of pitch control and consequent reduced controllability of the airplane.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Restatement of Requirements of AD 2006–18–04

Airplane Flight Manual (AFM) Revision

(f) Within 7 days after September 1, 2006 (the effective date of AD 2006–18–04), make the applicable AFM revisions specified in paragraph (f)(1) or (f)(2) of this AD by incorporating the applicable Canadair (Bombardier) temporary revisions (TRs) identified in Table 1 of this AD into the applicable AFM. Doing the actions specified in paragraph (h) of this AD terminates the requirements of this paragraph.

(1) For Model CL–600–2B16 (CL–604) airplanes: Revise the Emergency Procedures section of the AFM to advise the flightcrew of additional procedures to follow in the event of stabilizer trim runaway.

(2) For Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes: Revise the Emergency and Abnormal Procedures sections of the AFM to advise the flightcrew of additional procedures to follow in the event of stabilizer trim runaway and in the event of MACH TRIM, STAB TRIM, and horizontal stabilizer trim malfunctions.

TABLE 1.—TRS

For Bombardier model—	Use—	Dated—	To the—
CL–600–2B16 (CL–604) airplanes	Canadair Challenger TR 604/21	August 1, 2006	Canadair Challenger CL–604 AFM, PSP 604–1.
CL–600–2B19 (Regional Jet Series 100 & 440) airplanes.	Canadair Regional Jet TR RJ/152–4.	August 9, 2006	Canadair Regional Jet AFM, CSP A–012.

(g) When the applicable TR specified in paragraph (f) of this AD has been included in the general revisions of the applicable AFM, those general revisions may be inserted into the AFM and the applicable TR may be removed, provided the relevant information in the general revisions is identical to that in the TR.

New Requirements of This AD

New AFM Revisions

(h) Within 14 days after the effective date of this AD, make the applicable AFM revisions specified in paragraph (h)(1) or (h)(2) of this AD by incorporating the applicable Canadair (Bombardier) TRs identified in Table 2 of this AD into the applicable AFM. Doing this revision terminates the requirements of paragraph (f) of this AD, and after this revision has been done, remove the AFM revisions required by paragraph (f) of this AD from the applicable AFM.

(1) For Model CL–600–2B16 (CL–604) airplanes: Revise the Emergency and Abnormal Procedures sections of the AFM to advise the flightcrew of additional procedures to follow in the event of stabilizer trim runaway and to advise the flightcrew of revised procedures to follow in the event of MACH TRIM, STAB TRIM, and horizontal stabilizer trim malfunctions.

(2) For Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes: Revise the Emergency and Abnormal Procedures sections of the AFM to advise the flightcrew of revised procedures to follow in the event of stabilizer trim runaway and in the event of MACH TRIM, STAB TRIM, and horizontal stabilizer trim malfunctions.

TABLE 2.—NEW TRS

For Bombardier model—	Use—	Dated—	To the—
CL–600–2B16 (CL–604) airplanes	Canadair Challenger TR 604/21–1	October 3, 2006	Canadair Challenger CL–604 AFM, PSP 604–1.
CL–600–2B19 (Regional Jet Series 100 & 440) airplanes.	Canadair Regional Jet TR RJ/152–5.	October 3, 2006	Canadair Regional Jet AFM, CSP A–012.

(i) When the applicable TR specified in paragraph (h) of this AD has been included in the general revisions of the applicable AFM, those general revisions may be inserted into the AFM and the applicable TR may be removed, provided the relevant information in the general revisions is identical to that in the TR.

Installation of Circuit Breaker Identification Collars

(j) Within 14 days after the effective date of this AD, install circuit breaker identification collars in accordance with Bombardier Modification Summary Package IS601R27410051, Revision C, dated September 29, 2006 (for Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes); or the Accomplishment Instructions of Bombardier Alert Service Bulletin A604–27–029, dated September 28, 2006 (for Model CL–600–2B16 (CL–604) airplanes); as applicable.

Additional AFM Revision

(k) For Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes: Within 14 days after the effective date of this AD, revise the Normal section of the Canadair Regional Jet AFM, CSP A–012, to include the statement specified in Figure 1 of this AD. This may be done by inserting a copy of Figure 1 of this AD into the AFM.

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"Prior to the flightcrew's first flight of the day, do the following actions:

1. Review the location of the STAB CH1 HSTCU and STAB CH2 HSTCU circuit breakers.
2. Complete a functional check of the stabilizer trim system as detailed below.

Control Wheel Stab Trim Disconnect Check

Control Wheel Stab Trim Disconnect switches . . . . . Check	• Make sure STAB TRIM caution message is out.
	• Activate the pilot's Control Wheel Stab Trim Disconnect Switch and make sure the STAB TRIM caution message comes on.
NOTE During ground testing only, do not activate the Control Wheel Stab Trim Disconnect switch if the horizontal stabilizer trim is in motion.	• Engage the STAB TRIM Switches and make sure the STAB TRIM caution message is out.
	• Activate the co-pilot's Control Wheel Stab Trim Disconnect Switch and make sure the STAB TRIM caution message comes on.
	• Engage the STAB TRIM and MACH TRIM switches and make sure the STAB TRIM and MACH TRIM caution messages are out."

Figure 1

Note 2: When a statement identical to that in paragraph (k) of this AD has been included in the general revisions of the applicable AFM, those general revisions may be inserted into the AFM, and the copy of this AD may be removed from the AFM.

(l) For Model CL–600–2B16 (CL–604) airplanes: Within 14 days after the effective date of this AD, revise the Normal section of the Canadair Challenger CL–604 AFM, PSP 604–1, to include the following statement. This may be done by inserting a copy of this AD into the AFM.

"Prior to the flightcrew's first flight of the day, do the following actions:

1. Review the location of the STAB CH1 HSTCU and STAB CH2 HSTCU circuit breakers.

2. Check the stabilizer trim system as detailed in CL–604 AFM 'Normal Procedures' section titled 'Flight Controls Trim Systems, Before Flight—First Flight of the Day.' "

Note 3: When a statement identical to that in paragraph (l) of this AD has been included in the general revisions of the applicable AFM, those general revisions may be inserted into the AFM, and the copy of this AD may be removed from the AFM.

Optional Terminating Action

(m) Installation of horizontal stabilizer trim control unit (HSTCU), part number (P/N) 601R92301–15 (vendor P/N 7060–10), in

accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A604–27–029, dated September 28, 2006 (for Model CL–600–2B16 (CL–604) airplanes); or Bombardier Service Bulletin 601R–27–147, dated September 28, 2006 (for Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes); as applicable, constitutes terminating action for this AD. After doing the installation, the AFM revisions required by paragraphs (f), (h), (k), and (l) of this AD may be removed from the applicable AFM, and the circuit breaker identification collars required by paragraph (j) of this AD may be removed.

Note 4: Bombardier Service Bulletin 601R–27–147, dated September 28, 2006, refers to Sagem Service Bulletin HSTCU–27–011, dated September 22, 2006, as an additional source of service information for accomplishment of the installation.

Service Bulletin Exception

(n) Although Bombardier Alert Service Bulletin A604–27–029, dated September 28, 2006, specifies to return certain parts to the manufacturer, this AD does not include that requirement.

Previous Actions Accomplished According to Modification Summary Package

(o) Actions accomplished before the effective date of this AD in accordance with Bombardier Modification Summary Package IS601R27410051, Revision A, dated September 18, 2006; or Revision B, dated September 27, 2006, are considered acceptable for compliance with the action specified in paragraph (j) of this AD, provided that the circuit breaker collars meet the color requirements of Bombardier Modification Summary Package IS601R27410051, Revision C, dated September 29, 2006.

Alternative Methods of Compliance (AMOCs)

(p)(1) The Manager, New York Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

Related Information

(q) Canadian airworthiness directives CF–2006–20R1, dated October 4, 2006, and CF–2006–21R1, dated October 3, 2006, also address the subject of this AD.

Material Incorporated by Reference

(r) You must use Bombardier Alert Service Bulletin A604–27–029, dated September 28, 2006; Bombardier Modification Summary Package IS601R27410051, Revision C, dated September 29, 2006; and the temporary revisions listed in Table 3 of this AD; as applicable, to perform the actions that are required by this AD, unless the AD specifies otherwise. If the optional terminating action is accomplished, you must use Bombardier Alert Service Bulletin A604–27–029, dated September 28, 2006; or Bombardier Service Bulletin 601R–27–147, dated September 28, 2006; as applicable, to perform the optional terminating actions specified in this AD, unless the AD specifies otherwise.

TABLE 3.—ALL TEMPORARY REVISIONS INCORPORATED BY REFERENCE

Temporary revision—	Dated—	To the—
Canadair Challenger Temporary Revision 604/21	August 1, 2006	Canadair Challenger CL–604 Airplane Flight Manual, PSP 604–1.
Canadair Challenger Temporary Revision 604/21–1	October 3, 2006	Canadair Challenger CL–604 Airplane Flight Manual, PSP 604–1.
Canadair Regional Jet Temporary Revision RJ/152–4	August 9, 2006	Canadair Regional Jet Airplane Flight Manual, CSP A–012.
Canadair Regional Jet Temporary Revision RJ/152–5	October 3, 2006	Canadair Regional Jet Airplane Flight Manual, CSP A–012.

(1) The Director of the Federal Register approved the incorporation by reference of Bombardier Alert Service Bulletin A604–27–029, dated September 28, 2006; Bombardier Service Bulletin 601R–27–147, dated September 28, 2006; Bombardier Modification Summary Package IS601R27410051, Revision C, dated September 29, 2006; and the temporary revisions listed in Table 4 of this AD in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

TABLE 4.—NEW TEMPORARY REVISIONS INCORPORATED BY REFERENCE

Temporary revision—	Dated—	To the—
Canadair Challenger Temporary Revision 604/21–1	October 3, 2006	Canadair Challenger CL–604 Airplane Flight Manual, PSP 604–1.
Canadair Regional Jet Temporary Revision RJ/152–5.	October 3, 2006	Canadair Regional Jet Airplane Flight Manual, CSP A–012.

(2) On September 1, 2006 (71 FR 51990, September 1, 2006), the Director of the Federal Register approved the incorporation by reference of the temporary revisions listed in Table 5 of this AD.

TABLE 5.—PREVIOUS TEMPORARY REVISIONS INCORPORATED BY REFERENCE

Temporary revision—	Dated—	To the—
Canadair Challenger Temporary Revision 604/21	August 1, 2006	Canadair Challenger CL–604 Airplane Flight Manual, PSP 604–1.
Canadair Regional Jet Temporary Revision RJ/152–4.	August 9, 2006	Canadair Regional Jet Airplane Flight Manual, CSP A–012.

(3) Contact Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada, for a copy of this service information. You may review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Room PL–401, Nassif Building, Washington, DC; on the Internet at *http://dms.dot.gov;* or at the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Issued in Renton, Washington, on October 13, 2006.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–17650 Filed 10–27–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–23633; Directorate Identifier 2005–NM–242–AD; Amendment 39–14801; AD 2006–22–04]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A318–100 and A319–100 Series Airplanes; Model A320–111 Airplanes; Model A320–200, A321–200, A330–200, A330–300, A340–200, and A340–300 Series Airplanes; Model A340–541 Airplanes; and Model A340–642 Airplanes; Equipped With Certain Sogerma-Services Powered Seats

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus airplane models identified above. This AD requires inspecting to determine if a certain actuator is installed in the pilot's or co-pilot's seat, and doing applicable corrective actions. For certain actuators, the AD also requires replacing rotors on both vertical and horizontal movements with new rotors, and replacing the clutch cap with a new cap. This AD results from a report of heavy wear at the driving gear of the rotor shaft end of the electrical driven motor on certain actuators of the pilot's and co-pilot's seats. We are issuing this AD to prevent uncommanded movement of the pilot's or co-pilot's seat during takeoff or landing, which could result in interference with the operation of the airplane and consequent temporary loss of airplane control.

DATES: This AD becomes effective December 4, 2006.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of December 4, 2006.

ADDRESSES: You may examine the AD docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC.

Contact Sogerma-Services, Z.I. de l'Arsenal—BP 109, 17303 Rochefort Cedex, France; and Messier-Bugatti, 45 Avenue Victor Hugo—Bat. 227, 93538 Aubervilliers, France; for service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Examining the Docket

You may examine the airworthiness directive (AD) docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the street address stated in the **ADDRESSES** section.

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to certain Airbus Model A318–100 and A319–100 series airplanes; Model A320–111 airplanes; Model A320–200, A321–200, A330–200, A330–300, A340–200, and A340–300 series airplanes; Model A340–541 airplanes; and Model A340–642 airplanes; equipped with certain Sogerma-Services powered seats. That NPRM was published in the **Federal Register** on January 19, 2006 (71 FR 3021). That NPRM proposed to require inspecting to determine if a certain actuator is installed in the pilot's or co-pilot's seat, and doing applicable corrective actions. For certain actuators, that NPRM also proposed to require replacing rotors on both vertical and horizontal movements with new rotors, and replacing the clutch cap with a new cap.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments received.

Support for the NPRM

Airbus supports the contents of the NPRM. Northwest Airlines supports the intent of the NPRM.

Request To Extend Compliance Time Based on Parts Availability

United Airlines states that the actuator supplier has a limited quantity of spare actuators. United estimates that it would require a six-month window between the AD release date and the AD effective date to permit sufficient time to rotate its spares through the shop for AD rework. United requests that we select an AD effective date that is at least six to eight months after the AD release date to provide sufficient lead time for the industry to rotate the spare actuators and seats. The Air Transport Association (ATA), on behalf of USAirways, also states that its members have spoken to the seat manufacturer and raised concerns that there might be part shortages. ATA states that the issue of parts availability needs to be addressed before the AD is released.

We infer that the commenters request that we extend the compliance time in paragraph (h) of the NPRM or that we remove that paragraph from the final rule. Regarding parts shortages, we have confirmed with Airbus and EADS Sogerma that the necessary parts are available well within the time necessary to replace the actuators. We have not changed the final rule in this regard.

Request To Extend Compliance Time To Match Heavy Maintenance Schedule

ATA, on behalf of USAirways, requests that the compliance time be extended from 56 months to 72 months. This extension would allow USAirways to accomplish the AD requirements during heavy maintenance.

We do not agree with the request to extend the compliance time based on an operator's heavy maintenance schedule. We have determined that the compliance time, as proposed, represents the maximum interval of time allowable for the affected airplanes to continue to safely operate before the inspection is done. Since maintenance schedules vary among operators, there would be no assurance that the airplane would be inspected during that maximum interval. We have not changed the final rule in this regard. However, operators may request approval of an alternative method of compliance in accordance with the procedures specified in paragraph (i) of this AD.

Request To Reduce Compliance Time

The Airline Pilot's Association (ALPA) recommends that the compliance time for the actuator/component replacement should be no greater than 50 percent of the component time-in-service that would

result in the noted unsafe wear condition. ALPA states that if the compliance time meets this criterion, then the NPRM, as written, is satisfactory; if not, the proposed compliance time should be reduced accordingly.

We disagree with the need to reduce the compliance time based on the stated criterion. In developing the compliance time for this AD, we considered not only the safety implications of the identified unsafe condition, but the average utilization rate of the affected fleet, the practical aspects of doing the required actions during regular maintenance periods, the availability of required parts, and the time necessary for the rulemaking process. We find that the compliance time, as proposed in the NPRM, provides an acceptable level of safety. We have not changed the final rule in this regard.

Request To Remove Requirement To Replace Rotors and Clutch Cap

JetBlue Airways states that the NPRM refers to a work scope that includes replacing vertical and horizontal rotors and replacing the clutch cap. JetBlue points out that Sogerma-Services Service Bulletin TAAI1–25–617, dated February 1, 2005, refers to replacing only the affected motor/actuator as a unit for the vertical direction and marks the seat data plate. (Sogerma-Services Service Bulletin TAAI1–25–617 was referenced in the NPRM as an appropriate source of service information for accomplishing certain actions). JetBlue states that a flow chart on page 4 of the service bulletin provides a more accurate and easier-to-understand work scope for operators to implement.

We agree. Paragraph (f) of the NPRM refers to Part 3., ''OPERATING INSTRUCTIONS,'' of Sogerma-Services Service Bulletin TAAI1–25–617 for instructions regarding replacing the vertical and horizontal rotors and replacing the clutch cap. As JetBlue points out, the flow chart on page 4 of Sogerma-Services Service Bulletin TAAI1–25–617 provides an accurate and easy-to-understand work scope for operators to implement. Therefore, we have changed paragraph (f) of the AD to refer to the flow chart in Part 1, paragraph D., ''DESCRIPTION,'' of the service bulletin.

Request To Reference Service Information Letter (SIL)

Sogerma/Barfield states that the correct service information for inspecting the seats is not Sogerma-Services Service Bulletin TAAI1–25–617, dated February 1, 2005, as specified in the NPRM, but Sogerma-Services SIL, SIL–TAAI1–25–059, dated February 8, 2005.

We clarify that, for airplanes on which the part number and serial number are not visible on the seat base, Sogerma-Services SIL SIL–TAAI1–25–059 provides service information for inspecting the seats to determine their identity. In addition, Airbus Operator Information Telex (OIT) SE 999.0040/05/FB, dated May 27, 2005, also provides service information for inspecting the seats. Therefore, we have added Note 1 to the AD to identify these two documents as additional sources of service information for doing the inspection required by paragraph (f) of the AD.

Requests To Reference Serial Numbers (S/Ns) for Replacement, and To Clarify Table 2 and Paragraph (h) of the AD

Sogerma/Barfield points out that paragraph (f) of the NPRM specifies replacing all actuators listed in Table 2 of the NPRM. Sogerma/Barfield requests we change that paragraph to specify that only Labinal actuators with the part number (P/N) identified in Table 2 of the NPRM must be replaced, that all actuators having P/N 4136290005 must be replaced, and that P/N 4136290004 must be replaced only if the serial number of the part is lower than 5079. Sogerma/Barfield states that Aviac and Artus actuators are not affected.

JetBlue confirms Sogerma/Barfield's statements about Table 2 and points out that the statement regarding the installation of spare parts in paragraph (h) of the NPRM is also incorrect because it references Table 2. JetBlue states that the incorrect information in Table 2 could mislead inspectors and operators into replacing actuators that are not affected and are not potentially defective.

United also requests that we clarify paragraph (h) of the NPRM to specify that only Labinal actuators are affected, and that the Aviac or Artus actuators can still be installed provided the seat amendment label is installed.

We agree with revising the P/N and S/N references for the Labinal actuators, as well as with the fact that Aviac and Artus actuators are not affected by the required actions. Airbus has confirmed that these requested changes are correct. In addition, French airworthiness directive F–2005–164, issued September 28, 2005, which is the parallel airworthiness directive for this AD, states that actuators having P/Ns 4136290004 and 4136290005 with S/Ns below 5080 must be removed from service. All P/N 4136290005 S/Ns are currently in the below-5080 range.

We have revised table 2 and paragraph (f) of the AD to change the part number references. In addition, we have removed paragraph (h) of the NPRM from this final rule because we agree that it could be misleading.

Request To Add Procedure for Identifying Actuator Installed on the Seats

United points out that the NPRM requires identifying the actuator installed on the seats in accordance with part 1, paragraph A., ''EFFECTIVITY,'' pages 2 and 3, of Sogerma-Services Service Bulletin TAAI1–25–617. United believes that the Labinal actuator cannot be identified only by checking for the label on the seat at the location specified in the service bulletin. United points out that the actuator may have been replaced with other affected part numbers many times since the seat was originally delivered, and the actuator identification label might not be on the seat. United quotes a note in the service bulletin, paragraph A., which states, ''Seats equipped with ARTUS actuators, have not actuator identification label.'' United suggests adding the following procedure to the service bulletin: ''In order to accurately identify the actuator installed in the seat, open the seat back shroud to view the identification nameplate on the actuator.''

We disagree with the need to add the specified words to the final rule. As noted under ''Requests to Reference Serial Numbers for Replacement, and to Clarify Table 2 and Paragraph (h) of the AD,'' above, we have revised the AD to remove reference to the Artus actuators. In addition, the airplane manufacturer states that each time a new actuator is shipped to a repair center or maintenance center, a placard with relevant information about the actuator is delivered that is ready to be incorporated into the seat. It is the maintenance organization's or airline operator's responsibility to ensure that the correct placard is located on the seat. For actuators on which the relevant P/N or S/N is not visible, Airbus OIT SE 999.0040/05/FB provides service information for inspecting the seats. As stated above, reference to this OIT is now included in Note 1 of the AD.

Request To Include Additional Work Hours

JetBlue requests that we take into account the work that would be required to comply with the AD once the actual affected motor actuator has been identified by boroscope probe visual inspection. JetBlue points out that the visual inspection portion by

itself will take only one hour per seat assembly, as shown in the Costs of Compliance section of the NPRM. However, JetBlue states that once the defective motor actuator has been identified, it will take more hours to complete the required tasks. JetBlue states that the AD should have realistic information about the time required per airplane. This information is approximately four hours with two mechanics, or 16 work hours per airplane, as specified in Sogerma-Services Service Bulletin TAAI1–25–617.

JetBlue also states that the NPRM does not mention that the manufacturer is offering the replacement compliant motor/actuators free of charge. JetBlue states that this information might provide incentive to operators to perform the initial inspections and any necessary replacement sooner rather than later.

ATA, on behalf of Northwest Airlines, also states that the costs quoted in the NPRM need to match those of the referenced service bulletin. Northwest Airlines points out that Airbus Service Bulletins A320–25–1430, dated May 31, 2005, and A320–25–3270, dated May 4, 2005, specify 1.5 hours for doing the same inspection that is detailed in the costs of compliance of the NPRM.

We partially agree. We disagree that is necessary to increase the work hours required to do the inspections. The costs of compliance that are discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. In this case, the only action required by the AD for all airplanes is the inspection to determine if an affected actuator is installed. The costs of compliance also typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

We agree with including the costs to do the replacement once a defective actuator is identified. We also note that the manufacturer states that it will supply required parts to the operators at no cost. We have revised the Costs of Compliance section accordingly.

Request To Correct Addresses

Sogerma/Barfield requests that we correct the addresses for Sogerma-Services and for Messier-Bugatti, which were given incorrectly in the NPRM.

We agree, and have corrected the addresses as requested.

Clarification of Reporting Requirement

Although Sogerma-Services Service Bulletin TAAI1–25–617, dated February 1, 2005, specifies sending certain information to the manufacturer, this AD does not require that action. We have added a new paragraph (h) to the AD to clarify that the report is not required.

Explanation of Changes to Applicability of This AD

We have revised the applicability statement to include the word ''not'' in the following phrase, ''on which the actuator has not been replaced .* * *'' This change matches the effectivity of French airworthiness directive F–2005–164. Adding the word ''not'' does not expand the applicability of the AD.

We have also revised paragraphs (c)(5) and (c)(7) of the applicability statement of this AD to include Airbus Model A321–111, –112, and 131 airplanes, and Model A330–302 and –303 airplanes. These airplane models are covered in the applicability of French airworthiness directive F–2005–164. None of these models are on the U.S. register.

Conclusion

We have carefully reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We have determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

This AD affects about 743 airplanes of U.S. registry. The inspection takes about 1 work hour per airplane, at an average labor rate of $65 per work hour. Based on these figures, the estimated cost of the inspection for U.S. operators is $48,295, or $65 per airplane.

The replacement takes about 8 work hours per seat per airplane, for a potential total of 16 work hours per airplane, depending on the number of actuators identified, at an average labor rate of $65 per work hour. The manufacturer states that it will supply required parts to the operators at no cost. Based on these figures, the estimated cost of the replacement for U.S. operators is between $386,360 and $772,720, or between $520 and $1,040 per airplane.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866;

(2) Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

2006–22–04 Airbus: Amendment 39–14801. Docket No. FAA–2006–23633; Directorate Identifier 2005–NM–242–AD.

Effective Date

(a) This AD becomes effective December 4, 2006.

Affected ADs

(b) None.

Applicability

(c) This AD applies to the airplanes identified in Table 1 of this AD, certificated in any category; equipped with any Sogerma-Services pilot or co-pilot seat identified in Sogerma-Services Service Bulletin TAAI1–25–617, dated February 1, 2005, excluding any seat having part number (P/N) TAAI3–03PE00–01, TAAI3–03PE01–01, TAAI3–03CE00–01, and TAAI3–03CE01–01, with a serial number (S/N) higher than 791, on which the actuator has not been replaced after the date of issuance of the original standard airworthiness certificate or date of issuance of the original export certificate of airworthiness.

TABLE 1.—APPLICABILITY

Airbus model
(1) A318–111 and –112 airplanes.
(2) A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.
(3) A320–111 airplanes.
(4) A320–211, –212, –214, –231, –232, and –233 airplanes.
(5) A321–111, –112, –131, –211 and –231 airplanes.
(6) A330–201, –202, –203, –223, and –243 airplanes.
(7) A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.
(8) A340–211, –212, and –213 airplanes.
(9) A340–311, –312, and –313 airplanes.
(10) A340–541 airplanes.
(11) A340–642 airplanes.

Unsafe Condition

(d) This AD results from a report of heavy wear at the driving gear of the rotor shaft end of the electrical driven motor on certain actuators of the pilot's and co-pilot's seats. We are issuing this AD to prevent uncommanded movement of the pilot's or co-pilot's seat during takeoff or landing, which could result in interference with the operation of the airplane and consequent temporary loss of airplane control.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Inspection for the P/N of the Actuator

(f) Within 56 months after the effective date of this AD, inspect to determine if an actuator identified in Table 2 of this AD is installed in the pilot's or co-pilot's seat, in accordance with Part 1, Paragraph D., ''DESCRIPTION,'' of Sogerma-Services Service Bulletin TAAI1–25–617, dated February 1, 2005. If any actuator identified in Table 2 of this AD is found installed, within 56 months after the effective date of this AD, do the applicable corrective actions in accordance with Paragraph D., ''DESCRIPTION,'' of the service bulletin.

TABLE 2.—AFFECTED ACTUATORS

Manufacturer	Actuator P/N
(1) Messier-Bugatti	4136290004, S/Ns 5079 and below.
(2) Messier-Bugatti	4136290005, S/Ns 5079 and below.

Note 1: Sogerma-Services Service Information Letter SIL–TAAI1–25–059, dated February 8, 2005, and Airbus Operator Information Telex SE 999.0040/05/FB, dated May 27, 2005, are additional sources of service information for inspecting the seats.

Concurrent Replacements

(g) For Messier-Bugatti actuators identified in Table 2 of this AD: Concurrently with the applicable corrective action required by paragraph (f) of this AD, replace the rotors on both vertical and horizontal movements with new rotors, and replace the clutch cap with a new cap, in accordance with Messier-Bugatti Service Bulletin 4136290004–25–05 or 4136290005–25–02, both dated April 2005, as applicable.

No Report Required

(h) Although Sogerma-Services Service Bulletin TAAI1–25–617, dated February 1, 2005, specifies sending certain information to the manufacturer, this AD does not require that action.

Alternative Methods of Compliance (AMOCs)

(i)(1) The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

Related Information

(j) French airworthiness directive F–2005–164, issued September 28, 2005, also addresses the subject of this AD.

Material Incorporated by Reference

(k) You must use Messier-Bugatti Service Bulletin 4136290004–25–05, dated April 2005, or Messier-Bugatti Service Bulletin 4136290005–25–02, dated April 2005; and Sogerma-Services Service Bulletin TAAI1–25–617, dated February 1, 2005; as applicable; to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Sogerma-Services, Z.I. de l'Arsenal—BP 109—17303 Rochefort Cedex, France; and Messier-Bugatti, 45 Avenue Victor Hugo—Bat. 227—93538 Aubervilliers, France, for a copy of this service information. You may review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Room PL–401, Nassif Building, Washington, DC; on the Internet at *http://dms.dot.gov*; or at the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Issued in Renton, Washington, on October 11, 2006.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–17662 Filed 10–27–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30519 Amdt. No. 3190]

Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and/or Weather Takeoff Minimums for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective October 30, 2006. The compliance date for each SIAP and/or Weather Takeoff Minimums is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 30, 2006.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

For Purchase—Individual SIAP and Weather Takeoff Minimums copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs and Weather Takeoff Minimums mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), establishes, amends, suspends, or revokes SIAPs and/or Weather Takeoff Minimums. The complete regulatory description of each SIAP and/or Weather Takeoff Minimums is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, 8260–5 and 8260–15A. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs and/or Weather Takeoff Minimums, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs and/or Weather Takeoff Minimums but refer to their depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP and/or Weather Takeoff Minimums contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR sections, with the types and effective dates of the SIAPs and/or Weather Takeoff Minimums. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and/or Weather Takeoff Minimums as contained in the transmittal. Some SIAP and/or Weather Takeoff Minimums amendments may have been previously issued by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP, and/or Weather Takeoff Minimums amendments may require making them effective in less than 30 days. For the remaining SIAPs and/or Weather Takeoff Minimums, an effective date at least 30 days after publication is provided.

Further, the SIAPs and/or Weather Takeoff Minimums contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and/or Weather Takeoff Minimums, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and/or Weather Takeoff Minimums and safety in air commerce, I find that notice and public procedure before adopting these SIAPs and/or Weather Takeoff Minimums are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs and/or Weather Takeoff Minimums effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, and Navigation (air).

Issued in Washington, DC, on October 20, 2006.

James J. Ballough,

Director, Flight Standards Service.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me, under Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures and Weather Takeoff Minimums effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

** * * Effective 23 November 2006*

Camarillo, CA, Camarillo, RNAV (GPS) RWY 8, Orig
Camarillo, CA, Camarillo, GPS RWY 8, Orig, CANCELLED
Camarillo, CA, Camarillo, RNAV (GPS) Y RWY 26, Orig
Camarillo, CA, Camarillo, RNAV (GPS) Z RWY 26, Orig
Camarillo, CA, Camarillo, GPS RWY 26, Orig, CANCELLED
Willmar, MN, Willmar Muni VOR RWY 13, Orig
Willmar, MN, Willmar Muni, VOR RWY 31, Orig
Willmar, MN, Willmar Muni, Takeoff Minimums & Textual DPs, Orig
Willmar, MN, Willmar Muni-John L Rice Field, GPS RWY 10, Amdt 1, CANCELLED
Willmar, MN, Willmar Muni-John L Rice Field, LOC RWY 28, Amdt 1, CANCELLED
Willmar, MN, Willmar Muni-John L Rice Field, VOR RWY 10, Amdt 2, CANCELLED

Willmar, MN, Willmar Muni-John L Rice Field, VOR OR GPS RWY 28, Amdt 2, CANCELLED
Willmar, MN, Willmar Muni-John L Rice Field, Takeoff Minimums & Textual DPs, Amdt 5, CANCELLED
Portsmouth, NH, Pease Intl Tradeport, ILS OR LOC RWY 16, Amdt 1
Portsmouth, NH, Pease Intl Tradeport, ILS OR LOC RWY 34, Amdt 2
Portsmouth, NH, Pease Intl Tradeport, RNAV (GPS) RWY 16, Amdt 1
Portsmouth, NH, Pease Intl Tradeport, RNAV (GPS) RWY 34, Orig
Socorro, NM, Socorro Muni, NDB–B, Orig-A, CANCELLED
Idabel, OK, McCurtain County Regional, NDB–A, Orig, CANCELLED
Nashville, TN, John C. Tune, RNAV (GPS) RWY 2, Orig
Nashville, TN, John C. Tune, RNAV (GPS) RWY 20, Orig
Nashville, TN, John C. Tune, GPS RWY 20, Orig, CANCELLED

Effective 21 December 2006

Kalispell, MT, Glacier Park Intl, RNAV (GPS) RWY 2, Amdt 1A

Effective 18 January 2007

Kokhanok, AK, Kokhanok, RNAV (GPS) RWY 6, Orig
Kokhanok, AK, Kokhanok, RNAV (GPS) RWY 24, Orig
Kokhanok, AK, Kokhanok, Takeoff Minimums & Textual DPs, Orig

The FAA published an Amendment in Docket No. 30513, Amdt No. 3184 to Part 97 of the Federal Aviation Regulations (Vol 71, FR. No. 179, Page 54404; dated September 15, 2006) under section 97. 27, effective 23 November 2006, published in TL 06–21 are hereby RESCINDED as follows:

Saratoga, WY, Shively Field, NDB–A, Amdt 1
Saratoga, WY, Shively Field, RNAV (GPS)–B, Orig

[FR Doc. E6–18084 Filed 10–27–06; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 358

Docket No. 060602144–6270–02
RIN 0625–AA71

Procedures for Importation of Supplies for Use in Emergency Relief Work

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: The Department of Commerce (''the Department'') hereby establishes procedures for importation of supplies for use in emergency relief work free of antidumping and countervailing duties, as authorized under section 318(a) of the Tariff Act of 1930, as amended (''the Act'') (19 U.S.C. 1318(a)). Such supplies would be for use in emergency relief work related to an emergency declared by the President.

DATES: This rule is effective November 29, 2006.

FOR FURTHER INFORMATION CONTACT: Stacy J. Ettinger, Office of the Chief Counsel for Import Administration, room 3622, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC, 20230; telephone: 202–482–4618.

SUPPLEMENTARY INFORMATION:

Background

Section 318(a) of the Act (19 U.S.C. 1318(a)) gives the Secretary of the Treasury authority, on a temporary basis, to respond immediately where the President declares the existence of an emergency. Specifically, the Secretary may ''permit ... the importation free of duty of ... supplies for use in emergency relief work.'' This authority, insofar as it encompasses antidumping and countervailing duties, was delegated to the Secretary of Commerce in 1979, pursuant to Reorg. Plan No. 3 of 1979.[1] Consistent with the Reorg. Plan, we have promulgated this rule in consultation with the Department of Treasury and the Department of Homeland Security. The rule establishes procedures for importation of supplies for use in emergency relief work free of antidumping and countervailing duties, as authorized under section 318(a) of the Act.

Discussion of Comments

On June 22, 2006, the Department published a proposed rule and request for public comment concerning procedures for importation of supplies for use in emergency relief work free of antidumping and countervailing duties, as authorized under section 318(a) of the Act (71 FR 35846, June 22, 2006). In finalizing these procedures, the Department carefully considered each of the comments it received. The following is an explanation of the provisions of the rule, as well as a summary of the comments received and the Department's responses to those comments.

Section 358.101

Section 358.101 sets forth the scope of Part 358, procedures for importation of supplies for use in emergency relief work free of antidumping and countervailing duties, as authorized under section 318(a) of the Act.

Several commenters expressed support for the establishment of procedures for importation of supplies for use in emergency relief work free of antidumping and countervailing duties. The commenters argued that the temporary suspension of antidumping and countervailing duties during an emergency could provide needed relief after natural disasters and would have a positive impact on emergency relief and reconstruction efforts by reducing costs and ensuring availability of building and other emergency relief supplies. Other commenters argued that there is no need for such a rule or that there have been no circumstances where antidumping or countervailing duties have been shown to affect or delay the importation of emergency supplies. One commenter argued that the rule would exacerbate the previously demonstrated injury to the domestic industry by permitting an additional influx of unfairly traded goods.

The Department is committed to strong enforcement of U.S. trade laws and will do everything within the parameters prescribed by Congress to ensure that domestic industries obtain effective relief from dumped and subsidized imports. Congress also, however, has authorized the Secretary to permit the importation of supplies for use in relief work free of antidumping and countervailing duties during a declared emergency. This rule establishes the procedures for importation of such supplies as authorized by Congress and is intended to facilitate access to needed resources in the event of a natural disaster or other emergency. Any waiver of antidumping and countervailing duties would be both temporary and limited to supplies for use in emergency relief work related to the emergency declared by the President. The Department does not believe that such temporary limited waivers will exacerbate injury to the domestic industry. Nevertheless, we recognize that we have no experience with the new waiver mechanism and that it is possible that the application of the waiver mechanism could have unintended consequences with regard to the protection afforded to U.S. industries found to be injured by dumped and/or subsidized imports. Therefore, we have added section 358.104, which provides that the

[1] All functions of the Secretary of Treasury under this provision, with respect to the antidumping and countervailing duty functions, were transferred to Commerce pursuant to Reorg. Plan No. 3 of 1979, to be exercised in consultation with the Secretary of the Treasury. Reorg. Plan No. 3 is set out as notes under 19 U.S.C.A. 2171. Authority under section 318 of the Act was transferred to Commerce under section 5(a)(1)(E) of the Reorg. Plan.

Secretary will review and issue a report on the first five years of the operation of the waiver mechanism. The report will consider the impact of the application of the waiver mechanism on U.S. parties injured by dumped and/or subsidized imports.

Several commenters argued that the Department has no legal authority to promulgate a rule allowing for temporary waiver of antidumping and countervailing duties because Title VII of the Act does not provide such authority and/or the waiver authority under section 318(a) of the Act does not explicitly reference or encompass antidumping or countervailing duties. We do not agree with the commenters' assertions. The Department's authority to promulgate this rule arises under section 318(a) of the Act. Specifically, section 318(a) gives the Secretary of the Treasury authority, on a temporary basis, to respond immediately where the President declares the existence of an emergency. Under these circumstances, the Secretary may permit the importation free of duty of supplies for use in emergency relief work. Insofar as it encompasses antidumping and countervailing duties, this authority was explicitly delegated to the Secretary of Commerce in 1979, pursuant to section 5(a)(1)(E) of Reorg. Plan No. 3 of 1979. Regardless of whether Title VII of the Act permits temporary waiver of antidumping and countervailing duties, such waiver authority is specifically and explicitly contemplated under section 318(a) of the Act.

One commenter argued that, based on certain language in Reorg. Plan No. 3, any rule regarding the application of section 318 of the Act must be ''jointly promulgated'' between the Department and the Department of Homeland Security (''DHS''). The Department disagrees with the commenter's interpretation of Reorg. Plan No. 3. Nothing in section 318(a) or in Reorg. Plan No. 3 requires that this rule be ''jointly promulgated'' with DHS or any other agency. Rather, section 5(a)(1)(E) of the Reorg. Plan provides that all functions of the Secretary of Treasury under section 318(a) of the Act[2] with respect to antidumping and countervailing duties, were transferred to the Secretary of Commerce ''to be exercised in consultation with the Secretary of the Treasury.'' In the course of promulgating this rule, the Department has, in fact, consulted with Treasury, as well as with the Bureau of Customs and Border Protection (''CBP'') and DHS. These interagency consultations satisfy the requirements of Reorg. Plan No. 3.

One commenter suggested that there was no need for the rule because there are other emergency powers already available to the President and the federal government. The commenter is correct that there are other emergency powers available to the President and other federal agencies. For example, in addition to the authorities delegated to the Secretary of Commerce pursuant to Reorg. Plan No. 3, section 318 of the Act contains provisions that provide relief from duties other than countervailing and antidumping duties and also from other measures affecting importations. Section 322 of the Act also provides for other emergency relief authority with regard to importations. We note that this rule (Part 358) is in no way intended to limit the emergency relief available through other provisions of the Act, or limit the authority of the Secretary of the Treasury, or those to whom that authority has been delegated, to grant emergency relief of duties or take any other measure necessary to respond to a emergency or other threat pursuant to sections 318, 322, or any other provisions of the Act. However, the fact that there are other available emergency powers does not vitiate the need for this rule. The Department has determined to promulgate this rule in order to prescribe the process by which the Department will exercise its authority under section 318(a) of the Act.

One commenter argued that the rule does not go far enough and that U.S. law should be amended to establish a ''no or short supply'' exception to the application of antidumping and countervailing duties in the form of either a public–interest test or a lesser–duty rule. Another commenter expressed concern that the rule could lead to an unnecessary short–supply provision and create a loophole benefitting its Brazilian orange juice competitors. One commenter proposed that the Department clarify that the rule does not apply to Mexican cement.

This rule serves the limited function of establishing procedures for importation of supplies for use in emergency relief work free of antidumping and countervailing duties, in the context of and related to an emergency declared by the President. The rule does not limit the definition of supplies for use in emergency relief work to products for which there is insufficient U.S. production. In other words, the rule is not a so–called ''short–supply'' provision. The rule also does not exempt specific products (such as orange juice or cement) from consideration as supplies for use in emergency relief work for the reason that what supplies might be needed for use in emergency relief work will depend on the circumstances of a specific declared emergency and the particular needs of persons affected by that emergency.

Section 358.102

Section 358.102 sets forth the definition of terms that are used in Part 358. With respect to the definition of ''supplies for use in emergency relief work,'' some commenters proposed that emergency relief work be broadly defined and that the rule clarify that eligible supplies include, for example, supplies for repairs or reconstruction work made necessary by the emergency. Other commenters argued that the definition of ''supplies for use in emergency relief work'' is broader than the definition authorized by Congress. These commenters argued that section 318(a) of the Act limits supplies for use in emergency relief work to humanitarian goods provided on a short–term basis, specifically food, clothing, and medical and surgical supplies. The commenters proposed that the rule be redrafted to reflect this limited definition.

The Department's proposed definition of ''supplies for use in emergency relief work'' was intended to reflect the statutory authority to permit the duty–free importation of supplies for use in emergency relief work. However, some commenters found the proposed definition too limited, while others found the proposed definition too broad. Given the mixed reaction to the proposed definition, the Department has modified the definition of ''supplies for use in emergency relief work.'' The definition will now track the language of section 318(a) of the Act. The Department does not agree with commenters' assertions that the statute ''limits'' supplies for use in emergency relief work to humanitarian goods provided on a short–term basis such as food, clothing, medical and surgical supplies. The statute also permits duty waiver for ''other supplies for use in emergency relief work.'' As a general proposition, identification of needed supplies will be dependent on the circumstances of an actual declared emergency. While clothing and medical supplies might be needed for emergency relief work in certain circumstances, there may be other circumstances where supplies related to repair or reconstruction work are equally or more needed.

[2] In 2002, Pub.L. 107-210, section 342(1), designated the former text of section 318 of the Act as subsection (a) of section 318 of the Act. Section 342(2) of Pub.L. 107-210 added new subsection (b) to section 318 of the Act.

Section 358.103

Section 358.103 sets forth the procedures for importation of supplies for use in emergency relief work free of antidumping and countervailing duties.

Where the President, acting under section 318 of the Act, authorizes the Secretary to permit the importation of supplies for use in emergency relief work, the Secretary will consider a request for importation free of antidumping and countervailing duties under the conditions set forth in paragraph (a). Paragraph (a)(1) requires that a request be in writing, identifies persons that may submit a request, indicates the number of copies required for filing, and states that a request must be filed with the Department's Central Records Unit. Paragraph (a)(2) identifies the information required to be provided in a request.

Two commenters proposed that the rule set time limits for submission of waiver requests, *e.g.*, within 60 days after the date of declaration of the emergency and for the entry of merchandise, *e.g.*, within 60 days after the date the waiver request is granted. The Department has not adopted a time limit for submission of waiver requests as suggested by the commenters. After declaring an emergency, and acting under section 318 of the Act, the President can authorize the Secretary to permit importation of supplies for use in emergency relief work free of antidumping and countervailing duties. Opportunity to request, and the Secretary's determination to permit such importations are appropriate throughout the continuance of the declared emergency. A 60-day time limit on requests for importation of emergency relief supplies would frustrate the utility of the waiver mechanism by not allowing for differing circumstances or the duration of an actual emergency.

The Department does, however, see merit in setting a deadline for entry of relief supplies once the Secretary has made a determination to permit such entry. A limited entry period is consistent with the entry–specific nature of a determination by the Secretary to waive duties, as well as the temporary duration of a declared emergency. Therefore, with one modification, the Department has adopted the 60-day time frame proposed by the commenters. Specifically, we have modified the proposal to allow a flexible approach to specific situations in which entry of duty–waiver merchandise will not occur within the 60-day time frame. This might occur, for example, where three shipments of duty–waiver merchandise are scheduled to enter the United States over a three month period, *i.e.*, one shipment per month. This flexible approach is reflected in our use of the word ''normally'' in new paragraph (c) of section 358.103, which provides that duty–waiver merchandise must enter the United States *normally* within 60 days after the date on which the Secretary notifies the person who submitted the request or the merchandise will be subject to antidumping and/or countervailing duties, as applicable.

One commenter proposed that, given the changing needs and conditions during an emergency, the Department should include some flexibility in the information requirements set forth in paragraph (a)(2). The commenter also suggested that the Department should ensure that the paperwork required not frustrate the utility of this mechanism at a time of dire need. The Department acknowledges that changing needs and conditions during an emergency might affect a requester's ability to provide all the information required for a waiver request at the time the request is submitted. However, the Department will need to have sufficient information to make a decision on a waiver request. The Department does not consider that the information requirements set forth in paragraph (a)(2) are particularly onerous, but welcomes any comments on reporting burdens associated with the information required for a waiver request.

Other commenters proposed additional information requirements such as specification of the intended emergency use, identification of the U.S. customer, identification of the emergency relief–related project, and/or designation of the geographical limits for use of the merchandise. Two commenters argued that price, included in the list of required information, is not an appropriate element of any analysis of potential waiver because any price effects resulting from the emergency would similarly affect both fairly and unfairly traded goods. One commenter suggested that required information include a demonstration that the merchandise for which duty–free importation is requested be in short supply.

As discussed above, this rule is not a short supply provision, and duty waiver on emergency relief supplies is not dependent on whether there is insufficient U.S. production. For this reason, the Department has not adopted the suggestion that information required under paragraph (a)(2) include a demonstration that there is insufficient U.S. production of the merchandise for which duty–free importation is requested. The Department has adopted, however, the essence of certain other suggestions regarding required information. In particular, the Department believes that identification of the person for whose account the merchandise will be brought into the United States, as well as designation of the geographical location at which the merchandise will be used, are useful pieces of information. We have modified paragraph (a)(2) to reflect these additions. Paragraph (a)(2) already provides for identification of the use to be made of the merchandise and, for this reason, we have not adopted the suggestion to include identification of the emergency relief–related project. Moreover, the term ''emergency relief–related project'' proposed by the commenter implies a formal, government–sponsored or -countenanced emergency relief project, which is not a limitation prescribed in this rule or in the statute. We also have not adopted the suggestion that price be excluded from the list of required information. The commenters assume that analysis of price effects is a factor in waiver requests. No such assumption is warranted. Price information may be relevant in subsequent administrative or new shipper reviews, for example, for purposes of both checking the completeness of respondents' reporting and providing an indication as to whether the merchandise was donated or sold.

Paragraph (b) provides that, if the Secretary determines to permit importation of particular merchandise free of antidumping and countervailing duties, the Secretary will notify the person who submitted the request and instruct CBP to allow entry of the merchandise without regard to antidumping and countervailing duties.

One commenter proposed that the Secretary allow importation of merchandise free of antidumping and countervailing duties only where necessary to meet an important need in emergency relief efforts, to address short–term immediate humanitarian needs, where short–term need cannot adequately be met through fairly traded merchandise, and in circumstances not likely to have any significant impact on the effectiveness of existing antidumping and countervailing duty orders or result in injury to a domestic industry. Another commenter proposed that importation of merchandise free of antidumping and countervailing duties should only be allowed where fairly traded merchandise cannot meet the short–term need. Other commenters

proposed that the rule only allow for waiver of antidumping and countervailing duties on merchandise considered necessary for relief by the Federal Emergency Management Agency (''FEMA''). One commenter also suggested that the Department require that supplies for use in emergency relief work be donated, not sold.

We have not adopted these suggestions. This rule establishes the procedures for importation of supplies for use in relief work free of antidumping and countervailing duties during a declared emergency as authorized by Congress and is intended to facilitate access to needed resources in the event of a natural disaster or other emergency. What supplies might be needed for use in emergency relief work will depend on the circumstances of a specific declared emergency and the particular needs of persons affected by that emergency. While a FEMA list of needed emergency supplies, if created, could be instructive, the Department believes that it is appropriate for the Secretary to have maximum flexibility to review waiver requests in the context of a specific emergency and to make waiver determinations on an emergency–by-emergency basis. As discussed above, the Department does not believe that temporary limited waiver of antidumping and countervailing duties will exacerbate injury to the domestic industry. However, as set forth in new section 358.104, the Department will review the operation and impact of the waiver mechanism after five years. The Department also finds no reason to limit the definition of emergency relief supplies to only donated merchandise, as one commenter suggested, although the Secretary will consider whether the merchandise was donated or sold since that information is required to be included in a waiver request.

Certain commenters suggested that there should be specific and/or short time limits on temporary waivers of antidumping and countervailing duties to prevent inappropriate long–term use of such waivers. Other commenters suggested that a waiver specify the allowable geographic limits for use of the imported merchandise.

The Department agrees with these suggestions. To alleviate concerns about inappropriate long–term use of waivers, we have modified paragraph (b) to indicate that waiver of antidumping and countervailing duties on imports of merchandise for use in emergency relief work will be specific and limited to the merchandise explicitly identified in the waiver request. Pursuant to paragraph (a)(2), a waiver request must identify, *inter alia*, the quantity of the merchandise to be imported, the proposed date of entry, the destination of the merchandise, and the use to be made of the merchandise at the designated destination. In addition, as discussed above, we have added paragraph (c) to require that waiver merchandise enter the United States normally within 60 days after the date on which the Secretary grants a waiver request or such merchandise will be subject to antidumping and/or countervailing duties, as applicable.

Certain commenters proposed that the Department provide notice to, and an opportunity for, interested parties to comment on requests before the Secretary makes a determination to permit importation of particular merchandise for use in emergency relief work.

We have not adopted this proposal. The speed with which the Secretary may need to address requests for importation of emergency relief supplies will be dependent on the circumstances of an actual declared emergency. In certain situations, the Secretary may need to respond immediately and an opportunity for notice and comment could have a detrimental impact on persons in need of emergency relief supplies. The Department's regulations (19 CFR 351.104) already provide that the official record of each antidumping and countervailing duty proceeding will include material presented to the Secretary during the course of a proceeding, as well as determinations made by the Secretary, that pertain to the proceeding. As a result, requests for importation of emergency relief supplies and the Secretary's determination to permit importation, if any, will be included on the record of the relevant proceeding(s). In addition, we have added language to paragraph (b) stating that notification of a determination by the Secretary will be posted on our website.

Two commenters proposed that the Department be required to inform Congress about any application of the rule. The Department agrees that it is appropriate to inform Congress that it is establishing procedures for importation of supplies for use in emergency relief work free of antidumping and countervailing duties, as authorized by section 318(a) of the Act, and it will provide notice of this rulemaking upon publication. No changes to the rule are necessary.

Paragraph (d) indicates possible penalties where merchandise entered for use in emergency relief work is used in the United States for some other purpose. The merchandise may be subject to seizure or other penalty, including under section 592 of the Act (19 U.S.C. 1592). This paragraph had been numbered as paragraph (c) in the proposed rule.

One commenter proposed that, given the confused and unpredictable circumstances of a declared emergency, there should be a good–faith exception when merchandise is diverted away from the purpose identified in the initial request. The commenter suggested that financial penalties be limited to instances of bad–faith misuse of the duty–waiver mechanism. Other commenters proposed that there be stronger safeguards and/or oversight to ensure proper use of emergency supplies and/or to check on appropriate use after the fact. Several commenters suggested that importers should be required to file entry–specific certifications that the merchandise is for emergency relief. Some commenters proposed that the importer be subject to penalties for improper use of goods. Other commenters argued that the proposed rule does not include sufficient safeguards to prevent abuse by importers.

The Department agrees with commenters that there is a need to ensure appropriate use of the duty–waiver mechanism and imported emergency relief supplies. For this reason, as set forth in paragraph (a)(2), a request for duty waiver must include, *inter alia*, a detailed description of the merchandise, state the quantity to be imported, identify a proposed date of entry, and indicate the destination of the merchandise. In response to comments, we also have added the requirements that the request identify the person for whose account the merchandise will be brought into the United States and the use to be made of the merchandise at the designated destination. As discussed above, the Secretary's determination to grant a duty–waiver request will be specific to the described merchandise and stated entry date, use, and destination. The Secretary's determination also will be made available in the public record of the relevant proceeding(s) and notification of the determination will appear on the Department's website. Any party with specific concerns about improper use of particular imports of emergency relief supplies should contact the Department about those specific concerns. Based on receipt of such comments and on its own authority, the Department may consider the need for penalties or other action if specific instances of misuse arise. Paragraph (d) provides maximum flexibility in this regard because it does

not limit the range of possible penalties for improper use.

The proposed rule clarified that merchandise entered for use in emergency relief work is subject to Department reporting requirements in antidumping and countervailing duty administrative reviews, but that such merchandise will be excluded from the calculation of assessment and cash deposit rates. In the final rule, these two provisions are set forth in paragraphs (e) and (f)(1), respectively. In addition, in paragraph (e) we have added a reference to new shipper reviews to clarify that duty–waiver merchandise also is subject to Department reporting requirements in new shipper reviews.

One commenter argued that subjecting merchandise entered for use in emergency relief work to Department reporting requirements in antidumping and countervailing duty reviews creates a burden of unnecessary reporting and recordkeeping in an emergency situation. The Department disagrees with the commenter's assertion. We expect that the data with respect to merchandise entered for use in emergency relief work already would be recorded in a producer's books as a matter of normal recordkeeping. With respect to duty–waiver merchandise, respondents would need to report only the data necessary to allow the Department to identify and account for the emergency relief transactions. In addition, the time period of the emergency and the period during which the relevant review (*i.e.*, the review related to the period during which the duty–waiver merchandise was sold or donated in the United States) is conducted are not likely to be contemporaneous. Finally, the foreign producer responding to the Department's questionnaire in an administrative or new shipper review, and that producer's bookkeeping activities, are unlikely to have been directly affected by an emergency within the United States.

Certain commenters suggested that the rule clarify that duty–waiver merchandise does not count towards ''commercial quantities'' requirements in certain types of antidumping and countervailing duty proceedings. The commenter also suggested that the rule clarify the effect on suspension agreements and the effect on yearly quotas. We agree that we should clarify the treatment of merchandise entered for use in emergency relief work in certain other types of antidumping and countervailing duty proceedings and circumstances. Therefore, we have added paragraph (f) to section 351.103 to provide such clarification.

Paragraph (f)(1) clarifies that merchandise entered for use in emergency relief work will be excluded from the calculation of assessment and cash deposit rates in an administrative or new shipper review. Previously, this clarification was reflected in paragraph (d) of the proposed rule, although paragraph (f)(1) is modified to add a reference to new shipper reviews and a cross reference to the applicable statutory provision governing administrative and new shipper reviews. The remaining substance of paragraph (d) of the proposed rule is now reflected in paragraph (e) of the final rule, which provides that merchandise entered for use in emergency relief work is subject to Department reporting requirements in antidumping and countervailing duty administrative and new shipper reviews.

Paragraph (f)(2) is new and clarifies that merchandise entered for use in emergency relief work will not count for purposes of any of the ''commercial quantities'' requirements set forth in 19 CFR 351.222. Paragraph (f)(3) also is new and clarifies that such merchandise also will not count for purposes of the quantity allowed by, or revised price requirements established pursuant to, a suspension agreement under section 704 or section 734 of the Act.

Classification

E.O. 12866

This rule has been determined to be not significant under E.O. 12866.

Paperwork Reduction Act

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for a failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number. This rule involves collection–of-information requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35. The information collection requirements in 19 CFR Part 358 are approved by OMB and assigned OMB control number 0625–0256. The public reporting burden for this collection of information is estimated at 10 total burden hours. This time is an estimate of the time required to complete a waiver request, review instructions, search existing data sources, gather and maintain the data needed, and complete and review the collection of information.

E.O. 12612

This rule does not contain federalism implications warranting the preparation of a Federalism Assessment.

Regulatory Flexibility Act

The Chief Counsel for Regulation at the Department certified to the Chief Counsel for Advocacy, Small Business Administration that this rule would not have a significant economic impact on a substantial number of small entities. The factual basis of this certification was published in the proposed rule and is not repeated here. No comments were received on the economic impact of this rule. As a result, no Final Regulatory Flexibility Analysis was prepared.

List of Subjects in 19 CFR Part 358

Administrative practice and procedure, Antidumping duties, Business and industry, Countervailing duties, Emergency powers, Reporting and recordkeeping requirements.

Dated: October 20, 2006.

David M. Spooner,

Assistant Secretary for Import Administration.

■ For the reasons discussed in the preamble, the Department of Commerce adds 19 CFR Part 358 as follows:

PART 358—SUPPLIES FOR USE IN EMERGENCY RELIEF WORK

Sec.
358.101 Scope.
358.102 Definitions.
358.103 Importation of supplies.
358.104 Report.

Authority: 19 U.S.C. 1318(a).

§ 358.101 Scope.

This part sets forth the procedures for importation of supplies for use in emergency relief work free of antidumping and countervailing duties, as authorized under section 318(a) of the Act.

§ 358.102 Definitions.

For purposes of this part:

Act means the Tariff Act of 1930, as amended.

CBP means the Bureau of Customs and Border Protection of the United States Department of Homeland Security.

Department means the United States Department of Commerce.

Order means an order issued by the Secretary under section 303, section 706, or section 736 of the Act.

Secretary means the Secretary of Commerce or a designee.

Supplies for use in emergency relief work means food, clothing, and medical, surgical, and other supplies for use in emergency relief work.

§ 358.103 Importation of supplies.

(a) Where the President, acting under section 318 of the Act, authorizes the Secretary to permit the importation of supplies for use in emergency relief work free of antidumping and countervailing duties, the Secretary shall consider requests for such importation under the following conditions:

(1) Before importation, a written request shall be submitted to the Secretary by the person in charge of sending the subject merchandise from the foreign country or by the person for whose account it will be brought into the United States. Three copies of the request should be submitted to the Secretary of Commerce, Attention: Import Administration, Central Records Unit, Room 1870, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230.

(2) The request shall state the Department antidumping and/or countervailing duty order case number, the producer of the merchandise, a detailed description of the merchandise, the current HTS number, the price in the United States, the quantity, the proposed date of entry, the proposed port of entry, the mode of transport, the person for whose account the merchandise will be brought into the United States, the destination, the use to be made of the merchandise at the designated destination, and any other information the person would like the Secretary to consider.

(b) If the Secretary determines to permit duty–free importation of particular merchandise for use in emergency relief work, the Secretary will notify the person who submitted the request, instruct CBP to allow entry of the merchandise identified in the request submitted under paragraph (a) without regard to antidumping and countervailing duties, and post notification of the determination on the Department's website.

(c) Any subject merchandise entered under paragraph (b) of this section must enter the United States normally within 60 days after the date on which the Secretary notifies the person who submitted the request or the merchandise will be subject to antidumping and/or countervailing duties, as applicable.

(d) Any subject merchandise entered under paragraph (b) of this section which is used in the United States other than for a purpose contemplated for it by section 318(a) of the Act may be subject to seizure or other penalty, including under section 592 of the Act.

(e) Any subject merchandise entered under paragraph (b) of this section is subject to the Department's reporting requirements in its conduct of an antidumping and/or countervailing duty administrative or new shipper review, as applicable.

(f) Any subject merchandise entered under paragraph (b) of this section will be excluded from:

(1) The calculation of assessment and cash deposit rates in an administrative or new shipper review under section 751(a) of the Act;

(2) ''Commercial quantities'' under 19 CFR 351.222; and

(3) The quantity allowed by, or revised price requirements established pursuant to, a suspension agreement under section 704 or section 734 of the Act, as applicable.

§ 358.104 Report.

The Secretary will review and issue a report on the first five years of the operation of Part 358. The report will consider the impact of determinations to permit importation of particular merchandise for use in emergency relief work under this Part, on U.S. parties injured by dumped and/or subsidized imports.

[FR Doc. E6–18193 Filed 10–27–06; 8:45 am]

BILLING CODE 3510–DS–S

INTER-AMERICAN FOUNDATION

22 CFR Parts 1002 and 1005

Change of Address and Other Agency Contact Information; Technical Amendments

AGENCY: Inter-American Foundation.

ACTION: Final rule; technical amendments.

SUMMARY: The Inter-American Foundation (IAF) is amending its regulations to reflect a change in the agency's address, as well as in the contact office for requesting access to agency records and the hours during which staff may be reached. This action is editorial in nature and is intended to increase the accuracy of the IAFs regulations.

DATES: *Effective Date:* October 30, 2006.

FOR FURTHER INFORMATION CONTACT: Rebecca Verreau, Office of the General Counsel, Inter-American Foundation, 901 N. Stuart St., 10th Floor, Arlington, VA 22203, *rverreau@iaf.gov* or 703–306–4301.

SUPPLEMENTARY INFORMATION:

I. Background

The IAF is amending its regulations to reflect a change in the agencys address. The amendments also reflect changes in the contact office for requesting access to agency records from the Administration and Finance Division to the Office of the General Counsel and an increase in the hours of availability of IAF staff to respond to such requests. Publication of this document constitutes final action on these changes under the Administrative Procedure Act (5 U.S.C. 553). Notice and public procedures are unnecessary because the IAF is correcting nonsubstantive errors only.

II. Rulemaking Analyses and Notices

Because the amendments made by this document relate to management, organization, and practice, prior notice and opportunity for comment are unnecessary under 5 U.S.C. 553(b)(3)(A). In addition, prior notice and opportunity for comment are unnecessary pursuant to 5 U.S.C. 553(b)(3)(B) because the process of amending and updating the sections is merely technical in nature and proposes no substantive changes to which public comment could be solicited.

This final rule is made effective upon publication in the **Federal Register.** The IAF finds that good cause exists for this final rule to be exempt from the 30-day delayed effective date requirement of 5 U.S.C. 553(d) because a delay in effective date is unnecessary and would not be in the public interest.

List of Subjects

22 CFR Part 1002

Administrative practice and procedure, Availability of agency records.

22 CFR Part 1005

Administrative practice and procedure, Prohibition of discrimination against persons with disabilities in IAF programs and activities.

■ Therefore, the IAF amends 22 CFR parts 1002 and 1005 as set forth below:

PART 1002—AVAILABILITY OF RECORDS

■ 1. The authority citation for part 1002 continues to read as follows:

Authority: 5 U.S.C. 552, and 31 U.S.C. 483(a).

§ 1002.3 [Amended]

■ 2. Section 1002.3 is amended by:

■ A. Removing ''10 a.m. and 4 p.m.'' and adding in its place ''9 a.m. and 5 p.m.''

■ B. By removing ''1515 Wilson Boulevard, Arlington, VA 22209'' and adding in its place ''901 N. Stuart St., 10th Floor, Arlington, VA 22203''.

■ C. By removing ''Director, Administration and Finance Division (A&F Director)'' and adding in its place ''General Counsel, Office of the General Counsel (General Counsel's Office)''.
■ D. By removing ''Office of A&F'' and adding in its place ''General Counsel's Office''.

§ 1002.4 [Amended]

■ 3. Section 1002.4 is amended in paragraph (a) by removing ''Director, Administration & Finance Division, Inter-American Foundation, Fifth Floor, 1515 Wilson Boulevard, Arlington, VA 22209'' and adding in its place ''General Counsel, Inter-American Foundation, 901 N. Stuart St., 10th Floor, Arlington, VA 22203''.

§ 1002.5 [Amended]

■ 4. Section 1002.5 introductory text is amended by removing ''Administration and Finance Division'' and adding in its place ''General Counsel's Office''.

§ 1002.7 [Amended]

■ 5. Section 1002.7 is amended in paragraph (a) by removing ''A&F Director'' and adding in its place ''General Counsel''.

PART 1005—ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE INTER-AMERICAN FOUNDATION

■ 6. The authority citation for part 1005 continues to read as follows:

Authority: 29 U.S.C. 794.

§ 1005.170 [Amended]

■ 7. Section 1005.170(c) is amended by removing ''1515 Wilson Boulevard, Rosslyn, Virginia 22209'' and adding in its place ''901 N. Stuart St., 10th Floor, Arlington, VA 22203''.

Dated: October 13, 2006.

Jennifer R. Hodges,

General Counsel.

[FR Doc. E6–18074 Filed 10–27–06; 8:45 am]

BILLING CODE 7025–01–P

INTER-AMERICAN FOUNDATION

22 CFR Part 1004

Rules for Implementing Open Meetings Within the Inter-American Foundation

AGENCY: Inter-American Foundation.

ACTION: Final rule; clarifying amendments.

SUMMARY: The Inter-American Foundation (IAF) is re-issuing and updating its rules for implementing open meetings, in accordance with 5 U.S.C. 552b. This rule promotes public understanding of the decisionmaking processes of the IAF, while protecting the rights of individuals and the ability of the agency to carry out its responsibilities. This action is technical and procedural in nature and is intended to provide accuracy and clarity to the agency's existing regulations.

DATES: *Effective Date:* October 30, 2006.

FOR FURTHER INFORMATION CONTACT: Rebecca Verreau, Office of the General Counsel, 901 N. Stuart St., 10th Floor, Arlington, VA 22203, *rverreau@iaf.gov* or (703) 306–4301.

SUPPLEMENTARY INFORMATION:

I. Background

The Inter-American Foundation (IAF) is updating its rules for implementing open meetings, in accordance with 5 U.S.C. 552b. This final rule amends and updates existing IAF regulations in conformance with 5 U.S.C. 552b.

II. Rulemaking Analyses and Notices

Because the amendments made by this document relate to management, organization, procedure, and practice, prior notice and opportunity for comment are unnecessary under 5 U.S.C. 553(b)(3)(A). In addition, prior notice and opportunity for comment are unnecessary pursuant to 5 U.S.C. 553(b)(3)(B) because the process of amending and updating the sections is merely technical and procedural in nature and proposes no substantive changes to which public comment could be solicited.

This final rule is made effective upon publication in the **Federal Register**. The IAF finds that good cause exists for this final rule to be exempt from the 30-day delayed effective date requirement of 5 U.S.C. 553(d) because a delay in effective date is unnecessary and would not be in the public interest.

III. Statutory and Executive Order Reviews

A. Executive Order 12866 (Regulatory Planning and Review)

The IAF has determined this action does not meet the criteria for a ''significant regulatory action'' as specified in Executive Order 12866. Therefore, this rule has not been reviewed by the Office of Management and Budget (OMB). We anticipate the economic impact of this rulemaking will be so minimal that a full regulatory evaluation is unnecessary.

B. Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement and Fairness Act (Pub. L. 104–121), we have evaluated the effects of this rule on small entities. Based on this evaluation, the IAF hereby certifies this action will not have a significant economic impact on a substantial number of small entities. No substantive changes are being made to the regulations that would affect small entities.

C. Unfunded Mandates Reform Act of 1995

The IAF has determined that the requirements of Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4; 2 U.S.C. 1532) do not apply to this rulemaking.

D. Executive Order 12372 (Intergovernmental Review)

The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this rulemaking.

E. Executive Order 13132 (Federalism Assessment)

The IAF has analyzed this action in accordance with the principles and criteria contained in Executive Order 13132 published at 64 FR 43255 (Aug. 10, 1999). The regulations amended and updated by the IAF herein do not preempt State authority or jurisdiction, or establish any conflicts with existing State roles. The IAF has therefore determined this rule does not have sufficient federalism implications to warrant the preparation of a federalism assessment.

F. Executive Order 12630 (Taking of Private Property)

This rule will not effect a taking of private property or otherwise have takings implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

G. Executive Order 12988 (Civil Justice Reform)

This action meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

H. Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35)

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of

information they conduct, sponsor, or require through regulations. This rule contains no collection of information requirements and was not reviewed by OMB.

I. National Environmental Policy Act

The IAF has analyzed this rule under the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*) and determined that this rule has no environmental effects because it amends and updates regulations that are technical, editorial or procedural in nature and is therefore excluded further environmental documentation. In addition, the agency finds this action includes no extraordinary circumstances that would have any effect on the quality of the environment. Thus, the action does not require an environmental assessment or environmental impact statement.

List of Subjects in 22 CFR Part 1004

Government in the Sunshine Act.

■ Accordingly, 22 CFR part 1004 is revised to read as follows:

PART 1004—RULES FOR IMPLEMENTING OPEN MEETINGS WITHIN THE INTER-AMERICAN FOUNDATION

Sec.

1004.1 General policies.
1004.2 Definitions.
1004.3 Requirement of open meetings.
1004.4 Grounds on which meetings may be closed.
1004.5 Procedures for announcing meetings.
1004.6 Procedures for closing meetings.
1004.7 Reconsideration of opening or closing of meeting.
1004.8 Transcripts, recording of closed meeting.

Authority: 5 U.S.C. 552b.

§ 1004.1 General policies.

The Inter-American Foundation (IAF) will, in accordance with the Government in the Sunshine Act, 5 U.S.C. 552b, provide the public with the fullest practical information regarding its decisionmaking processes while protecting the rights of individuals and its ability to carry out its responsibilities.

§ 1004.2 Definitions.

The following definitions apply:

(a) *Agency* includes any executive department, military department, government corporation, government controlled corporation other establishment in the executive branch of the government (including the Executive Office of the President) or any independent regulatory agency, and is headed by a collegial body composed of two or more individual members, a majority of whom are appointed to such position by the President with the advice and consent of the Senate, and any subdivision thereof authorized to act on behalf of the agency. The Inter-American Foundation is a government corporation headed by a nine-member Board of Directors, all of whom are appointed by the President with the advice and consent of the Senate, and is therefore an ''agency'' under these terms.

(b) *Meeting* means the deliberation of this Board of Directors where such deliberation determines or results in the joint conduct or disposition of official IAF business, but does not include deliberations required or permitted by subsection 1004.6 or 1004.7.

(c) *Member* means an individual who belongs to the IAF Board of Directors.

(d) *Public Observation* means attendance at any meeting but does not include participation, or attempted participation, in such meeting in any matter.

§ 1004.3 Requirement of open meetings.

Members shall not jointly conduct or dispose of agency business other than in accordance with this section. Except as provided in § 1004.4 every portion of every meeting of the agency shall be open to public observation.

§ 1004.4 Grounds on which meetings may be closed.

The IAF shall open every portion of every meeting of the agency for public observation. Except in a case where the agency finds that the public interest requires otherwise, this requirement does not apply where the agency determines that such portion or portions of its meeting or the disclosure of such information is likely to:

(a) Disclose matters that are:

(1) Specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy, and

(2) In fact, properly classified pursuant to such Executive order;

(b) Relate solely to the internal personnel rules and practice of the agency;

(c) Disclose matters specifically exempted from disclosure by statute, provided that such statute:

(1) Requires that the matters be withheld from the public in such manner as to have no discretion on the issue, or

(2) Establishes practical criteria for withholding or refers to particular types of matters to be withheld;

(d) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(e) Involve accusing any person of a crime, or formally censuring any person;

(f) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(g) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would:

(1) Interfere with enforcement proceedings,

(2) Deprive a person of a right to a fair trial of an impartial adjudication,

(3) Constitute an unwarranted invasion of personal privacy,

(4) Disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source,

(5) Disclose investigative techniques and procedures, or

(6) Endanger the life or physical safety of law enforcement personnel;

(h) Disclose information contained in or related to examination, operating or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(i) Disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action. This shall not apply in any instance where the IAF has already disclosed to the public the content or nature of its proposed action or where the IAF is required by law to make such disclosure of its own initiative prior to taking final IAF action on such proposal;

(j) Specifically concern the IAF's issuance of subpoena, or the IAF's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the IAF of a particular case of formal agency adjudication pursuant to the procedures in section 554 of this title or otherwise involving a determination on the record after opportunity for a hearing.

Note to § 1004.4: The requirements of §§ 1004.5 and 1004.6 shall not apply to any information pertaining to those meetings exempted under this section.

§ 1004.5 Procedures for announcing meetings.

(a) In the case of each meeting, the IAF shall make public, at least one week before the meeting, of the time, place and subject matter of the meeting, whether it is to be open or closed to the public, and the name and phone number of the official designated by the IAF to respond to requests for information about the meeting. Such announcement shall be made unless a majority of the Board of Directors of the IAF determines by a recorded vote that the IAF requires that such a meeting be called at an earlier date, in which case the IAF shall make public announcement of the time, place and subject matter of such meeting and whether open or closed to the public, at the earliest practical time.

(b) Immediately following the public announcement, the IAF will submit notice for publication in the **Federal Register**.

(c) The IAF shall also make public the announcement by other reasonable means, accessible to the public.

§ 1004.6 Procedures for closing meetings.

(a) The closing of a meeting or a portion of a meeting shall occur only when:

(1) A majority of the membership of the IAF Board votes to take such action. That vote shall determine whether or not any portion or portions of a meeting or portions of a series of meetings may be closed to public observation for any of the reasons provided in § 1004.4 and whether or not the public interest nevertheless requires that portion of the meeting or meetings remain open. A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, or with respect to any information concerning such series of meetings, so long as each meeting in such series involves the same particular matters and is scheduled to be held no more than thirty days after the initial meeting in such series. The vote of each Board member participating in such vote shall be recorded and no proxies shall be allowed.

(2) Whenever any person whose interests may be directly affected by a portion of a meeting requests that the IAF close such portion to the public for any of the reasons referred to in § 1004.4 the IAF, upon request of any one of its Board members, shall take a recorded vote, whether to close such portion of the meeting.

(b) Within one day of any vote taken pursuant to this Section, the IAF shall make publicly available a written copy of such vote reflecting the vote of each member on the question and full written explanation of its action closing the entire or portion of the meeting together with a list of persons expecting to attend the meeting and their affiliation.

(c) The IAF shall, subject to change, announce the time, place and subject matter of the meeting at least 7 days before the meeting.

(d) For every closed meeting pursuant to § 1004.4, the General Counsel of the IAF shall publicly certify prior to a Board of Directors' vote on closing the meeting, that, in his or her opinion, the meeting may be closed to the public and shall state each relevant exemptive provision. A copy of such certification, together with a statement from the presiding officer of the meeting setting forth the time and place of the meeting, and the persons present, shall be retained by the IAF.

§ 1004.7 Reconsideration of opening or closing of meeting.

The time or place of a Board meeting may be changed, without vote, following public announcement. The IAF will announce any such change at the earliest practicable time. The subject matter of a meeting, or the determination of the agency to open or close a meeting, or portion of a meeting, to the public, may be changed only if a majority of the Board of Directors determines by a recorded vote that IAF business so requires and that no earlier announcement of the change was possible, and the IAF publicly announces such change and the vote of each member upon such change at the earliest practicable time.

§ 1004.8 Transcripts, recording of closed meetings.

(a) The IAF shall maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting, or portion of a meeting, closed to the public, except that in the case of a meeting, or portion of a meeting, closed to the public pursuant to paragraph (d), (h), or (j) of § 1004.4, the IAF shall maintain either such a transcript or recording, or a set of minutes. Such records shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken, and the reasons therefore, including a description of each of the views expressed on any item and the record of any roll call vote (reflecting the vote of each member on the question). All documents considered in connection with any action shall be identified in such records.

(b) The IAF, after review by the General Counsel shall make promptly available to the public, in a place easily accessible to the public, the transcript or electronic recording or minutes of the discussion of any time on the agenda, or any item of the testimony of any witness received at the Board meeting, except for such item or items of such discussion or testimony as the IAF determines to contain information which may be withheld under § 1004.4. Copies of such transcript, or a transcription of such recording disclosing the identity of each speaker, shall be furnished to any person at the actual cost of duplication or transcription. The IAF shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes or a complete electronic recording of each meeting, or portion of a meeting, closed to the public, for a period of at least two years after such meeting, or until one year after the conclusion or any IAF proceedings with respect to which the meeting or portion was held, whichever occurs later.

Dated: October 13, 2006.

Jennifer R. Hodges,

General Counsel.

[FR Doc. E6–18073 Filed 10–27–06; 8:45 am]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H054A]

RIN 1218–AB45

Occupational Exposure to Hexavalent Chromium

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Final rule.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is making a minor amendment to its final rule governing occupational exposure to hexavalent chromium in general industry, which was promulgated on February 28, 2006. This amendment implements a settlement agreement (Agreement) entered into among OSHA, the Surface Finishing Industry Council (SFIC), Public Citizen Health Research Group (HRG), and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (Steelworkers) on October 25, 2006, to resolve SFIC's legal challenge to the standard.

DATES: The amendment in this document will be effective November 29, 2006. Declarations of Party Status must be received by OSHA or postmarked on or before November 30, 2006.

ADDRESSES: In accordance with the instructions in Section IV of this notice, Declarations of Party Status must be submitted to Richard Fairfax, Director of Enforcement Programs, Occupational Safety and Health Administration, 200 Constitution Ave., NW., Room N3119, Washington, DC 20210; Fax: (202) 693–1681.

FOR FURTHER INFORMATION CONTACT: Richard Fairfax, Director of Enforcement Programs, Occupational Safety and Health Administration, 200 Constitution Ave., NW., Room N3119, Washington, DC 20210; telephone (202) 693–2190.

SUPPLEMENTARY INFORMATION:

I. Background

OSHA promulgated its final rule governing occupational exposure to hexavalent chromium (also written as chromium (VI) or Cr(VI)) in general industry (the standard) on February 28, 2006. *See* 71 FR 10100–385. The standard requires employers to use feasible engineering and work practice controls to reduce and maintain employee exposures to Cr(VI) at or below the permissible exposure limit (PEL) of 5 micrograms per cubic meter of air (5 μg/m^3), calculated as an 8-hour time-weighted average (TWA). If an employer can demonstrate that feasible engineering and work practice controls are not sufficient to reduce exposures to or below the PEL, it must use those controls to attain the lowest levels achievable and then provide affected employees with supplemental respiratory protection. 29 CFR 1910.1026(f). The standard also requires employers to provide respiratory protection for employees during periods when feasible engineering and work practice controls are being installed, during emergencies, and in certain other situations. 29 CFR 1910.1026(g)(1). Although employers have until May 31, 2010, to implement feasible engineering controls, they must begin to comply with respirator requirements by November 27, 2006 (for employers with 20 or more employees) and May 30, 2007 (for employers with 19 or fewer employees). 29 CFR 1910.1026(n).

SFIC, a trade association whose members are primarily surface- and metal-finishing (electroplating) job shops, filed a timely petition for review of the standard in the United States Court of Appeals for the Eleventh Circuit. SFIC's petition was consolidated with other petitions for review of the standard, including one filed jointly by HRG and the Steelworkers on behalf of workers affected by the standard, in the United States Court of Appeals for the Third Circuit.

SFIC, OSHA, HRG and the Steelworkers engaged in settlement negotiations to resolve SFIC's challenge to the standard. The negotiations resulted in OSHA, SFIC, HRG, and the Steelworkers agreeing to the settlement being attached to the standard as Appendix A. Eligible SFIC members and other metal- and surface-finishing job shop facilities may become parties to this Agreement by following the instructions in Section IV of this notice.

The Agreement creates an optional, alternative compliance timetable for metal- and surface-finishing operations at eligible worksites. Facilities that elect to participate must implement engineering controls on an expedited schedule (by December 31, 2008), but will have relief from certain respirator requirements in the interim. (See Section II below for a detailed summary of the Agreement.) This is not a material change to the substantive requirements of the standard, and therefore the amendment does not require a new finding of significant risk. *See Industrial Union Department, AFL–CIO* v. *American Petroleum Institute*, 448 U.S. 607 (1980). *See also* 71 FR at 10221–25. Moreover, this Agreement is conceptually consistent with findings OSHA made during the original rulemaking—namely that engineering controls are preferable to respiratory protection and that electroplating job shops will face unique economic feasibility issues in complying with the PEL of 5 μg/m^3 using either respirators *or* engineering controls.

In the preamble to the final standard, OSHA explained its longstanding preference for engineering and work practice controls over respiratory protection. The agency concluded that respirators do not ''provide the same degree of protection'' as other types of controls. 71 FR at 10335. OSHA stated that the ''use of respirators in the workplace presents a number of independent safety and health concerns.'' *Id.* Those concerns include the impairment of vision and communication, the physiological burdens associated with the weight of the respirator, and the increased breathing resistance experienced during respirator use. *Id.* OSHA also concluded that ''respirators are inherently less reliable than engineering and work practice controls'' insofar as the effectiveness of respirators depends on appropriate selection and fit, proper use, and proper maintenance—all conditions that ''can be difficult to attain, and are subject to human error.'' *Id.* In contrast, OSHA found that ''[e]ngineering controls are reliable, provide consistent levels of protection to a large number of workers, can be monitored, allow for predictable performance levels, and can efficiently remove a toxic substance from the workplace.'' 71 FR at 10345.

In its economic feasibility analysis, OSHA concluded that the record did not support a finding that the proposed PEL of 1 μg/m^3 was economically feasible for electroplating job shops. Based upon the evidence in the record, OSHA found that the cost of compliance with the proposed PEL of 1 μg/m^3 could jeopardize the competitive structure of the industry. Although OSHA ultimately concluded that the final PEL of 5 μg/m^3 *is* economically feasible for electroplating job shops, the agency also found that the cost of compliance will have a very significant adverse economic impact on this industry. 71 FR at 10301. OSHA considered whether permitting the use of respirators in lieu of engineering controls would alleviate any of the economic burden on this industry, but concluded that for these facilities ''respirator use would be almost as expensive as using engineering controls.'' 71 FR at 10310. *See also* 71 FR at 10301.

In light of the aforementioned findings, OSHA considers it reasonable to provide eligible facilities with the option of devoting their resources to implementing engineering controls on an expedited basis instead of to interim respirator requirements. OSHA believes that the Agreement and corresponding amendment to the standard will have the positive result of expediting the installation of engineering controls for a narrow group of employers with unique economic feasibility concerns. Although the Agreement will provide participating electroplating facilities with temporary, limited relief from short-term respirator requirements, provisions in the Agreement (discussed more fully in Section II of this notice) ensure that those facilities will still provide respirators in certain situations, *e.g.*, for certain metal-finishing tasks when exposures exceed the PEL and for any other employees who request respiratory protection.

In entering into the Agreement and adopting this amendment, OSHA did not make and is not presently making any representations regarding its enforcement of the hexavalent chromium standard in facilities that are *not* parties to the Agreement. Moreover,

neither the Agreement nor the corresponding amendment to the standard have any relationship to OSHA's enforcement of any other occupational safety or health standards.

II. Explanation of the Agreement

Amendment to the Compliance Date Provisions

OSHA is amending the hexavalent chromium standard for general industry (29 CFR 1910.1026) as follows:

(1) Existing paragraph 1910.1026(n)(3) is being amended to clarify that facilities that are parties to the Agreement are covered by the compliance deadline in new paragraph (n)(4) instead of the otherwise applicable May 31, 2010, compliance deadline for engineering controls;

(2) A new paragraph, 1910.1026(n)(4), is being added to the standard to provide that facilities that are parties to the Agreement must implement feasible engineering controls by December 31, 2008; and

(3) The Agreement between OSHA, SFIC, HRG, and the Steelworkers is being attached to the standard as Appendix A.

Facilities that become parties to the Agreement must comply with all provisions of the standard in accordance with the compliance dates set forth in 29 CFR 1910.1026(n), as amended, except that in certain circumstances (described below) OSHA will not enforce respirator requirements in those facilities prior to December 31, 2008.

Accelerated Implementation of Engineering Controls

Facilities that become parties to the Agreement must implement those feasible engineering controls necessary to reduce hexavalent chromium levels at their facilities to or below the 5 μg/m³ PEL, in accordance with 29 CFR 1910.1026(f)(1), by December 31, 2008. In fulfilling this obligation, the facilities may select from the engineering and work practice controls listed in Exhibit A to this Agreement or adopt any other controls.

Respirator Enforcement

With the exception of the six classes of employees described below, OSHA has agreed not to enforce the respirator protection provisions at 29 CFR 1910.1026(f) and (g) prior to December 31, 2008, for metal- and surface-finishing operations in facilities that are parties to, and are complying with, the Agreement. The six classes of employees for which OSHA *will* enforce all of the standard's respiratory protection provisions are as follows:

(1) Employees who are exposed to Cr(VI) in excess of the PEL while performing tasks described in Exhibit B to the Agreement. These tasks, as described more completely in Exhibit B, include Cr(VI) chemical additions, Cr(VI) preparation and mixing, Cr(VI) tank cleaning, and Cr(VI) painting operations.

(2) Through November 30, 2007, employees whose exposures to Cr(VI) exceed an interim ''respirator threshold'' of 20 μg/m³ (measured as an 8-hour time-weighted average).

(3) Beginning December 1, 2007, employees whose exposures to Cr(VI) exceed an interim ''respirator threshold'' of 12.5 μg/m³ (measured as an 8-hour time-weighted average).

(4) Employees who are exposed to Cr(VI) and request a respirator.

(5) Any other employees who are required by their employers to wear a respirator.

(6) Employees with exposures for which respirators were required under the previous Cr(VI) standard at 29 CFR 1910.1000, and any other employees covered by respirator programs in effect on May 30, 2006.

Compliance Plan and Monitoring

The standard requires all employers, including facilities that are parties to the Agreement, to make an initial exposure determination for each employee exposed to Cr(VI). Facilities that are parties to the Agreement may do this using either the monitoring option described at 29 CFR 1910.1026(d)(2)(i) (which involves taking a sufficient number of personal breathing zone air samples to accurately characterize full shift exposure on each shift, for each job classification, in each work area) or the performance-oriented option described at 29 CFR 1910.1026(d)(3) (which involves using any combination of air monitoring data, historical monitoring data, or objective data sufficient to accurately characterize employee exposures).

Thereafter, each facility that is a party to the Agreement must conduct periodic monitoring in accordance with the Scheduled Monitoring Option provision at 29 CFR 1910.1026(d)(2). Under this provision, if monitoring reveals employee exposures to be above the PEL, the employer shall perform periodic monitoring at least every three months. If monitoring reveals employee exposures to be at or above the action level of 2.5 μg/m³ (as an 8-hour TWA), the employer shall perform periodic monitoring at least every six months. If monitoring indicates that employee exposures are below the action level, the employer may discontinue monitoring for those employees whose exposures are represented by such monitoring.

The standard requires employers to notify employees whenever an exposure determination indicates exposures above the PEL. This notification must be in writing and must describe the corrective actions being taken to reduce employee exposures to or below the PEL. 29 CFR 1910.1026(d)(4). In accordance with this requirement, facilities that are parties to the Agreement must prepare a written compliance plan that sets forth the specific control steps being taken to reduce exposures to or below the PEL and must update that plan each time monitoring reveals exposures above the PEL.

Upon request, compliance plans and monitoring results must be provided to OSHA, affected employees and employee representatives.

Training

In addition to training employees as required by Section 1026(l)(2) of the standard, facilities that are parties to the Agreement must train their employees in the provisions of the Agreement within sixty (60) days of the Opt-in Date (*see* Section IV). This training must be provided in a manner and language the employees can understand.

Facilities That Are Not Parties to the Agreement

The terms of the Agreement and the amendment being made to Section (n) of the standard have no impact on the compliance requirements applicable to facilities that are not eligible to or do not elect to become parties to the Agreement. Facilities that are not parties to the Agreement must comply with all respirator requirements beginning on the applicable compliance date (November 27, 2006 for employers with 20 or more employees and May 30, 2007 for employers with 19 or fewer employees) and will have until May 31, 2010 to implement feasible engineering controls.

III. Eligibility Criteria

An employer's facility is eligible to become a party to the Agreement if (1) The employer is a member of SFIC *or* the facility is a surface-finishing or metal-finishing job shop that sells plating or anodizing services to other companies; *and* (2) the facility is within the jurisdiction of Federal OSHA. The terms of the Agreement apply only to surface- and metal-finishing operations in those facilities.

IV. Instructions for Eligible Facilities

Employers can make their eligible facilities parties to the Agreement by completing a Declaration of Party Status. Declarations are available on OSHA's Web site at *http://www.osha.gov/SLTC/hexavalentchromium/hexchrom_settlement.html. A separate declaration must be completed for each facility.* Questions about eligibility and other inquires about becoming a party to the Agreement can be directed to OSHA's Office of Health Enforcement at (202) 693–2190

Completed declarations must be mailed or sent by facsimile to: Richard Fairfax, Director of Enforcement Programs, Occupational Safety and Health Administration, 200 Constitution Ave., NW., Room N3119, Washington, DC 20210; Fax: (202) 693–1681.

Declarations of Party Status must be received by OSHA or postmarked on or before November 30, 2006. For purposes of the Settlement Agreement, this deadline is known as the ''Opt-in Date.''

V. Instructions for Facilities in State Plan Jurisdictions

SFIC members and other electroplating job shop facilities within the jurisdiction of OSHA-approved State occupational safety and health plans may contact their State plan agencies to determine if their State programs will honor and implement the terms of this Federal Agreement, including the amendment to the standard, or take an alternative position, which may include entering into separate arrangements with surface- and metal-finishing job shop facilities or their representatives. The 22 State plans covering the private sector are in Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. Contact information for these State plans is available on OSHA's Web site at *http://www.osha.gov/fso/osp/index.html.*

VI. Pertinent Legal Authority

This amendment is published under authority of the Occupational Safety and Health Act and the Administrative Procedure Act (APA). *See* 29 U.S.C. 651(b), 655, and 5 U.S.C. 553. OSHA promulgated the Cr(VI) standard in February 2006, after extensive notice-and-comment rulemaking proceedings. For the reasons set forth below, additional public notice and comment for the amendment described in this notice is not required.

The amendment described in this notice applies only to surface-finishing and metal-finishing (electroplating) operations in eligible facilities that voluntarily elect to participate in the alternative timetable for compliance. It follows that the only entities and persons affected by this amendment are (1) Employers who operate those facilities and (2) employees who work in those facilities. To a significant extent, employers and employees had actual notice of, and ample opportunity to comment on, this amendment by virtue of the participation of representatives (SFIC for employers, and HRG and the Steelworkers for employees) in the settlement negotiations preceding publication of this notice.

Under the APA, the agency may make a ''good cause'' finding that notice and comment would be impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). In this instance, OSHA finds that public notice and comment for this minor amendment is both unnecessary and impracticable. OSHA's determination that good cause exists for proceeding without additional notice and comment is based on the following factors:

(1) This amendment is a minor, non-substantive, and industry-specific change to the compliance date provisions of the standard. The vast majority of industries and facilities covered by the standard will be unaffected by the amendment, and even at affected worksites, the substantive requirements of the standard remain unchanged.

(2) The amendment simply adds an additional compliance option to the standard. Given the voluntary nature of the new compliance date provision, no affected employer can be prejudiced by the amendment. The terms of the Agreement and the new compliance date provision apply only to facilities that voluntarily file a Declaration of Party Status with OSHA. Any facility wishing to adhere to the standard as originally promulgated may do so.

(3) No employees are adversely affected as a result of the Agreement or the amendment to the standard. Even at facilities that are parties to the Agreement, where OSHA will not be enforcing all interim respirator requirements, each employee who wishes to wear a respirator has a right to request and receive one under the terms of the Agreement, and any employee who makes such a request and is exposed above the PEL will be protected by the full respirator program provided under the standard. In addition, employees currently covered by existing respirator programs will continue to receive respiratory protection. Moreover, OSHA has concluded that employees at participating facilities—including those who request respirators in the interim—will benefit from the expedited implementation of engineering controls.

(4) As described more fully in Section I of this notice, this amendment is consistent with, and an outgrowth of, findings OSHA made based on the record that was developed, with extensive public input, during the chromium rulemaking. No new or additional findings are required to support the amendment.

(5) This amendment arises out of the unique context of settlement negotiations conducted during litigation over the validity of the chromium standard. The new compliance date provision is the result of extensive negotiations between OSHA, SFIC, HRG, and the Steelworkers, and it resolves SFIC's challenge to the rule.

(6) Time-consuming notice and comment on this technical amendment to the standard is impracticable given that the benefits the parties expect to realize from the Agreement depend on immediate or virtually immediate implementation of the terms of the settlement. Any lengthy delay associated with additional rulemaking could undermine the essential (and time sensitive) premise of the Agreement, namely that participating facilities will implement engineering controls earlier than otherwise required in exchange for some interim relief from short-term respirator requirements. In addition, OSHA's enforcement personnel need to know promptly which facilities are parties to the Agreement. Only facilities that become parties to the Agreement are eligible for any relief from the respiratory protection requirements of the standard.

VII. Economic Analysis and Regulatory Flexibility Act Certification

In promulgating the final hexavalent chromium standard in February 2006, OSHA found that the rule was economically and technologically feasible for all affected industries. *See* 71 FR at 10256–302. The amendment described in this notice is a minor change to the compliance date provision of the standard and applies, on a voluntary basis, to a very small percentage of all facilities covered by the rule. OSHA has concluded that this amendment does not affect its economic or technological feasibility findings. Furthermore, in accordance with the Regulatory Flexibility Act, OSHA certifies that this amendment will not

have a significant economic impact on a substantial number of small entities. In fact, this action will increase compliance flexibility for affected small businesses by offering them an additional compliance schedule option. The addition of such an option may decrease costs for some affected employers, and will increase costs for none.

VIII. Environmental Impacts, Unfunded Mandates, Federalism, and Environmental Health and Safety Risks for Children

In the final hexavalent chromium standard, OSHA also reviewed environmental impacts, unfunded mandates, and federalism issues, and considered the impact of the rule on the environmental health and safety of children. *See* 71 FR at 10326 (federalism and unfunded mandates); 71 FR at 10326–27 (protecting children from environmental health and safety risks); 71 FR at 10327 (environmental impact). For the reasons noted in section VII above, OSHA finds that the amendment does not alter the findings or determinations rendered in these analyses.

IX. Paperwork Reduction Act

On February 27, 2006, OSHA submitted the information collection request for the final hexavalent chromium standard to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995. On March 28, 2006, OMB approved the collections of information contained in the final chromium standard and assigned them OMB Control Number 1218–0252. The amendment described in this notice does not change the burden associated with the preparation, maintenance or disclosure of information as calculated and described by OSHA at the time the final standard was originally promulgated. *See* 71 FR at 10325–26.

X. State Plans

In accordance with Section 18(c)(2) of the Occupational Safety and Health Act (29 U.S.C. 667(c)(2)), when Federal OSHA promulgates a new standard or a more stringent amendment to an existing standard, the 26 States or U.S. territories with OSHA-approved occupational safety and health plans must revise their standards to reflect the new standard or amendment. The State standard must be at least as effective as the final Federal rule, must be applicable to both the private and public (State and local government employees) sectors, and must be completed within six months of the publication date of the final Federal rule. When OSHA promulgates a new standard, or an amendment to a standard, which does *not* impose additional or more stringent requirements than an existing standard, States are encouraged but not required to take parallel action. In addition, State plans operate under authority of State law, and agreements reached by Federal OSHA are not binding on the States unless they become parties to the agreements or otherwise specifically agree to their terms.

The State plans were required to adopt OSHA's hexavalent chromium standard within six months of the Federal promulgation, *i.e.*, by August 28, 2006. The Federal settlement and the corresponding amendment to OSHA's hexavalent chromium standard provide SFIC members and other surface- and metal-finishing job shops under Federal OSHA's jurisdiction with an optional alternative to the compliance timetable described in Section (n) of the standard as originally promulgated. This action does not impose additional or more stringent requirements. Further, the 22 States with OSHA-approved State plans covering private sector employment were not parties to the negotiations that resulted in this amendment. Accordingly, State plans are not bound by the Agreement or obligated to adopt OSHA's amendment to its standard. Nevertheless, OSHA encourages the 22 State plans that cover both the private and public (State and local government) sectors (see list in Section V of this notice) to honor and implement the terms of the Agreement, including adopting a corresponding amendment to their State standard, or to take an alternative position, which could include entering into separate arrangements with surface- and metal-finishing job shops (or their representatives) in their jurisdiction.

List of Subjects in 29 CFR Part 1910

Cancer, Chemicals, Hazardous substances, Health, Occupational safety and health.

XI. Authority and Signature

This document was prepared under the direction of Edwin G. Foulke, Jr., Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, DC 20210. The Agency issues the final sections under the following authorities: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 5–2002 (67 FR 65008); and 29 CFR Part 1911.

Signed at Washington, DC on October 25, 2006.

Edwin G. Foulke, Jr.,

Assistant Secretary of Labor.

Amendment to the Final Standard

■ Chapter XVII of Title 29 of the Code of Federal Regulations is to be amended as follows:

PART 1910—[AMENDED]

Subpart Z—[Amended]

■ 1. The authority citation for Subpart Z of Part 1910 continues to read as follows:

Authority: Sections 4, 6, 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657: Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), or 5–2002 (67 FR 65008), as applicable; and 29 CFR part 1911.

All of subpart Z issued under section 6(b) of the Occupational Safety and Health Act, except those substances that have exposure limits listed in Tables Z–1, Z–2, and Z–3 of 29 CFR 1910.1000. The latter were issued under section 6(a) (29 U.S.C. 655(a)).

Section 1910.1000, Tables Z–1, Z–2, and Z–3 also issued under 5 U.S.C. 553, Section 1910.1000 Tables Z–1, Z–2, and Z–3 but not under 29 CFR part 1911 except for the arsenic (organic compounds), benzene, cotton dust, and chromium (VI) listings.

Section 1910.1001 also issued under section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704) and 5 U.S.C. 553.

Section 1910.1002 also issued under 5 U.S.C. 553 but not under 29 U.S.C. 655 or 29 CFR part 1911.

Sections 1910.1018, 1910.1029 and 1910.1200 also issued under 29 U.S.C. 653.

Section 1910.1030 also issued under Pub. L. 106–430, 114 Stat. 1901.

■ 2. In § 1910.1026:
■ a. Paragraph (n)(3) is revised.
■ b. Paragraph (n)(4) is added.
■ c. Appendix A to § 1910.1026 is added.

The revisions and additions read as follows:

§ 1910.1026 Chromium (VI).

* * * * *

(n) *Dates* * * *

(3) Except as provided in (n)(4), for all employers, engineering controls required by paragraph (f) of this section shall be implemented no later than May 31, 2010.

(4) In facilities that become parties to the settlement agreement included in Appendix A, engineering controls required by paragraph (f) of this section shall be implemented no later than December 31, 2008.

Appendix A to § 1910.1026

In the United States Court of Appeals for the Third Circuit

Surface Finishing Industry Council et al., Petitioners, v. U.S. Occupational Safety and Health Administration, Respondent.

[Docket No. 06–2272 and consolidated cases]

Public Citizen Health Research Group et al., Petitioners, v. Occupational Safety and Health Administration, United States Department of Labor, Respondent.

[Docket No. 06–1818]

Settlement Agreement

The parties to this Settlement Agreement (''Agreement'') are the Occupational Safety and Health Administration, United States Department of Labor (''OSHA''), the Surface Finishing Industry Council or its successors (''SFIC''), surface-finishing and metal-finishing facilities which have opted into this Agreement pursuant to paragraph 7 (''Company'' or ''Companies''), Public Citizen Health Research Group (''HRG''), and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (''Steelworkers'').

Whereas, On February 28, 2006, OSHA promulgated a revised hexavalent chromium standard for general industry (''the Standard'') that includes a permissible exposure limit (''PEL'') for hexavalent chromium of 5 micrograms per cubic meter (''μg/m³'') measured as an 8-hour time-weighted average (''TWA''), and a deadline of May 31, 2010, for employers to come into compliance with this PEL through the implementation of engineering controls. The deadline for compliance with the remaining provisions of the Standard, including those requiring the use of respiratory protection to comply with the PEL, is November 27, 2006, for employers with twenty (20) or more employees, and May 30, 2007, for employers with nineteen (19) or fewer employees. 29 CFR 1910.1026, 71 FR 10100 (Feb. 28, 2006);

Whereas, SFIC filed a Petition for Review of the Standard in the Eleventh Circuit that was consolidated with other Petitions in the Third Circuit (Case No. 06–2272);

Whereas, SFIC filed a Motion for Leave to Intervene in the matter of HRG's Petition for Review in the Third Circuit (Case No. 06–1818), which has been granted;

Now, therefore, the parties to this Agreement do hereby agree to the following terms:

1. *Term of this Agreement.* This Agreement will be effective upon execution and will expire on May 31, 2010.

2. *Accelerated implementation of engineering controls.* The Companies agree that in accordance with 29 CFR 1910.1026(f)(1) they will implement those feasible engineering controls necessary to reduce hexavalent chromium levels at their facilities by December 31, 2008, to or below the 5 μg/m³ PEL. In fulfilling this obligation, the Companies may select from the engineering and work practice controls listed in Exhibit A to this Agreement or adopt any other controls.

3. *Compliance plan and monitoring.* In accordance with 29 CFR 1910.1026(d)(4)(ii), each Company will prepare, and update as required, a written plan setting forth the specific control steps being taken to reduce employee exposure to or below the PEL by December 31, 2008. In addition, Companies will make an initial exposure determination as required by 29 CFR 1910.1026(d)(1) using either the procedures for personal breathing zone air samples described in 29 CFR 1910.1026(d)(2) or the performance-oriented option described at 29 CFR 1910.1026(d)(3). Thereafter, Companies will conduct periodic monitoring in accordance with the ''Scheduled Monitoring Option'' provisions at 29 CFR 1910.1026(d)(2) and related provisions at 29 CFR 1910.1026(d)(4)–(6). The Companies agree that upon request compliance plans prepared in accordance with this paragraph, as well as all monitoring results obtained in compliance with this paragraph, will be provided to OSHA, affected employees and employee representatives.

4. *Respirator use.* The respiratory protection provisions at 29 CFR 1910.1026(f) and (g) will apply to the Companies in accordance with the terms and dates set forth in the Standard, except that prior to December 31, 2008, for Companies that are in compliance with this Agreement, OSHA will enforce those respiratory protection provisions only with respect to employees who fall into one of the following six (6) categories: (1) Employees who are exposed to hexavalent chromium in excess of the PEL while performing tasks described in Exhibit B to this Agreement; (2) through November 30, 2007, employees whose exposures to hexavalent chromium exceed a ''respirator threshold'' of 20 μg/m³ (measured as an 8-hour TWA); (3) beginning December 1, 2007, employees whose exposures to hexavalent chromium exceed a ''respirator threshold'' of 12.5 μg/m³ (measured as an 8-hour TWA); (4) employees who are exposed to hexavalent chromium and request a respirator; (5) any other employees who are required by the Companies to wear a respirator; and (6) employees with exposures for which respirators were required under the previous hexavalent chromium standard (1910.1000) and any other employees covered by respirator programs in effect on May 30, 2006.

5. *Employee information and training.* Company employees will be trained pursuant to the provisions of 29 CFR 1910.1026(l)(2). In addition, the Companies agree to train employees in the provisions of this Agreement within sixty (60) days of the Opt-In Date (defined in paragraph 7 of this Agreement). The training regarding this Agreement shall be provided in language the employees can understand.

6. *Enforcement.* Within thirty (30) days of the execution of this Agreement, OSHA will publish a notice in the **Federal Register** amending 29 CFR 1910.1026 as follows: (1) A copy of this Agreement will be attached to the Standard as Appendix A; (2) a new paragraph, 1910.1026(n)(4), will be added to the Standard, and will read: ''In facilities that become parties to the settlement agreement included in Appendix A, engineering controls required by paragraph (f) of this section shall be implemented no later than December 31, 2008''; and (3) existing paragraph 1910.1026(n)(3) will be amended to read: ''Except as provided in (n)(4), for all employers, engineering controls required by paragraph (f) of this section shall be implemented no later than May 31, 2010.''

7. *Opt-In Date for Companies to become parties to this Agreement.* The **Federal Register** notice described in paragraph 6 of this Agreement will provide notice of the provisions of this Agreement, and of the revisions to the Standard described in paragraph 6, and will provide until November 30, 2006, for eligible facilities to become parties to this Agreement, and be subject to all of the duties, obligations, and rights herein. The last date for signing by facilities shall be referred to as the Opt-In Date. The opt in option will be available on a facility by facility basis and only to SFIC members and other surface-finishing and metal-finishing job shop facilities within the jurisdiction of Federal OSHA. (For purposes of this Agreement, a ''job shop'' is defined as a facility that sells plating or anodizing services to other companies.) Moreover, the terms of this Agreement apply only with respect to the performance of surface-finishing and metal-finishing operations in those facilities. Although this Agreement applies only to facilities within the jurisdiction of Federal OSHA, OSHA will encourage States with OSHA-approved State occupational safety and health plans to either honor and implement the terms of this Agreement, including the amendments to the standard described in paragraph 6, or to take an alternative position, which may include entering into separate arrangements with surface- and metal-finishing job shop facilities (or their representatives) in their jurisdiction.

8. *Effect on third parties.* Nothing in this Agreement constitutes an admission by SFIC or the Companies that a significant risk of material health impairment exists for hexavalent chromium justifying a reduction of the PEL to 5 μg/m³. Nor does anything in this Agreement constitute any other admission by SFIC or the Companies for purposes of this litigation or future litigation or standards-setting. This Agreement is not intended to give any rights to any third party except as expressly provided herein.

9. *OSHA inspections.* OSHA may do monitoring inspections to assess compliance with and progress under this Agreement and the Standard, and nothing in this Agreement limits OSHA's right to conduct inspections at Companies'' facilities in accordance with the Occupational Safety and Health Act.

10. *Scope of Agreement.* The terms of this Agreement apply only in the circumstances and to the Companies specified herein. In entering into this Agreement, OSHA is not making any representations regarding its enforcement policy with respect to either (1) The hexavalent chromium standard as applied to employers who are not parties to this Agreement or (2) any other occupational safety or health standards.

11. *Effect of invalidation of the Standard.* If the Standard is invalidated, nothing in this Agreement shall prevent the application to SFIC or the Companies of any PEL that is promulgated by OSHA on remand. This

Agreement would not foreclose SFIC or the Companies from participating in rulemaking proceedings or otherwise challenging any new PEL promulgated by OSHA on remand.

12. *Withdrawal of Petitions and Interventions.* SFIC agrees to move to withdraw its Petition for Review in the above-captioned case, Case No. 06–2272, within five (5) working days of the execution of this Agreement. SFIC further will move to dismiss its motion to intervene in Case No. 06–1818 and all other challenges simultaneously with its motion to withdraw in Case No. 06–2272 as Petitioner.

13. *Attorneys' fees.* Each party agrees to bear its own attorneys' fees, costs, and other expenses that have been incurred in connection with SFIC's Petition for Review, SFIC's intervention in HRG's Petition for Review, and the negotiation of this Agreement up to and including filing of the motions to dismiss.

14. *Support of Agreement.* In the event that all or any portion of this Agreement is challenged in any forum, the signatories below agree to move to intervene in support of this Agreement.

Agreed to this 25th day of October, 2006.

Baruch A. Fellner,

Counsel for SFIC, Gibson, Dunn & Crutcher LLP, 1050 Connecticut Avenue, NW., Washington, DC 20036, (202) 955–8500.

Lauren S. Goodman,

Counsel for OSHA, United States Department of Labor, Office of the Solicitor, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 693–5445.

Scott L. Nelson,

Counsel for HRG and the Steelworkers, Public Citizen Litigation Group, 1600 20th Street, NW., Washington, DC 20009, (202) 588–7724.

Exhibit A

Available Engineering and Work Practice Controls

The Companies agree that work towards the implementation of these available engineering and work practice controls should not be delayed to accommodate their completion by December 31, 2008. The Companies are encouraged to implement from among these controls as soon as practicable.

1. Parts Transfer Practices

• *Minimize droplet formation.* Instruments akin to garden hoses are used to rinse off parts coming out of chemical baths. This causes many small droplets to form, which are easily atomized or vaporized and contribute to airborne chromium concentration. The industry is currently developing ways to minimize the formation of small droplets, dripping, or splashing, possibly by reducing hose pressure.

• *Minimize air current flow.* Strong air currents across these droplets may contribute to their vaporization, and therefore minimizing air current flow across the droplets may reduce airborne hexavalent chromium levels.

• *Slow part speeds as feasible.* The speed at which parts are pulled out of a chemical tank causes splashing, which adds to chromium vaporization. By slowing the speed at which parts are taken out of tanks, splashing and vaporization can be minimized. The feasibility of this control must be evaluated in light of the negative effect on productivity.

2. Plating Bath Surface Tension Management and Fume Suppression

• *Lower surface tension.* Lower surface tension in chemical baths leads to fewer drops forming. Chromium baths currently have a surface tension of 35 dynes per centimeter. As a comparison, water has a surface tension of 72 dynes per centimeter. Lowering surface tension further would lead to reduced airborne hexavalent chromium levels.

• *Fume suppressants.* Fume suppressants create a physical barrier between the chemical bath and the air, which prevents vaporization. Some suppressants, however, may cause pitting or other metal damage, and therefore their use is not always possible.

3. Facility Air Disturbance Monitoring

• *Improvement of local exhaust ventilation (LEV) capture efficiency.* The majority of electroplating facilities are not air-conditioned. As a result, doors are kept open to let in cool air, but this causes air currents that prevent the LEVs from performing efficiently. The use of fans has a similar effect. Industry is researching how to minimize these air currents so that LEVs can perform as designed. Such methods may include the use of partitions to degrade air current flow, or checklists that may include location and positioning of cross drafts, fans, doors, windows, partitions and process equipment that Companies can use to audit their workplaces in order to improve their capture efficiency.

4. Technology Enhancements In Lieu of LEV Retrofitting

• *Eductors.* Many chemical baths are currently mixed via air agitation: Air pipes bubble air into the tank to keep the chemicals mixed and to prevent them from settling. An adverse effect of this agitation is that air bubbles escape at the surface of the tank, resulting in some chromium vaporization. By using eductors (horn-shaped nozzles) in tanks, the chemicals flow from a pump to create solution movement below the surface without the use of air bubbles, and the amount of chromium vaporization can be significantly reduced.

5. Different Means of Chromium Additions

• *Liquid Chromium.* Dry hexavalent chromium flakes are occasionally added to tanks, which can generate airborne particulates of hexavalent chromium. Adding liquid chromium at or near the surface of a tank would lower airborne chromium levels and reduce splashing from tanks.

• *Hydration of flakes before addition.* To add liquid chromium to tanks, the dry flakes must be hydrated. Whether this process is performed by chemical suppliers that provide plating solutions to metal finishing companies or by metal finishing companies that have the necessary experience and equipment, appropriate work practices such as mixing techniques must be implemented to minimize the potential airborne levels of hexavalent chromium.

6. Dust Control

• *Better housekeeping.* Chrome dust that comes off products that are polished or grinded is actually elemental chromium, not hexavalent chromium, so polishing and grinding contribute little to airborne hexavalent chromium levels. However, Companies should use good housekeeping practices, including wet mopping, and wet wipedowns, to reduce the amount of dust present.

7. Improvement and Maintenance of Existing LEVs

• *Improvement and maintenance of existing LEVs.* Companies may repair and maintain their current LEVs. Because the final rule indicates that at least 75 percent of the industry is in compliance with the PEL with LEVs working at 40% of capacity, increasing LEV function can materially affect compliance.

8. Other Controls

• *Other methods.* Companies are constantly determining best work practices and technological controls through laboratory research and practical experience. Companies will implement other engineering and work practice controls as necessary and as practicable to reduce potential hexavalent chromium workplace exposures.

Exhibit B

Workplace Tasks Requiring Respirators Where PEL Is Exceeded

Some well-known and relatively few, discrete tasks related to metal finishing activities result in potentially higher workplace exposures of hexavalent chromium. Where the applicable PEL for hexavalent chromium is exceeded, respirators shall be worn to conduct the following activities:

(1) Hexavalent chromium chemical additions. In order to have the metal deposited onto the part, hexavalent chromium must be added to the plating tank periodically. This is a discrete activity that involves the addition of either a dry flake of hexavalent chromium chemicals or a liquid solution of hexavalent chromium into the plating tank. Respirators shall be worn during the period it takes to add the hexavalent chromium chemical to the tank.

(2) Hexavalent chromium preparation and mixing. Different mixtures of hexavalent chromium chemicals are needed for different types of chromium plating processes. For example, hard chromium plating can require higher concentrations of hexavalent chromium because a thicker coating and longer plating process may be needed for the critical product quality and performance. Similarly, different types of decorative chromium plating processes may need different levels of hexavalent chromium and other chemicals such as catalysts. These mixtures can be in the form of dry flakes or liquid solutions. All of these different hexavalent chromium chemical mixtures are generally prepared by metal finishing suppliers and distributors. Some metal

finishing companies may also prepare hexavalent chromium solutions from the dry flakes prior to addition to the plating tanks. Respirators shall be worn during the period it takes to prepare these hexavalent chromium mixtures and solutions whether the activity is conducted at a chemical supplier or a metal finishing company.

(3) Hexavalent chromium tank cleaning. Occasionally, the tanks used for chromium plating may need to be emptied and cleaned. This process would involve the draining of the solution and then the removal of any residues in the tank. Workers cleaning out these tanks may have to enter the tank or reach into it to remove the residues. Respirators (as well as other appropriate PPE) shall be worn during the period it takes to clean the tanks and prepare them for use again.

(4) Hexavalent chromium painting operations. Some metal finishing operations apply paints with higher concentrations of hexavalent chromium to a line of parts, particularly for aerospace applications when a high degree of corrosion protection is needed for critical product performance. Paints are generally applied in such operations with some type of spray mechanism or similar dispersion practice. In some instances, it may be difficult to keep workplace exposures below the PEL for such paint spraying activities. Respirators shall be worn during such spray painting operations.

[FR Doc. 06–8971 Filed 10–27–06; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 110

[CGD08–05–016]

RIN 1625–AA01

Anchorage Regulations; Mississippi River Below Baton Rouge, LA, Including South and Southwest Passes

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard has amended anchorage regulations for the Mississippi River below Baton Rouge, LA, including South and Southwest Passes, in order to improve safety at the Lower Kenner Bend Anchorage. This rule is needed to protect aircraft passengers and crew, mariners and the public from the potential safety hazards associated with the ascent and descent of aircraft over vessels anchored in the vicinity of the Louis Armstrong New Orleans International Airport, New Orleans, LA.

DATES: This rule is effective November 29, 2006.

ADDRESSES: Documents indicated in this preamble as being available in the docket, are part of docket [CGD08–05–016] and are available for inspection or copying at U.S. Coast Guard D8, 500 Poydras Street, New Orleans, Louisiana 70130–3396 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Douglas Blakemore, Waterways Management Branch, Eighth Coast Guard District, 500 Poydras Street, New Orleans, LA 70130–3396. Telephone (504) 671–2109; facsimile (504) 671–2137. Please cite CGD08–05–016.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On April 27, 2005, we published a notice of proposed rulemaking (NPRM) entitled ''Anchorage Regulations; Mississippi River Below Baton Rouge, LA, Including South and Southwest Passes'' in the **Federal Register** (70 FR 21698). We received 4 letters commenting on this rule. A public meeting was held at the Hale Boggs Federal Building, 500 Poydras Street, New Orleans, LA on January 4, 2006 (70 FR 76320, December 23, 2005). The three comments from this public meeting are included in this rulemaking.

Background and Purpose

Runway 1–19 at the Louis Armstrong New Orleans International Airport is positioned in a north-south line running parallel to the Airport Access Road. Aircraft approaching the runway from the south or departing the runway from the north pass over the Lower Kenner Bend Anchorage. Officials from Louis Armstrong New Orleans International Airport have stated that due to the close proximity of Runway 1–19 to Kenner Bend, aircraft occasionally descend and ascend directly over vessels anchored in the Lower Kenner Bend Anchorage, creating a potentially dangerous situation that is of particular concern during periods of reduced visibility. Aircraft approaching the runway from the south follow a descending glide slope path with a minimum height of 311 feet above mean sea level over the Kenner Bend Anchorage. Certain vessels with cargo handling equipment such as cranes and booms are capable of extending this equipment to a height upwards of 300 feet above the waterline. This amendment to the anchorage regulations for the Mississippi River below Baton Rouge, LA, including South and Southwest Passes prohibits vessels from using ship's hold cargo cranes. Vessels in this anchorage must keep their cargo gear in their cradles as rigged for sea transits. This restriction does not apply to the use of deck-mounted store cranes, deck booms, or stiff legs, nor is it intended to restrict ships or ocean-going barges from moving manifold hoses.

Discussion of Comments and Changes

Four commenters stated that the Lower Kenner Bend Anchorage was important to the maritime industry and were concerned that the Coast Guard would completely remove Lower Kenner Bend as an anchorage. We agree with this assessment and have no intentions to remove this anchorage.

Three commenters objected that this rule does not address vessel size. Small vessels would not be able to use their cargo cranes even though the vessels maximum air draft with a completely extended cargo crane would be significantly lower than the minimum height of 311 feet above mean sea level needed for an aircrafts descending glide slope path over Kenner Bend Anchorage. We recognize this possibility; however, we feel that to maintain the consistent safety of descending airplanes over runway 1–19, we need to restrict the use of cargo cranes for all vessels.

Three commenters objected that this rule does not allow a vessel to take on ships stores, spare parts, supplies and fuel. We modified the rule to specifically address this issue. Vessels at anchor in the Lower Kenner Bend Anchorage are allowed to use deck-mounted cranes, deck booms and stiff legs to take on stores, spare parts and to move manifold hoses. However, cargo hold booms may not be used. In implementing changes from the proposed rule based on comments, we added a new paragraph to 33 CFR 110.195 instead of revising paragraph (c)(6).

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Homeland Security (DHS). We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule has a significant economic impact on a substantial number of small entities. The term small entities comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule does not have a significant economic impact on a substantial number of small entities. This rule affects the following entities, some of which may be small entities: The owners or operators of vessels intending to anchor in the Lower Kenner Bend Anchorage. This rule does not have a significant economic impact on a substantial number of small entities for the following reasons: (1) This rule does not prohibit vessels from anchoring in the Lower Kenner Bend Anchorage; and (2) Cargo transfer operations are not typically conducted at the Lower Kenner Bend Anchorage.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule has a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule economically affects it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule affects your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Doug Blakemore at (504) 671–2109.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule does not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule does not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a significant energy action under that Order because it is not a significant regulatory action under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(f), of the Instruction, from further environmental documentation because this rule is not expected to result in any significant adverse environmental impact as described in the National Environmental Policy Act of 1969 (NEPA). A draft Environmental Analysis Check List and a draft Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. Comments on this section will be considered before we make the final decision on whether the rule should be categorically excluded from further environmental review.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 110 as follows:

PART 110—ANCHORAGE REGULATIONS

■ 1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035 and 2071; 33 CFR 1.05–1(g); Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 110.195, redesignate paragraph (c)(7) as (c)(8) and add a new paragraph (c)(7) to read as follows:

§ 110.195 Mississippi River below Baton Rouge, LA, including South and Southwest Passes.

* * * * *

(c) * * *

(7) Vessels anchored in the Lower Kenner Bend Anchorage are prohibited from using or exercising the ship's hold cargo cranes. Vessels in this anchorage must keep the ship's hold cargo gear in the down and hawsed position, as rigged for sea transits. Deck-mounted cranes, deck booms and stiff legs may be used to take on ships stores and spare parts and may be used to move manifold hoses.

* * * * *

Dated: October 11, 2006.

J.R. Whitehead,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. E6–18086 Filed 10–27–06; 8:45 am]

BILLING CODE 4910–15–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. RM 2005–11]

Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies

AGENCY: Copyright Office, Library of Congress.

ACTION: Interim Rule.

SUMMARY: The Librarian of Congress is extending, on an interim basis, the existing classes of works with respect to which the prohibition against circumvention of technological measures that effectively control access to copyrighted works shall not apply to persons who engage in noninfringing uses.

DATES: *Effective Date:* October 28, 2006.

FOR FURTHER INFORMATION CONTACT: David Carson, General Counsel, Copyright Office, GC/I&R, P.O. Box 70400, Southwest Station, Washington, DC 20024. Telephone: (202) 707–8380. Telefax: (202) 707–8366.

SUPPLEMENTARY INFORMATION: Section 1201(a)(1) of the copyright law prohibits the circumvention of technological measures that control access to works protected by copyright. It also provides that every three years, the Register of Copyrights is to conduct a rulemaking proceeding to determine whether users of particular classes of copyrighted works are, or in the next three years are likely to be, adversely affected by that prohibition in their ability to make noninfringing uses of copyrighted works. That determination is made by the Librarian of Congress upon the recommendation of the Register of Copyrights. Section 1201(a)(1)(D) provides that ''The Librarian shall publish any class of copyrighted works for which the Librarian has determined, pursuant to the rulemaking conducted under subparagraph (C), that noninfringing uses by persons who are users of a copyrighted work are, or are likely to be, adversely affected, and the prohibition contained in subparagraph (A) shall not apply to such users with respect to such class of works for the ensuing 3–year period.''

The Register of Copyrights is conducting the third of these triennial rulemaking proceedings and is in the final stages of making her recommendation to the Librarian of Congress. The rulemaking conducted in 2003 identified four classes of works to be subject to exemption from the prohibition on circumvention for the period beginning October 28, 2003, and ending October 27, 2006. Because the Register will not be able to present her recommendation to the Librarian of Congress before October 27, it is necessary to extend the effective dates of the existing regulation identifying those classes of works until the time that the Librarian acts upon the recommendation of the Register. It is anticipated that this extension will be in effect for no more than a few weeks.

Accordingly, the Register of Copyrights recommends to the Librarian of Congress that the existing regulation, codified at 37 CFR 201.40(b), be amended on an interim basis to strike the reference to the October 27, 2006, termination date for the list of classes of works identified in the regulation.

Dated: October 25, 2006

Marybeth Peters

Register of Copyrights

The Librarian of Congress accepts the recommendation of the Register of Copyrights and adopts the following interim rule.

List of Subjects in 37 CFR Part 201

Cable television, Copyright, Exemptions to prohibition against circumvention, Literary works, Recordings, Satellites.

Interim Regulation

■ For the reasons set forth in the preamble, 37 CFR part 201 is amended as follows:

PART 201—GENERAL PROVISIONS

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

§ 201.40 [Amended]

■ 2. Section 201.40(b) introductory text is amended by removing ''from October 28, 2003, through October 27, 2006,'' and adding in its place ''commencing October 28, 2003,''.

Dated: October 25, 2006.

James H. Billington,

Librarian of Congress.

[FR Doc. E6–18239 Filed 10–27–06; 8:45 am]

BILLING CODE 1410–30–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2005–LA–0003; FRL–8234–8]

Approval and Promulgation of Implementation Plans; Louisiana; Transportation Conformity

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action approving a State Implementation Plan (SIP) revision submitted by the State of Louisiana on May 13, 2005. This revision serves to incorporate recent changes to the Federal conformity rule into the State conformity SIP. We are approving this SIP revision in accordance with section 176 and part D of the Clean Air Act.

DATES: This rule is effective on December 29, 2006 without further notice, unless EPA receives relevant adverse comment by November 29, 2006. If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2005–LA–0003, by one of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

• *EPA Region 6 ''Contact Us'' Web site: http://epa.gov/region6/*

r6coment.htm. Please click on ''6PD'' (Multimedia) and select ''Air'' before submitting comments.

• *E-mail:* Mr. Thomas Diggs at *diggs.thomas@epa.gov.* Please also send a copy by e-mail to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.

• *Fax:* Mr. Thomas Diggs, Chief, Air Planning Section (6PD–L), at fax number 214–665–7263.

• *Mail:* Mr. Thomas Diggs, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.

• *Hand or Courier Delivery:* Mr. Thomas Diggs, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Such deliveries are accepted only between the hours of 8 a.m. and 4 p.m. weekdays except for legal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Dockt ID No. EPA–R06–OAR–2005–LA–0003. EPA's policy is that all comments received will be included in the public file without change and may be made available online at *http://docket.epa.gov/rmepub/,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an ''anonymous access'' systems, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters and any form of encryption, and should be free of any defects or viruses.

Docket: All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at 214–665–7253 to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. There will be a 15-cent per page fee for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area at 1445 Ross Avenue, Suite 700, Dallas, Texas.

The State submittal is also available for public inspection at the State Air Agency listed below during official business hours by appointment:

Louisiana Department of Environmental Quality, Office of Environmental Assessment, 602 N. Fifth Street, Baton Rouge, Louisiana 70802.

FOR FURTHER INFORMATION CONTACT: Peggy Wade, Air Planning Section (6PD–L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733, telephone (214) 665–7247; fax number 214–665–7263; e-mail address *wade.peggy@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

Outline

I. What Action Is EPA Taking?
II. What Is the Background for This Action?
III. What Did the State Submit and How Did We Evaluate It?
IV. Final Action
V. Statutory and Executive Order Reviews

I. What Action Is EPA Taking?

On May 13, 2005, the Louisiana Department of Environmental Quality (LDEQ) submitted revisions to its SIP addressing changes to the transportation conformity rule [Louisiana Administrative Code (LAC) 33:III.1432] which were adopted by the State on March 20, 2005. This submission incorporates recent changes in the Federal transportation conformity rule into the Louisiana conformity SIP. They are described in detail below. EPA is approving these revisions to the Louisiana conformity SIP.

II. What Is the Background for This Action?

The Federal Clean Air Act Amendments of 1990 (CAA) required each State to submit a revision to its SIP by November 25, 1994, establishing enforceable criteria and procedures for making conformity determinations for metropolitan transportation plans (MTP), transportation improvement programs (TIP), and projects funded by the Federal Highway Administration (FHWA) or the Federal Transit Administration (FTA). The conformity rule assures that in air quality nonattainment or maintenance areas, projected emissions from transportation plans and programs stay within the motor vehicle emissions ceiling in the applicable attainment demonstration or maintenance SIP. The transportation conformity SIP enables the State to implement and enforce the Federal transportation conformity requirements at the State level per 40 CFR part 51 subpart T and 40 CFR part 93 subpart A.

EPA published final rules regarding conformity requirements on November 24, 1993 (58 FR 62188). Since then, EPA has made several amendments to the transportation conformity rules: August 7, 1995 (60 FR 40098), November 14, 1995 (60 FR 57179), August 15, 1997 (62 FR 43780), April 10, 2000 (65 FR 18911), August 6, 2002 (67 FR 50808), and July 1, 2004 (69 FR 40004). A minor correction to the July 1, 2004, rulemaking was published on July 20, 2004 (69 FR 43325). The State of Louisiana submitted an initial conformity SIP to EPA on November 23, 1994. This SIP was withdrawn, revised and re-submitted to EPA in October of 1998. We approved this SIP on December 29, 1999 (64 FR 72934), thus addressing the Federal rule amendments promulgated up to and including 1997, with the exception of certain provisions of the Federal rule that were deemed unlawful by the U.S. Court of Appeals for the District of Columbia Circuit (*Environmental Defense Fund* v. *EPA, et al.,* 167 F. 3d 641, DC Cir. 1999). These exceptions are addressed in the current SIP submission and are explained below. With the current revisions submitted by LDEQ, the State is aligning its rule to the Federal conformity rule for all amendments up to and including those promulgated on July 20, 2004.

Specifically, these revisions address the March 2, 1999, ruling, mentioned

above, by the United States Court of Appeals for the District of Columbia. The court's ruling affected provisions of the rule pertaining to the funding of MTPs and TIPs; use of motor vehicle emissions budgets (MVEB) prior to SIP approval; Federal transportation projects in areas without a conforming MTP and TIP; timing of conformity consequences following an EPA SIP disapproval; and use of submitted safety margins in areas with approved SIPs submitted prior to November 24, 1993.

More recent changes to the rule are inclusion of criteria and procedures for implementing conformity in accordance with the new National Ambient Air Quality Standards (NAAQS) addressing eight-hour ozone and particulate matter with an aerodynamic diameter less than or equal to 2.5 micrometers ($PM_{2.5}$). Changes relating to the implementation of these new standards are summarized below.

Changes to 40 CFR 93.101 add new definitions for one-hour ozone NAAQS; eight-hour ozone NAAQS; donut areas; isolated rural nonattainment and maintenance areas; and limited maintenance plans. Other Federal changes in the rule include provision of a one-year grace period before conformity is required in newly designated nonattainment areas and the addition of $PM_{2.5}$ to the list of criteria pollutants (40 CFR 93.102). Changes to 40 CFR 93.104 were made to amend the point by which a conformity determination must be made following a State's submission of a control strategy SIP or maintenance SIP for the first time. This new provision requires conformity to be determined within 18 months of EPA's affirmative finding that the SIP's MVEBs are adequate. Changes to the grace period for transportation plan requirements in certain ozone and carbon monoxide nonattainment areas are made in 40 CFR 93.106. 40 CFR 93.109 has been changed to include the applicability of conformity for one-hour ozone nonattainment or maintenance areas until EPA revokes the one-hour ozone NAAQS and additional language related to conformity requirements for the new NAAQS for eight-hour ozone and $PM_{2.5.}$ Changes to 40 CFR 93.110 clarify that conformity determinations must be based on the latest planning assumptions in place at the time a conformity analysis begins, rather than at the time of Department of Transportation's conformity finding. Some changes to the methodology of hot-spot analyses were made at 40 CFR 93.116. The rule revisions also made several changes with respect to the MVEB at 40 CFR 93.118 where the adequacy process is discussed. Changes to 40 CFR 93.119 concern use of interim emissions tests in areas without adequate or approved MVEBs. In 40 CFR 93.120, the 120-day grace period previously allowed prior to a conformity freeze has been deleted so that a freeze will occur immediately upon the effective date of a SIP disapproval. EPA amended the rule at 40 CFR 93.121 so that regionally significant, non-Federal projects may no longer advance during a conformity lapse unless they have received all necessary State and local approvals prior to the lapse. EPA also made minor revisions to 40 CFR 93.117 and 40 CFR 93.124–93.126. For a comprehensive guide to all changes in the Federal rule, please see the reference document at *http://www.epa.gov/otaq/transp/conform/420b04013.pdf* or the transportation conformity final rule at 69 FR 40004.

III. What Did the State Submit and How Did We Evaluate It?

With this SIP submission, the State is incorporating by reference the changes made to the Federal conformity rule up to and including the final rule issued on July 1, 2004 (69 FR 40004), as corrected on July 20, 2004 (69 FR 43325), with the exception of the requirements of 40 CFR 93.105. The Federal requirements in 40 CFR 93.105 are addressed in the State rule at LAC 33:III.1434 and are not being changed with this revision.

IV. Final Action

EPA is approving the revisions to the Louisiana conformity SIP and corresponding amendments to LAC 33:III.14.B, Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved under Title 23 U.S.C or the Federal Transit Act. The EPA is publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the SIP revisions if relevant adverse comments are received. The rule will be effective on December 29, 2006 without further notice unless we receive adverse comment by November 29, 2006. If we receive adverse comment we will publish a timely withdrawal in the **Federal Register** informing the public this rule will not take effect. We will address public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of adverse comment.

V. Statutory and Executive Order Reviews

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled ''Regulatory Planning and Review.'' This rule is not a ''significant energy action'' as defined in Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001), because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. This action merely approves State law as meeting Federal requirements and imposes no additional requirements beyond those imposed by State law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a State rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act.

This rule also is not subject to Executive Order 13045 ''Protection of

Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This rule is not subject to Executive Order 13045 because it approves a State program.

In reviewing SIP submissions under the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note), EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 29, 2006. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: October 5, 2006.

Lawrence E. Starfield,

Acting Regional Administrator, Region 6.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart T—Louisiana

■ 2. In § 52.970, the table in paragraph (c) entitled ''EPA approved Louisiana regulations in the Louisiana SIP'' under Chapter 14—Conformity, Subchapter B, section 1432 is revised to read as follows:

§ 52.970 Identification of plan.

* * * * *

(c) * * *

EPA APPROVED LOUISIANA REGULATIONS IN THE LOUISIANA SIP

State citation	Title/subject	State approval date	EPA approval date	Explanation
*	*	*	*	*
Chapter 14 Conformity				
Subchapter B—Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded, or Approved under Title 23 U.S.C. or the Federal Transit Act				
*	*	*	*	*
Section 1432	Incorporation by Reference	March 20, 2005, LR31:640	October 30, 2006 [Insert *FR* page number where document begins].	
*	*	*	*	*

[FR Doc. E6–18050 Filed 10–27–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2006–0548a; FRL–8225–5]

Revisions to the Nevada State Implementation Plan, Clark County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Clark County portion of the Nevada State Implementation Plan (SIP). These revisions concern particulate matter (PM) emissions from fugitive dust sources, such as open areas, unpaved roads, and construction activities. We are approving local rules that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: This rule is effective on December 29, 2006 without further notice, unless EPA receives adverse comments by November 29, 2006. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2006–0548a, by one of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the on-line instructions.

2. *E-mail: steckel.andrew@epa.gov.*

3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *www.regulations.gov* or e-mail. *www.regulations.gov* is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Jerald S. Wamsley, EPA Region IX, at either (415) 947–4111, or *wamsley.jerry@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

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I. The State's Submittal

A. What rules did the State submit?

Table 1 lists the rules we are approving with the dates that they were adopted by Clark County and submitted by Nevada.

TABLE 1.—SUBMITTED RULES

Local agency	Rule No.	Rule title	Adopted	Submitted
Clark Co	Section 90	Fugitive Dust from Open Areas and Vacant Lots	12/17/02	01/23/03
	Section 92	Fugitive Dust from Unpaved Parking Lots, Material Handling & Storage Yards, & Vehicle & Equipment Storage Yards.	12/17/02	01/23/03
	Section 93	Fugitive Dust from Paved Roads & Street Sweeping Equipment.	03/04/03	03/26/03
	Section 94	Permitting & Dust Control for Construction Activities	03/18/03	03/26/03
		Construction Activities Dust Control Handbook	03/18/03	03/26/03

On September 26, 2003, these submittals from Clark County became complete by operation of law since EPA did not make a formal finding that they met the completeness criteria in 40 CFR part 51 Appendix V. These criteria must be met before formal EPA review may begin.

B. Are there other versions of these rules?

We approved versions of these rules into the Nevada SIP on June 9, 2004. See 69 **Federal Register** (FR) 32273. Nevada submitted the December 17, 2002 version of Clark County—Section 93 on January 23, 2003. This prior submittal of Section 93 is now superseded by the March 26, 2003 submittal that is the subject of today's action.

C. What is the purpose of the submitted rule revisions?

These rules help reduce fugitive dust emitted from open areas, vacant lots, unpaved parking lots, material handling and storage yards, and vehicle and equipment storage yards. PM is entrained from disturbed surfaces and storage piles. Fugitive dust is also produced from construction activities. Section 94 provides the requirements for regulating and permitting construction activity fugitive dust emissions.

EPA's technical support document (TSD) has more information about these rules.

II. EPA's Evaluation and Action

A. How is EPA evaluating the rules?

Generally, these SIP rules must be enforceable (see section 110(a) of the Act), must meet Reasonably Available Control Measure (RACM) requirements for PM nonattainment areas (see section 189(a)), and must not relax existing requirements (see sections 110(l) and 193). Clark County regulates a serious PM nonattainment area (see 40 CFR part 81); so, these fugitive dust rules must fulfill Best Available Control Measure (BACM) requirements of section 189(b).

We have listed below the guidance and policy documents that we used to evaluate the rules for enforceability, RACM, and BACM requirements.

1. Portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044, November 24, 1987.

2. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations; Clarification to Appendix D of November 24, 1987 **Federal Register** Notice,'' (Blue Book), notice of availability published in the May 25, 1988 **Federal Register**.

3. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9, August 21, 2001 (the Little Bluebook).

4. ''General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' at 57 FR 13498, April 16, 1992.

5. ''General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' at 57 FR 18070, April 28, 1992.

6. General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' at 59 FR 41998, August 16, 1994.

The Clark County PM–10 plan made several commitments for revisions to the fugitive dust regulations. EPA adopted these commitments into the SIP with our June 9, 2004 approval of the PM–10

plan. Two of these commitments were addressed with the current submittals from Clark Co. The first commitment concerned reviewing and developing as needed an alternative fugitive dust test method for Section 94 (chapter 4.8.2.7 commitment). The second commitment concerned several revisions to Clark County fugitive dust regulations concerning Dust Mitigation Plans, prohibition of dust over property lines, and equipment prohibitions on paved roads (chapter 4.8.2.9 commitment). The TSD summarizes these commitments and the actions taken by Clark Co. to meet them.

B. Do the rules meet the evaluation criteria?

We believe these rules are consistent with the relevant policy and guidance regarding enforceability, RACM, and SIP relaxations. We have determined that the SIP-approved versions of these rules meet the Act's BACM requirements when we approved the Clark County PM–10 Plan. See 69 FR 32273, June 9, 2004. The submitted rules do not relax their BACM requirements. Also, we find that Clark Co. met the PM–10 plan commitments described in chapters 4.8.2.7 and 4.8.2.9. The TSD provides more information on our evaluation.

C. EPA Recommendations to Further Improve the Rules

We have no recommendations.

D. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted rules. If we receive adverse comments by November 29, 2006, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on December 29, 2006. This will incorporate these rules into the federally enforceable SIP.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

III. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 29, 2006. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the CAA.)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: July 27, 2006.

Wayne Nastri,

Regional Administrator, Region IX.

■ Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart DD—Nevada

■ 2. Section 52.1470 is amended by adding paragraphs (c)(60) and (c)(61) to read as follows:

§ 52.1470 Identification of plan.

* * * * *

(c) * * *

(60) The following plan revision was submitted on January 23, 2003, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality and Environmental Management.

(*1*) Sections 90 and 92, adopted June 22, 2000 by the Clark County Board of Commissioners, and amended on December 17, 2002.

(61) The following plan revision was submitted on March 26, 2003, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality and Environmental Management.

(*1*) Section 93, adopted on June 22, 2000 by the Clark County Board of Commissioners and amended on March 4, 2003; Section 94, adopted on June 22, 2000 by the Clark County Board of Commissioners and amended on March 18, 2003; and, the ''Construction Activities Dust Control Handbook'', adopted June 22, 2000 by the Clark County Board of Commissioners and amended on March 18, 2003.

* * * * *

[FR Doc. E6–18158 Filed 10–27–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–8235–5]

Washington: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: Washington has applied to EPA for Final authorization of changes to its hazardous waste program under the Resource Conservation and Recovery Act, as amended, (RCRA). EPA has determined that these changes satisfy all requirements needed to qualify for Final authorization, and is authorizing the State's changes through this immediate final rule. EPA is publishing this rule to authorize the changes without a prior proposal because we believe this action is not controversial and do not expect comments that oppose it.

DATES: This final authorization will become effective on December 29, 2006, unless EPA receives adverse written comments on or before November 29, 2006. If we receive comments that oppose this action, EPA will publish a document in the **Federal Register** withdrawing this rule before it takes effect.

ADDRESSES: Submit your comments, identified by EPA–R10–RCRA–2006–0810 by one of the following methods:

1. *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. E-mail: *kocourek.nina@epamail.epa.gov*.
3. Fax: 206–553–8509.
4. Mail: Nina Kocourek, U.S. EPA, Region 10, Office of Air, Waste and Toxics, 1200 Sixth Avenue, Mail Stop AWT–122, Seattle, Washington 98101.

Instructions: Direct your comments to EPA–10–RCRA–2006–0810. EPA's policy is that all comments received will be included in the public file without change and may be made available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* website is an ''anonymous access'' system which means that EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public file and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters and any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm*.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy during normal business hours at the U.S. Environmental Protection Agency, Region 10 Library, 1200 Sixth Avenue, Seattle, Washington, 98101, phone, and (206) 553–1289. The EPA Region 10 Library is open from 9 a.m. to 12 p.m. and from 1 p.m. to 2:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Nina Kocourek, U.S. EPA, Region 10, Office of Air, Waste and Toxics, 1200 Sixth Avenue, Mail Stop AWT–122, Seattle, Washington 98101, phone number (206) 553–6502, fax number (206) 553–8509, e-mail: *kocourek.nina@epa.gov*; or Patricia Hervieux, Washington Department of Ecology, 300 Desmond Drive, Lacey, Washington 98503, phone (360) 407–6756, e-mail: *pher461@ecy.wa.gov*.

SUPPLEMENTARY INFORMATION:

I. Authorization of Revisions to State Program and of State-Initiated Changes to Washington's Hazardous Waste Program

A. Why Are Revisions to State Programs Necessary?

States that have received final authorization from EPA pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, States must change their programs and ask EPA to authorize the changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of changes to EPA's regulations in Title 40 of the Code of Federal

Regulations (CFR) parts 124, 260 through 266, 268, 270, 273, and 279.

B. What Decisions Have We Made in This Rule?

We conclude that Washington's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, with respect to these revisions, we are granting Washington final authorization to operate its hazardous waste program as described in the revision authorization application. Washington's authorized program will be responsible for carrying out the aspects of the RCRA program as described in its revised program application, subject to the limitations of RCRA, including the Hazardous and Solid Waste Amendments of 1984 (HSWA). New Federal requirements and prohibitions imposed by Federal regulations that EPA promulgates under the authority of HSWA take effect in authorized States before they are authorized for the requirements. Thus, EPA will implement those HSWA requirements and prohibitions for which Washington has not been authorized, including issuing HSWA permits, until the State is granted authorization to do so.

C. What Is the Effect of This Authorization Decision?

The effect of this authorization decision is that a facility in Washington subject to RCRA will continue to be subject to the authorized State requirements and to the Federal HSWA provisions for which the State is not authorized in order to comply with RCRA. Washington has enforcement responsibilities under its State hazardous waste program for violations of its program, but EPA retains its independent enforcement authority under RCRA sections 3007, 3008, 3013, and 7003, which authority includes, among other things, the authority to:

- Perform inspections, and require monitoring, tests, analyses or reports;
- Enforce RCRA requirements and suspend or revoke permits; and
- Take enforcement actions regardless of whether Washington has taken its own actions.

This action does not impose additional requirements on the regulated community because the regulations for which Washington is being authorized by this action are already effective under State law, and are not changed by this action.

D. Why Wasn't There a Proposed Rule Before This Rule?

EPA did not publish a proposal before this rule because we view this as a routine program change and do not expect comments that oppose this approval. We are providing an opportunity for public comment now. In addition to this rule, in the proposed rules section of this **Federal Register**, we are publishing a separate document that proposes to authorize Washington's program changes. If we receive comments, which oppose this authorization, that document will serve as a proposal to authorize these changes.

E. What Happens if EPA Receives Comments That Oppose This Action?

If we receive comments that oppose this action, EPA will publish a document in the **Federal Register** withdrawing this rule before it takes effect. EPA will then address public comments in a later final rule based on the proposed rule in this **Federal Register**. If we receive comments that oppose only the authorization of a particular change to the State hazardous waste program, we will withdraw that part of this rule. However, the authorization of program changes that are not opposed by any comments will become effective on December 29, 2006. A **Federal Register** withdrawal document will specify which part of the authorization will become effective and which part is being withdrawn. You may not have another opportunity to comment. If you want to comment on this authorization, you must do so at this time.

F. What Has Washington Previously Been Authorized for?

Washington initially received final authorization on January 30, 1986, effective January 31, 1986 (51 FR 3782), to implement the State's dangerous waste management program. EPA granted authorization for changes to Washington's program on September 22, 1987, effective on November 23, 1987 (52 FR 35556); August 17, 1990, effective October 16, 1990 (55 FR 33695); November 4, 1994, effective November 4, 1994 (59 FR 55322); February 29, 1996, effective April 29, 1996 (61 FR 7736); September 22, 1998, effective October 22, 1998 (63 FR 50531); October 12, 1999, effective January 11, 2000 (64 FR 55142); April 11, 2002, effective April 11, 2002 (67 FR 17636) and on April 14, 2006, effective June 13, 2006 (71 FR 19442).

G. What Revisions Are We Authorizing With This Action?

We are granting final authorization for the revisions to Washington's federally-authorized program described in Washington's final complete program revision application submitted to EPA on June 26, 2006, and deemed complete by EPA on July 25, 2006. We have made a final determination, subject to receipt of written comments that oppose this action, that Washington's hazardous waste program revisions, as described in this rule, satisfy the requirements necessary for final authorization. Regulatory revisions that are less stringent than the Federal program requirements and those regulatory revisions that are broader in scope than the Federal program requirements are not authorized. Washington's authorized hazardous waste program, as amended by these provisions, remains equivalent to, consistent with, and is no less stringent than the Federal RCRA program. Therefore, we grant final authorization for the following program changes as identified in Table 1 and Table 2 below.

The provisions listed in these tables are from the Washington Administrative Code (WAC) and are analogous to the RCRA regulations as indicated in the tables. The RCRA regulations are those as published in 40 CFR parts 260 through 265, 268, 270, and 279, as of July 1, 2003, unless otherwise noted. Table 1 identifies new State rules that EPA is authorizing as equivalent or more stringent to the Federal program, and Table 2 identifies those State-initiated changes to its previously-authorized program. (Note, in Table 2 some State provisions have no direct Federal analog but are related to particular paragraphs, sections, or parts of the Federal hazardous waste requirements in the 40 CFR). All of the referenced analogous State authorities were legally adopted and effective as of January 1, 2005.

TABLE 1.—EQUIVALENT AND MORE STRINGENT ANALOGUES TO THE FEDERAL PROGRAM [1]

Checklist [4]	Federal requirements	**Federal Register**	Analogous state authority (WAC 173–303–* * *)
17D [3]	Waste Minimization HSWA Codification Rule.	50 FR 28702, 7/15/85	180(1); 370(1); 380(1); 390(1); 380(1)(q); 810(11)(c); 805(1)(b), 805(1)(c).

TABLE 1.—EQUIVALENT AND MORE STRINGENT ANALOGUES TO THE FEDERAL PROGRAM [1]—Continued

Checklist [4]	Federal requirements	Federal Register	Analogous state authority (WAC 173–303–* * *)
30	Biennial Report Correction	51 FR 28556, 8/8/86	390(2)(g), 390(2)(h), 390(2)(i).
108	Toxicity Characteristic Revisions; Technical Corrections.	57 FR 30657, 7/10/92	071(3)(aa); 071(3)(g)(i); 400(3)(a) Incorporated by Reference (IBR) 045(1)
152	Imports and Exports of Hazardous Waste: Implementation of OECD Council Decision.	61 FR 16290, 4/12/96	120(6); 170(6); 070(1); 230(2); 280(1), 280(2); 600(3)(f); 950; 960; 230(1) IBR 045(1); 240(11); 250(1); 290(1)(a), 290(1)(b); 370(6); 525(1)(b)(ii), 525(1)(b)(iii); 573(16); 573(27), 573(34), 573(38), 573(38)(d).
156 [3]	Military Munitions Rule	62 FR 6622, 2/12/97	578(3); 578(4)(d), 578(4)(d)(i), 578(4)(d)(ii), 578(4)(e).
159	Conformance With the Carbamate Vacatur.	62 FR 32974, 6/17/97	9904; 082(1); 9903; 082(4) IBR 045(1); 9905; 140(2)(a) IBR 045(1).
161	Emergency Revision of the Carbamate Land Disposal Restrictions (LDR).	62 FR 45568, 8/28/97	140(2)(a) IBR 045(1).
168	Hazardous Waste Combustors; Revised Standards.	63 FR 33782, 6/19/98	830(4)(j), 830(4)(j)(i), 830(4)(j)(ii), 830 Appendix I—L. 9.; 805(7)(b)(viii).
182	Hazardous Air Pollutants Standards for Combustors.	64 FR 52828, 9/30/99 amended at 64 FR 63209, 11/19/99.	040; 670(1)(b), 670(1)(b)(i), 670(1)(b)(ii), 670(1)(c), 670(1)(d); 680(2); 400(3)(a) IBR 045(1); 510(1)(a) IBR 045(1); 806(4)(f), 806(4)(f)(v), 806(4)(n); 830 Appendix I—A.8 and I.9.; 807 Intro.; 811 IBR 045(1).
183	LDR Phase IV—Technical Correction.	64 FR 56469, 10/20/99	9904; 082(1); 200(1)(f); 140(2)(a) IBR 045(1).
184 [2]	Accumulation Time for Waste Water Treatment Sludges.	65 FR 12378, 3/8/00	200(1)(e), 200(1)(f); 200(4)(a), 200(4)(a)(i), 200(4)(a)(ii), 200(4)(a)(iii), 200(4)(a)(iv), 200(4)(a)(iv)(A), 200(4)(a)(iv)(A)(I), 200(4)(a)(iv)(A)(II), 200(4)(a)(iv)(A)(III), 200(4)(a)(iv)(A)(III) 1st and 2nd Bullets, 200(4)(a)(iv)(B), 200(4)(a)(iv)(C), 200(4)(a)(v)(D), 200(4)(a)(iv)(E), 200(4)(b), 200(4)(c).
187	Petroleum Refining Process Wastes—Clarification.	64 FR 36365, 6/8/00	9904; 140(2) IBR 045(1).
188	Hazardous Air Pollutant Standards; Technical Corrections.	65 FR 42292, 7/10/00	670(1)(b)(i), 670(1)(b)(iii); 830(4)(j)(i).
189	Chlorinated Aliphatics Listing and LDR for Newly Identified Wastes.	65 FR 67068, 11/8/00	9904; 082(1); 082(4) IBR 045(1); 9905; 140(2)(a) IBR 045(1).
192A [2]	Mixture and Derived—From Rules Revisions.	66 FR 27266, 5/16/01	070(2)(a), 070(2)(c)(i), 070(2)(c)(ii), 070(2)(c)(ii)(A), 070(2)(c)(ii)(B); 071(2), 071(3)(bb), 071(3)(o); 081(3); 082(3).
192B	LDR Correction	66 FR 27266, 5/16/01	140(2) IBR 045(1).
193	Change of Official EPA Mailing Address.	66 FR 34374, 6/28/01	110(3)(a).
194 [2]	Mixture and Derived—From Rules Revision II.	66 FR 50332, 10/3/01	071(2); 081(3); and 082(3).
195	Inorganic Chemical Manufacturing Wastes Identification and Listing.	66 FR 58258, 11/20/01; 67 FR 17119, 4/9/02.	071(3)(kk), 071(3)(kk)(i), 071(3)(kk)(ii), 071(3)(kk)(iii), 071(3)(kk)(iv), 071(3)(kk)(v); 9904; 082(1), 082(4) IBR 045(1); 140(2)(a) IBR 045(1).

TABLE 1.—EQUIVALENT AND MORE STRINGENT ANALOGUES TO THE FEDERAL PROGRAM [1]—Continued

Checklist [4]	Federal requirements	**Federal Register**	Analogous state authority (WAC 173–303–* * *)
196	Corrective Action Management Unit (CAMU) Amendments.	67 FR 2962, 1/22/02	040; 64650(1), 64650(2); 64640, 64640(1); 64650(3), 64650(3)(a), 64650(3)(a)(i), 64650(3)(a)(ii), 64650(3)(a)(ii)(A), 64650(3)(a)(ii)(B), 64650(3)(a)(iii), 64650(3)(b), 64650(3)(c), 64650(3)(c)(i), 64650(3)(c)(ii), 64650(3)(c)(iii), 64650(3)(c)(iv), 64650(3)(d), 64650(3)(e); 64670(1), 64670(1)(a), 64670(1)(b), 64670(2); 64660(1), 64660(1)(a), 64660(1)(b), 64660(1)(c), 64660(1)(d), 64660(1)(e), 64660(1)(f), 64660(1)(g), 64660(2), 64660(2)(a), 64660(2)(b), 64660(2)(c), 64660(3), 64660(3)(a), 64660(3)(b), 64660(3)(c), 64660(3)(c)(i), 64660(3)(c)(ii), 64660(3)(c)(ii)(A), 64660(3)(c)(ii)(B), 64660(3)(d), 64660(3)(d)(i), 64660(3)(d)(i)(A), 64660(3)(d)(i)(A)(I), 64660(3)(d)(i)(A)(II), 64660(3)(d)(i)(B), 64660(3)(d)(i)(C), 64660(3)(d)(ii), 64660(3)(d)(iii), 64660(3)(d)(iv), 64660(3)(d)(iv)(A), 64660(3)(d)(iv)(B), 64660(3)(d)(iv)(C), 64660(3)(d)(iv)(D), 64660(3)(d)(iv)(E), 64660(3)(d)(iv)(F), 64660(3)(d)(v), 64660(3)(d)(v)(A), 64660(3)(d)(v)(B), 64660(3)(d)(v)(C), 64660(3)(d)(v)(D), 64660(3)(d)(v)(E), 64660(3)(d)(v)(E)(I), 64660(3)(d)(v)(E)(II), 64660(3)(d)(v)(E)(III), 64660(3)(d)(v)(E)(IV), 64660(3)(d)(v)(E)(V), 64660(3)(d)(vi), 64660(3)(d)(vii), 64660(3)(e), 64660(3)(e)(i), 64660(3)(e)(ii), 64660(3)(e)(iii), 64660(3)(f), 64660(3)(f)(iv), 64660(3)(f)(i), 64660(3)(f)(i)(A), 64660(3)(f)(i)(B), 64660(3)(f)(ii), 64660(3)(f)(ii)(A), 64660(3)(f)(ii)(B), 64660(3)(f)(ii)(C), 64660(3)(f)(ii)(D), 64660(3)(f)(ii)(E), 64660(3)(f)(ii)(F), 64660(3)(f)(iii), 64660(3)(f)(iii)(A), 64660(3)(f)(iii)(A)(I), 64660(3)(f)(iii)(A)(II), 64660(3)(f)(iii)(A)(III), 64660(3)(f)(iii)(A)(IV), 64660(3)(f)(iii)(A)(V), 64660(3)(f)(iii)(B), 64660(3)(f)(iv), 64660(4), 64660(4)(a), 64660(4)(b), 64660(4)(b)(i), 64660(4)(b)(ii), 64660(5), 64660(6), 64660(7), 64660(8); 64650(4); 64690 IBR 045(1); 646910(1), 646910(1)(a), 646910(1)(b), 646910(1)(b)(i), 646910(1)(b)(ii), 646910(1)(b)(iii), 646910(1)(c), 646910(2), 646910(3), 646910(4), 646910(5), 646910(5)(a), 646910(5)(b), 646910(5)(c), 646910(5)(d), 646910(5)(e), 646910(5)(f), 646910(6), 646910(7).
197	Hazardous Air Pollutant Standards for Combustors: Interim Standards.	67 FR 6792, 2/13/02	670(1)(b)(i), 670(1)(b)(iv), 670(1)(b)(iv)(A), 670(1)(b)(iv)(B); 400(3)(a) IBR 045(1); 806(4)(f)(v), 806(4)(n); 807 Introduction; 811 IBR 045(1); 841 IBR 045(1).
198	Hazardous Air Pollutant Standards for Combustors: Corrections.	67 FR 6968, 2/14/02	510(1)(a) IBR 045(1); 830(4)(j)(i).
200	Zinc Fertilizer Rule	67 FR 48393, 7/24/02	071(3), 071(3)(pp), 071(3)(pp)(i), 071(3)(pp)(i)(A), 071(3)(pp)(i)(B), 071(3)(pp)(ii), 071(3)(pp)(iii), 071(3)(pp)(iii)(A), 071(3)(pp)(iii)(B), 071(3)(pp)(iii)(C), 071(3)(pp)(iii)(D), 071(3)(pp)(iii)(E), 071(3)(pp)(iii)(F); 505(1)(b)(i), 505(1)(b)(iii), 505(1)(b)(iii)(A), 505(1)(b)(iii)(B); 140(2)(a) IBR 045(1).
201	Treatment Variance for Radioactively Contaminated Batteries.	67 FR 62618, 10/7/02	140(2)(a) IBR 045(1).
202	Hazardous Air Pollutant Standards for Combustors: Corrections 2.	67 FR 77687, 12/19/02	806(4)(f)(v), 806(4)(n); 807 Introduction; 811 IBR 045(1).
204 [2], 204.1 [2]	Performance Track and Amendments.	69 FR 21737, 4/22/04 amended 69 FR 62217, 10/25/04.	200(5) IBR 045(1), 200(5)(a), 200(5)(b), 200(5)(c), 200(5)(d), 200(5)(e).

TABLE 1.—EQUIVALENT AND MORE STRINGENT ANALOGUES TO THE FEDERAL PROGRAM [1]—Continued

Checklist [4]	Federal requirements	Federal Register	Analogous state authority (WAC 173–303–* * *)
209 [2]	Mercury Containing Equipment, Universal Waste.	70 FR 45508, 8/5/05	040; 077(2), 077(3); 600(3)(o)(ii), 600(3)(o)(iii); 400(2)(c)(xi)(B), 400(2)(c)(xi)(C); 573(4)(d) IBR 045(1); 800(7)(c)(iii)(B), 800(7)(c)(iii)(C); 573(3)(a), 573(3)(b), 573(3)(b)(i), 573(3)(b)(ii), 573(3)(c)(i), 573(3)(c)(ii), 573(4)(a), 573(4)(b), 573(4)(b)(i), 573(4)(b)(ii), 573(4)(c)(i), 573(4)(c)(ii); 573(9)(b), 573(9)(b)(i), 573(9)(b)(ii), 573(9)(b)(ii)(A)–(H), 573(9)(b)(iii)(A), 573(9)(b)(iii)(A)(I), 573(9)(b)(iii) (9)(A)(II), 573(9)(b)(iii)(B), 573(9)(b)(iii)(C), 573(10)(b), 573(10)(c), 573(11)(c)(ii), 573(19)(b)(iv), 573(19)(b)(v), 573(20)(b), 573(20)(b)(i), 573(20)(b)(ii), 573(20)(b)(ii)(A)–(H), 573(20)(b)(iii)(A), 573(20)(b)(iii)(A)(I), 573(20)(b)(iii)(A)(II), 573(20)(b)(iii)(B), 573(20)(b)(iii)(C), 573(21)(b), 573(21)(c), 573(22)(c)(ii), 573(26)(a)(ii), 573(26)(b)(ii), 573(37)(a)(ii).
13, 79 (Consolidated Checklist C2).	Identification and Listing of Hazardous Waste—Recycling Facility Requirements.	50 FR 614, 1/4/85; amended 50 FR 14216, 4/11/85 and 50 FR 33541, 8/20/85; 55 FR 25454, 6/21/90.	120(4).
IVA, IVB, 34, 64, 78, 102 (Consolidated Checklist C5/C6).	Standards for Owners and Operators of Hazardous Waste Treatment Storage and Disposal Facilities—Waste Analysis Plan.	45 FR 33232, 5/19/80; 51 FR 40572, 11/7/86 amended 52 FR 21010, 6/4/87; 54 FR 33376, 8/14/89; 55 FR 22520, 6/1/90; 57 FR 8086, 3/6/92.	300(1), 300(2); 040.
V, 13, 71 (Consolidated Checklist C9 [2]).	Permits by Rule—Subpart F—Special Forms of Permits.	48 FR 14228, 4/12/83, amended 48 FR 30113, 6/30/83; 50 FR 614, 1/4/85; amended 50 FR 14216, 4/11/85 and 50 FR 33541, 8/20/85; 55 FR 2322, 1/23/90.	802(5)(a), 802(5)(b); 040.
54, 85, 94, 168, 188, 198 (Consolidated Checklist C9).	Hazardous Waste Management Facilities—Boilers and Industrial Furnaces.	53 FR 37912, 9/28/88 amended 53 FR 41649, 10/24/88; 56 FR 7134, 2/21/91; 56 FR 32688, 7/17/91; 63 FR 33782, 6/19/98; 65 FR 42292, 7/10/00; amended 66 FR 24270, 5/14/01 and 66 FR 35087, 7/3/01; 67 FR 6968, 2/14/02.	830(4)(g), 830(4)(g)(i), 830(4)(g)(i)(A), 830(4)(g)(i)(B), 830(4)(g)(i)(C), 830(4)(g)(i)(D), 830(4)(g)(i)(E), 830(4)(j), 830(4)(j)(i), 830(4)(j)(ii).

[1] For further discussion on where the revised State rules differ from the Federal rules refer to Section G. below, the authorization revision application, and the administrative record for this decision.
[2] State rule contains some more stringent provisions. For identification of more stringent State provisions refer to the authorization revision application and the administrative record for this decision.
[3] State requested authorization for portions of the Federal regulation. For identification of which portions are authorized refer to the authorization revision application and the administrative record for this decision.
[4] Checklists generally reflect changes made to the Federal regulations pursuant to a particular **Federal Register** notice and EPA publishes these Checklists as aids for States to use for the development of their authorization application. (*See* EPA's RCRA State Authorization Web page at *http://www.epa.gov/epaoswer/hazwaste/state/rcra*.)

TABLE 2.—STATE INITIATED CHANGES

State requirement and reason for change (WAC 173–303–* * *)	Analogous Federal 40 CFR citation [1]
40 "Partial closure" definition, Internal citation corrected	260.10.
045(1), Date of incorporation by reference updated	No direct federal analog.
045(2)(a) Federal citation for a delegable provision moved to next sub-subsection.	260.20–260.22.
045(2)(b), Citation corrected	264.301(l).
045(2)(c), Citation corrected	268.5, 268.6, 268.10–14, 268.42(b), 268.44 except 268.44(a)–(g).
045(3), Clarification of delegable federal citation not incorporated by reference.	260.20–22.
045(4), New subsection—substitution of state for federal terms	No direct federal analog.
060(1), Clarification of ID# issuance and state-only transfer facility registration number issuance.	262.12(a)&(c).
060(2), Corrections for new form name	262.12(b).
060(5), Corrections for new form name	262.12 related.
070(2)(c), Hazardous debris exclusion moved to 071(3)(qq)	261.3(f).
070(7)(c)(ii), Citation added	261.5(c) and 262.10 related.
070(8)(b)(iii)(C), Citation updated	261.5(f)(3) & 261.5(g)(3) related.
070(8)(d), Clarification of application of used oil standards to CESQGs	261.6(a)(4).
071(3)(k), Citation corrected	No direct federal analog.

TABLE 2.—STATE INITIATED CHANGES—Continued

State requirement and reason for change (WAC 173–303–* * *)	Analogous Federal 40 CFR citation[1]
071(3)(o), SIC changed to NAIC Codes	261.3(c)(2)(ii)(A).
071(3)(cc), SIC changed to NAIC Codes	261.4(a)(12).
071(3)(hh), SIC changed to NAIC Codes	261.4(a)(18).
071(3)(nn), State-only drug exclusion	No direct federal analog.
081(3), Clarification of ''mixture'' language	261.3(c).
082(3), Clarification of ''mixture'' language	261.3(b)(2).
090(5)(a)(iii), Citation deletion to conform to federal rule	261.21.
100(5)(b)(i), Clarification	No direct federal analog.
100(6), Publication reference update	No direct federal analog.
100(6)(d), Obsolete reference deleted	No direct federal analog.
104, State-only waste codes identified in one location	No direct federal analog.
110(3)(g)(vii), Spelling correction and year update	260.11(a)(15).
120(3)	261.6(a)(2).
120(4)	261.6(c)(1).
120(4)(c)(v)–(viii)	261.6(c)(2).
Closure requirements for recycling and used oil facilities (new in 2005).	
140(2)(a), Citation added Clarification	Part 268.
161(6), 5 years added as retention period for labpacks	No direct federal analog.
170(5), Citations corrected	262.10(i).
190(5)(b), Marking directions corrected	No direct federal analog 262.30–260.33 related.
200(1)(b)(i)&(ii), Citation corrected	262.34(a)(1) intro and (a)(1)(i) & (ii).
200(1)(b)(ii)&(iii), Stress of installation added for equivalence with federal rule.	262.34(a)(1) intro and (a)(1)(ii) & (iii).
200(1)(b)(iv)(B), Citation added for equivalence with federal rule at unnumbered paragraph following (B).	262.34(a)(1)(iv) paragraph following (B).
200(1)(e)(i), Citation added for equivalence with federal rule	262.34(a)(4).
201(2)(e), Citations corrected; generators of between 220 and 2200 pounds are subject to secondary containment.	262.34(d).
210(2), Corrections for new form name	262.40(b).
240(6)(a), Corrections for new form name	263.12 related.
283(2), Citation corrected	No direct federal analog.
290(1)(a)(i) through (vi), Subsection renumbered	264/265.12(a).
320(2)(a), Edit for clarity	264/265.15 except (b)(4)&(d).
380(1)(i), (j), (k), (l), (m), (n), (o), Citations corrected	264.73(b)(8), (9), (10), (11), (12), (13), (14), (15), and (16).
380(1)(p), Reference added	264.73(b)(17).
390(1), Deleted obsolete form title	264/265 Intro.
395(1)(d), Uniform Fire Code changed to International Fire Code	264/265.17.
400(3)(c)(ix), Closure notification clarified	265.112(d)(1) related.
400(3)(c)(xi)(C) & (G), Citations corrected	265 related.
500(1), Reference to 120(3) & (5) added	No federal analog.
505(1) Intro, Reference to 120(3) added	No direct federal analog.
505(1)(b), State fertilizer registration requirements moved from (1)(b)(i) to (1)(b)(iv).	No direct federal analog.
506(1), Reference to 120(3) added	261.4(b)(12).
510(1), Reference to 120(3) added	266.30(a) (1990 CFR).
510(1)(b)(i)(B) and Note, Clarification; Previous (C) deleted and consolidated into (B) References to state-only W001 removed.	266.30(b) intro and (b)(1) (1990 CFR) 266.100(b)(1) (1999 CFR).
515(5)(a), State waste code W001 changed to WPCB	279.12.
515(9)(a), Closure requirements for recycling and used oil facilities (new in 2005).	279.52 related.
515(13), Used oil testing (new subsection)	279 related.
520 Intro, Reference to 120(3) added	266.80(a).
522(1), Reference to 120(3) added	No federal analog.
525(1), Reference to 120(3) added	266.70 except 266.70(v)(3).
600(3)(e), Citation correction	270.1(c)(2) 264.1(b).
600(3)(g), Citation correction	270.1(c)(2) 264.1(b).
610(1)(c), (previous ''c'' became ''d'' & ''d'' became ''e'') Closure requirements for recycling and used oil facilities (new in 2005).	264.110 related.
610(2)(b)(i), Closure standard wording corrected	264.111(c).
610(3)(c)(i), Closure notification clarified	264.112(d).
610(12) New subsection, Closure requirements for recycling and used oil facilities (new in 2005).	264.112 related.
620(1)(e) New sub-subsection, Closure requirements for recycling and used oil facilities (new in 2005).	264.140 related.
620(2)(a), Closure requirements for recycling and used oil facilities (new in 2005); Closure plan definition modified to include recycling and used oil processors.	264.141(a)–(e) related.
620(3), New un-numbered exception paragraph, Closure requirements for recycling and used oil facilities (new in 2005).	264.142 related.
620(4)(a), Reference to used oil and recycling facilities added, Closure requirements for recycling and used oil facilities (new in 2005).	264.143 related.
620(4)(b), Clarification	264.143.

TABLE 2.—STATE INITIATED CHANGES—Continued

State requirement and reason for change (WAC 173–303–* * *)	Analogous Federal 40 CFR citation[1]
620(4)(c), New sub-subsection, Closure requirements for recycling and used oil facilities (new in 2005).	No direct federal analog.
620(6)(a)(i), Partially funded trust funds no longer allowed for closure ..	264.145.
620(6)(a)(v), Minimum ratings of financial strength for financial and insurance institutions required.	264.145.
620(6)(a)(vi), Minimum tangible net worth increased to $20M	264.145.
620(8)(a), Closure requirements for recycling and used oil facilities (new in 2005); Liability requirements modified to apply to recyclers and used oil processors.	264.147(a).
620(8)(a)(i), Minimum ratings of financial strength for financial and insurance institutions required.	264.147(a).
620(8)(a)(ii), Allow Ecology to file claims against liability insurance	264.147(a).
620(8)(a)(iii), Minimum tangible net worth increased to $20M	264.147(a).
620(8)(b)&(f), Citations corrected	264.147(b), 264.147(f)–(j).
630(8)(a) and (b), Uniform Fire Code references changed to International Fire Code.	264.176.
640(2)(c)(iv)(B) Note, Reference to obsolete guidance replaced with list of publications that may be used.	264.191(b)(5)(ii), Note.
640(4)(i), Citations corrected	264.193.
640(4)(i)(iii) Note, Reference to obsolete guidance replaced with list of publications that may be used.	264.193.
640(7)(d)(i)–(iii), (ii) and (iii) deleted; Spill requirements modified—must be reported immediately.	264.196.
640(7)(d)(i)(F), Section 360 applies in the event of emergency	264.196.
645(1)(a)(ii), Citations corrected	264.90(a).
645(10)(h) Lettering corrected, (h) was added as a reserved sub-subsection since it had been missing from previous text. No text is missing. Two federal provisions (g) and (h) are combined at (g) in the State rules.	264.99.
64690 (previous 646(8)), Clarification that ''director'' means ''department''.	264.554.
670(1)(c)(i)–(ii)	264.340(b) & (c).
670(1)(c)(iii)	264.340 related.
670(1)(d)	264.340(d).
Re-lettered from (b) to (c) and (c) to (d) to accommodated new (b).	
680(3), Citation corrected	264.602.
690(1)(c), Citation clarified	264.1030(c).
691(1)(b) Intro, Citation clarified	264.1050(b) intro.
691(1)(c), Paragraph updated	264.1050(c).
692(2) Note, Citations corrected	264.1081–1091.
802(3), Citation corrected	270.60(b).
802(4)(c)(viii), Citation corrected	270.60(c).
803(3)(c), SIC changed to NAIC Codes	270.13.
805(7)(a)(v), Citation correction	270.72(a)(5).
806(6), Note added	270.10(h).
830 Appendix I—6. and 7.a. & b., Citations corrected	270.42 Appendix I.
830 Appendix I—N.1. and 2., Citations corrected	270.42 Appendix I.
910(1)(c), Minimum public comment period reduced from 45 to 21 days	260.20(c).
910(6)(f)(i), Minimum public comment period reduced from 45 to 21 days.	268 related.
960, Changed to be consistent with Hazardous Waste Management Act.	RCRA 7003 related.
9904 State sources, State PCB waste code changed from W001 to WPCB.	261.31(a), 261.32.

[1] Reference to ''No direct federal analog'' is for informational purposes and is not authorized.

H. Where Are the Revised State Rules Different From the Federal Rules?

Under RCRA 3009, EPA may not authorize State rules that are less stringent than the Federal program. Any State rules that are less stringent do not supplant the Federal regulations. State rules that are broader in scope than the Federal program requirements are allowed but are not authorized. State rules that are equivalent to, and State rules that are more stringent than, the Federal program may be authorized, in which case they are enforceable by EPA.

This section discusses certain rules where EPA has made the finding that the State program is more stringent and will be authorized; it discusses those State rules which are being authorized as different but equivalent to the Federal program; it discusses those rules where the State program is broader in scope, and cannot be authorized. Certain portions of the Federal program are not delegable to the States because of the Federal government's special role in foreign policy matters and because of national concerns that arise with certain decisions. EPA does not delegate import/export functions. Under RCRA regulations found in 40 CFR part 262, EPA will continue to implement requirements for import/export functions. The State amended its import and export rules to include 40 CFR part 262, subpart H in accordance with the

Federal rule on Imports and Exports Regulations of Hazardous Waste: Implementation of Organization for Economic Cooperation and Development (OECD) Council Decision (61 FR 16290, 4/12/96). The State's counterpart to this Federal rule is found at WAC 173–303–120(6), although EPA will continue to implement those requirements. Not all program differences are discussed in this section because Washington writes its own version of the Federal hazardous waste rules. Persons must consult Tables 1 and 2, in Section G above, for the specific State regulations that EPA is authorizing in this final rule.

1. More Stringent

States are allowed to seek authorization for State requirements that are more stringent than Federal requirements. EPA has authority to authorize and enforce those parts of a State's program EPA finds to be more stringent than the Federal program. This section does not discuss each more stringent finding made by EPA, but persons can locate such sections by consulting Table 1 in Section G above, as well as by reviewing the docket for this rule. The State program is authorized for each more stringent requirement as part of this rulemaking.

The State revised its previously-authorized permits-by-rule provision at WAC–173–303–802(5)(a) and (5)(b) to allow off-site dangerous waste, including federally-regulated waste, to be received at a wastewater treatment unit. These State provisions are considered broader in scope for State-only wastes and more stringent for the federally-regulated wastes since the State rule includes additional safeguards that the Federal requirements found at 40 CFR 270.1(c)(2(iv) and (v) do not include, such as: (1) Requirement that the source of the wastewater be identified; (2) requirement that the generator keep an operating record when federally-regulated wastes are received from off-site, and (3) requirement that wastewater received from off-site be generated within the same industry and be able to be effectively treated by the wastewater treatment unit.

The State adopted portions of the Federal Mercury-Containing Equipment, Universal Waste Rule (70 FR 45508, 8/5/05). The State's rule is based on EPA's proposed rule (67 FR 40508, 6/12/02) and until the State revises its rules to include the changes EPA made with its final rule (70 FR 45508, 8/5/05) the State's program will be more stringent than the Federal program. The State's rule is more stringent because it does not include the following Federal provisions: the definition for ''ampule'' (40 CFR 260.10); merging ''mercury-containing thermostats'' with ''mercury-containing equipment'' into one universal waste category (40 CFR 260.10); and revised waste management standards for mercury-containing equipment that have open housings instead of ampules (40 CFR 273.13). Additionally, the State's definitions of small and large quantity handler of universal waste found at WAC 173–303–040 are more stringent than the Federal rule (40 CFR 273.9) because (1) the State's rule regulates universal waste lamps at a lower accumulation threshold than the Federal requirement and (2) the State's rule does not include the Federal language that allows equipment with non-contained elemental mercury to be managed as universal waste.

The State incorporated by reference most of the Federal Performance Track Rule (69 FR 21737, 4/22/04) into State law (WAC 173–303–200(5)). However, there are some Federal provisions for which the State included its own internal citations, which include the following more stringent requirements: aisle space requirement for containers (WAC 173–303–630(5)(c)); risk labeling (WAC 173–303–200(1)(d)); verification of training (WAC 173–303–300(2)(c)); cause of incident (WAC 173–303–360(2)(k)(viii)); and description of corrective action taken to prevent reoccurrence of the incident (WAC–173–303–360(2)(k)(ix)); and the requirement that drip pads remain subject to closure standards (WAC 173–303–675(6)(b)).

We also consider the State's new requirement for accumulating dangerous waste on-site for waste water treatment sludges (WAC 173–303–200(1)(e) and (f)) to be more stringent than the Federal requirement (40 CFR 262.34(a)(4)) because the State rule-unlike the Federal rule-requires compliance with ''general inspections'' (WAC 173–303–320) in addition to the other Federal requirements.

The State's revised mixture rules (WAC 173–303–071(2); 081(3); and 082(3)) are more stringent than the Federal rules because the State rules do not include all of the Federal wastewater mixture exclusions as identified in the Federal Mixture and Derived-From Rule Revisions (66 FR 27266, 516/01; and 66 FR 50332, 10/3/01).

2. Different But Equivalent

The following State requirements are different than the Federal requirements, but EPA has determined that they are nevertheless equivalent to the Federal program.

In 2005, the State enacted its Hazardous Waste Facilities Initiative (HWFI), which among other things makes many recycling activities subject to closure plan requirements, pollution liability coverage requirements, and financial assurance requirements. In contrast, under the Federal rules, hazardous waste recycling activities are generally exempt from hazardous waste requirements and therefore are not subject to closure plans, pollution liability coverage and financial assurance. Additionally, the State amended its previously authorized provision (WAC 173–303–120(4)) to be more similar to the Federal rule (40 CFR 261.6(c)(2)) in that the State removed the provision that specified that recyclable materials would be considered stored unless they were moved into an active recycling process within 24 hours The State revised its rule so that it can determine on a case-by-case basis whether recyclable materials received from off-site are not stored if they are moved into an active recycling process in a period of time not to exceed 72 hours. While the Federal analog does not specify a timeframe after which holding recyclable materials is considered storage, EPA Region 1 authorized the State of Vermont for a similar provision (see 64 FR 51702, September 24, 1999), stating ''EPA has previously agreed that States administering the RCRA program have some discretion to determine that short periods of accumulation by recyclers of incoming material do not constitute storage and would not trigger the RCRA storage permitting requirements''. Region 1 determined that Vermont's rule, which allows up to three days without a storage permit, was equivalent to the Federal program and therefore federally approvable. Based on the Vermont authorization and based on the fact that Washington's comprehensive recycling program approach will result in significantly better environmental performance by affected facilities, EPA has determined Washington's rule to be equivalent to the Federal program and federally approvable.

The State revised its previously-authorized waste analysis plan requirements at WAC 173–303–300(1) and (2). The State amended its rule to provide clarity for Treatment, Storage and Disposal (TSD) facilities. The State rule is worded differently than the Federal rule at 40 CFR 264.13(a)(1) and (2); however, we consider it to be equivalent to the Federal program. While the Federal rule states that a TSD facility must obtain a detailed chemical

and physical analysis of a representative sample of the waste, 40 CFR 264.13(2) states that the analysis may include data developed under 40 CFR part 261 and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes. Federal guidance allows the use of knowledge rather than direct testing under certain circumstances (*Waste Analysis at Facilities That Generate, Treat, Store, and Dispose of Hazardous Waste—A Guidance Manual OSWER 9938.4–03, April 1994*). Therefore, the State amended its rule to require documentation when a TSD facility relies upon such knowledge other than testing. The State rule clarifies when the use of knowledge, as defined in WAC 173–303–040, is acceptable, and requires documentation to ensure that such knowledge is sufficient and used appropriately. Overall, EPA believes that the State rule ensures that wastes will be properly designated and managed in a safe and protective manner, and therefore we have determined that the State rule is equivalent to the Federal program.

3. Broader in Scope

States are not allowed to seek authorization for State requirements that are broader in scope than Federal requirements. EPA does not have authority to authorize and enforce those parts of a State's program EPA finds to be broader in scope than the Federal program. However, they remain part of the State's hazardous waste program and the regulated community must comply with them in accordance with State law. Such rules are identified in the State's authorization revision application, and include, but are not limited to, the following:

The State adopted the Federal Zinc Fertilizer Rule (67 FR 48393, 7/24/02) but did not adopt the Federal exclusions found at 40 CFR 261.4(a)(20) and (21) for hazardous secondary materials used to make zinc fertilizers. Therefore, the State rule as applied to waste excluded under Federal rules is broader in scope than the Federal requirements. Additionally, the State added a State-only provision at WAC 173–303–505(1)(b)(iv) for waste-derived fertilizer registration which is not a Federal requirement and is considered broader in scope than the Federal program.

The State adopted the Federal Hazardous Waste Combustors Revised Standards (63 FR 33782, 6/19/98) but did not adopt the Federal comparable or syngas fuel exclusion (40 CFR 261.38), and therefore is broader in scope as applied to waste excluded under the Federal rules because the State rule considers these wastes to be solid wastes.

4. Partial Rules Adopted

In addition to the program differences described above, the State's program has also elected to adopt portions of the following Federal rules. We have found the State portions to these Federal rules to be consistent with and equivalent to the Federal program.

The State's program includes those requirements of the Federal Waste Minimization Rule (50 FR 28702, 7/15/95) that are applicable to owners and operators of hazardous waste TSD facilities. The Federal waste minimization requirements applicable to generators (40 CFR 262.41(a)(6)–(8)) were not adopted by the State because generators must comply with the State-only pollution prevention planning requirements.

EPA implements the Boilers and Industrial Furnaces (BIF) program in Washington State under its HSWA authority, although in order to fully implement the BIF program the State must adopt and receive authorization for the Non-HSWA Federal BIF requirements. In this action, the State is not seeking authorization for the BIF program (40 CFR 266.102 through 40 CFR 266.111). Although, the State did not adopt these Federal provisions, it did adopt the Non-HSWA Federal permit modification provisions (40 CFR 270.42(g) and 40 CFR 270.42(j)) related to boilers and industrial furnaces (WAC 173–303–830(4)(g) and WAC 173–303–830(4)(j)).

5. Renumbering of Corrective Action Requirements

In addition to authorizing the State's corrective action management unit (CAMU) amendments, as identified in Table 1, Section G above, the State regulations for corrective action that were located at WAC 173–303–646 have been renumbered and restructured into eleven new sections. See table at WAC 173–303–646 for cross-references between new and previous State corrective action citations.

I. Who Handles Permits After This Authorization Takes Effect?

After authorization, Washington will issue permits for all the provisions for which it is authorized and will administer the permits it issues. EPA will continue to administer any RCRA hazardous waste permits or portions of permits that were issued prior to the effective date of this authorization. EPA will not issue any new permits or new portions of permits for the provisions listed in Section G after the effective date of this authorization. EPA will continue to implement and issue permits for HSWA requirements for which Washington is not yet authorized.

J. How Does Today's Action Affect Indian Country (18 U.S.C. 1151) in Washington?

EPA's decision to authorize the Washington hazardous waste program does not include any land that is, or becomes after the date of this authorization, ''Indian Country,'' as defined in 18 U.S.C. 1151, with the exception of the non-trust lands within the exterior boundaries of the Puyallup Indian Reservation (also referred to as the ''1873 Survey Area'' or ''Survey Area'') located in Tacoma, Washington. EPA retains jurisdiction over ''Indian Country''. Effective October 22, 1998 (63 FR 50531, 9/22/98) Washington's State program was authorized to implement the State authorized program on the non-trust lands within the 1873 Survey Area of the Puyallup Indian Reservation. The authorization did not extend to trust lands within the reservation. EPA retains its authority to implement RCRA on trust lands and over Indians and Indian activities within the 1873 Survey Area.

K. What Is Codification and Is EPA Codifying Washington's Hazardous Waste Program as Authorized in This Rule?

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. EPA does this by referencing the authorized State rules in 40 CFR part 272. We reserve the amendment of 40 CFR part 272, subpart WW, for this authorization of Washington's program revisions until a later date.

II. Statutory and Executive Order Reviews

This rule authorizes revisions to the State of Washington's authorized hazardous waste program pursuant to section 3006 of RCRA and imposes no requirements other than those currently imposed by State law. This rule complies with applicable executive orders and statutory provisions as follows.

1. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4,1993), the Agency must determine whether the regulatory action is ''significant,'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant

regulatory action'' as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more, or adversely affect in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order. It has been determined that this final rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review.

2. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, because this final rule does not establish or modify any information or recordkeeping requirements for the regulated community and only seeks to authorize the pre-existing requirements under State law and imposes no additional requirements beyond those imposed by State law.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing, and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

3. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), 5 U.S.C. 601 *et seq.*, generally requires Federal agencies to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions. For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business, as codified in the Small Business Size Regulations at 13 CFR part 121; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. EPA has determined that this action will not have a significant impact on small entities because the final rule will only have the effect of authorizing pre-existing requirements under State law. After considering the economic impacts of today's rule, I certify that this action will not have a significant economic impact on a substantial number of small entities.

4. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act (UMRA) of 1995 (Pub. L. 104–4) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why the alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements. This rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local or tribal governments or the private sector. It imposes no new enforceable duty on any State, local or tribal governments or the private sector. Similarly, EPA has also determined that this rule contains no regulatory requirements that might significantly or uniquely affect small government entities. Thus, this rule is not subject to the requirements of sections 202 and 203 of the UMRA.

5. Executive Order 13132: Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, 8/10/99), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among various levels of government.'' This rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among various levels of government, as specified in Executive Order 13132. This rule addresses the authorization of pre-existing State rules. Thus, Executive Order 13132 does not apply to this rule.

6. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (59 FR 22951, 11/9/00), requires EPA to

develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' This rule does not have tribal implications, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

7. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

Executive Order 13045 applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This rule is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866 and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

8. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, 5/22/01) because it is not a ''significant regulatory action'' as defined under Executive Order 12866.

9. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, section 12(d) (15 U.S.C. 272) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus bodies. The NTTAA directs EPA to provide Congress, through the OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This rule does not involve ''technical standards'' as defined by the NTTAA. Therefore, EPA is not considering the use of any voluntary consensus standards.

10. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations

To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency must make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health and environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands. Because this rule addresses authorizing pre-existing State rules and imposes no additional requirements beyond those imposed by State law and there are no anticipated significant adverse human health or environmental effects, the rule is not subject to Executive Order 12898.

11. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective on the December 29, 2006.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indians—lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: October 18, 2006.

Ronald A. Kreizenbeck,

Acting Regional Administrator, Region 10.

[FR Doc. E6–18222 Filed 10–27–06; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

49 CFR Part 37

[Docket OST–2006–26035]

RIN 2105–AC86

Transportation for Individuals With Disabilities; Adoption of New Accessibility Standards

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Final rule.

SUMMARY: The Department is amending its Americans with Disabilities Act (ADA) regulations to adopt, as its regulatory standards, the new Americans with Disabilities Act Accessibility Guidelines (ADAAG) recently issued by the Access Board, including technical amendments the Access Board subsequently made to the new ADAAG. In adopting the new ADAAG as its standards, the Department is making minor modifications to some of the Guidelines and is providing further guidance concerning its newly-adopted standards.

DATES: This rule is effective November 29, 2006.

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th Street, SW., Room 10424, Washington, DC 20590. (202) 366–9306 (voice); (202) 755–7687 (TDD), *bob.ashby@dot.gov* (e-mail).

SUPPLEMENTARY INFORMATION: Under the ADA, the Access Board has the responsibility of creating ''guidelines'' for the accessibility of buildings, facilities, and vehicles subject to ADA requirements (the Americans with Disabilities Act Accessibility Guidelines, or ADAAG). It is then the responsibility of the Department of Transportation and Department of Justice to incorporate into their ADA regulations accessibility ''standards'' consistent with the Access Board's minimum guidelines.

The Department met this obligation in its 1991 ADA regulations through verbatim incorporation of the original ADAAG in Appendix A to part 37. The Access Board issued a major revision to

ADAAG two years ago (69 FR 44084; July 23, 2004), after an extensive notice and comment proceeding and an assessment of the costs of the revisions. In addition, the Board has issued technical amendments to the new ADAAG.

Through this amendment, the Department is incorporating the new ADAAG, including the Board's subsequent technical amendments, into part 37 as the new standards for accessible transportation facilities. In order to avoid duplication, since the entire text of the new ADAAG is available in materials published by the Access Board, the Department is not republishing the voluminous text of the Access Board document. Rather, we are adopting by cross-reference Appendices B and D to 36 CFR part 1191 (including the index), the codification of the revised ADAAG, into § 37.9 of the Department's ADA regulations. Appendix A to part 37, which formerly contained the old ADAAG, will now list a few minor additions or modifications that the Department is making in the standards in the context of transportation facility accessibility.

This DOT rulemaking applies only to facilities and systems that are subject to the DOT ADA regulations, 49 CFR parts 37 and 38. We note that the Department of Justice is conducting a separate rulemaking to incorporate the ADAAG into its ADA regulations, which cover a much wider variety of public and private sector facilities.

The Department issued a notice of proposed rulemaking proposing to adopt the Access Board's draft guidelines (65 FR 48444; August 8, 2000). The Department received only one comment, from a transit authority. That comment is accommodated by the new § 37.9(c), described in the following paragraph.

Section 37.9(a) adopts the new ADAAG by cross-reference as the new standards for accessible transportation facilities. References in paragraph (d) of this section to the old Appendix A have also been updated. One of the issues an agency always faces when updating standards is how to handle projects that are in progress at the time the new standards come into effect. The Department has determined that the clearest way of handling this issue is to provide in paragraph (c)(1) that if a project—either new construction or alteration of an existing facility—is already in progress (i.e., actual construction has already begun or the final design has received all necessary approvals) on the effective date of this amendment, and the work in progress would meet the requirements of the old standards, the construction or alteration need not meet the requirements of the new standards. The entity or person constructing or altering the facility could also choose to comply with the new standards in such a case.

Paragraph (c)(2) similarly provides that an existing facility that complies with the old standards does not have to be retrofitted to comply with the new standards. Of course, any future alteration to an existing facility would have to comply with the new standards.

The Department is also making a clarifying change to its procedures for equivalent facilitation determinations. Paragraph (d)(6)(i) provides that equivalent facilitation determinations are case-by-case, site-specific decisions that apply only to the particular situation to which they pertain. With respect to facilities, in which equivalent facilitations are by nature unique, this provision makes sense. However, there may be some situations concerning manufactured products or accessibility features in which an equivalent facilitation can reasonably apply to a class of situations. For example, if a feature of a bus lift or detectable warning tile used in transit facilities receives an equivalent facilitation determination from the Federal Transit Administration, it is possible that the determination can reasonably apply to transit vehicles or transit facilities other than the one in which the issue arose. We are adding language to this paragraph giving Administrators the discretion to permit broader applications of equivalent facilitation determinations when doing so would be appropriate in these kinds of cases.

Former ADAAG 4.1.1(5) provided a ''structural impracticability'' exception to the requirements for new buildings and facilities. This exception does not exist in the new ADAAG. The reason the Access Board deleted this language was to avoid duplication with an existing requirement to the same effect in Department of Justice regulations (see 28 CFR § 36.401(c)). For consistency with the approach taken by the Access Board and Department of Justice, and to ensure consistency between facilities subject to Titles II and III of the ADA under part 37, the Department has added the language of the Department of Justice regulation to § 37.41 of this part. We would note that the ''structural impracticability'' exception should not be applied to a situation in which a facility is located in ''hilly'' terrain or on a plot of land on which there are steep grades. In such circumstances, accessibility can be achieved without destroying the physical integrity of the structure, and is required in the construction of new facilities.

The Department is also adopting language that would continue in effect the current requirements of ADAAG concerning detectable warnings at curb ramps. Detectable warnings in curb ramps have long been required by ADAAG and DOT and DOJ regulatory standards that have long been, and remain, in effect. Currently, the Access Board is working on new public rights-of-way (PROW) guidelines, the current proposed version of which would retain a detectable warnings requirement. Because the Access Board is proposing this requirement in the PROW document, the July 2004 ADAAG did not include a parallel detectable warning requirement. The unintended consequence of the relationship between the Access Board's timing with respect to the ADAAG and PROW issuances is that, if the Department adopts the new ADAAG, the current detectable warnings requirement for curb ramps would disappear, only to reappear in a few years if the current Access Board PROW proposal is adopted. (If the Access Board deletes or modifies its current proposal concerning detectable warnings in final PROW guidelines, the Department will modify part 37 accordingly.)

The Department, along with an overwhelming majority of Access Board members, believes that detectable warnings are a very useful design feature that makes the built environment safer and more accessible for persons with impaired vision. It would be undesirable, as a policy matter, to permit the Department's current detectable warnings requirement to lapse, particularly since the Department has never sought or received comment on the merits of ending this existing requirement. The Department will therefore maintain the status quo with respect to detectable warnings in this rule. Doing so will not add any burdens for regulated parties, or create any new or increased costs for them: regulated parties will just continue complying with precisely the same requirements that have applied to them (with a brief interruption during a 1998–2001 suspension of these requirements) since 1991.

The Department is correcting a typographical error in § 37.131(b)(4). A citation in that paragraph should refer to § 37.137 (b) and (c) rather than to § 37.131 (b) and (c).

In the new Appendix A, the Department provides web site addresses for the incorporated Appendices B and D to 36 CFR Part 1191 and lists three sections of the new ADAAG to which

the Department is making minor alterations. With respect to § 206.3, the Department adds language, drawn from the old standards, emphasizing that the distance that persons with disabilities must travel to use various important station elements must be minimized. In § 810.2.2, the Department adds a provision from the former § 37.9 (c) of this part that public entities must ensure bus boarding and alighting areas comply with the required dimensions to the extent construction specifications are within their control. In § 810.5.3, the Department is incorporating language from former ADAAG § 10.3.1(9), concerning the coordination of platform and rail car door height. The intent of this addition is to preserve existing regulatory language pending further regulatory action by the Department to amend 49 CFR part 37 regulatory requirements concerning rail platforms. These modifications are explained in more detail in a new section of Appendix D to the regulation. Section 810.5.3 and related Appendix D language may subsequently be changed to be consistent with future changes to Part 37 in the rail platform area.

The Department is also correcting an editing or printing error that has crept into recent editions of the Code of Federal Regulations in the Appendix D discussion of the service area paratransit criterion. The sentence in question concerns the effect of political boundaries on the paratransit obligations of transit providers. The correction restores the original language of the Appendix, as published in the Department's 1991 ADA rule.

Regulatory Analyses and Notices

This is a nonsignificant rule for purposes of Executive Order 12886 and the Department's Regulatory Policies and Procedures. The Office of Management and Budget has concurred in its designation as nonsignificant. The Access Board has already conducted a regulatory assessment of the costs and other effects of changes in the ADAAG, which the Office of Management and Budget has reviewed and approved. The Department believes that the changes in ADAAG, as they affect transportation entities covered by the Department's rules, will have so minimal an incremental economic impact on regulated parties that further economic analysis is unnecessary. For this reason, the Department certifies that this rule will not have significant economic effects on a substantial number of small entities. In addition, we have determined that the rule will not have sufficient Federalism impacts to warrant the production of a Federalism assessment.

Issued this 26th day of September, 2006, at Washington DC.

Maria Cino,

Acting Secretary of Transportation.

■ For the reasons set forth in the preamble, the Department amends 49 CFR part 37 as follows:

PART 37—TRANSPORTATION SERVICES FOR INDIVIDUALS WITH DISABILITIES (ADA)

■ 1. The authority citation for 49 CFR part 37 continues to read as follows:

Authority: 42 U.S.C. 12101–12213; 49 U.S.C. 322.

■ 2. Section 37.9 is revised to read as follows:

§ 37.9 Standards for accessible transportation facilities.

(a) For purposes of this part, a transportation facility shall be considered to be readily accessible to and usable by individuals with disabilities if it meets the requirements of this part and the requirements set forth in Appendices B and D to 36 CFR part 1191, which apply to buildings and facilities covered by the Americans with Disabilities Act, as modified by Appendix A to this part.

(b) Facility alterations begun before January 26, 1992, in a good faith effort to make a facility accessible to individuals with disabilities may be used to meet the key station requirements set forth in §§ 37.47 and 37.51 of this part, even if these alterations are not consistent with the requirements set forth in Appendices B and D to 36 CFR part 1191 and Appendix A to this part, if the modifications complied with the Uniform Federal Accessibility Standards (UFAS) or ANSI A117.1(1980) (American National Standards Specification for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped). This paragraph applies only to alterations of individual elements and spaces and only to the extent that provisions covering those elements or spaces are contained in UFAS or ANSI A117.1, as applicable.

(c) (1) New construction or alterations of buildings or facilities on which construction has begun, or all approvals for final design have been received, before [insert effective date of this amendment] are not required to be consistent with the requirements set forth in Appendices B and D to 36 CFR part 1191 and Appendix A to this part, if the construction or alterations comply with the former Appendix A to this part, as codified in the October 1, 2006, edition of the Code of Federal Regulations.

(2) Existing buildings and facilities that are not altered after November 29, 2006, and which comply with the former Appendix A to this part, are not required to be retrofitted to comply with the requirements set forth in Appendices B and D to 36 CFR part 1191 and Appendix A to this part.

(d)(1) For purposes of implementing the equivalent facilitation provision in ADA Chapter 1, Section 103, of Appendix B to 36 CFR part 1191, the following parties may submit to the Administrator of the applicable operating administration a request for a determination of equivalent facilitation:

(i)(A) A public or private entity that provides transportation facilities subject to the provisions of subpart C of this part, or other appropriate party with the concurrence of the Administrator.

(B) With respect to airport facilities, an entity that is an airport operator subject to the requirements of 49 CFR part 27 or regulations implementing the Americans with Disabilities Act, an air carrier subject to the requirements of 14 CFR part 382, or other appropriate party with the concurrence of the Administrator.

(ii) The manufacturer of a product or accessibility feature to be used in a transportation facility or facilities.

(2) The requesting party shall provide the following information with its request:

(i) Entity name, address, contact person and telephone;

(ii) Specific provision(s) of Appendices B and D to 36 CFR part 1191 or Appendix A to this part concerning which the entity is seeking a determination of equivalent facilitation.

(iii) [Reserved]

(iv) Alternative method of compliance, with demonstration of how the alternative meets or exceeds the level of accessibility or usability provided in Appendices B and D to 36 CFR part 1191 or Appendix A to this part; and

(v) Documentation of the public participation used in developing an alternative method of compliance.

(3) In the case of a request by a public entity that provides transportation facilities (including an airport operator), or a request by an air carrier with respect to airport facilities, the required public participation shall include the following:

(i) The entity shall contact individuals with disabilities and groups representing them in the community.

Consultation with these individuals and groups shall take place at all stages of the development of the request for equivalent facilitation. All documents and other information concerning the request shall be available, upon request, to Department of Transportation officials and members of the public.

(ii) The entity shall make its proposed request available for public comment before the request is made final or transmitted to DOT. In making the request available for public review, the entity shall ensure that it is available, upon request, in accessible formats.

(iii) The entity shall sponsor at least one public hearing on the request and shall provide adequate notice of the hearing, including advertisement in appropriate media, such as newspapers of general and special interest circulation and radio announcements.

(4) In the case of a request by a manufacturer or a private entity other than an air carrier, the manufacturer or private entity shall consult, in person, in writing, or by other appropriate means, with representatives of national and local organizations representing people with those disabilities who would be affected by the request.

(5) A determination of compliance will be made by the Administrator of the concerned operating administration on a case-by-case basis, with the concurrence of the Assistant Secretary for Transportation Policy.

(6)(i) Determinations of equivalent facilitation are made only with respect to transportation facilities, and pertain only to the specific situation concerning which the determination is made. *Provided, however,* that with respect to a product or accessibility feature that the Administrator determines can provide an equivalent facilitation in a class of situations, the Administrator may make an equivalent facilitation determination applying to that class of situations.

(ii) Entities shall not cite these determinations as indicating that a product or method constitutes equivalent facilitation in situations, or classes of situations, other than those to which the determinations specifically pertain.

(iii) Entities shall not claim that a determination of equivalent facilitation indicates approval or endorsement of any product or method by the Federal government, the Department of Transportation, or any of its operating administrations.

■ 3. Amend § 37.41 by designating the existing text as paragraph (a) and adding a new paragraph (b), to read as follows:

§ 37.41 Construction of transportation facilities by public entities.

(a) * * *

(b) (1) Full compliance with the requirements of this section is not required where an entity can demonstrate that it is structurally impracticable to meet the requirements. Full compliance will be considered structurally impracticable only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features.

(2) If full compliance with this section would be structurally impracticable, compliance with this section is required to the extent that it is not structurally impracticable. In that case, any portion of the facility that can be made accessible shall be made accessible to the extent that it is not structurally impracticable.

(3) If providing accessibility in conformance with this section to individuals with certain disabilities (e.g., those who use wheelchairs) would be structurally impracticable, accessibility shall nonetheless be ensured to persons with other types of disabilities (e.g., those who use crutches or who have sight, hearing, or mental impairments) in accordance with this section.

§ 37.131 [Amended]

■ 4. Amend section 37.131(b)(4) by removing the words ''§ 37.131(b) and (c)'' and adding, in their place, the words ''§ 37.137(b) and (c)''.

■ 5. Revise Appendix A to Part 37 to read as follows:

Appendix A to Part 37—Modifications to Standards for Accessible Transportation Facilities

The Department of Transportation, in § 37.9 of this part, adopts as its regulatory standards for accessible transportation facilities the revised Americans with Disabilities Act Guidelines (ADAGG) issued by the Access Board on July 23, 2004. The ADAGG is codified in the Code of Federal Regulations in Appendices B and D of 36 CFR part 1191. Note the ADAAG may also be found via a hyperlink on the Internet at the following address: *http://www.access-board.gov/ada-aba/final.htm.* Like all regulations, the ADAAG also can be found by using the electronic Code of Federal Regulations at *http://www.gpoaccess.gov/ecfr.* Because the ADAAG has been established as a Federal consensus standard by the Access Board, the Department is not republishing the regulations in their entirety, but is adopting them by cross-reference as permitted under 1 CFR 21.21(c)(4). In a few instances, the Department has modified the language of the ADAAG as it applies to entities subject to 49 CFR part 37. These entities must comply with the modified language in this Appendix rather than the language of Appendices B and D to 36 CFR part 1191.

206.3 Location—Modification to 206.3 of Appendix B to 36 CFR Part 1191

Accessible routes shall coincide with, or be located in the same area as general *circulation paths.* Where *circulation paths* are interior, required *accessible* routes shall also be interior. Elements such as ramps, elevators, or other circulation devices, fare vending or other ticketing areas, and fare collection areas shall be placed to minimize the distance which wheelchair users and other persons who cannot negotiate steps may have to travel compared to the general public.

406.8—Modification to 406 of Appendix D to 36 CFR Part 1191

A curb ramp shall have a detectable warning complying with 705. The detectable warning shall extend the full width of the curb ramp (exclusive of flared sides) and shall extend either the full depth of the curb ramp or 24 inches (610 mm) deep minimum measured from the back of the curb on the ramp surface.

810.2.2 Dimensions—Modification to 810.2.2 of Appendix D to 36 CFR Part 1191

Bus boarding and alighting areas shall provide a clear length of 96 inches (2440 mm), measured perpendicular to the curb or vehicle roadway edge, and a clear width of 60 inches (1525 mm), measured parallel to the vehicle roadway. Public entities shall ensure that the construction of bus boarding and alighting areas comply with 810.2.2, to the extent the construction specifications are within their control.

810.5.3 Platform and Vehicle Floor Coordination—Modification to 810.5.3 of Appendix D to 36 CFR Part 1191

Station platforms shall be positioned to coordinate with vehicles in accordance with the applicable requirements of 36 CFR part 1192. Low-level platforms shall be 8 inches (205 mm) minimum above top of rail. In light rail, commuter rail, and intercity rail systems where it is not operationally or structurally feasible to meet the horizontal gap or vertical difference requirements of part 1192 or 49 CFR part 38, mini-high platforms, car-borne or platform-mounted lifts, ramps or bridge plates or similarly manually deployed devices, meeting the requirements of 49 CFR part 38, shall suffice.

EXCEPTION: Where vehicles are boarded from sidewalks or street-level, low-level platforms shall be permitted to be less than 8 inches (205 mm).

■ 6. In Appendix D to Part 37, in the sixth paragraph under the heading ''Section 37.131 Service Criteria for Complementary Paratransit Service Area,'' revise the last sentence and add a new section for ''Appendix A to Part 37'' at the end of the appendix to read as follows:

Appendix D to Part 37—Construction and Interpretation of Provisions of 49 CFR Part 37

* * * * *

Section 37.131 Service Criteria for Complementary Paratransit Service Area

* * * * *

* * * This exception to the service area criterion does not automatically apply whenever there is a political boundary, only when there is a legal bar to the entity providing service on the other side of the boundary.

* * * * *

Appendix A to Part 37—Standards for Accessible Transportation Facilities

Sections 504(a) and (b) of the Americans with Disabilities Act (ADA) require the Access Board to adopt accessibility guidelines; sections 204(c) and 306(c) of the ADA require the Department of Transportation to adopt regulatory standards ''consistent with the minimum guidelines and requirements'' issued by the Access Board. In the original 1991 publication of part 37, the Department complied with this requirement by reproducing the Access Board's Americans with Disabilities Act Accessibility Guidelines (ADAAG) in their entirety as Appendix A.

The Access Board revised ADAAG in July 2004. ADAAG, including technical amendments issued in July 2005, is codified in Appendices B and D to 36 CFR part 1191. In order to avoid duplication of material that the Access Board has already included in the CFR, and which is now readily available on the Internet, the Department has adopted ADAAG by cross-reference in part 37, rather than reproducing the lengthy Access Board publication. However, there are certain provisions of ADAAG that the Department is modifying for clarity or to preserve requirements that have been in effect under the existing standards. Under the ADA, the Department, in adopting standards, has the discretion to depart from the language of ADAAG as long as the Department's standards remain consistent with the Access Board's minimum guidelines. In addition, this appendix provides additional guidance concerning some sections of the DOT standards as they apply to transportation facilities.

Section 201.1

The basic scoping requirement requires all areas of newly designed and newly constructed buildings and facilities to be accessible. Former § 4.1.1(5) provided a ''structural impracticability'' exception to the requirements for new buildings and facilities. The Access Board deleted this exception to avoid duplication with an existing requirement to the same effect in Department of Justice regulations (see 28 CFR § 36.401(c)). For consistency with the approach taken by the Access Board and Department of Justice, and to ensure consistency between facilities subject to Titles II and III of the ADA under part 37, the Department has added the language of the Department of Justice regulation to § 37.41 of this part.

Section 206.3

This section concerns the location of accessible paths. The Department is retaining language from former § 10.3.1(1), which provides that ''Elements such as ramps, elevators, or other circulation devices, fare vending or other ticketing areas, and fare collection areas shall be placed to minimize the distance which wheelchair users and other persons who cannot negotiate steps may have to travel compared to the general public.'' This concept, in our view, is implicit in the language of § 206.3. However, we believe it is useful to make explicit the concept that, in transportation facilities such as rail stations, important facility elements are placed so as to minimize the distance persons with disabilities must travel to use them. This requirement is intended to affect decisions about where to locate entrances, boarding locations (e.g., where a mini-high platform is used for boarding), and other key elements of a facility.

Section 406.8

To maintain the *status quo* with respect to detectable warnings in pedestrian facilities, the Department is adding a provision (not found in the current version of the new ADAAG) requiring curb ramps to have detectable warnings.

Section 810.2.2

The Department recognizes that there will be some situations in which the full dimensions of a bus boarding and alighting area complying with the § 810.2.2 may not be able to be achieved (e.g., there is less than 96 inches of perpendicular space available from the curb or roadway edge, because of buildings or terrain features). The Department is adding language from former § 37.9 (c) of this part, which provides that ''Public entities shall ensure the construction of bus boarding and alighting areas comply with 810.2.2, to the extent the construction specifications are within their control.'' Where it is not feasible to fully comply with § 810.2.2, the Department expects compliance to the greatest extent feasible.

We note that there may be some instances in which it will be necessary to make operational adjustments where sufficient clearance is not available to permit the deployment of lifts or ramps on vehicles. For example, a bus driver could position the bus at a nearby point—even if not the precise location of the designated stop—so that a passenger needing a lift or ramp to get on or off the bus can do so. To avoid the need for such operational adjustments, it is important to place bus shelters, signs, etc. so that they do not intrude into the required clearances.

Section 810.5.3

This section concerns coordination between rail platforms and rail vehicles. The Department is adding language from the former § 10.3.1 (9) (Exception 2), which provides that ''In light rail, commuter rail, and intercity rail systems where it is not operationally or structurally feasible to meet the horizontal gap or vertical difference requirements, mini-high platforms, car-borne or platform-mounted lifts, ramps or bridge plates or similarly manually deployed devices, meeting the requirements of 49 CFR Part 38 shall be permitted.''

In September 2005, the Department issued guidance concerning the relationship of its ADA and 504 rules in the context of rail platform accessibility This guidance emphasized that access to all cars of a train is significant because, if passengers with disabilities are unable to enter all cars from the platform, the passengers will have access only to segregated service. This would be inconsistent with the nondiscrimination mandate of the ADA. It would also, in the case of Federal Transit Administration (FTA) and Federal Railroad Administration (FRA)-assisted projects (including Amtrak), be inconsistent with the requirement of the Department's section 504 regulation (49 CFR § 27.7), which requires service in the most integrated setting reasonably achievable. This guidance states the Department's views of the meaning of its existing rules, and the Department will continue to use this guidance in applying the provisions of this rule.

The Department notes that a related section of 49 CFR part 38 has been the source of some misunderstanding. Section 38.71(b)(2) provides that ''Vehicles designed for, and operated on, pedestrian malls, city streets, or other areas where level-entry boarding is not practicable shall provide wayside or car-borne lifts, mini-high platforms, or other means of access in compliance with § 38.83 (b) or (c) of this part.'' The Department has received some suggestions that this provision should be interpreted to mean that, if there is any portion of a system in which level-entry boarding is not practicable, then the *entire* system can use some method other than level-entry boarding. Such an interpretation is incorrect. The authority to use alternatives to level-entry boarding pertains only to those portions of a system in which rail vehicles are ''operated on'' an area where level-entry boarding is not practicable.

For example, suppose a light rail system's first three stops are on a pedestrian/transit mall where it is infeasible to provide level-entry boarding. The transit system could use car-borne lifts, mini-high platforms, etc. to provide access at those three stops. The system's next ten stops are part of a right-of-way in which level-entry boarding is practicable. In such a case, level-entry boarding would have to be provided at those ten stops. There is nothing inappropriate about the same system having different means of boarding in different locations, in such a case.

We also caution against a potential misunderstanding of the sentence in § 810.5.3 that provides that ''Low-level platforms shall be 8 inches minimum (205 mm) above top of rail.'' This does not mean that high-level platforms are prohibited or that low-level platforms are the only design consistent with the rules. It simply means that where low-level platforms are otherwise permitted, such platforms must be at least 8 inches above the top of rail, except where vehicles are boarded from the street or a sidewalk.

[FR Doc. E6–16680 Filed 10–27–06; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 900124–0127; I.D. 101906A]

Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fisheries; Suspension of Minimum Atlantic Surfclam Size Limit for Fishing Year 2007

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; suspension of the Atlantic surfclam minimum size limit.

SUMMARY: NMFS suspends the minimum size limit of 4.75 inches (12.065 cm) for Atlantic surfclams for the 2007 fishing year. This action is taken under the authority of the implementing regulations for this fishery, which allow for the annual suspension of the minimum size limit based upon set criteria. The intended effect is to relieve the industry from a regulatory burden that is not necessary, as the majority of surfclams harvested are larger than the minimum size limit.

DATES: Effective January 1, 2007, through December 31, 2007.

ADDRESSES: Written inquiries may be sent to Patricia A. Kurkul, Regional Administrator, National Marine Fisheries Service, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930–2298.

FOR FURTHER INFORMATION CONTACT: Tobey Curtis, Fishery Management Specialist, (978) 281–9273; fax (978) 281–9135.

SUPPLEMENTARY INFORMATION: Section 648.72(c) of the regulations implementing the Fishery Management Plan (FMP) for the Atlantic Surfclam and Ocean Quahog Fisheries allows the Administrator, Northeast Region, NMFS (Regional Administrator) to suspend annually, by publication of a notification in the **Federal Register**, the minimum size limit for Atlantic surfclams. This action may be taken unless discard, catch, and biological sampling data indicate that 30 percent of the Atlantic surfclam resource is smaller than 4.75 inches (12.065 cm) and the overall reduced size is not attributable to harvest from beds where growth of the individual clams has been reduced because of density-dependent factors.

At its June 2004 meeting, the Mid-Atlantic Fishery Management Council (Council) voted to recommend that the Regional Administrator suspend the minimum size limit for the 2005, 2006, and 2007 fishing years. In accordance with the provisions of the FMP, the Regional Administrator will publish the suspension of the surfclam minimum size for the applicable fishing year if the proportion of undersized surfclams is under 30 percent of the total surfclam landings.

Commercial surfclam data for 2006 were analyzed to determine the percentage of surfclams that were smaller than the minimum size requirement. The analysis indicated that 4.80 percent of the overall commercial landings were composed of surfclams that were less than 4.75 inches (12.065 cm). Based on these data, the Regional Administrator adopts the Council's recommendation and suspends the minimum size limit for Atlantic surfclams from January 1 through December 31, 2007, through this temporary rule.

Classification

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator finds good cause to waive prior notice and opportunity for public comment as notice and comment would be unnecessary and contrary to the public interest. The surfclam minimum size has been suspended consistently for many consecutive years. The industry has repeatedly supported the timely suspension of the size limit, to coincide with the beginning of the fishing year on January 1st, because of the unnecessary costs involved with complying with the minimum size limit if this rule is delayed beyond that date. This action relieves a burden in that, minus this suspension, the catch of clams would have to be inspected on board a vessel in order to cull out clams that did not meet the minimum size limit. This would be difficult because of the current highly mechanized process that removes the clams from the dredge and transports them to the 32–bushel cages, which are then sent to the processing plant. Given poor weather conditions in the fall/early winter, delay of this action beyond January 1, 2007, could also make the culling process dangerous. Culling out small clams will also increase the time it takes for a vessel owner to harvest the allocation for which the vessel is fishing, potentially increasing fuel costs and other vessel operation expenses, as well as the fishing mortality on the stock. Pursuant to 5 U.S.C. 553(d)(3), the Assistant Administrator finds good cause to waive the delayed effectiveness period for the reasons stated above. Delaying effectiveness of this rule would also promote confusion in the industry, which has not had to comply with a minimum size restriction for many years.

This action is authorized by 50 CFR part 648 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 24, 2006.

James P. Burgess,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E6–18201 Filed 10–27–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 060719196–6271–02; I.D. 071106F]

RIN 0648–AU54

Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Correction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; correction.

SUMMARY: NMFS implements this final rule to clarify the expiration date of the limited entry program for *Illex* squid, reestablish a minimum mesh requirement for the butterfish fishery, and remove a regulatory requirement for annual specifications to be published by a specific date. These measures were initially implemented by the final rule implementing the specifications for the 2005 fishing year for Atlantic mackerel, squid, and butterfish (MSB). These regulatory measures were intended to be of a permanent nature, unlike the 2005 specifications themselves, which were effective through December 31, 2005. An error in the final rule caused these three measures to expire; this rule restores the regulatory requirements. This action is being taken by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Effective November 29, 2006.

ADDRESSES: Copies of supporting documents used by the Mid-Atlantic Fishery Management Council (Council),

including the Environmental Assessment (EA) and Regulatory Impact Review (RIR)/Initial Regulatory Flexibility Analysis (IRFA), for the 2005 specifications are available from: Daniel Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19904–6790. The EA/RIR/IRFA is accessible via the Internet at *http:/www.nero.noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Don Frei, Fishery Management Specialist, 978–281–9221, fax 978–281–9135.

SUPPLEMENTARY INFORMATION:

Background

NMFS published final specifications for the 2005 fishing year for MSB in the **Federal Register** on March 21, 2005 (70 FR 13406), and the measures became effective on April 20, 2005. The final rule included regulatory changes that were meant to be permanent, as well as the MSB specifications, which were intended to be effective through December 31,2005. However, in the dates section of the final rule, the distinction between the effective dates of the 2005 annual specifications and the permanent regulations was not defined and, as a result, all of the measures of the final rule expired on January 1, 2006. This action permanently reestablishes the regulatory measures as intended.

On August 2, 2006, a proposed rule was published in the **Federal Register** (71 FR 43707) soliciting public comment. This final rule addresses the public comment that was received during the comment period which ended on August 17, 2006. No changes were made to the rule.

Comments and Responses

One comment was received in response to the proposed rule. It identified issues about fisheries management that were not relevant to the proposed measures. Therefore, the comment is not responded to in this final rule.

Final Measures

Illex Moratorium Permits

Framework 4 to the MSB Fishery Management Plan (FMP) became effective July 1, 2004(69 FR 30839, June 1, 2004), and extended the limited entry program for the Illex squid fishery through July 1, 2009. In a subsequent regulatory action (March 21, 2005, 70 FR 13406), the text reflecting the extension was not identified as a permanent regulation and, therefore, expired on January 1, 2006. This final rule specifies the July 1, 2009, expiration date in the regulatory text, as was intended.

Gear Specifications For Otter Trawl Butterfish Trips

The final rule implementing the 2005 MSB specifications included a 3.0–inch (7.62–cm) minimum codend mesh size requirement for butterfish otter trawl trips of greater than 5,000 lb (2,268 kg). The measure was described in detail in the proposed rule for the 2005 MSB specifications (70 FR 1686, January 10, 2005) and is only summarized here. The purpose of this minimum mesh size requirement is to allow for escapement of unmarketable butterfish and butterfish below the size at which 50 percent are sexually mature. This minimum mesh size requirement reduces discards in the directed fishery, especially of small, sexually immature butterfish, which will increase the chance of successful recruitment and aid in stock rebuilding. This final rule re-establishes the minimum mesh size requirements in the regulations.

Annual Specifications

The final rule implementing the 2005 MSB specifications included a clarification to the regulations in § 648.21, removing references to the dates on which the proposed and final rules for the annual specifications must be published by the Administrator, Northeast Region, NMFS (Regional Administrator), because it is not necessary to specify those dates in regulatory text. This rule re-instates that clarification by removing the unnecessary dates.

Classification

This action is authorized by 50 CFR part 648 and has been determined to be not significant for purposes of Executive Order 12866.

The final rule contains the FRFA prepared pursuant to 5 U.S.C. 604(a) for these measures, as analyzed in the 2005 MSB specifications. The FRFA consists of the IRFA and the summary of impacts and alternatives contained in this final rule. No comments were received on the IRFA or economic impacts of the rule. A copy of the IRFA can be obtained from the Council or NMFS (see **ADDRESSES**) or via the Internet at *http:/ www.nero.noaa.gov*.

Summary of Objective and Need

A description of the reasons why this action is being considered, and the objectives of and legal basis for this action, is contained in the preamble to this final rule and the proposed rule for the 2005 MSB specifications and is not repeated here.

Summary of Significant Issues Raised by Public Comment

One comment was received in response to the proposed rule. It identified issues about fisheries management that were not relevant to the proposed measures. Therefore, the comment is not responded to in this final rule.

Description and Estimate of Number of Small Entities to Which the Rule Will Apply

The number of potential fishing vessels in the 2005 fisheries were 72 for *Illex* squid, and 2,119 vessels with incidental catch permits for squid/ butterfish, based on vessel permit issuance. There are no large entities participating in this fishery, as defined in section 601 of the Regulatory Flexibility Act. Therefore, there are no disproportionate economic impacts. Many vessels participate in more than one of these fisheries; therefore, the numbers are not additive.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

This action does not contain any new collection-of-information, reporting, recordkeeping, or other compliance requirements. It does not duplicate, overlap, or conflict with any other Federal rules.

Minimizing Significant Economic Impacts on Small Entities

The re-establishment of the regulation to specify the expiration date of the limited entry program for *Illex* squid and the removal of the regulatory text that specified dates by which annual specifications must be published have no economic impacts.

The economic impacts of the re-establishment of the measure to require the use of a 3.0–inch (7.62 cm) minimum codend mesh size for otter trawl trips landing more than 5,000 lb (2,278 kg) of butterfish were analyzed. During the period 2001–2003, 16,854 trips landed butterfish, based on unpublished NMFS Vessel Trip Report (VTR) data. More than half (57 percent) of the landings of butterfish during 2001–2003 were taken with mesh sizes less than 3.0 inches (7.62 cm). Within this mesh size range, most were taken with mesh sizes between 2.5 inches (6.35 cm) and 3.0 inches (7.62 cm). The trips using this mesh size range (i.e., less than 3.0 inches (7.62 cm))could potentially be affected by the proposed mesh size. However, the 3.0–inch (7.62–cm) mesh requirement only applies to otter trawl trips landing 5,000 lb (2,278 kg) or more of butterfish. In terms of

numerical frequency of trips, the vast majority of trips during 2001–2003 landed less than 5,000 lb (2,278 kg) of butterfish, based on NMFS VTR data. While 57 percent of the landings by weight were taken on trips of greater than 5,000 lb (2,278 kg) during the period, fewer than 1 percent of the trips landing butterfish landed more than 5,000 lb (2,278 kg). Only 26 vessels had trips that included landings of butterfish of 5,000 lb (2,278 kg) or more, and also reported using mesh sizes less than 3.0 inches (7.62 cm) on those trips. Therefore, it is expected that the economic impact of this measure will be negligible, because the vast majority of trips and vessels will not be affected. The costs for those vessels that do land butterfish on trips of more than 5,000 lb (2,278 kg) of butterfish should also be negligible because virtually all of those vessels already possess codends with 3.0–inch (7.62–cm) mesh or greater (because they are fishing for butterfish or in another fishery that uses nets of that size, e.g., whiting). Therefore, they should not incur any additional costs due to the 3.0 inch (7.62 cm) minimum mesh size requirement. This mesh size was selected to allow for escapement of unmarketable butterfish and butterfish below the size at which 50 percent are sexually mature. Based on inspection of the size composition of discarded butterfish from unpublished sea sampling data, the minimum marketable size for butterfish is approximately 5.5 inches (14.0 cm). Based on a scientifically supported selection factor of 1.8, the mesh size corresponding to an L50 of 14 cm is 7.78 cm, or about 3.0 inches. When the Council considered implementing a mesh size requirement for butterfish landings, the only alternative to the proposed action considered was not implementing any mesh size requirement. This alternative was rejected because of the need to reduce discards of juvenile butterfish.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: October 24, 2006.

William T. Hogarth,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

■ For the reasons stated in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. In § 648.4, the introductory text of paragraph (a)(5)(i) is added to read as follows:

§ 684.4 Vessel permits.

(a) * * *

(5) * * *

(i) *Loligo squid/butterfish and Illex squid moratorium permits Illex squid moratorium is in effect until July 1, 2009).*

* * * * *

■ 3. In § 648.14, paragraphs (a)(74), (p)(5), and (p)(11) are added to read as follows:

§ 648.14 Prohibitions.

(a) * * *

(74) Possess nets or netting with mesh not meeting the minimum size requirements of § 648.23, and not stowed in accordance with the requirements of § 648.23, if in possession of Loligo or butterfish harvested in or from the EEZ.

* * * * *

(p) * * *

(5) Fish with or possess nets or netting that do not meet the minimum mesh requirements for *Loligo* or butterfish specified in § 648.23(a), or that are modified, obstructed, or constricted, if subject to the minimum mesh requirements, unless the nets or netting are stowed in accordance with § 648.23(b) or the vessel is fishing under an exemption specified in § 648.23(a).

* * * * *

(11) Possess 5,000 lb (2.27 mt) or more of butterfish, unless the vessel meets the minimum mesh size requirement specified in § 648.23(a)(2).

* * * * *

■ 4. In § 648.21, paragraph (d) is added to read as follows:

§ 648.21 Procedures for determining initial annual amounts.

* * * * *

(d) *Annual fishing measures.* (1) The Squid, Mackerel, and Butterfish Committee will review the recommendations of the Monitoring Committee. Based on these recommendations and any public comment received thereon, the Squid, Mackerel, and Butterfish Committee must recommend to the MAFMC appropriate specifications and any measures necessary to assure that the specifications will not be exceeded. The MAFMC will review these recommendations and, based on the recommendations and any public comment received thereon, must recommend to the Regional Administrator appropriate specifications and any measures necessary to assure that the specifications will not be exceeded. The MAFMC's recommendations must include supporting documentation, as appropriate, concerning the environmental, economic, and social impacts of the recommendations. The Regional Administrator will review the recommendations and will publish notification in the **Federal Register** proposing specifications and any measures necessary to assure that the specifications will not be exceeded and providing a 30–day public comment period. If the proposed specifications differ from those recommended by the MAFMC, the reasons for any differences must be clearly stated and the revised specifications must satisfy the criteria set forth in this section. The MAFMC's recommendations will be available for inspection at the office of the Regional Administrator during the public comment period. If the annual specifications for squid, mackerel, and butterfish are not published in the **Federal Register** prior to the start of the fishing year, the previous year's annual specifications, excluding specifications of TALFF, will remain in effect. The previous year's specifications will be superceded as of the effective date of the final rule implementing the current year's annual specifications.

(2) The Assistant Administrator will make a final determination concerning the specifications for each species and any measures necessary to assure that the specifications contained in the **Federal Register** notification will not be exceeded. After the Assistant Administrator considers all relevant data and any public comments, notification of the final specifications and any measures necessary to assure that the specifications will not be exceeded and responses to the public comments will be published in the **Federal Register**. If the final specification amounts differ from those recommended by the MAFMC, the reason(s) for the difference(s) must be clearly stated and the revised specifications must be consistent with the criteria set forth in paragraph (b) of this section.

* * * * *

■ 5. In § 648.23, paragraph (a) is added to read as follows:

§ 648.23 Gear restrictions.

(a) *Mesh restrictions and exemptions.* (1) Vessels subject to the mesh restrictions outlined in this paragraph (a) may not have available for immediate use any net, or any piece of net, with a mesh size smaller than that required.

(2) Owners or operators of otter trawl vessels possessing 5,000 lb (2.27 mt) or more of butterfish harvested in or from the EEZ may only fish with nets having a minimum codend mesh of 3 inches (76 mm) diamond mesh, inside stretch measure, applied throughout the codend for at least 100 continuous meshes forward of the terminus of the net, or for codends with less than 100 meshes, the minimum mesh size codend shall be a minimum of one-third of the net measured from the terminus of the codend to the headrope.

(3) Owners or operators of otter trawl vessels possessing *Loligo* harvested in or from the EEZ may only fish with nets having a minimum mesh size of 1⅞ inches (48 mm) diamond mesh, inside stretch measure, applied throughout the codend for at least 150 continuous meshes forward of the terminus of the net, or for codends with less than 150 meshes, the minimum mesh size codend shall be a minimum of one-third of the net measured from the terminus of the codend to the headrope, unless they are fishing during the months of June, July, August, and September for Illex seaward of the following coordinates (copies of a map depicting this area are available from the Regional Administrator upon request):

Point	N. Lat.	W. Long.
M1	43°58.0′	67°22.0′
M2	43°50.0′	68°35.0′
M3	43°30.0′	69°40.0′
M4	43°20.0′	70°00.0′
M5	42°45.0′	70°10.0′
M6	42°13.0′	69°55.0′
M7	41°00.0′	69°00.0′
M8	41°45.0′	68°15.0′
M9	42°10.0′	67°10.0′
M10	41°18.6′	66°24.8′
M11	40°55.5′	66°38.0′
M12	40°45.5′	68°00.0′
M13	40°37.0′	68°00.0′
M14	40°30.0′	69°00.0′
M15	40°22.7′	69°00.0′
M16	40°18.7′	69°40.0′
M17	40°21.0′	71°03.0′
M18	39°41.0′	72°32.0′
M19	38°47.0′	73°11.0′
M20	38°04.0′	74°06.0′
M21	37°08.0′	74°46.0′
M22	36°00.0′	74°52.0′
M23	35°45.0′	74°53.0′
M24	35°28.0′	74°52.0′

(4) Vessels fishing under this exemption may not have available for immediate use, as defined in paragraph (b) of this section, any net, or any piece of net, with a mesh size less than 1⅞ inches (48 mm) diamond mesh or any net, or any piece of net, with mesh that is rigged in a manner that is prohibited by paragraphs (c) and (d) of this section, when the vessel is landward of the specified coordinates.

* * * * *

[FR Doc. E6–18188 Filed 10–27–06; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 71, No. 209
Monday, October 30, 2006

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–26107; Directorate Identifier 2004–SW–30–AD]

RIN 2120–AA64

Airworthiness Directives; Sikorsky Aircraft Corporation Model S–61 A, D, E, and V; Croman Corporation Model SH–3H, Carson Helicopters, Inc. Model S–61L; and Siller Helicopters Model CH–3E and SH–3A Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes adopting a new airworthiness directive (AD) for the specified Sikorsky Aircraft Corporation (Sikorsky), Croman Corporation (Croman), Carson Helicopters, Inc. (Carson), and Siller Helicopters (Siller) model helicopters. The AD would require, within a specified time, creating a component history card or equivalent record. The AD would also require recording the hours time-in-service (TIS) and the external lift cycles (lift cycles) for each main gearbox input left and right freewheel unit (IFWU) assembly. Also, the AD would require calculating a moving average of lift cycles per hour TIS at specified intervals on each IFWU assembly. The moving average would be used to determine if an IFWU assembly is used in repetitive external lift (REL) or non-REL helicopter operations. If an IFWU assembly is used in REL operations, this AD would require a repetitive inspection, which requires a visual and dimensional inspection of the IFWU assembly at specified intervals. This AD would also require recording certain information and replacing each part that is beyond the wear limits or that exhibits visual surface distress with an airworthy part. In addition, this AD would require permanently marking the REL IFWU camshafts and gear housings with the letters ''REL'' on the surface of these parts. This proposal is prompted by an accident in which the left and right IFWU assembly on a helicopter slipped or disengaged resulting in both engines overspeeding, engine shutdowns, and loss of engine power to the transmissions. The actions specified by the proposed AD are intended to prevent slipping in the IFWU assembly, loss of engine power to the transmissions, and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before December 29, 2006.

ADDRESSES: Use one of the following addresses to submit comments on this proposed AD:

- DOT Docket Web site: Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically;
- Government-wide rulemaking Web site: Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically;
- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590;
- Fax: 202–493–2251; or
- Hand Delivery: Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

You may get the service information identified in this proposed AD from Sikorsky Aircraft Corporation, Attn: Manager, Commercial Tech Support, 6900 Main Street, Stratford, Connecticut 06614, phone (203) 386–3001, fax (203) 386–5983.

You may examine the comments to this proposed AD in the AD docket on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kirk Gustafson, Aviation Safety Engineer, Boston Aircraft Certification Office, Engine and Propeller Directorate, FAA, 12 New England Executive Park, Burlington, MA 01803, telephone (781) 238–7190, fax (781) 238–7170.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any written data, views, or arguments regarding this proposed AD. Send your comments to the address listed under the caption **ADDRESSES**. Include the docket number ''FAA–2006–26107, Directorate Identifier 2004–SW–30–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to *http://dms.dot.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed rulemaking. Using the search function of our docket Web site, you can find and read the comments to any of our dockets, including the name of the individual who sent or signed the comment. You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you may visit *http://dms.dot.gov.*

Examining the Docket

You may examine the docket that contains the proposed AD, any comments, and other information in person at the Docket Management System (DMS) Docket Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5227) is located at the plaza level of the Department of Transportation NASSIF Building in Room PL–401 at 400 Seventh Street, SW., Washington, DC. Comments will be available in the AD docket shortly after the DMS receives them.

Discussion

This document proposes adopting a new AD for the specified model helicopters. The AD would require, within a specified time, creating a component history card or equivalent record and counting and recording the hours TIS and the lift cycles for each IFWU assembly. A lift cycle is defined as an external load lift and subsequent release of that load. Also, the AD would require calculating a moving average of lift cycles per hour TIS at specified intervals on the IFWU assembly. The moving average would determine if an IFWU assembly is designated as an REL or Non-REL IFWU assembly. REL

operations are those operations in which more than 6 lift cycles per hour TIS are performed based on the moving average. Non-REL operations are those operations in which 6 or less lift cycles per hour TIS are performed based on the moving average. Once an IFWU assembly is designated as an REL IFWU assembly, the moving average would no longer need to be calculated for that IFWU assembly. If an IFWU assembly is designated as an REL IFWU assembly, this AD would require a repetitive visual and dimensional inspection of the IFWU assembly at 500 hours TIS or 7500 lift cycles whichever occurs first. This AD would also require recording inspection information, providing a copy of the information to the FAA, and replacing each part that is beyond the wear or surface distress limits with an airworthy part. In addition, this AD would require permanently marking the IFWU camshaft and gear housing with the letters ''REL'' on the surface of these parts.

The proposal is prompted by an accident in which the left and right IFWU assembly on a helicopter slipped or disengaged resulting in both engines overspeeding, engine shutdowns, and loss of engine power to the transmissions. The main cause of the slippage has been traced to excessive and accelerated wear conditions in the IFWU assembly associated with repeated external lifting operations. The actions specified by the proposed AD are intended to prevent slipping in the IFWU assembly, loss of engine power to the transmissions, and subsequent loss of control of the helicopter.

We have reviewed Sikorsky Alert Service Bulletin No. 61835–67B, Revision B, dated August 11, 2003 (ASB). The ASB specifies implementing a moving average procedure for determining REL status. Tracking lift cycles and the moving average procedure is contained in Sikorsky All Operators Letter CCS–61AOL–04–0005. Further, the ASB describes procedures for establishing an inspection interval for REL and Non-REL operations, which are defined in section 1.B. of the ASB. The ASB defines operations as REL when the average number of lift cycles exceeds 6 per flight hour during any 250 flight-hour period based on a moving average calculated at intervals not to exceed 50 hours of operations. The ASB defines operations as Non-REL when the number of moving average lift cycles per hour is 6 or less.

Although the ASB deals with transport category helicopter Models, S–61 L, N, NM, and R, manufactured under Type Certificate (TC) No. 1H15, as well as the restricted category Models S–61 A, D, E, and V, manufactured under TC No. H2EA, we have issued a separate proposal for the transport category helicopter models under Docket No. FAA–2006–25824, Directorate Identifier 2004–SW–23–AD.

Also, even though there is not an ASB for the Carson Model S–61L, Croman Model SH–3H, and Siller Model CH–3E helicopters, this AD applies to those models as well.

This unsafe condition is likely to exist or develop on other helicopters of the same type designs. Therefore, the proposed AD would require the following:

- Within 10 hours TIS,
- Create an external lift component history card or equivalent record for each IFWU assembly, part number (P/N) 61074–35000–041 through 61074–35000–063, unless done previously, and
- Count and, at the end of each days operations, record the number of lift cycles performed and hours TIS.
- Determine whether the IFWU assembly is an REL or Non-REL IFWU assembly by using a 250-hour TIS moving average as follows:
- Upon reaching 250 hours TIS, calculate the first moving average of lift cycles.
- If the calculation results in more than 6 lift cycles per hour TIS, the IFWU assembly is an REL IFWU assembly.
- If the calculation results in 6 or less lift cycles per hour TIS, the IFWU assembly is a Non-REL IFWU assembly.
- If you determine the IFWU assembly is a Non-REL IFWU assembly based on the first calculation of the 250-hour TIS moving average for lift cycles, thereafter at intervals of 50 hours TIS, recalculate the average lift cycles per hour TIS.
- If the calculation results in more than 6 lift cycles per hour TIS, the IFWU assembly is an REL IFWU assembly.
- If the calculation results in 6 or less lift cycles per hour TIS, the IFWU assembly is a Non-REL IFWU assembly.
- Once an IFWU assembly is determined to be an REL IFWU assembly, it remains an REL IFWU assembly for the rest of its service life and is subject to the AD inspection requirements for REL IFWU assemblies.
- Once an IFWU assembly is determined to be an REL IFWU assembly, you no longer need to perform the 250-hour TIS moving average calculation, but you must continue to count and record the lift cycles.
- For each REL IFWU assembly, at intervals not to exceed 500 hours TIS or 7500 lift cycles, whichever occurs first, since the last IFWU assembly inspection, inspect for wear, surface distress, and endplay, record the information; and
- Replace any IFWU assembly part whose average wear, wear marks, surface distress, or endplay exceeds the limits with an airworthy IFWU assembly part.
- For each REL IFWU assembly, permanently mark IFWU camshafts, P/N S6135–20611, S6135–20614 and S6137–23075, and IFWU gear housings, P/N S6135–20695 and S6137–23057, with the letters ''REL''. Mark the camshafts by applying etching ink on the surface of the part that is 0.5 inch square with the depth of the letters not to exceed 0.001 inch. After etching, neutralize the etched surface with oil to prevent corrosion.
- For the next 24 months and within 10 days provide the recorded information required by this AD to the Manager of the Boston Aircraft Certification Office, Engine and Propeller Directorate, FAA, 12 New England Executive Park, Burlington, MA 01803.

The actions would be required by following specified portions of the ASB described previously.

We estimate that this proposed AD would affect 21 helicopters of U.S. registry, and would take about:

- 4 work hours to measure and record the inspected dimensions,
- 1 work hour to identify the REL parts, and
- 3 work hours per year per helicopter to do the cycle counting, recording the lift cycle count, and inspecting each IFWU assembly, and
- Cost about $80 per work hour.
- Replacing the IFWU rollers and Oilite bushings would require no additional man-hour cost.
- Required parts would cost about $600 to replace the IFWU rollers and $980 per helicopter to replace the IFWU Oilite bushings at each overhaul.

Based on these figures, the total estimated cost impact of the proposed AD on U.S. operators would be $46,620, assuming you replace the IFWU rollers and Oilite bushings on every helicopter and every IFWU assembly is determined to be an REL IFWU assembly based on the first lift cycle calculation.

Regulatory Findings

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. Additionally, this proposed AD would not have a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of

power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a draft economic analysis of the estimated costs to comply with this proposed AD. See the DMS to examine the draft economic analysis.

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart III, section 44701, ''General requirements.'' Under that section, the FAA is charged with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this AD.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

Sikorsky Aircraft Corporation; Croman Corporation; Carson Helicopters, Inc.; and Siller Helicopters: Docket No. FAA–2006–26107; Directorate Identifier 2004–SW–30–AD.

Applicability

Model S–61 A, D, E, V, SH–3H, S–61L; CH–3E, and SH–3A helicopters, certificated in any category.

Compliance

Required as indicated.

To prevent slipping of the main gearbox input freewheel unit (IFWU) assembly, loss of engine power, and subsequent loss of control of the helicopter, do the following:

(a) Within 10 hours time-in-service (TIS),

(1) Create an external lift component history card or equivalent record for each IFWU assembly, part number (P/N) 61074–35000–041 through 61074–35000–063, unless accomplished previously, and

(2) Count and, at the end of each days operations, record the number of external lift cycles (lift cycles) performed and the hours TIS. A ''lift cycle'' is defined as the lifting of an external load and subsequent release of the load.

(b) Determine whether the IFWU assembly is an REL or non-REL IFWU assembly by using a 250-hour TIS moving average as follows:

(1) Upon reaching 250 hours TIS after the effective date of this AD, calculate the first moving average of lift cycles by following the instructions in Section I of Appendix I of this AD.

(i) If the calculation under paragraph (b)(1) of this AD results in more than 6 lift cycles per hour TIS, the IFWU assembly is an REL IFWU assembly.

(ii) If the calculation under paragraph (b)(1) of this AD results in 6 or less lift cycles per hour TIS, the IFWU assembly is a Non-REL IFWU assembly.

(2) If you determine the IFWU assembly is a Non-REL IFWU assembly based on the first calculation of the 250-hour TIS moving average for lift cycles, thereafter at intervals of 50 hour TIS, recalculate the average lift cycles per hour TIS by following the instructions in Section II of Appendix 1 of this AD.

(i) If the calculation under paragraph (b)(2) of this AD results in more than 6 lift cycles per hour TIS, the IFWU assembly is an REL IFWU assembly.

(ii) If the calculation under paragraph (b)(2) of this AD results in 6 or less lift cycles per hour TIS, the IFWU assembly is a Non-REL IFWU assembly.

(3) Once an IFWU assembly is determined to be an REL IFWU assembly, it remains an REL IFWU assembly for the rest of its service life and is subject to the AD inspection requirements for REL IFWU assemblies.

(4) Once an IFWU assembly is determined to be an REL IFWU assembly, you no longer need to perform the 250-hour TIS moving average calculation, but you must continue to count and record the lift cycles.

Note 1: Sikorsky Aircraft Corporation issued an All Operators Letter (AOL) CCS–61–AOL–04–0005, dated May 18, 2004, with an example and additional information about tracking cycles and the moving average procedure. You can obtain this AOL from the manufacturer at the address stated in the **ADDRESSES** portion of this AD.

(c) For each REL IFWU assembly, at intervals not to exceed 500 hours TIS or 7500 lift cycles, whichever occurs first, since the last IFWU assembly inspection:

(1) Inspect for wear, surface distress, and endplay by following paragraphs B.(1) through B.(6) of the Accomplishment Instructions of Sikorsky Aircraft Corporation Alert Service Bulletin No. 61B35–67B, Revision B, dated August 11, 2003 (ASB). Record all the information specified in Figures 1 through 3 attached to the ASB. You may record this information on any suitable maintenance record, or you may use the Sikorsky evaluation forms provided in the ASB. This AD does not require you to contact Sikorsky.

(2) Replace any IFWU assembly part whose average wear, wear marks, surface distress, or endplay exceeds the limits stated in paragraph B.(1) through B.(6) of the Accomplishment Instructions of the ASB with an airworthy IFWU assembly part.

Note 2: Sikorsky S–61 Overhaul Manual, Number SA 4045–83, Revision 20, dated August 15, 2003, as revised by Temporary Revisions 65–193, –194, –195, and –196, contains the overhaul procedures for the IFWU assembly.

(d) For each REL IFWU assembly, permanently mark IFWU camshafts, P/N S6135–20611, S6135–20614 and S6137–23075, and IFWU gear housings, P/N S6135–20695 and S6137–23057, with the letters ''REL''. Mark the camshafts by applying etching ink on the surface of the part that is 0.5 inch square with the depth of the letters not to exceed 0.001 inch. After etching, neutralize the etched surface with oil to prevent corrosion.

(e) For the next 24 months and within 10 days after completing the requirements of paragraph (c)(1) of this AD, provide a copy of the recorded information to the Manager of the Boston Aircraft Certification Office, Engine and Propeller Directorate, FAA, 12 New England Executive Park, Burlington, MA 01803.

Note 3: In the ASB, Sikorsky requests copies of the completed inspection forms, Figures 1 through 3 to their ASB. This AD does not require you to provide these forms to Sikorsky.

(f) Information collection requirements contained in this AD have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(g) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Manger, Boston Aircraft Certification Office, Engine and Propeller Directorate, FAA, ATTN: Kirk Gustafson, Aviation Safety Engineer, 12 New England Executive Park, Burlington, MA 01803, telephone (781) 238–7190, fax (781) 238–7170, for information about previously approved alternative methods of compliance.

Appendix I

SECTION I: The first moving average of lift cycles per hour TIS.

The first moving average calculation is performed on the IFWU assembly when the external lift component history card record reflects that the IFWU assembly has reached its first 250 hours TIS. To perform the calculation, divide the total number of lift cycles performed during the first 250 hours TIS by 250. The result will be the first moving average calculation of lift cycles per hour TIS.

SECTION II: Subsequent moving average of lift cycles per hour TIS.

Subsequent moving average calculations are performed on the IFWU assembly at intervals of 50 hour TIS after the first moving average calculation. Subtract the total number of lift cycles performed during the first 50-hour TIS interval used in the previous moving average calculation from the total number of lift cycles performed on the IFWU assembly during the previous 300 hours TIS. Divide this result by 250. The result will be the next or subsequent moving average calculation of lift cycles per hour TIS.

SECTION III: Sample calculation for subsequent 50 hour TIS intervals.

Assume the total number of lift cycles for the first 50 hour TIS interval used in the previous moving average calculation = 450 lift cycles and the total number of lift cycles for the previous 300 hours TIS = 2700 lift cycles. The subsequent moving average of lift cycles per hour TIS = (2700 − 450) divided by 250 = 9 lift cycles per hour TIS.

Issued in Fort Worth, Texas, on October 13, 2006.

David A. Downey,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. E6–18147 Filed 10–27–06; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2005–LA–0003; FRL–8234–7]

Approval and Promulgation of Implementation Plans; Louisiana; Transportation Conformity

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve State Implementation Plan (SIP) revisions submitted by the Louisiana Department of Environmental Quality (LDEQ) on May 13, 2005. This revision serves to incorporate recent changes to the federal conformity rule into the state conformity SIP.

DATES: Comments must be received on or before November 29, 2006.

ADDRESSES: Comments may be mailed to Mr. Thomas Diggs, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Peggy Wade, Air Planning Section (6PD–L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733, telephone (214) 665–7247; fax number 214–665–7263; e-mail address *wade.peggy@epa.gov*.

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, EPA is approving the state's submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of adverse comment.

For additional information, see the direct final rule that is located in the rules section of this **Federal Register**.

Dated: October 5, 2006.

Lawrence E. Starfield,

Acting Regional Administrator, Region 6.

[FR Doc. E6–18051 Filed 10–27–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2006–0548b; FRL–8225–6]

Revisions to the Nevada State Implementation Plan, Clark County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the Clark County portion of the Nevada State Implementation Plan (SIP). These revisions concern particulate matter (PM) emissions from fugitive dust sources, such as open areas, unpaved roads, and construction activities. We are proposing to approve local rules to regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: Any comments on this proposal must arrive by November 29, 2006.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2006–0548b, by one of the following methods:

1. Federal eRulemaking Portal: *www.regulations.gov*. Follow the on-line instructions.
2. E-mail: *steckel.andrew@epa.gov*.
3. Mail or deliver: Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *www.regulations.gov* or e-mail. *www.regulations.gov* is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Jerald S. Wamsley, EPA Region IX, at

either (415) 947–4111, or *wamsley.jerry@epa.gov*.

SUPPLEMENTARY INFORMATION: This proposal addresses the following Clark County rules: Section 90—Fugitive Dust from Open Areas and Vacant Lots; Section 92—Fugitive Dust from Unpaved Parking Lots, Material Handling and Storage Yards, and Vehicle and Equipment Storage Yards; Section 93—Fugitive Dust from Paved Roads and Street Sweeping Equipment; and, Section 94—Permitting and Dust Control for Construction Activities. In the Rules and Regulations section of this **Federal Register**, we are approving these local rules in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: July 27, 2006.

Wayne Nastri,

Regional Administrator, Region IX.

Editorial Note: This document was received at the Office of the Federal Register on October 25, 2006.

[FR Doc. E6–18157 Filed 10–27–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–8235–4]

Washington: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Washington has applied to EPA for Final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act, as amended, (RCRA). EPA proposes to authorize the State for the program changes.

DATES: Send your written comments by November 29, 2006.

ADDRESSES: Submit your comments, identified by EPA–R10–RCRA–2006–0810 by one of the following methods:

1. *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. E-mail: *kocourek.nina@epamail.epa.gov.*
3. Fax: 206–553–8509.
4. Mail: Nina Kocourek, U.S. EPA, Region 10, Office of Air, Waste and Toxics, 1200 Sixth Avenue, Mail Stop AWT–122, Seattle, Washington 98101.

Instructions: Direct your comments to EPA–10–RCRA–2006–0810. EPA's policy is that all comments received will be included in the public file without change and may be made available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an ''anonymous access'' system which means that EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public file and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters and any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy during normal business hours at the U.S. Environmental Protection Agency, Region 10 Library, 1200 Sixth Avenue, Seattle, Washington, 98101, phone, (206) 553–1289. The EPA Region 10 Library is open from 9 a.m. to 12 p.m. and from 1 p.m. to 2:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Nina Kocourek, U.S. EPA, Region 10, Office of Air, Waste and Toxics, 1200 Sixth Avenue, Mail Stop AWT–122, Seattle, Washington 98101, phone, (206) 553–6502, e-mail: *kocourek.nina@epa.gov*; or Patricia Hervieux, Washington Department of Ecology, 300 Desmond Drive, Lacey, Washington 98503, phone (360) 407–6756, e-mail: *pher461@ecy.wa.gov.*

SUPPLEMENTARY INFORMATION: In the ''Rules and Regulations'' section of this **Federal Register**, EPA is authorizing the revisions by an immediate final rule. EPA did not make a proposal prior to the immediate final rule because we believe this action is not controversial and do not expect comments that oppose it. We have explained the reasons for this authorization in the preamble to the immediate final rule. Unless we receive written comments that oppose this authorization during the comment period, the immediate final rule will become effective on the date it establishes, and we will not take further action on this proposal. If we receive comments that oppose this authorization, EPA will publish a document in the **Federal Register** withdrawing the immediate final rule before it takes effect. EPA will then address public comments in a later final rule based on this proposal. If we receive comments that oppose only the authorization of a particular change to the State hazardous waste program, we will withdraw that part of the immediate final rule. However, the authorization of the program changes that are not opposed by any comments will become effective on the date established in the immediate final rule. A **Federal Register** withdrawal document will specify which part of the authorization will become effective and which part is being withdrawn. EPA may not provide further opportunity for comment. Any parties interested in commenting on this action must do so at this time.

For additional information, please see the immediate final rule published in the ''Rules and Regulations'' section of this **Federal Register**.

Dated: October 18, 2006.

Ron Kreinzebeck,

Acting Regional Administrator, Region 10.

[FR Doc. E6–18214 Filed 10–27–06; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No.060823223–6223–01; I.D. 072706B]

RIN 0648–AT63

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Tilefish Fishery

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of withdrawal of proposed rule.

SUMMARY: NMFS withdraws the proposed rule published on September 6, 2006, which proposed an increase in the annual tilefish total allowable landings (TAL) for the remainder of the 10-year stock rebuilding period. Thus, the previously established annual tilefish TAL of 1.995 million lb (905 mt) remains in effect.

DATES: The withdrawal of the proposed rule to increase the total allowable landings for the tilefish fishery (71 FR 52519, September 6, 2006) is effective October 27, 2006.

FOR FURTHER INFORMATION CONTACT: Brian R. Hooker, Fishery Policy Analyst, (978) 281–9220.

SUPPLEMENTARY INFORMATION:

Background

Regulations implementing the fishery management plan (FMP) for the tilefish fishery prepared by the Mid-Atlantic Fishery Management Council (Council) appear at 50 CFR part 648, subparts A and N. The FMP (section 1.2.1.2) states that, after a ''benchmark'' stock assessment, conducted at a Northeast Fisheries Science Center (NEFSC) sponsored stock assessment workshop (SAW), and subsequent review by the stock assessment review committee (SARC), from which the biological reference points could change, a change in the TAL may be warranted. The 41st SAW met in June 2005, assessed the tilefish stock, and concluded that the tilefish stock is not overfished and overfishing is not occurring. Fishing mortality in 2004 was estimated to be 87% of Fmsy, and total biomass in 2005 was estimated to be 72% of Bmsy, a level above that projected for 2005 in the 1998 assessment (59% of Bmsy). However, the SAW also concluded that, given the high variance associated with the terminal year estimates of 2004 F/Fmsy and 2005 B/Bmsy ratios, biomass projections could not be conducted, as these were considered too uncertain to form the basis for evaluating likely biomass recovery schedules relative to Bmsy under various TAL strategies.

As a result of the findings from the 41st SAW, the Council convened the Tilefish Monitoring Committee in April 2006 to consider the results of the stock assessment and to make recommendations to the Council's Tilefish Committee. Based on the Tilefish Monitoring Committee's recommendation that a slight increase in the TAL could be justified, the Council recommended to NMFS that the TAL be increased from 905 mt to 987 mt live (whole) weight (a 9–percent increase), beginning with the fishing year that starts November 1, 2006. The Council also argued that an increase in the tilefish TAL is justified because the fishery has been operating at or near the proposed TAL level for several years as a result of an accounting error by which the quota was erroneously monitored by landed (gutted) weight instead of live (whole) weight, with no observed adverse consequences to the stock. A proposed rule soliciting public comment was published in the **Federal Register** on September 6, 2006 (71 FR 52519). The comment period ended on September 21, 2006.

Basis for Withdrawal

Although the Tilefish Monitoring Committee suggested that a small increase in the tilefish TAL would not jeopardize the recovery of the stock, the NEFSC raised several concerns about the lack of data used to reach these conclusions. Specifically, the strong 1999 year class is a primary determinant of the population's estimated intrinsic rate of increase. If this year class does not persist as expected, the stock assessment model could show a much lower estimate of the population's productivity at the next stock assessment workshop. In the 41st SAW stock assessment report there were eight specific sources of uncertainty noted, with two major sources of uncertainty, that could impact the estimate of tilefish population estimates. The two major sources of uncertainty involved the catch per unit of effort measurement, which was not able to take into account changes in fishing practices or spatial distribution of tilefish, and the estimate of population biomass and size structure, since these estimates were derived from sparse length frequency data and fishery dependent data sources. These sources of uncertainty are due primarily to the fact that tilefish are rarely captured in the NEFSC bottom trawl surveys, resulting in full reliance on fishery dependent bottom longline data, for which only trip-level data are captured.

Based on this uncertainty in the 2005 stock assessment, and the fact that the next stock assessment for tilefish is not scheduled to be completed until at least late 2007, affording little time to make any necessary adjustments to the TAL if population productivity estimates prove to be lower than that given in the 2005 stock assessment, and given the 10-year rebuilding period ends in 2011, an increase in the tilefish TAL is not justified at this time. Thus, the TAL for 2007 will remain unchanged from the current level.

Comments and Responses

During the comment period on the proposed rule seven comments were received. Two comments were opposed to an increase in the TAL, and five comments supported the proposed increase in the TAL. Commenters included individual fishermen, the New York State Department of Environmental Conservation, the Montauk Tilefish Association, the New Bedford Seafood Consulting, and the general public.

Comment 1: Two comments were received opposing the increase in the tilefish TAL. One commenter did not offer a reason or justification for the opposition, just asking that the quota not be changed. A second comment opposed the increase in the tilefish TAL due to a lack of trust in fisheries data.

Response: Due to high scientific uncertainty in the 2005 tilefish stock assessment and the timing of the next stock assessment in relation to the end of the tilefish stock rebuilding period, NMFS is withdrawing the proposed rule. NMFS is concerned that there would be significant time to meet the FMP's rebuilding goal should the results of the most recent assessment be overly optimistic. Therefore the TAL will remain unchanged.

Comment 2: Five comments were received in favor of the increase in the tilefish TAL. In general all five

comments supported the increase based upon the Council's rationale that the tilefish fishery has been operating at or near the proposed TAL due to an accounting error, without any observed adverse consequences to the stock. Two commenters expressed the view that the proposed 9–percent increase in the TAL was a correction of miscommunication made during the early implementation of the FMP that eventually resulted in the TAL being effectively reduced by 9–percent in May 2005 when the accounting error was corrected (the 9–percent reduction in the TAL was the result of the mathematical conversion of the landed weight to whole weight for the purposes of monitoring the quota).

Response: Although NMFS acknowledges that there was miscommunication in the early implementation of the FMP regarding the correct weight by which to monitor the quota, NMFS has the responsibility to correct the error to reflect what is specified in the FMP. It is clear, after discussions with both the Council and the NEFSC, that the annual TAL specified in the FMP is based on live (whole) fish weight. The proposed rule to increase the TAL, and effectively regain quota levels equivalent to that prior to May 2005, is not justified due to the high degree of scientific uncertainty in the 2005 tilefish stock assessment and the fact that the stock is not yet rebuilt.

As a result of the withdrawal of the aforementioned proposed rule, the tilefish TAL for FY 2007 and subsequent years of the rebuilding program will remain at 1.995 million lb (905 mt), unless superceded by additional rulemaking consistent with the provisions of the FMP. The FMP dictates that the TAL be divided between the three limited access tilefish permit categories after the TAL is reduced by 5 percent to account for incidental tilefish landings (open-access Incidental permit category) as follows: Sixty-six percent (1,250,865 lb (466,875 kg)) to Full-time Tier 1; 15 percent (284,288 lb (106,108 kg)) to Full-time Tier 2; and 19 percent (360,098 lb (163,338 kg)) to Part-time vessels.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 23, 2006.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. E6–18187 Filed 10–27–06; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register

Vol. 71, No. 209

Monday, October 30, 2006

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of the Scientific Review Panel at the National Animal Disease Center, Ames, IA

AGENCY: Office of the Under Secretary, Research, Education, and Economics, Agricultural Research Service (ARS).

ACTION: Notice of meeting.

SUMMARY: The United States Department of Agriculture announces a meeting of the Scientific Review Panel at the National Animal Disease Center, Ames, Iowa.

DATES: November 16–17, 2006, 8 a.m. to 5 p.m. Central Time. Written requests to make oral comments at the meeting must be received by the contact person identified herein at least three business days before the meeting.

ADDRESSES: City Council Chambers, City Hall, 515 Clark Avenue, Ames, Iowa 50010.

FOR FURTHER INFORMATION CONTACT: Steven Shafer, Midwest Area Director, USDA–ARS, 1815 North University Street, Peoria, Illinois 61604; Telephone (309) 681–6602; Fax (309) 681–6684; E-mail *sshafer@mwa.ars.usda.gov*.

SUPPLEMENTARY INFORMATION: On May 4, 2006, the City of Ames, Iowa, received allegations that wastes from areas at the National Animal Disease Center (NADC) with animals challenged with prions were not properly treated prior to discharge to the City wastewater plant. USDA, in cooperation with the City of Ames, has convened an expert panel to review scientific information about deactivation of prions and assess practices used at NADC to treat liquid wastes from areas where animals with prions are housed and handled that enter the Ames wastewater treatment system. (Note: For the purposes of this panel and its review, prions are defined as specific proteins that are abnormally shaped and can cause transmissible diseases associated with the allegations). The panel had its first meeting on August 23, 2006, at the Ames City Hall; preparatory work on August 23, August 24, and September 20; a conference call meeting on October 18, 2006; and (pending at the time of this writing) a conference call on November 3. A meeting of the panel on November 16–17, 2006, in Ames will complete implementation of the panel's charge to evaluate four main issues related to the handling and disposal of potentially prion-contaminated materials in wastewater from the NADC: (1) Identify scientifically accepted methods for effectively destroying prions; (2) Assess the concerns raised regarding NADC's current and past methods for the destruction of prions; (3) Determine the risk posed to humans and the environment from the current, as well as previous, methods for the destruction of prions utilized at NADC; and (4) If remediation is needed, provide scientifically sound approaches for corrective action(s) that may be taken. Final conclusions of the review will be announced on November 17, when the panel will present to the City of Ames and USDA a written report that documents the panel's findings for the four main issues being evaluated. On November 17, 2006, after the panel concludes business, reasonable provision (up to 30 minutes total) will be made for verbal comments of no more than three minutes each in duration. The meeting will be open to the public, but space is limited. If you want to be assured of a seat at this meeting, you must register by contacting the contact person named above at least 5 days prior to the meeting. Please provide your name, title, business affiliation, address, and telephone and fax numbers when you register. If you require a sign language interpreter or other special accommodation due to disability, please indicate those needs at the time of registration. Pre-registrations will be limited to 80 people; others may be able to attend on a space-available basis.

Dated: October 24, 2006.

Caird E. Rexroad, Jr.,

Associate Administrator, Agricultural Research Service.

[FR Doc. E6–18191 Filed 10–27–06; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of the Scientific Review Panel at the National Animal Disease Center, Ames, IA

AGENCY: Office of the Under Secretary, Research, Education, and Economics, Agricultural Research Service (ARS).

ACTION: Notice of meeting.

SUMMARY: The United States Department of Agriculture announces a conference call meeting of the Scientific Review Panel at the National Animal Disease Center, Ames, Iowa.

DATES: November 3, 2006, 8 a.m. to 11 a.m. Central Time.

ADDRESSES: City Council Chambers, City Hall, 515 Clark Avenue, Ames, Iowa 50010 (access to a monitor of the conference call).

FOR FURTHER INFORMATION CONTACT: Steven Shafer, Midwest Area Director, USDA–ARS, 1815 North University Street, Peoria, Illinois 61604; Telephone (309) 681–6602; Fax (309) 681–6684; E-mail *sshafer@mwa.ars.usda.gov.*

SUPPLEMENTARY INFORMATION: On May 4, 2006, the City of Ames, Iowa, received allegations that wastes from areas at the National Animal Disease Center (NADC) with animals challenged with prions were not properly treated prior to discharge to the City wastewater plant. USDA, in cooperation with the City of Ames, has convened an expert panel to review scientific information about deactivation of prions and assess practices used at NADC to treat liquid wastes from areas where animals with prions are housed and handled that enter the Ames wastewater treatment system. (Note: For the purposes of this panel and its review, prions are defined as specific proteins that are abnormally shaped and can cause transmissible diseases associated with the allegations). The panel had its first meeting on August 23, 2006, at the Ames City Hall; preparatory work on August 23, August 24, and September 20; and a conference call meeting on October 18, 2006. A conference call meeting on November 3, 2006, will continue implementation of the panel's charge to evaluate four main issues related to the handling and disposal of potentially prion-contaminated materials in wastewater from the NADC:

(1) Identify scientifically accepted methods for effectively destroying prions; (2) Assess the concerns raised regarding NADC's current and past methods for the destruction of prions; (3) Determine the risk posed to humans and the environment from the current, as well as previous, methods for the destruction of prions utilized at NADC; and (4) If remediation is needed, provide scientifically sound approaches for corrective action(s) that may be taken. Final conclusions of the review will be developed during a meeting at a later date, also to be announced. At the conclusion of its review, the panel will prepare a written report that documents the panel's findings for the four main issues being evaluated. The meeting on November 3 will be held by conference call. The public may monitor the panel's discussion via a speaker phone in the Ames City Hall's Council Chamber. No oral comments will be accepted from the public during the call, however, written public comment received by letter, fax, or e-mail to the contact person named above by close of business on Friday, November 10, 2006, will be provided to the panel members. Although access to the conference call monitor will be open to the public, space is limited. If you want to be assured of a seat at this meeting, you must register by contacting the contact person named above at least 5 days prior to the meeting. Please provide your name, title, business affiliation, address, and telephone and fax numbers when you register. If you require a sign language interpreter or other special accommodation due to disability, please indicate those needs at the time of registration. Pre-registrations will be limited to 80 people; others may be able to attend on a space-available basis.

Dated: October 24, 2006.

Caird E. Rexroad, Jr.,

Associate Administrator, Agricultural Research Service.

[FR Doc. E6–18189 Filed 10–27–06; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2006–0032]

Codex Alimentarius Commission: Sixth Session of the Codex ad hoc Intergovernmental Task Force on Foods Derived From Biotechnology

AGENCY: Office of the Under Secretary for Food Safety, USDA.

ACTION: Notice of public meeting.

SUMMARY: The Office of the Under Secretary for Food Safety, United States Department of Agriculture (USDA), and the Food And Drug Administration (FDA) are sponsoring a public meeting on November 14, 2006 to discuss the agenda items coming before the Sixth Session of the Codex *ad hoc* Intergovernmental Task Force on Foods Derived from Biotechnology (FBT) of the Codex Alimentarius Commission (Codex) and present draft U.S. positions on the agenda items. The Sixth Session of the FBT will be held in Chiba, Japan, November 27–December 1, 2006. The Under Secretary and FDA recognize the importance of providing interested parties the opportunity to comment on the agenda items that will be debated at this forthcoming Session of the FBT.

DATES: The public meeting is scheduled for Tuesday, November 14, 2006 from 2 p.m. to 4 p.m.

ADDRESSES: The public meeting will be held in Room 107A, Jamie Whitten Building, 1400 Independence Ave. SW., Washington, DC. Documents related to the Sixth Session of the FBT will be accessible via the World Wide Web at the following address: *http://www.codexalimentarius.net/current.asp.*

For Further Information About the Sixth Session of the FBT, Contact: U.S. Delegate, Dr. Eric Flamm, Senior Advisor, Office of the Commissioner, Food and Drug Administration (HF–23), Parklawn Building, Rockville, MD 20857, Phone (301) 827–0591, Fax (301) 827–4774, E-mail: *eric.flamm@fda.hhs.gov.*

For Further Information About the Public Meeting Contact: Edith Kennard, Staff Officer, U.S. Codex Office, Food Safety and Inspection Service, Room 4861, South Building, 1400 Independence Avenue SW., Washington, DC 20250, Phone: (202) 720–5261, Fax: (202) 720–3157, E-mail: *edith.kennard@fsis.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Codex Alimentarius (Codex) was established in 1962 by two United Nations organizations, the Food and Agriculture Organization and the World Health Organization. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure fair practices in trade. In the United States, USDA, FDA, and the Environmental Protection Agency manage and carry out U.S. Codex activities.

The Codex *ad hoc* Intergovernmental Task Force on Foods Derived from Biotechnology was established by the 23rd Session of the Codex Alimentarius Commission in 1999 to elaborate standards, guidelines, or other principles as relates to foods derived from biotechnology. The Task Force completed its mandates within its four-year timeframe and was dissolved by the 26th Session of the Commission. The 27th Session re-established the Task Force for another four-year period. The Task Force is hosted by the government of Japan.

Issues To Be Discussed at the Public Meeting

The following items on the agenda for the Sixth Session of the FBT will be discussed during the public meeting:

- Matters referred to the Committee from other Codex bodies.
- Review of the Work by International Organizations on the Evaluation of the Safety and Nutrition Aspects of Foods Derived from Biotechnology.
- Proposed Draft Guideline for the Conduct of Food Safety Assessment of Foods Derived from Recombinant-DNA Animals.
- Proposed Draft Annex (scoping document) to the Guideline for the Conduct of Food Safety Assessment of Foods Derived from Recombinant-DNA Plants; Food Safety Assessment of Food Derived from Recombinant-DNA Plants Modified for Nutritional or Health Benefits.
- Discussion Paper on Comparative Food Composition Analysis of Staple Foods.
- Discussion Paper on Sanitary Surveillance after Placing on the Market Foods Derived from Biotechnology.
- Discussion Paper on Safety Assessment of Foods Derived from Animals Exposed to Protection against Disease through Gene Therapy or Recombinant-DNA Vaccines.

Each issue listed will be fully described in documents distributed, or to be distributed, by the Japanese Secretariat to the Meeting. Members of the public may access copies of these documents at *http://www.codexalimentarius.net/current.asp.*

Public Meeting

At the November 14, 2006 public meeting, draft U.S. positions on these agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to the U.S. Delegate of the FBT, Dr. Eric Flamm at *eric.flamm@fda.hhs.gov.* Written

comments should state that they relate to activities of the Sixth Session of the FBT.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it on-line through the FSIS Web page located at *http://www.fsis.usda.gov/regulations/2006_Notices _Index/*. FSIS also will make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and other types of information that could affect or would be of interest to constituents and stakeholders. The update is communicated via Listserv, a free electronic mail subscription service for industry, trade and farm groups, consumer interest groups, allied health professionals, and other individuals who have asked to be included. The update is available on the FSIS Web page. Through the Listserv and Web page, FSIS is able to provide information to a much broader and more diverse audience. In addition, FSIS offers an e-mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at *http://www.fsis.usda.gov/news_and _events/email_subscription/*. Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves and have the option to password protect their account.

Done at Washington, DC, on: October 25, 2006.

F. Edward Scarbrough,

U.S. Manager for Codex Alimentarius.

[FR Doc. E6–18145 Filed 10–27–06; 8:45 am]

BILLING CODE 3410–DM–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) has scheduled its regular business meetings to take place in Washington, DC, Monday and Wednesday, November 13 and 15, 2006, at the times and location noted below.

DATES: The schedule of events is as follows:

Monday, November 13, 2006

10:30 a.m.–Noon, Planning and Evaluation Committee.

1:30–2:30 p.m., Budget Committee.

2:30–4:30, Technical Programs Committee.

Wednesday, November 15, 2006

10 a.m.–Noon, Committee of the Whole on Rulemaking (Closed Session).

1:30–3 p.m., Board Meeting.

3–4:30 p.m., Courthouse Access Advisory Committee Presentation.

ADDRESSES: All meetings will be held at the Marriott at Metro Center Hotel, 775 12th Street, NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: For further information regarding the meetings, please contact Lawrence W. Roffee, Executive Director, (202) 272–0001 (voice) and (202) 272–0082 (TTY).

SUPPLEMENTARY INFORMATION: At the Board meeting, the Access Board will consider the following agenda items:

- Approval of the July 25, 2006 draft Board Meeting Minutes.
- Planning and Evaluation Committee Report.
- Budget Committee Report.
- Technical Programs Committee Report.
- Committee of the Whole on Rulemaking Report.

Immediately following the Board meeting, the Access Board will hear the final report of the Courthouse Access Advisory Committee (CAAC); the CAAC presentation is noticed separately in today's **Federal Register**. All meetings are accessible to persons with disabilities. An assistive listening system, computer assisted real-time transcription (CART), and sign language interpreters will be available at the Board meetings. Persons attending Board meetings are requested to refrain from using perfume, cologne, and other fragrances for the comfort of other participants.

Lawrence W. Roffee,

Executive Director.

[FR Doc. E6–18165 Filed 10–27–06; 8:45 am]

BILLING CODE 8150–01–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Courthouse Access Advisory Committee; Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) has established an advisory committee to advise the Board on issues related to the accessibility of courthouses covered by the Americans with Disabilities Act of 1990 and the Architectural Barriers Act of 1968. The Courthouse Access Advisory Committee (Committee) includes organizations with an interest in courthouse accessibility. This notice announces the dates, times and location of the next Committee meeting, which will be open to the public.

DATES: The Committee is scheduled to present its recommendations to the Board on November 15, 2006 at 3 p.m. The Committee may tentatively meet on November 14, 2006 (beginning at 1 p.m. and ending at 5 p.m.) and on November 15, 2006 (beginning at 9 a.m. and ending at 12 p.m.) to discuss and approve final deliverables and its presentation to the Board. Changes to this schedule will be posted on the Board's Web site at *http://www.access-board.gov/caac/index.htm.*

ADDRESSES: The meetings will be held at the Marriott at Metro Center Hotel, 775 12th Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: David Yanchulis, Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F Street, NW., Suite 1000, Washington, DC 20004–1111. Telephone number (202) 272–0026 (Voice); (202) 272–0082 (TTY). E-mail *yanchulis@access-board.gov.*

SUPPLEMENTARY INFORMATION: In 2004, as part of the outreach efforts on courthouse accessibility, the Access Board established a Federal advisory committee to advise the Access Board on issues related to the accessibility of courthouses, particularly courtrooms, including best practices, design solutions, promotion of accessible features, educational opportunities, and the gathering of information on existing barriers, practices, recommendations, and guidelines. On October 12, 2004, the Access Board published a notice appointing 31 members to the Courthouse Access Advisory Committee. 69 FR 60608 (October 12,

2004). Members of the Committee include designers and architects, disability groups, members of the judiciary, court administrators, representatives of the codes community and standard-setting entities, government agencies, and others with an interest in the issues to be explored. The Committee held its initial meeting in November 2004. Members discussed the current requirements for accessibility, committee goals and objectives, and the establishment of subcommittees. The Committee established three subcommittees: Education, Courtrooms and Courthouses (areas unique to courthouses other than courtrooms).

The Committee has held quarterly meetings in the following cities: Phoenix (February 2005), Washington, DC (May 2005), Chicago (August 2005), San Francisco (November 2005), Washington, DC (February 2006), Miami (May 2006), and Boston (July 2006). At each of these meetings, Committee members toured area courthouses and held full Committee and subcommittee sessions. At its next and final meeting in Washington, DC, the Committee will present its recommendations to the Board. Meeting minutes and other information about the Committee are available on the Access Board's Web site at *http://www.access-board.gov/caac/index.htm.*

Committee meetings are open to the public and interested persons can attend the meetings and communicate their views. The meeting will be held at a site accessible to individuals with disabilities. Real-time captioning will be provided. Individuals who require sign language interpreters should contact David Yanchulis by November 7, 2006. Persons attending Committee meetings are requested to refrain from using perfume, cologne, and other fragrances for the comfort of other participants.

This document is available in alternate formats (cassette tape, Braille, large print, or computer disk). This document is also available on the Board's Internet site (*http://www.access-board.gov/caac/meeting.htm*).

Lawrence W. Roffee,

Executive Director.

[FR Doc. E6–18166 Filed 10–27–06; 8:45 am]

BILLING CODE 8150–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

DOC will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: The 2007 Economic Census of Island Areas, which includes Puerto Rico, Guam, the Northern Mariana Islands, the U.S. Virgin Islands, and American Samoa.

Form Number(s): IA–97120, IA–97220, IA–97123, IA–97223, IA–97130, IA–97230, IA–97142, IA–97242, IA–97144, IA–97244, IA–97152, IA–97252, IA–97172, IA–97272, IA–97180, IA–97280, IA–97190, IA–97290, IA–98163, IA–98173, IA–98183, IA–98193.

Agency Approval Number: None.

Type of Request: New collection.

Burden: 54,500 hours in Fiscal Year 2008.

Number of Respondents: 59,000.

Avg Hours Per Response: .92 hours.

Needs and Uses: The 2007 Economic Census of Island Areas, which includes Puerto Rico, Guam, the Northern Mariana Islands, the U.S. Virgin Islands, and American Samoa, is part of the 2007 Economic Census.

The 2007 Economic Census of Island Areas will cover the following sectors (as defined by the North American Industry Classification System (NAICS)): Mining, Utilities, Construction, Manufacturing; Wholesale and Retail Trades, Transportation and Warehousing, Information; Finance and Insurance; Real Estate and Rental and Leasing; Professional, Scientific, and Technical Services; Management of Companies and Enterprises; Administrative and Support, Waste Management and Remediation Services; Educational Services; Health Care and Social Assistance; Arts, Entertainment, and Recreation; Accommodation and Food Services; and Other Services (except Public Administration). This scope is equivalent to that of the stateside economic census.

The economic census provides the only source for dependable, comparable data at a geographic level consistent with U.S. counties. The 2007 Economic Census of Island Areas is particularly important because of the rapid and varied changes taking place in the economies of these areas.

The economic census is the primary source of dependable facts about the structure and functioning of the economies of each Island Area, and features the only recognized source of data at a geographic level equivalent to U.S. counties. Economic census statistics serve as part of the framework for the national accounts of the Island Areas and provide essential information for government (Federal and local), business, and the general public. The governments of the Island Areas rely on the economic census as an important part of the framework for their income and product accounts, input-output tables, economic indexes, and other composite measures that serve as the factual basis for economic policy-making, planning, and program administration. Further, the census provides benchmarks for surveys of business which track short-term economic trends, serve as economic indicators, and contribute critical source data for current estimates of the gross product of the Island Areas. In addition, industry, business, academia, and the general public use information from the economic census for evaluating markets, preparing business plans, making business decisions, developing economic models and forecasts, conducting economic research, and establishing benchmarks for their own sample surveys.

If the economic census were not conducted in the Island Areas, the Federal government would lose the only dependable source of detailed comprehensive information of the economies of these areas. Additionally, the governments of the Island Areas would lose vital source data and benchmarks for their national accounts, input-output tables, and other composite measures of economic activity, causing a substantial degradation in the quality of these important statistics. Further, the governments of the Island Areas would lose critical benchmarks for sample-based economic surveys.

Affected Public: Business or other for-profit.

Frequency: One time.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, U.S.C., Sections 131 and 224.

OMB Desk Officer: Brian Harris-Kojetin, (202) 395–7314.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dhynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Brian Harris-Kojetin, OMB Desk Officer either by fax (202–395–7245) or e-mail (*bharrisk@omb.eop.gov*).

Dated: October 25, 2006.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–18163 Filed 10–27–06; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket Number 061012263–6263–01]

Annual Wholesale Trade Survey

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of determination.

SUMMARY: The Bureau of the Census (Census Bureau) is conducting the Annual Wholesale Trade Survey (AWTS), formerly named the Annual Trade Survey. The Census Bureau has determined a need to collect data covering annual sales, e-commerce sales, inventories, purchases, commissions, and operating expenses for the wholesale trade sector. These data are important inputs to the Bureau of Economic Analysis's preparation of National Income and Products accounts and its annual input-output tables.

ADDRESSES: The Census Bureau will furnish report forms to organizations included in the survey. Additional copies are available upon written request to the Director, U.S. Census Bureau, Washington, DC 20233–0101.

FOR FURTHER INFORMATION CONTACT: John R. Trimble, Chief, Annual Wholesale and Special Projects Branch, Service Sector Statistics Division, on (301) 763–7223 or by e-mail on *John.R.Trimble@census.gov*.

SUPPLEMENTARY INFORMATION: The AWTS is a continuation of similar wholesale trade surveys conducted each year since 1978 for wholesale distributors, since 2003 for manufacturers' sales branches and offices (MSBOs), and since 2005 for agents, brokers and electronic markets (AGBRs). This survey provides data on annual sales, e-commerce sales, inventories, and total operating expenses for wholesale distributors and MSBOs; purchases of goods for sale for wholesale distributors; and commissions and sales on the account of others for AGBRs.

The Census Bureau will require a selected sample of firms operating wholesale establishments in the United States (with sales size determining the probability of selection) to report in the 2006 AWTS. The sample will provide, with measurable reliability, statistics on the subjects specified above. We will furnish report forms to the firms covered by this survey and will require their submission within 30 days after receipt by mail, fax, or over the Internet, using the Census Taker option. Census Taker is a software system that provides a highly secure and user-friendly means of collecting survey and census information.

The Census Bureau is authorized to take surveys that are necessary to furnish current data on the subject covered by the censuses authorized by Title 13, United States Code (U.S.C.), Sections 182, 224, and 225. This survey will provide continuing and timely national statistics data on wholesale trade for the period between economic censuses. For 2006, the survey will include separate samples for wholesale distributors, MSBOs and AGBRs companies in the wholesale sector. The data collected in this survey will be similar and within the general scope and nature of those in the economic census. The data collected will provide a sound statistical basis for the formation of policy by various government agencies. These data also apply to a variety of public and business needs.

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a current valid Office of Management and Budget (OMB) control number. In accordance with the PRA, Title 44, U.S.C., Chapter 35, OMB approved this survey under OMB control number 0607–0195.

Based upon the foregoing, I have directed that an annual survey be conducted for the purpose of collecting these data.

Dated: October 24, 2006.

Charles Louis Kincannon,

Director, Bureau of the Census.

[FR Doc. E6–18075 Filed 10–27–06; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

Docket T–4–2006

Foreign–Trade Zone 222 Montgomery, AL

Application for Temporary/Interim Manufacturing Authority

Arvin Meritor, Inc.

(Automotive Parts)

An application has been submitted to the Executive Secretary of the Foreign–Trade Zones Board (the Board) by the Montgomery Area Chamber of Commerce, grantee of FTZ 222, requesting temporary/interim manufacturing (T/IM) authority within FTZ 222 at the Arvin Meritor, Inc. (Arvin Meritor) automotive parts manufacturing facility located in Montgomery, Alabama. The application was filed on October 20, 2006.

The Arvin Meritor facility (150 employees, annual capacity for up to 1.5 million door modules) is located at 139 Folmar Parkway, within the Interstate Industrial Park (FTZ 222 - Site 1). Under T/IM procedures, Arvin Meritor would assemble door modules (HTSUS 8708.29) for the Hyundai Motor Manufacturing Alabama, LLC plant (SZ 222A) using foreign–sourced latch assemblies (HTSUS 8301.20). T/IM authority could be granted for a period of up to two years. Arvin Meritor has also submitted a request for permanent FTZ manufacturing authority (for which Board filing is pending), which includes a range of additional inputs.

FTZ procedures would exempt Arvin Meritor from Customs duty payments on the foreign components used in production for export to non–NAFTA countries. On domestic shipments transferred in–bond to U.S. automobile assembly plants with subzone status, no duties would be paid on the foreign origin latch assemblies used in automobile and light truck production until the finished vehicles are formally entered for consumption, at which time the finished automobile duty rate (2.5%) would be applied to the foreign–origin components. For the individual door modules withdrawn directly by Arvin Meritor for Customs entry, the finished automotive part rate (2.5%) could be applied to the foreign origin latch assemblies (5.7%). The company indicates that it would also realize savings under FTZ procedures for the following reasons: duty deferral, duty exemption on scrap/waste, and logistical/paperwork efficiencies.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the following address: Office of the Executive Secretary, Foreign–Trade Zones Board, Room 1115, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230. The closing period for their receipt is November 29, 2006.

A copy of the application will be available for public inspection at the Office of the Foreign–Trade Zones Board's Executive Secretary at the address listed above.

Dated: October 20, 2006.

Pierre V. Duy,

Acting Executive Secretary

[FR Doc. E6–18179 Filed 10–27–06; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Materials Processing Equipment Technical Advisory Committee; Notice of Open Meeting

The Materials Processing Equipment Technical Advisory Committee (MPETAC) will meet on November 16, 2006 at 9 a.m. in Room 3884 of the Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to materials processing equipment and related technology.

Agenda

1. Opening Remarks and Introductions.
2. Presentation of Papers and Comments by the Public.
3. Presentation from the Office of Technology Evaluation.
4. Report on Wassenaar Experts Meeting.
5. Discussion of MPETAC 2007 Proposal.
6. MPETAC Future Activities.
7. Report on Proposed Changes to the Export Administration Regulation.
8. Other Business.

The meeting will be open to the public and a limited number of seats will be available. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to Yvette Springer at *Yspringer@bis.doc.gov.*

For more information, please contact Ms. Springer at 202–482–2813.

Dated: October 24, 2006.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 06–8956 Filed 10–27–06; 8:45 am]

BILLING CODE 3510–JT–M

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

(A–570–848)

Freshwater Crawfish Tail Meat From the People's Republic of China: Initiation of Antidumping Duty New Shipper Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (''the Department'') has received timely requests to conduct new shipper reviews of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China (''PRC''). In accordance with 19 CFR 351.214(d), we are initiating new shipper reviews for Anhui Tongxin Aquatic Product & Food Co., Ltd. (''Anhui Tongxin''), Huoshan New Three–Gold Food Trade Co. Ltd. (''Huoshan NTGF''), Jingdezhen Garay Foods Co., Ltd. (''Jingdezhen Garay''), and Shanghai Now Again International Trading Co., Ltd. (''Shanghai Now Again'').

EFFECTIVE DATE: October 30, 2006.

FOR FURTHER INFORMATION CONTACT: Michael Quigley or Erin Begnal, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4047 or (202) 482–1442, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department received timely requests from Anhui Tongxin (September 27, 2006), Huoshan NTGF (August 30, 2006), Jingdezhen Garay (September 20, 2006), and Shanghai Now Again (September 20, 2006), pursuant to section 751(a)(2)(B) of the Tariff Act of 1930, as amended (''the Act''), and 19 CFR 351.214(c), for new shipper reviews of the antidumping duty order on freshwater crawfish tail meat from the PRC. *See Notice of Amendment to Final Determination of Sales at Less than Fair Value and Antidumping Duty Order: Freshwater Crawfish Tail Meat from the People's Republic of China*, 62 FR 48218 (September 15, 1997).

Pursuant to 19 CFR 351.214(b)(2)(i) and 19 CFR 351.214(b)(2)(iii)(A), in their requests for review, Anhui Tongxin, Huoshan NTGF, Jingdezhen Garay, and Shanghai Now Again certified that they did not export the subject merchandise to the United States during the period of investigation (''POI'') and that since the initiation of the investigation they have never been affiliated with any company which exported subject merchandise to the United States during the POI. Pursuant to 19 CFR 351.214(b)(2)(iii)(B), Huoshan NTGF, Jingdezhen Garay, and Shanghai Now Again further certified that their export activities are not controlled by the central government of the PRC.

Pursuant to 19 CFR 351.214(b)(2)(ii)(B), Rudong Smooth Food Co., Ltd. (''Rudong Smooth''), the producer of the subject merchandise for Shanghai Now Again during the period of review (''POR''), certified that it did not export or produce for export to the United States during the POI, and has never been affiliated with any exporter or producer who exported the subject merchandise to the United States during the POI. Rudong Smooth further certified that its export activities are not controlled by the central government of the PRC.

In accordance with 19 CFR 351.214(b)(2)(iv), Anhui Tongxin, Huoshan NTGF, Jingdezhen Garay, and Shanghai Now Again, respectively, submitted documentation establishing the following: (1) the date on which they first shipped subject merchandise for export to the United States and the date on which the subject merchandise was first entered, or withdrawn from warehouse, for consumption; (2) the volume of their first shipment; and (3) the date of their first sale to an unaffiliated customer in the United States.

In addition, the Department conducted customs database queries to confirm that Anhui Tongxin's, Huoshan NTGF's, Jingdezhen Garay's, and Shanghai Now Again's shipments of subject merchandise had entered the United States for consumption and had been suspended for antidumping duties.

Initiation of Reviews

In accordance with section 751(a)(2)(B) of the Act, and 19 CFR

351.214(d)(1), and based on information on the record, we are initiating new shipper reviews for Anhui Tongxin, Huoshan NTGF, Jingdezhen Garay, and Shanghai Now Again. *See* Memoranda to the File through James C. Doyle, *New Shipper Initiation Checklists*, (October 23, 2006). We intend to issue the preliminary results of this review not later than 180 days after the date on which this review was initiated, and the final results of this review within 90 days after the date on which the preliminary results were issued.

Pursuant to 19 CFR 351.214(g)(1)(i)(A), the POR for a new shipper review, initiated in the month immediately following the annual anniversary month, will be the one year period immediately preceding the annual anniversary month. Therefore, the POR for the new shipper reviews of Anhui Tongxin, Huoshan NTGF, Jingdezhen Garay, and Shanghai Now Again will be September 1, 2005, through August 31, 2006.

It is the Department's usual practice in cases involving non–market economies to require that a company seeking to establish eligibility for an antidumping duty rate separate from the country–wide rate provide evidence of *de jure* and *de facto* absence of government control over the company's export activities. Accordingly, we will issue questionnaires to Anhui Tongxin, Huoshan NTGF, Jingdezhen Garay, and Shanghai Now Again, including a separate rates section. The reviews will proceed if the responses provide sufficient indication that Anhui Tongxin, Huoshan NTGF, Jingdezhen Garay, and Shanghai Now Again are not subject to either *de jure* or *de facto* government control with respect to their exports of freshwater crawfish tail meat. However, if the exporter does not demonstrate the company's eligibility for a separate rate, then the company will be deemed not separate from the PRC–wide entity, which exported during the POI. An exporter unable to demonstrate the company's eligibility for a separate rate would hence not meet the requirements of section 751(a)(2)(B)(i)(I) of the Act and its new shipper review will be rescinded. *See, e.g., Notice of Preliminary Results of Antidumping Duty New Shipper Review and Rescission of New Shipper Reviews: Freshwater Crawfish Tail Meat from the People's Republic of China*, 69 FR 53669 (September 2, 2004) and *Brake Rotors From the People's Republic of China: Rescission of Second New Shipper Review and Final Results and Partial Rescission of First Antidumping Duty Administrative Review*, 64 FR 61581 (November 12, 1999).

Interested parties that need access to proprietary information in these new shipper reviews should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

This initiation and notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.214.

Dated: October 23, 2006.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E6–18177 Filed 10–27–06; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

A–570–875

Non–Malleable Cast Iron Pipe Fittings from the People's Republic of China: Extension of Time Limit for the Final Results of the Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: October 30, 2006.

FOR FURTHER INFORMATION CONTACT: Eugene Degnan, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–0414.

SUPPLEMENTARY INFORMATION:

Background

On May 25, 2006, the Department published in the **Federal Register** its preliminary results of the second administrative review on non–malleable cast iron pipe fittings from the People's Republic of China (''PRC''). *See Non–Malleable Cast Iron Pipe Fittings from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review*, 71 FR 30116 (May 25, 2006) (''*Preliminary Results*''). On September 12, 2006, the Department published in the **Federal Register** a notice extending the time limit for the final results of the administrative review from September 22, 2006, to October 23, 2006. *See Extension of Time Limit for the Final Results of the Antidumping Duty Administrative Review: Non–Malleable Cast Iron Pipe Fittings from the People's Republic of China*, 71 FR 53661 (September 12, 2006). The final results of this administrative review are currently due no later than October 23, 2006.

Extension of Time Limit of Final Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (''the Act''), requires the Department to issue final results within 120 days of the date on which the preliminary results are published. However, if it is not practicable to complete the review within this time period, section 751(a)(3)(A) of the Act allows the Department to extend the extend the 120-day period to a maximum of 180 days. Completion of the final results of this review within the 120-day period is not practicable because the Department needs additional time to evaluate the arguments and issues raised by the petitioners and respondents in their respective case briefs and rebuttal briefs.

Because it is not practicable to complete this review within the time specified under the Act, we are extending the time period for issuing the final results of review an additional 19 days to 169 days, in accordance with section 751(a)(3)(A) of the Act. Therefore, the final results will be due no later than November 10, 2006. This notice is published pursuant to sections 751(a) and 777(i) of the Act.

Dated: October 19, 2006.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E6–18178 Filed 10–27–06; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Creation of U.S.-Iraq Business Dialogue

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The U.S. Department of Commerce and the Iraqi Ministry of Trade have established the U.S.-Iraq Business Dialogue (Business Dialogue or Dialogue). This notice announces membership opportunities for American representatives to join the U.S. section of the Dialogue.

DATES: Applications must be received no later than December 5, 2006.

ADDRESSES: Please send requests for consideration to Ms. Susan Hamrock, Director, Iraq Investment and Reconstruction Task Force, U.S.

Department of Commerce, either by fax on 202–482–0980 or by mail to U.S. Department of Commerce, 14th and Constitution Avenue, NW., Mail Stop 3868, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Aaron Kleiner, Office of the Middle East, U.S. Department of Commerce, Room 2029–B, Washington, DC 20230. Phone: 202–482–2680.

SUPPLEMENTARY INFORMATION: The U.S. Department of Commerce and the Iraqi Ministry of Trade established the Dialogue as a bilateral forum to facilitate private sector business growth in Iraq and to strengthen trade and investment ties between the United States and Iraq. During Secretary of Commerce Carlos M. Gutierrez's visit to Iraq in July 2006, he joined Iraqi Minister of Trade Dr. Abd-al-Falah al-Sudani in signing the Joint Statement on Commercial Cooperation, which formally provided for the establishment of the Dialogue. In their next meeting in September 2006, the Secretary and the Minister approved and signed the Terms of Reference for the Dialogue.

The U.S. Secretary of Commerce and the Iraqi Minister of Trade will co-chair the Dialogue. The Dialogue will consist of a U.S. Section and an Iraqi Section. Each Section will consist of approximately 10 members from the private sector, representing the views and interests of the private sector business community. Each Party will appoint the members to its respective Section. The Sections will provide advice and counsel to the U.S. Department of Commerce and the Iraqi Ministry of Trade that reflect private sector views, needs, and concerns regarding private sector business development in Iraq and enhanced bilateral commercial ties that could form the basis for expanded trade between the United States and Iraq. The Dialogue will exchange information and encourage bilateral discussions that address the following areas:

— Factors that affect the growth of private sector business in Iraq, including disincentives to trade and investment and regulatory obstacles to job creation and investment growth;
— Initiatives that the Government of Iraq might take, such as enacting, amending, enforcing, or repealing laws and regulations, to promote private sector business growth in Iraq;
— Promotion of business opportunities in both Iraq and the United States, and identification of opportunities for U.S. and Iraqi firms to work together; and
— Attracting U.S. businesses to opportunities in Iraq and serving as a catalyst for Iraqi private sector growth.

The U.S. Section of the Dialogue will consist of approximately 10 members from the private sector. The members will represent a cross-section of American business with an emphasis, to the extent possible, on agribusiness and food processing, financial services, construction and housing, information technology, and manufacturing industries. Members will serve in a representative capacity representing the views and interests of their particular industries. Members are not special government employees, and will receive no compensation for their participation in Dialogue activities. Only appointed members may participate in official Dialogue meetings; substitutes and alternates will not be designated. Section members serve for three-year terms, but may be reappointed. U.S. Section members serve at the discretion of the U.S. Department of Commerce.

The U.S. Department of Commerce is currently seeking candidates for membership on the U.S. Section of the Dialogue. Candidates will be evaluated based on: their interest in the Iraqi market; export/investment experience; contribution to diversity based on size of company, geographic location, and sector; and ability to initiate and be responsible for activities in which the Business Dialogue will be active.

In order to be eligible for membership in the U.S. section, potential candidates shall be:

—A U.S. citizen residing in the United States, or able to travel to the United States or other location to attend official Business Dialogue meetings;
—The President or CEO (or comparable level of responsibility) of a private sector company; if the company is very large, the head of a sizeable operating unit of that company; or the head of a non-profit entity, such as a trade or industry association, who possesses unique technical expertise, an outstanding reputation, and the ability to provide counsel with respect to private sector business development in Iraq; and
— Not a registered foreign agent under the Foreign Agents Registration Act of 1938, as amended.

Members will be selected on the basis of who best will carry out the objectives of the Business Dialogue as stated in the Terms of Reference establishing the Dialogue. Recommendations for appointment will be made to the Secretary of Commerce. All candidates will be notified of whether they have been selected.

To be considered for membership, please submit the following information as instructed in the **ADDRESSES** and **DATES** captions above: Name(s) and title(s) of the individual(s) requesting consideration; name and address of company or non-profit entity to be represented; size of the company or non-profit entity; description of relevant product, service, or technical expertise; size of company's export trade, investment, and/or international program experience; nature of operations or interest in Iraq; and a brief statement of why the candidate should be considered, including information about the candidate's ability to initiate and be responsible for activities in which the Business Dialogue will be active.

Dated: October 24, 2006.

Susan Hamrock,

Director, Iraq Investment and Reconstruction Task Force.

[FR Doc. E6–18077 Filed 10–27–06; 8:45 am]

BILLING CODE 3510–DA–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 102306F]

Gulf of Mexico Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene public meetings.

DATES: The meetings will be held November 13–17, 2006.

ADDRESSES: These meeting will be held at the San Luis Resort, 5222 Seawall Blvd., Galveston, TX 77550.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION:

Council

Wednesday, November 15, 2006

8:30 a.m.

The Council will begin to review the agenda, minutes, and appointment of members to management committees.

9:15 a.m.–9:30 a.m.—Public Testimony on Exempted Fishing Permits (EFPs), if any.

9:30 a.m.–10 a.m.—A summary of the National Marine Fisheries Service's (NMFS) Recreational Data Workshop will be discussed.

10 a.m.–10:30 a.m.—A presentation will be made on the Flower Garden Banks Sanctuary Proposed Management Program.

The Council will then review and discuss reports from the previous two day's committee meetings as follows:

10:30 a.m.–11 a.m.—Joint Reef Fish/Shrimp Management;

11 a.m.–12 noon—Mackerel Management;

1:30 p.m.–1:45 p.m.—Shrimp Management;

1:45 p.m.–2 p.m.—Joint Reef Fish/Mackerel/Red Drum Management;

2 p.m.–2:30 p.m.—Red Drum Management;

2:30 p.m.–2:45 p.m.—Administrative Policy;

2:45 p.m.–3 p.m.—Habitat Protection; and

3 p.m.–3:15 p.m.—Budget/Personnel.

3:15 p.m.–5:15 p.m.—The Council will hold an Open Public Comment Period regarding any fishery issue or concern. People wishing to speak before the Council should complete a public comment card prior to the comment period.

Thursday, November 16, 2006

8:30 a.m.–9:30 a.m.—The Council will convene in Closed Session to discuss budget, personnel, and panel member selections.

The Council will then resume in an open session and continue to review the following committee reports:

9:30 a.m.–10:30 a.m.—Reef Fish Management; and

10:30 a.m.–10:45 a.m.—Law Enforcement.

10:45 a.m.–12 noon—The Council will conclude its meeting by receiving reports from the Gulf states, NMFS, Fish and Wildlife Service, and others; as well as discussion of other business items.

Committees

Monday, November 13, 2006

9 a.m.–11:30 a.m.—Conduct an Orientation Session for new Council members.

1 p.m.–4:30 p.m.—The Reef Fish Management Committee will meet to review the Socioeconomic Panel's (SEP) recommendation on Reef Fish Amendment 28 (Grouper Allocation). The Committee will receive updates on Reef Fish Amendment 29 (Grouper Individual Fishing Quota (IFQ)), Reef Fish Amendment 26 (Red Snapper IFQ), and the red snapper IFQ outreach workshops. The Committee will review scoping options for an amendment to potentially modify regulations for gag, greater amberjack, gray triggerfish, and vermilion snapper. The Southeast Fishery Science Center (SEFSC) and the Southeast Data, Assessment, and Review (SEDAR) recommendations for goliath grouper will be presented to the Committee, and a discussion will be held regarding the pending vessel monitoring system (VMS) requirements for commercial reef fish vessels. Finally, the committee will address implementing the outreach program on turtle/sawfish conservation under Reef Fish Amendment 18A.

4:30 p.m.–5:30 p.m.—The Joint Reef Fish/Shrimp Management Committee will meet to receive an update on the Draft Environmental Impact Statement (DEIS) for the Interim Rule for red snapper/shrimp, and the status of the Interim Rule. They will also review the Scientific and Statistical Committee's (SSC) recommendations on the reliability of the Marine Recreational Fisheries Statistical Survey (MRFSS).

Tuesday, November 14, 2006

8:30 a.m.–9:30 a.m.—The Reef Fish Management Committee will reconvene to finish discussions from the previous day.

9:30 a.m.–10:30 a.m.—The Habitat Protection Committee will meet to discuss recommendations made by the Texas Habitat Protection Advisory Panel (AP) and the Mississippi/Louisiana Habitat AP.

10:30 a.m.–11:30 p.m.—The Shrimp Management Committee will meet to receive a report of the Ad Hoc Shrimp Effort Working Group. The committee will also discuss scheduling meetings of the Ad Hoc Shrimp Effort Management AP.

11:30 a.m.–12 noon—The Administrative Policy Committee will meet to discuss the SSC's recommendations on the SEDAR process as well as revisions to the SSC's Operations.

1:30 p.m.–2:30 p.m.—The Mackerel Management Committee will meet to review recommendations from the Joint South Atlantic/Gulf Mackerel Management Committees on king mackerel. The Committee will also discuss revising the framework procedure for the Coastal Migratory Pelagic (CMP) Fishery Management Plan (FMP).

2:30 p.m.–3 p.m.—The Law Enforcement Committee will meet to review and approve the Law Enforcement Advisory Panel's (LEAP) 2007 Operations Plan. The Committee will also receive a presentation on key enforcement cases.

3 p.m.–4 p.m.—The Red Drum Management Committee will review the SEDAR recommendations for assessment and review Gulf states' and the Gulf States Marine Fisheries Commission's assessment actions.

4 p.m.–5 p.m.—The Joint Reef Fish/Mackerel/Red Drum Committees will receive an update on work completed by the contractors on the Aquaculture Amendment. The Committee will discuss initiation of work by the Inter-disciplinary Planning Team (IPT) in 2007.

5 p.m.–5:30 p.m.—The Budget/Personnel Committee will meet to review the Council's operating budget for 2007. A portion of the committee session will be closed to the public to discuss personnel actions.

The committee reports will be presented to the Council for consideration on Wednesday November 15, and on Thursday, November 16, 2006.

Although other non-emergency issues not on the agendas may come before the Council and Committees for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meetings. Actions of the Council and Committees will be restricted to those issues specifically identified in the agendas and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency. The established times for addressing items on the agenda may be adjusted as necessary to accommodate the timely completion of discussion relevant to the agenda items. In order to further allow for such adjustments and completion of all items on the agenda, the meeting may be extended from, or completed prior to the date established in this notice.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Tina Trezza at the Council (see **ADDRESSES**) at least 5 working days prior to the meeting.

Dated: October 25, 2006.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E6–18092 Filed 10–27–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 102306E]

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) will hold a three-day Council meeting on November 14–16, 2006, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Tuesday, November 14, 2006, beginning at 9 a.m., and Wednesday and Thursday, November 15 and 16, 2006, beginning at 8:30 a.m. each day.

ADDRESSES: The meeting will be held at the Tavern on the Harbor, 30 Western Avenue, Gloucester, MA 01930; telephone: (978) 283–4200.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950; telephone: (978) 465–0492.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Tuesday, November 14, 2006

Following introductions, the Council will hear a series of brief reports from the Council Chairman and Executive Director, the NOAA Northeast Regional Administrator, Northeast Fisheries Science Center and Mid-Atlantic Fishery Management Council liaisons, NOAA General Counsel and representatives of the U.S. Coast Guard, NOAA Enforcement, the Atlantic States Marine Fisheries Commission and the Northeast Multispecies Capacity Reduction Committee. During this morning session, the Council also will receive a report its Habitat Committee. The committee chairman may ask the Council to approve an additional habitat area of particular concern alternative for inclusion in the Essential Fish Habitat Omnibus Amendment under development. This will be followed by two presentations on ecosystem-based fisheries management. The morning session will conclude with discussion and approval of Council management actions for 2007.

Wednesday, November 15, 2006

During the morning session, the Council will consider final action on Framework 4 to the Monkfish Fishery Management Plan (FMP). Framework 4 includes alternatives for target total allowable catch (TAC) alternatives and associated trip limits and days-at-sea alternatives in both monkfish management areas for the final three years of the monkfish rebuilding program, starting May 1, 2007. Framework Adjustment 4 also contains other alternatives, including eliminating the directed fishery; backstop provisions to ensure that management measures achieve the target TACs on an ongoing basis; modification or elimination of the days-at-sea (DAS) carryover provision; and modification of the boundary of the North Carolina/Virginia area monkfish fishery. The Council will also review a Monkfish Committee recommendation on monkfish incidental catch limits in the scallop closed area access program. This agenda item will be followed by a brief open period during which the public may address other fisheries related business that is not on the Council agenda. The Council will then receive a presentation from the Northeast Fisheries Science Center about a survey to be distributed to fisheries permit holders concerning vessel costs. The Scallop Committee Report will address several items: (1) a presentation from the Scallop Plan Development Team on the updated scallop biomass in the Elephant Trunk Access Area; (2) consideration of an action to allow industry-funded observers in the scallop fishery; and (3) consideration of an action on scallop management measures for fishing years 2008 and 2009. At the end of the day, the Council plans to approve herring research priorities to apply to fishing years 2008 and 2009, as recommended by the Council's Herring Plan Development Team.

Thursday, November 16, 2006

The Council's Research Steering Committee Chairman will report on the committee's recommendations concerning the use of information provided in several cooperative research final reports. This will be followed by a discussion of other issues related to cooperative research such as the future use of study fleets, directions for cod research and the Northeast Region's Guidelines for Exempted Fishing Permits. The Small Mesh Multispecies Committee will then ask for approval of measures to be used in the development of alternatives for consideration in the new Small Mesh Multispecies amendment. Among other issues, measures will focus on limited entry, hard Total Allowable Catches, protections for juvenile whiting and dedicated access privileges. Following a presentation on observed changes in growth rates and weights at age for a number of groundfish species, the Groundfish Committee will provide a report to the Council. Its chairman will report on the recent groundfish workshop and recommend standards and principles that must be met by any management system that may be considered in the 2009 Northeast Multispecies FMP. At the end of the day the Council will consider and could approve the recommendations of the Transboundary Management Guidance Committee for fishing year 2007 Total Allowable Catches for yellowtail flounder and cod caught in the U.S./Canada area.

Although other non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subjects of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided that the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: October 25, 2006.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E6–18091 Filed 10–27–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–433–002]

Columbia Gas Transmission Corporation; Notice of Tariff Filing

October 20, 2006.

Take notice that on October 17, 2006, Columbia Gas Transmission Corporation (Columbia) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Sixth Revised Sheet No. 354, with a proposed effective date of November 16, 2006.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18119 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–434–002]

Columbia Gulf Transmission Company; Notice of Tariff Filing

October 20, 2006.

Take notice that on October 17, 2006, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Eighth Revised Sheet No. 194, with a proposed effective date of November 16, 2006.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18120 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–435–003]

Crossroads Pipeline Company; Notice of Tariff Filing

October 20, 2006.

Take notice that on October 17, 2006, Crossroads Pipeline Company (Crossroads) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Second Revised Sheet No. 182, with a proposed effective date of November 16, 2006.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18121 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–23–000]

East Tennessee Natural Gas, LLC; Notice of Proposed Changes in FERC Gas Tariff

October 20, 2006.

Take notice that on October 18, 2006, East Tennessee Natural Gas, LLC (East Tennessee) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the tariff sheets listed in Appendix A of the filing to be effective November 18, 2006.

East Tennessee states that copies of its filing have been mailed to all affected customers and interested state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18123 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–22–000]

Egan Hub Storage, LLC; Notice of Proposed Changes in FERC Gas Tariff

October 20, 2006.

Take notice that on October 18, 2006, Egan Hub Storage, LLC (Egan Hub) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed in Appendix A of the filing to be effective November 18, 2006.

Egan Hub states that copies of its filing have been mailed to all affected customers and interested state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18122 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP07–9–000]

El Paso Natural Gas Company; Notice of Application

October 20, 2006.

Take notice that on October 16, 2006, El Paso Natural Gas Company (El Paso), Post Office Box 1087, Colorado Springs, Colorado 80944, filed an application under section 7(b) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations, seeking authority to abandon, by sale, an undivided ownership interest in its East Valley Lateral pipeline facilities located in Pinal and Maricopa Counties, Arizona to Transwestern Pipeline Company, L.L.C., all as more fully set forth in the application which is on file with the Commission and open for public inspection. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Any questions regarding this application should be directed to Richard Derryberry, Director, Regulatory Affairs, El Paso Natural Gas Company, P.O. Box 1087, Colorado Springs, Colorado, 80944, at (719) 520–3782 or fax (719) 667–7534.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the below listed comment date, file with the Federal Energy Regulatory Commission, 888

First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Motions to intervene, protests and comments may be filed electronically via the Internet in lieu of paper; see, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Comment Date: November 13, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18114 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER06–1546–001]

Florida Power Corporation; Notice of Compliance Filing

October 20, 2006.

Take notice that on October 19, 2006, Florida Power Corporation (FPC) tendered for filing corrections to a tariff sheet submitted in its original filing on September 29, 2006. FPC requests that a shortened notice period be granted.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on October 26, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18116 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP07–8–000]

Guardian Pipeline, L.L.C.; Notice of Application

October 20, 2006.

Take notice that on September 13, 2006, Guardian Pipeline, L.L.C. (Guardian), filed in Docket No. CP07–8–000, an application pursuant to section 7 (c) of the Natural Gas Act (NGA) to authorize Guardian to site, construct, and operate facilities consisting of approximately 110 miles of new mainline, two electric compressor stations, seven meter stations and appurtenant facilities resulting in 537,200 Dth/d of incremental firm capacity on Guardian's existing pipeline system and 437,200 Dth/d of firm capacity on the expansion facilities proposed herein, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The instant filing may be also viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application may be directed to Bambi Heckerman, Director, Regulatory Affairs, ONEOK Partners GP, LLC, 13710 FNB Parkway, Omaha, Nebraska 68154–5200; phone: (402) 492–7575; e-mail: *bambi.heckerman@oneok.com.*

On April 7, 2006, the Commission staff granted Guardian's request to utilize the Commission's Pre-Filing Process for its G–II Project and assigned Docket No. PF06–21–000 to staff activities involving the G–II Project. Now, as of the filing of Guardian's application on October 13, 2006, the Commission's Pre-Filing Process for these projects has ended. From this time forward, Guardian's proceeding will be conducted in Docket No. CP07–8–000, as noted in the caption of this Notice.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party

to the proceedings for this project should, on or before the below listed comment date, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Motions to intervene, protests and comments may be filed electronically via the Internet in lieu of paper; see, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Comment Date: November 13, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18113 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–15–000]

Gulf South Pipeline Company, LP; Notice of Proposed Changes in FERC Gas Tariff

October 19, 2006.

Take notice that on October 10, 2006 Gulf South Pipeline Company, LP tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, the following tariff sheets, to become effective December 1, 2006:

Fourth Revised Sheet No. 812.
Fourth Revised Sheet No. 813.
Original Sheet No. 814.
Sheet Nos. 815–899.
First Revised Sheet No. 1700A.
Second Revised Sheet No. 1702.
Second Revised Sheet No. 1703.
Third Revised Sheet No. 1903.
Third Revised Sheet No. 1904.
Fifth Revised Sheet No. 1905.
First Revised Sheet No. 2601.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18106 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–177–004]

Iroquois Gas Transmission System, L.P.; Notice of Compliance Filing

October 18, 2006.

Take notice that on October 12, 2006, Iroquois Gas Transmission System, L.P. (Iroquois) tendered for filing the following revised sheets to its FERC Gas Tariff, First Revised Volume No. 1, to be effective on October 17, 2006:

Third Revised Sheet No. 49A.
Fifth Revised Sheet No. 59A.
Fourth Revised Sheet No. 80.

In a July 10 submittal in Docket No. RP06–395 designed to clarify the meaning of certain terms relating to PAL Service, Iroquois stated that it would refile these three tariff sheets in Docket No. RP06–177 to reflect the changes for both the HUB Service and the PAL Service. Iroquois has submitted a separate filing of October 12, 2006 in Docket No. RP06–177, notifying the Commission that the HUB Service implementation date is October 17, 2006. Pursuant to the commitment made in its July 10 filing in Docket No. RP06–395, Iroquois is submitting Third Revised Sheet No. 49A, Fifth Revised Sheet No. 59A and Fourth Revised Sheet No. 80 to reflect the changes required in both proceedings that are necessary to implement the HUB Service.

Iroquois states that copies of its filing were served on all jurisdictional customers and interested state regulatory agencies and all parties to the proceeding.

Any person desiring to protest this filing must file in accordance with rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18100 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL07–7–000; QF89–251–009]

Las Vegas Cogeneration Limited Partnership; Notice of Filing

October 24, 2006.

Take notice that on October 13, 2006, Las Vegas Cogeneration Limited Partnership filed a petition for recertification as a qualifying Cogeneration Facility pursuant to section 292.207(b) and a limited waiver of qualifying facility efficiency standard requirement pursuant to section 292.205(a) of the Commission's Rules and Regulations.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on November 3, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18132 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–11–000]

Maritimes & Northeast Pipeline, L.L.C.; Notice of Proposed Changes in FERC Gas Tariff

October 18, 2006.

Take notice that on October 6, 2006, Maritimes & Northeast Pipeline, L.L.C. (Maritimes) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed in Appendix A of the filing to be effective November 6, 2006.

Maritimes states that the purpose of this filing is to modify the General Terms and Conditions of the Maritimes Tariff to reflect the current procedures that releasing customers and potential prearranged and replacement customers are required to follow in order to effectuate the temporary or permanent release of capacity via Maritimes' capacity release mechanism.

Maritimes states that copies of its filing have been mailed to all affected customers and interested state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18103 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER06–1419–000, ER06–1419–001]

MeadWestvaco Virginia Corporation; Notice of Issuance of Order

October 19, 2006.

MeadWestvaco Virginia Corporation (MeadWestvaco Virginia) filed an application for market-based rate authority, with an accompanying rate schedule. The proposed market-based rate schedule provides for the sale of energy and capacity at market-based rates. MeadWestvaco Virginia also requested waivers of various Commission regulations. In particular, MeadWestvaco Virginia requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by MeadWestvaco Virginia.

On October 18, 2006, pursuant to delegated authority, the Director, Division of Tariffs and Market Development—West, granted the requests for blanket approval under part 34. The Director's order also stated that the Commission would publish a separate notice in the **Federal Register** establishing a period of time for the filing of protests. Accordingly, any person desiring to be heard or to protest the blanket approvals of issuances of securities or assumptions of liability by MeadWestvaco Virginia should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. 18 CFR 385.211, 385.214 (2004).

Notice is hereby given that the deadline for filing motions to intervene or protest is November 17, 2006.

Absent a request to be heard in opposition by the deadline above, MeadWestvaco Virginia is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of MeadWestvaco Virginia, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approvals of MeadWestvaco Virginia's issuance of securities or assumptions of liability.

Copies of the full text of the Director's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at *http://www.ferc.gov*, using the eLibrary link. Enter the docket number excluding the last three digits in the docket number filed to access the document. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18111 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP07–4–000; CP07–5–000; CP07–6–000]

Mississippi Hub, L.L.C.; Notice of Application

October 20, 2006.

On October 10, 2006, in Docket Nos. CP07–4–000, CP07–5–000 and CP07–6–000, Mississippi Hub, L.L.C. (MS HUB), pursuant to section 7(c) of the Natural Gas Act, as amended, and part 157, subparts A and F, and part 284, subpart G of the Federal Energy Regulatory Commission's (Commission) regulations, filed requests for: authorization to construct, own, and operate the MS HUB Storage Project; a Subpart F construction, operation and abandonment blanket certificate (CP07–5–000); and, a Subpart G transportation blanket certificate (CP07–6–000). MS HUB also seeks: approval of its pro forma tariff; authorization to charge market-based rates for the proposed storage services; and, waiver of certain Commission regulations. Further, MS HUB asks that the Commission issue requested authorizations by February 15, 2007 so that: construction may start in spring 2007; initial storage injections can commence in spring and summer of 2008; and, withdrawals can begin by December 31, 2008. Start-up in this timeframe also would coincide with proposed in-service dates of certain Gulf Coast region liquefied natural gas import terminals.

The new, high-deliverability storage facility would be located in Simpson and Jefferson Davis Counties, Mississippi. The facility would have initial interconnections with two interstate (Southern Natural Gas Co. and Gulf South Pipeline) and one intrastate (CrossTex Energy) gas pipeline systems. Due to the sequential construction process associated with the solution mining of the two proposed caverns, MS HUB requests that the Commission authorize construction over a five-year period.

Questions concerning the application should be directed to by calling (281) 242–2381 or J. Gordon Pennington, Attorney at Law, 2707 N. Kensington St., Arlington, Virginia 22207 or at 703–533–7638 or *pennington5@verizon.net*.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding. However, a person does not have to intervene in order to have comments considered.

The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a) (1) (iii) and the instructions on the Commission's web site under the

''e-Filing'' link at *http://www.ferc.gov*. The Commission strongly encourages intervenors to file electronically.

The Commission may issue a preliminary determination on non-environmental issues prior to the completion of its review of the environmental aspects of the Projects. This preliminary determination typically considers such issues as the need for the Project and its economic effect on other pipelines in the area and on land and communities.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: November 9, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18128 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–478–001]

Mojave Pipeline Company; Notice of Filing

October 18, 2006.

Take notice that on October 12, 2006, Mojave Pipeline Company (Mojave) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Sub Fifteenth Revised Sheet No. 11, to become effective October 1, 2006.

Mojave states that the tariff sheet is being filed to update the total and subtotal columns on the Statement of Rates after the decrease in the annual charge adjustment.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18102 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–25–000]

Mojave Pipeline Company; Notice of Tariff Filing

October 20, 2006.

Take notice that on October 17, 2006, Mojave Pipeline Company (Mojave) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, First Revised Sheet No. 213, to become effective November 17, 2006.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18125 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP07–3–000]

Natural Gas Pipeline Company of America; Notice of Application

October 24, 2006.

Take notice that on October 10, 2006, Natural Gas Pipeline Company of America (Natural), 747 East 22nd Street, Lombard, Illinois 60148, filed an application under sections 7(c) and 7(b) of the Natural Gas Act seeking authority to: (i) Construct and operate 4.43 miles of 36-inch diameter pipe that will become part of Natural's Louisiana Line No. 2 Cameron Parish, Louisiana; (ii) replace three 12-inch meter runs and meters at the Sabine Henry Hub Plant in Vermilion Parish, Louisiana with three 8-inch turbine meters; (iii) install one 10,000 hp electric compressor unit and appurtenant equipment at Compressor Station (CS) 302 in Montgomery County, Texas; (iv) add one Solar Taurus 60 gas turbine compressor unit and appurtenant equipment, including expanded platform space, and re-wheel of one existing 4,200 hp gas compressor unit at CS 342 in Cameron Parish, Louisiana; (v) replace three gas fired

compressor units totaling 10,300 hp with one 11,000 hp electric compressor unit at CS 343 in Liberty County, Texas; and (vi) add one Solar Centaur 50 gas turbine compressor unit and appurtenant equipment and re-wheel all of the existing compressor units at CS 346 in Cameron Parish, Louisiana.

Natural is also requesting authorization to abandon three 12-inch orifice meter tubes and meters at the Sabine Henry Hub Plant in Vermilion Parish, Louisiana and four compressor units totaling 10,300 hp at CS 343 in Liberty County, Texas, all as more fully set forth in the application which is on file with the Commission and open for public inspection. These filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnline Support@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Any questions regarding this Application should be directed to Bruce H. Newsome, Vice President of Certificates and Rates, Natural Gas Pipeline Company of America, 747 East 22nd Street, Lombard, Illinois 60148–5072, telephone: (630) 691–3526.

The proposed project will enable Natural to expand the capacity of its Louisiana Line system, which stretches from Compressor Station 302 in Montgomery County, Texas to the Henry Hub in Vermilion Parish, Louisiana by approximately 200,000 dekatherms per day. The estimated cost of the project is approximately $66 million and Natural requests the Commission issue an order by April, 2007.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the below listed comment date, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Motions to intervene, protests and comments may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1) (iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Comment Date: 5 p.m. Eastern Time on November 14, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18130 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–302–003]

Northern Natural Gas Company; Notice of Compliance Filing

October 18, 2006.

Take notice that Northern Natural Gas Company (Northern), on October 16, 2006, tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, Seventh Revised Sheet No. 66D, with an effective date of November 16, 2006.

Northern states that it is filing the above referenced tariff sheet in compliance with the Commission's May 5, 2006 order in this proceeding.

Northern further states that copies of the filing have been provided to each of its customers and interested State Commissions.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18101 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Petition for Declaratory Order Disclaiming Jurisdiction Over the Sullivan Creek Project, and Soliciting Comments, Protests, and/or Motions To Intervene

October 20, 2006.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Petition for Declaratory Order.

b. *Docket No:* DI07–1–000 and P–2225.

c. *Date Filed:* October 5, 2006.

d. *Applicant:* Public Utility District No. 1 of Pend Oreille County, Washington (District).

e. *Name of Project:* Sullivan Creek Power Project.

f. *Location:* The Sullivan Creek Power Project is located on Sullivan Lake, Outlet Creek and Sullivan Creek, a tributary of Pend Oreille River, in the vicinity of the town of Metaline Falls, Pend Oreille County, Washington, and occupies lands of the United States within the Colville National Forest. The project is not located on Tribal lands.

g. *Filed Pursuant to:* Section 23(b)(1) of the Federal Power Act, 16 U.S.C. 817(b).

h. *Applicant Contact:* James B. Vasile, Davis Wright Tremaine LLP, 1500 K Street, NW., Suite 450, Washington, DC 20005. Telephone: (202) 508–6662; FAX: (202) 508–6699; e-mail: *jimvasile@dwt.com.*

i. *FERC Contact:* Any questions on this notice should be addressed to Henry G. Ecton (202) 502–8768, or E-mail: *henry.ecton@ferc.gov.*

j. *Deadline for filing comments, protests, and/or motions:* November 20, 2006.

All documents (original and eight copies) should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests, and/or interventions may be filed electronically via the Internet in lieu of paper. Any questions, please contact the Secretary's Office. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at: *http://www.ferc.gov*

Please include the docket number (DI07–1–000) on any protests, comments or motions filed.

k. *Previous Commission Actions and Proposal of Petition:* The existing Sullivan Creek Power Project was constructed by Inland Portland Cement Company in 1909. The District entered into an agreement with Inland to purchase the project in 1957 and filed an application for a license. The Federal Power Commission issued the license for Project No. 2225 on November 25, 1958. The District proposed to operate the project as a storage project benefiting downstream generation projects (other than the Sullivan Creek plant) on the Pend Oreille River and the Columbia Rivers. The project consists of Sullivan Lake and dam, Mill Pond and dam, Mill Pond Historic Site, a flume and canal, a forebay, a horseshoe-shaped tunnel power conduit, and a powerhouse. Sullivan Lake has 31,000 acre-feet of active storage capacity. Sullivan Lake Dam is a 58-foot-long by 29-foot-high concrete gravity dam. Mill Pond has a 1,962 acre-foot capacity. Mill Pond Dam is a 134-foot-long by 55-foot-high concrete gravity dam. Sullivan Lake stores and releases about 31,000 acre-feet of water annually, in accordance with the Pacific Northwest Coordination Agreement and its license. The District gave notice in 2003 that it did not intend to seek a new license when the current license expires on October 1, 2008.

This petition requests the Commission to confirm that the Sullivan Creek Project is not necessary or appropriate for any downstream unit of development, because it is not directly connected to and has only immaterial effects on downstream generation, and is therefore not required to be licensed pursuant to Section 23(b)(1) of the Federal Power Act. The petition also requests the Commission determine that the existing license is null and void, since the Commission lacked jurisdiction to issue a voluntary license under Section 4(e) in this circumstance. In the alternative, if it is determined that the District currently possesses a voluntary license, the petition requests the Commissions to confirm that the District is not required to file a surrender application or seek any other Commission authorization upon the expiration of its license.

When a Petition for Declaratory Order is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the project. The Commission also determines whether or not the project: (1) Would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.

l. *Locations of the application:* Copies of this filing are on file with the Commission and are available for public inspection. This filing may be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link, select ''Docket#'' and follow the instructions. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, And/Or Motions to Intervene*—Anyone may submit comments, a protest, and/or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents*—any filings must bear in all capital letters the title ''COMMENTS'', ''PROTESTS'', AND/OR ''MOTIONS TO INTERVENE'', as applicable, and the Docket Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the applicant specified in the particular application.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the applicant's representatives.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18115 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER06–1430–000; ER06–1430–001]

SP Newsprint CO; Notice of Issuance of Order

October 24, 2006.

SP Newsprint CO (SP Newsprint) filed an application for market-based rate authority, with an accompanying tariff. The proposed market-based rate tariff provides for the sale of energy and capacity at market-based rates. SP Newsprint also requested waivers of various Commission regulations. In particular, SP Newsprint requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by SP Newsprint.

On October 20, 2006, pursuant to delegated authority, the Director, Division of Tariffs and Market Development—West, granted the requests for blanket approval under part 34. The Director's order also stated that the Commission would publish a separate notice in the **Federal Register** establishing a period of time for the filing of protests. Accordingly, any person desiring to be heard or to protest the blanket approvals of issuances of securities or assumptions of liability by SP Newsprint should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. 18 CFR 385.211, 385.214 (2004).

Notice is hereby given that the deadline for filing motions to intervene or protest is November 24, 2006.

Absent a request to be heard in opposition by the deadline above, SP Newsprint is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of SP Newsprint, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approvals of SP Newsprint's issuance of securities or assumptions of liability.

Copies of the full text of the Director's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at *http://www.ferc.gov*, using the eLibrary link. Enter the docket number excluding the last three digits in the docket number filed to access the document. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18135 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–20–000]

Texas Eastern Transmission, LP; Notice of Proposed Changes in FERC Gas Tariff

October 18, 2006.

Take notice that on October 17, 2006, Texas Eastern Transmission, LP (Texas Eastern) tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1 and First Revised Volume No. 2, revised tariff sheets as listed on Appendix A to the filing, to become effective December 1, 2006. In addition, Texas Eastern submitted its Annual Interruptible Revenue Reconciliation Report.

Texas Eastern states that the revised tariff sheets and the Annual Interruptible Revenue Reconciliation Report contained in the filing are being filed pursuant to Section 15.6, Applicable Shrinkage Adjustment (ASA), and Section 15.8, Periodic Reports, of the General Terms and Conditions of Texas Eastern's FERC Gas Tariff, Seventh Revised Volume No. 1.

Texas Eastern states that the impact of the instant filing on Texas Eastern's system rates for the upcoming winter season equates to an overall decrease of 11.25 cents in the 100% load factor price for typical long-haul service under Rate Schedule FT–1 from the Access Area Zone East Louisiana to Market Zone M3 (ELA–M3) as follows:

	($/dth)
Rate Impact:	
ASA Surcharge	(0.0205)
Fuel Retention Impact:	
Winter Season Percentage Decrease—1.23%	
Rate Equivalent at $7.48 per dth	(0.0920)
Overall Reduction	(0.1125)

Texas Eastern states that copies of its filing have been mailed or, if requested, emailed to all affected customers of Texas Eastern and interested state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18093 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–27–000]

Texas Eastern Transmission, LP; Notice of Proposed Changes in FERC Gas Tariff

October 20, 2006.

Take notice that on October 18, 2006, Texas Eastern Transmission, LP (Texas Eastern) tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, the tariff sheets listed in Appendix A of the filing to be effective November 18, 2006.

Texas Eastern states that copies of its filing have been mailed to all affected customers and interested state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18127 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–186–003]

Trunkline Gas Company, LLC; Notice of Negotiated Rate

October 20, 2006.

Take notice that on October 18, 2006, Trunkline Gas Company, LLC (Trunkline) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, First Revised Sheet No. 28, effective as of May 1, 2006.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18112 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL07–10–000]

Wisconsin Public Power Inc.; Notice of Filing

October 24, 2006.

Take notice that on October 11, 2006, Wisconsin Public Power Inc. (WPPI) filed an initial Rate Schedule No. 3 and supporting cost data which specifies its revenue requirement for cost based reactive supply and voltage control from Generation Sources Service, as to the resources located in one pricing area of the Midwest Independent Transmission System Operator, Inc. (MISO). WPPI will provide the subject Reactive Power Service from the Island Street Peaking Plant, which is sited in Kaukauna, Wisconsin in the Wisconsin Electric Power Company subzone of the American Transmission Company, LLC pricing zone within the control area administered by MISO.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the

''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on November 13, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18131 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL07–8–000]

Wisconsin Public Power Inc.; Notice of Filing

October 24, 2006.

Take notice that on October 11, 2006, Wisconsin Public Power Inc (WPPI) filed an initial Rate Schedule No. 1 and supporting cost data which specifies its revenue requirement for cost based reactive supply and voltage control from Generation Sources Service, as to the resources located in one pricing area of the Midwest Independent Transmission System Operator, Inc (MISO). WPPI will provide the subject Reactive Power Service from its 20% joint ownership interest in Unit 4 of the Boswell Generating Station, which is located in the Minnesota Power Company pricing area with the control area administered by MISO.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on November 13, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18133 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL07–9–000]

Wisconsin Public Power Inc.; Notice of Filing

October 24, 2006.

Take notice that on October 11, 2006, Wisconsin Public Power Inc. (WPPI) filed an initial Rate Schedule No. 2 and supporting cost data which specifies its revenue requirement for cost based reactive supply and voltage control from Generation Sources Service, as to the resources located in one pricing area of the Midwest Independent Transmission System Operator, Inc. (MISO). WPPI will provide the subject Reactive Power Service from Units 1 and 4 of the South Fond du Lac combustion turbine generating station, which is located in the Wisconsin Power & Light Company subzone of the American Transmission Company, LLC pricing zone within the control area administered by MISO.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on November 13, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18134 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–26–000]

Wyoming Interstate Company, Ltd.; Notice of Tariff Filing

October 20, 2006.

Take notice that on October 17, 2006, Wyoming Interstate Company, Ltd. (WIC) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 2, Second Revised Sheet No. 5B and Third Revised Sheet No. 72C, to become effective November 17, 2006.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of

intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18126 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–24–000]

Young Gas Storage Company, Ltd.; Notice of Tariff Filing

October 18, 2006.

Take notice that on October 17, 2006, Young Gas Storage Company, Ltd. (Young) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Fourth Revised Sheet No. 9 and Seventh Revised Sheet No. 96, to become effective November 17, 2006.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18124 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Thursday, October 19, 2006.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER03–1284–003.

Applicants: Blue Canyon Windpower LLC.

Description: Blue Canyon Windpower LLC submits Triennial Updated Market Analysis.

Filed Date: 10/16/2006.

Accession Number: 20061018–0085.

Comment Date: 5 p.m. Eastern Time on Monday, November 6, 2006.

Docket Numbers: ER03–719–004; ER03–720–004; ER03–721–004; ER98–830–013.

Applicants: New Athens Generating Company, LLC; New Covert Generating Company, LLC; New Harquahala Generating Company, LLC; Millennium Power Partners, L.P.

Description: New Athens Generation Company, LLC et al submits Notice of Non-material Change in Status relating to a change in their upstream indirect ownership pursuant to FERC's Order 652.

Filed Date: 10/10/2006.

Accession Number: 20061017–0121.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 31, 2006.

Docket Numbers: ER03–9–006; ER98–2157–007; ER06–1313–001; EL06–54–001.

Applicants: Westar Energy, Inc. and Kansas Gas and Electric Company.

Description: Westar Energy, Inc & Kansas Gas & Electric Co submits Fourth Revised Sheet No. 1 & First Revised Sheet No. 1A, FERC Electric Tariff, Third Revised Volume No. 6.

Filed Date: 10/6/2006.

Accession Number: 20061018–0216.

Comment Date: 5 p.m. Eastern Time on Friday, October 27, 2006.

Docket Numbers: ER04–691–077.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc submits proposed revisions to Section 38.91(A) of its Open Access Transmission, FERC Electric Tariff, Third Revised Volume No. 1.

Filed Date: 10/13/2006.

Accession Number: 20061018–0081.

Comment Date: 5 p.m. Eastern Time on Friday, November 3, 2006.

Docket Numbers: ER06–1253–001.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc submits Revision to Section 40 of the Energy Markets Tariff concerning Scheduling Procedures for Reliability Assessment Commitment Process.

Filed Date: 10/16/2006.

Accession Number: 20061018–0089.

Comment Date: 5 p.m. Eastern Time on Monday, November 6, 2006.

Docket Numbers: ER06–1445–001.

Applicants: UGI Utilities, Inc.

Description: UGI Utilities submits Supplements to a proposed Revised Tariff Sheet No. 307 to its FERC OATT.

Filed Date: 10/16/2006.

Accession Number: 20061018–0084.

Comment Date: 5 p.m. Eastern Time on Monday, November 6, 2006.

Docket Numbers: ER06–1515–001.

Applicants: TXU Portfolio Management Company LP.

Description: TXU Portfolio Management Company, LP submits Substitute Sixth Revised Sheets 1–2 of their Sixth Revised Market-Based Rate Tariff.

Filed Date: 10/17/2006.

Accession Number: 20061018–0227.

Comment Date: 5 p.m. Eastern Time on Tuesday, November 7, 2006.

Docket Numbers: ER06–1516–001.

Applicants: Mac Trading, Inc.

Description: Mac Trading Inc submits a Petition for Acceptance of Initial Rate Schedule, Waivers and Blanket Authority designated as Rate Schedule FERC No. 1.

Filed Date: 10/17/2006.

Accession Number: 20061018–0222.

Comment Date: 5 p.m. Eastern Time on Tuesday, November 7, 2006.

Docket Numbers: ER06–738–003; ER06–739–003.

Applicants: Cogen Technologies Linden Venture, L.P.

Description: Cogen Technologies Linden Venture, LP et al notifies FERC of a change in status resulting from their affiliate's passive interest in a generating plant etc pursuant to FERC's Order 652.

Filed Date: 10/17/2006.

Accession Number: 20061019–0134.

Comment Date: 5 p.m. Eastern Time on Tuesday, November 7, 2006.

Docket Numbers: ER07–16–000.

Applicants: Pacific Gas & Electric Company.

Description: Pacific Gas and Electric Co submits three rate changes to its Transmission Owner Tariff, FERC Electric Sixth Revised Volume 5.

Filed Date: 10/6/2006.

Accession Number: 20061018–0097.

Comment Date: 5 p.m. Eastern Time on Friday, October 27, 2006.

Docket Numbers: ER07–30–001.

Applicants: RC Cape May Holdings, LLC.

Description: RC Cape May Holdings, LLC submits correction to the typographical error their application for acceptance of market-based rate authority.

Filed Date: 10/17/2006.

Accession Number: 20061018–0229.

Comment Date: 5 p.m. Eastern Time on Tuesday, November 7, 2006.

Docket Numbers: ER07–39–000.

Applicants: Mountainview Power Company, LLC.

Description: Mountainview Power Company, LLC submits Amendment 2 to the Power Purchase Agreement with Southern California Edison Co.

Filed Date: 10/16/2006.

Accession Number: 20061018–0086.

Comment Date: 5 p.m. Eastern Time on Monday, November 6, 2006.

Docket Numbers: ER07–40–000.

Applicants: PJM Interconnection, LLC.

Description: PJM Interconnection, LLC submits revised pages of the PJM OATT.

Filed Date: 10/16/2006.

Accession Number: 20061018–0087.

Comment Date: 5 p.m. Eastern Time on Monday, November 6, 2006.

Docket Numbers: ER07–41–000.

Applicants: Wisconsin Electric Power Company.

Description: Wisconsin Electric Power Company submits Notice of Cancellation of Wisconsin Electric's Rate Schedule FERC 69 Standby Service Agreement with the City of Jefferson Water and Electric Commission.

Filed Date: 10/16/2006.

Accession Number: 20061018–0088.

Comment Date: 5 p.m. Eastern Time on Monday, November 6, 2006.

Docket Numbers: ER07–42–000.

Applicants: Atlantic Path 15, LLC.

Description: Altantic Path 15, LLC informs FERC that it has succeeded to the tariff of Trans-Elect NTD Path 15 LLC and provides documentation.

Filed Date: 10/16/2006.

Accession Number: 20061018–0080.

Comment Date: 5 p.m. Eastern Time on Monday, November 6, 2006.

Docket Numbers: ER07–44–000.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool Inc submits an executed Supplemental Service Agreement for Network Integration Transmission Service with Western Farmers Electric Cooperative.

Filed Date: 10/17/2006.

Accession Number: 20061018–0223.

Comment Date: 5 p.m. Eastern Time on Tuesday, November 7, 2006.

Docket Numbers: ER07–45–000.

Applicants: Horizon Power and Light LLC.

Description: Horizon Power & Light submits a Petition for Acceptance of Initial Rate Schedule, Waivers and Blanket, designated as Rate Schedule FERC No. 1.

Filed Date: 10/17/2006.

Accession Number: 20061018–0224.

Comment Date: 5 p.m. Eastern Time on Tuesday, November 7, 2006.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18105 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings # 1

October 24, 2006.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG07–5–000.

Applicants: Holland Energy, LLC.

Description: Holland Energy, LLC submits a notice of Self-Recertification of Exempt Wholesale Generator Status.

Filed Date: 10/19/2006.
Accession Number: 20061023–0124.
Comment Date: 5 p.m. Eastern Time on Thursday, November 9, 2006.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER97–4257–012.
Applicants: Mid Power Service Corporation.
Description: Mid-Power Service Corporation submits its Triennial Revised Market Analyses for period ended 9/30/06, in compliance with FERC's 9/30/97 Order.
Filed Date: 10/19/2006.
Accession Number: 20061023–0088.
Comment Date: 5 p.m. Eastern Time on Thursday, November 9, 2006.

Docket Numbers: ER99–3502–006.
Applicants: Berkshire Power Holdings, LLC.
Description: Berkshire Power Holdings, LLC submits a Notice of Withdrawal of Application.
Filed Date: 10/18/2006.
Accession Number: 20061018–5048.
Comment Date: 5 p.m. Eastern Time on Wednesday, November 8, 2006.

Docket Numbers: ER01–1919–009.
Applicants: Exelon Energy Company.
Description: Exelon Energy Company submits this modification to its market-based tariff to delete the affiliate transactions provision regarding Public Service Enterprise Group, Incorporated.
Filed Date: 10/19/2006.
Accession Number: 20061020–0220.
Comment Date: 5 p.m. Eastern Time on Thursday, November 9, 2006.

Docket Numbers: ER06–881–004.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Midwest Independent Transmission System Operator, Inc. submits a Large Generator Interconnection Agreement with Northern States Power Company and Power Partners Midwest, LLC.
Filed Date: 10/18/2006.
Accession Number: 20061019–0191.
Comment Date: 5 p.m. Eastern Time on Wednesday, November 8, 2006.

Docket Numbers: ER06–1208–002.
Applicants: Vermont Electric Power Company; Vermont Transco LLC.
Description: Vermont Electric Power Co and Vermont Transco LLC submit a withdrawal of its 9/20/06 filing of Certificates of Concurrence to compliance with Commission Order issued 8/21/06.
Filed Date: 10/16/2006.
Accession Number: 20061019–0136.
Comment Date: 5 p.m. Eastern Time on Monday, November 6, 2006.

Docket Numbers: ER06–1297–001.
Applicants: Fox Energy Company LLC.
Description: Fox Energy Company LLC submits its First Revised Sheet 1 to its FERC Electric Rate Schedule No. 2, effective 10/11/06.
Filed Date: 10/13/2006.
Accession Number: 20061016–0117.
Comment Date: 5 p.m. Eastern Time on Friday, November 3, 2006.

Docket Numbers: ER06–1311–001.
Applicants: ISO New England Inc.
Description: ISO New England Inc. submits a Revised Market Participant Service Agreement with Energy Spectrum, Inc.
Filed Date: 10/19/2006.
Accession Number: 20061020–0210.
Comment Date: 5 p.m. Eastern Time on Thursday, November 9, 2006.

Docket Numbers: ER06–1405–001.
Applicants: Bangor Hydro-Electric Company.
Description: Bangor Hydro-Electric Co. submits its Construction Commitment Agreement with New Brunswick Power Transmission Corporation designated as Original Service Agreement No. BHE–200, *et al.*
Filed Date: 10/19/2006.
Accession Number: 20061020–0215.
Comment Date: 5 p.m. Eastern Time on Thursday, November 9, 2006.

Docket Numbers: ER06–1457–001.
Applicants: Louisville Gas & Electric Company; Kentucky Utilities Company.
Description: E. ON. U.S. LLC on behalf of Louisville Gas & Electric et al. submits executed agreements with the Illinois Municipal Electric Agency for firm point-to-point transmission service—Trimble County Unit 1 and Unit 2.
Filed Date: 10/19/2006.
Accession Number: 20061020–0205.
Comment Date: 5 p.m. Eastern Time on Thursday, November 9, 2006.

Docket Numbers: ER06–1531–001.
Applicants: Great Lakes Energy LLC.
Description: Great Lakes Energy LLC submits an amendment to its Original Petition for Acceptance of Initial Tariff, Waivers and Blanket Authority.
Filed Date: 10/18/2006.
Accession Number: 20061020–0207.
Comment Date: 5 p.m. Eastern Time on Wednesday, November 8, 2006.

Docket Numbers: ER06–1546–001.
Applicants: Florida Power Corporation.
Description: Florida Power Corporation submits correction to its 9/29/06 filing to amend its Cost-Based Wholesale Power Sales Power Tarrif and request for a shortened notice period.
Filed Date: 10/19/2006.
Accession Number: 20061020–0206.
Comment Date: 5 p.m. Eastern Time on Monday, October 30, 2006.

Docket Numbers: ER07–43–000.
Applicants: Arizona Public Service Company.
Description: Arizona Public Service Co. submits Notice of Cancellation of the 1968 Purchase and Transmission Agreement with Yuma Irrigation District.
Filed Date: 10/17/2006.
Accession Number: 20061018–0228.
Comment Date: 5 p.m. Eastern Time on Tuesday, November 7, 2006.

Docket Numbers: ER07–46–000.
Applicants: NorthWestern Corporation.
Description: NorthWestern Corp. submits a change in rates for transmission services under NorthWestern's Montana OATT, FERC Electric Tariff, Sixth Revised Volume 5, effective 12/18/06.
Filed Date: 10/17/2006.
Accession Number: 20061020–0151.
Comment Date: 5 p.m. Eastern Time on Tuesday, November 7, 2006.

Docket Numbers: ER07–47–000.
Applicants: PM Interconnection, LLC.
Description: PJM Interconnection, LLC submits its Interconnection Service Agreement with Liberty Gap Wind Force, LLC and Monongahela Power Co. dba Allegheny Power.
Filed Date: 10/18/2006.
Accession Number: 20061019–0199.
Comment Date: 5 p.m. Eastern Time on Wednesday, November 8, 2006.

Docket Numbers: ER07–48–000.
Applicants: Verde Renewable Energy, Inc.
Description: Verde Renewable Energy, Inc. submits a Petition for Acceptance of Initial Tariff, Waivers and Blanket Authority.
Filed Date: 10/18/2006.
Accession Number: 20061020–0209.
Comment Date: 5 p.m. Eastern Time on Wednesday, November 8, 2006.

Docket Numbers: ER07–49–000.
Applicants: Northeast Utilities Service Company.
Description: Northeast Utilities Service Company submits a Notice of Cancellation of Public Service of New Hampshire Rate Schedule 150.
Filed Date: 10/19/2006.
Accession Number: 20061020–0208.
Comment Date: 5 p.m. Eastern Time on Thursday, November 9, 2006.

Docket Numbers: ER07–50–000.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Midwest Independent Transmission System Operator, Inc. submits its Facilities Construction Agreement with Great River Energy—Generation.
Filed Date: 10/20/2006.
Accession Number: 20061023–0123.
Comment Date: 5 p.m. Eastern Time on Monday, November 13, 2006.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES07–3–000.

Applicants: MDU Resources Group, Inc.

Description: MDU Resources Group, Inc. submits its Application for authorization of the issuance of securities and authorization to engage in methods of issuance other than competitive bidding and negotiated offers.

Filed Date: 10/18/2006.

Accession Number: 20061020–0222.

Comment Date: 5 p.m. Eastern Time on Wednesday, November 8, 2006.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH06–109–001; PH06–110–001; PH06–111–001; PH06–112–001; PH06–113–001; PH06–114–001.

Applicants: Plainfield Direct Institutional Offshore Feeder Fund Limited; Plainfield Direct Offshore Feeder Fund Limited; Plainfield Direct Onshore Feeder Fund LP; Plainfield Special Situations Institutional Offshore Feeder Fund Limited; Plainfield Special Situations Offshore Feeder Fund Limited; Plainfield Special Situations Onshore Feeder Fund LP.

Description: Plainfield Direct Institutional Offshore, *et al.* submit a Notice of Material Change in Facts.

Filed Date: 10/10/2006.

Accession Number: 20061010–5068.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 31, 2006.

Docket Numbers: PH06–115–001.

Applicants: D. E. Shaw & Co., II, Inc.

Description: D. E. Shaw & Co. II, Inc. submits a Notice of Material Change in Facts.

Filed Date: 10/19/2006.

Accession Number: 20061019–5044.

Comment Date: 5 p.m. Eastern Time on Thursday, November 9, 2006.

Docket Numbers: PH07–1–000.

Applicants: Central Vermont Power Service Corporation.

Description: Central Vermont Power Service Corp. submits a Waiver Notification pursuant to Section 366.3(c)(1).

Filed Date: 10/19/2006.

Accession Number: 20061019–5016.

Comment Date: 5 p.m. Eastern Time on Thursday, November 9, 2006.

Docket Numbers: PH07–2–000.

Applicants: Public Service Enterprise Group Incorporated.

Description: Public Service Enterprise Group Incorporated submits a petition of waiver pursuant to sections 366.21, 366.22, and 366.23.

Filed Date: 10/20/2006.

Accession Number: 20061020–5070.

Comment Date: 5 p.m. Eastern Time on Monday, November 13, 2006.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR06–1–003.

Applicants: North American Electric Reliability Council and North American Electric Reliability Corporation.

Description: North American Electric Reliability Council and North American Elec Reliability Corp submit a compliance filing addressing non-governance issues.

Filed Date: 10/18/2006.

Accession Number: 20061018–5067.

Comment Date: 5 p.m. Eastern Time on Friday, November 17, 2006.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18139 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11392–008—NC]

J&T Hydro Corporation; Notice of Availability of Environmental Assessment

October 18, 2006.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 52 FR 47879), the Office of Energy Projects reviewed the application for surrender of project license for the Ramseur Hydroelectric Project, located on the Deep River in the Town of Ramseur, Randolph County, North Carolina, and has prepared an Environmental Assessment (EA). In the EA, Commission staff analyzed the potential environmental impacts of the project and conclude that surrender of the project license as proposed would not constitute a major Federal action significantly affecting the quality of the human environment.

A copy of the EA is on file with the Commission and is available for public inspection. The EA may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number (P–11392) excluding the last three digits in the docket number field to access the document. For assistance, contact *FERC Online Support at FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659.

Any comments should be filed by November 20, 2006, and should be addressed to the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1-A, Washington, DC 20426. Please reference the project name and project number (P–11392) on all comments. Comments may be filed electronically via Internet

in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''eFiling'' link. For further information, contact Chris Yeakel at (202) 502–8132.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18104 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 516–417]

South Carolina Electric & Gas Company; Notice of Availability of Environmental Assessment

October 24, 2006.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed an application for non-project use of project lands and waters at the Saluda Hydroelectric Project (FERC No. 516), and has prepared an Environmental Assessment (EA) for the proposed non-project use. The project is located on Lake Murray, in Lexington County, South Carolina.

In the application, South Carolina Electric & Gas Company requests Commission authorization to permit the use of almost 2.0 acres of project lands that lie below the 360-foot-msl-contour (full pool elevation) to construct a 100-slip docking facility and a boat launch for the residents of Pintail Point subdivision. The EA contains Commission staff's analysis of the probable environmental impacts of the proposal and concludes that approving the licensee's application, with staff's recommended measures and modifications, would not constitute a major federal action significantly affecting the quality of the human environment.

The EA is attached to a Commission order titled ''Order Modifying and Approving Application for Non-Project Use of Project Lands and Waters,'' which was issued October 10, 2006, and is available for review and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426. The EA may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''elibrary'' link. Enter the project number (prefaced by P–) and excluding the last three digits, in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18129 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF06–32–000]

Transcontinental Gas Pipe Line Corporation; Notice of Intent To Prepare an Environmental Assessment for the Proposed Sentinel Expansion Project; Request for Comments on Environmental Issues and Notice of Public Scoping Meeting

October 18, 2006.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of Transcontinental Gas Pipe Line Corporation's (Transco's) planned Sentinel Expansion Project located in Pennsylvania and New Jersey. This notice explains the scoping process that will be used to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine which issues need to be evaluated in the EA. Please note that the scoping period will close on November 18, 2006.

Comments may be submitted in written form or verbally. In lieu of sending written comments, you are invited to attend the public scoping meeting that has been scheduled in the project area in Exton, Pennsylvania, on November 8, 2006. Further details on how to submit written comments and additional details of the public scoping meeting area are provided in the public participation section of this notice.

The FERC will be the lead Federal agency for the preparation of the EA. The document will satisfy the requirements of the National Environmental Policy Act (NEPA) and will be used by the FERC to consider the environmental impacts that could result if it issues Transco a Certificate of Public Convenience and Necessity under Section 7 of the Natural Gas Act.

With this notice, the FERC staff is asking other Federal, State, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the EA. These agencies may choose to participate once they have evaluated Transco's proposal relative to their responsibilities. Agencies that would like to request cooperating status should follow the instructions for filing comments described later in this notice.

This notice is being sent to affected landowners; Federal, State, and local government representatives and agencies; environmental and public interest groups; Native American tribes; other interested parties in this proceeding; and local libraries and newspapers. We encourage government representatives to notify their constituents of this planned project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, you may be contacted by a Transco representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the FERC, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with State law.

A fact sheet prepared by the FERC, ''An Interstate Natural Gas Facility on My Land? What Do I Need To Know?'' is available for viewing on the FERC Web site (*http://www.ferc.gov*). This fact sheet addresses a number of typically asked questions, including those focusing on the use of eminent domain and how to participate in the FERC's proceedings.

Summary of the Proposed Project

Transco proposes to expand its natural gas transmission system to provide incremental firm service of 151,000 dekatherms per day (Dt/d) in Transco's market area. More specifically, Transco seeks authority to construct the following facilities in various counties in Pennsylvania and New Jersey:

- Construct approximately 10.58 miles of 42-inch-diameter pipeline loop in Chester County, Pennsylvania (Downingtown Loop);
- Construct approximately 5.48 miles of 42-inch-diameter extension in Luzerne County, Pennsylvania (Conygham Loop);

• Construct approximately 5.27 miles of 42-inch-diameter pipeline extension in Northampton and Monroe Counties, Pennsylvania (Wind Gap Loop);

• Construct approximately 3.78 miles of 42-inch-diameter pipeline loop in Somerset County, New Jersey (Mountain View Loop);

• Construct approximately 1.25 miles of 42-inch-diameter pipeline extension in Union County, New Jersey (Turnpike Loop); and

• Modifications at two existing compressor stations in York and Chester Counties, Pennsylvania.

Location maps depicting Transco's proposed facilities and alternate sites are provided in Appendix 1.[1]

The EA Process

NEPA requires the FERC to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. The EA will give the FERC the information needed to do that.

Although no formal application has been filed, we have already initiated a NEPA review under the FERC's Pre-filing Process, which was established in Docket No. RM05–31–000 and Order No. 665. The purpose of the Pre-filing Process is to seek public and agency input early in the project planning phase and encourage involvement by interested stakeholders in a manner that allows for the early identification and resolution of environmental issues. We will work with all interested stakeholders to identify and attempt to address issues before Transco files its application with the FERC. A diagram depicting the environmental review process for the proposed project is attached to this notice as Appendix 2.

As part of the Pre-filing Process review, FERC staff representatives participated in public open houses sponsored by Transco in the project area on August 21–23, 2006, to explain the environmental review process to interested stakeholders and take comments about the project. In November 2006, we plan to continue the Pre-filing Process review by conducting interagency scoping meetings in the project area to solicit comments and concerns about the project from other jurisdictional agencies.

By this notice, the FERC Staff is formally announcing their preparation of the EA and requesting agency and public comments to help focus the analysis in the EA on the potentially significant environmental issues related to the proposed action. If you provide comments at an interagency scoping meeting, you do not need to resubmit the same comments in response to this notice.

The FERC Staffs' independent analysis of the issues will be included in the EA. The EA will be mailed to Federal, State, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; affected landowners; other interested parties; local libraries and newspapers; and the FERC's official service list for this proceeding. A 30-day comment period will be allotted for review of the EA. We will consider all comments submitted on the EA in any Commission Order that is issued for the project.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities, environmental information provided by Transco, and comments gathered from concerned citizens at Transco's open houses. This preliminary list of issues may be changed based on your comments and our analysis:

• Potential impacts on the Brandywine Creek;

• Potential impacts on the coastal zone in New Jersey;

• Potential impacts on wetlands;

• Potential impacts on threatened or endangered species;

• Potential impacts on the Appalachian Trail;

• Safety concerns of the pipeline;

• Potential impacts on residential areas; and

• Potential impacts on historic resources.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the proposals. Your comments should focus on the potential environmental effects and reasonable alternatives and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To expedite our receipt and consideration of your comments, electronic submission of them is strongly encouraged. See Title 18 CFR 385.2001(a)(1)(iii) and the instructions on the FERC Web site (*http://www.ferc.gov*) under the eFiling link and the link to the User's Guide. Before you can submit comments you will need to create a free account by clicking on Sign-up under New User. You will be asked to select the type of submission you are making. This type of submission is considered a Comment on Filing. Comments submitted electronically must be submitted by November 18, 2006.

If you wish to mail your comments, please mail them so that they will be received in Washington, DC, on or before November 18, 2006, and carefully follow these instructions:

• Send an original and two copies of your letter to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426;

• Label one copy of the comments for the attention of Gas Branch 2, DG2E; and

• Reference Docket No. PF06–32–000 on the original and both copies.

The public scoping meeting is designed to provide another opportunity to offer comments on the proposed project. Interested groups and individuals are encouraged to attend the meeting and present comments on the environmental issues they believe should be addressed in the EA. A transcript of the meeting will be generated so that your comments will be accurately recorded. The meeting is scheduled for November 8, 2006, at 7 p.m. (EST) and will be held at: The Inn at Chester Springs, The Pickering II Room, 815 North Pottstown Pike, Exton, PA 19341; (610) 363–1100.

When Transco submits its application for authorization to construct and operate the Sentinel Expansion Project, the Commission will publish a Notice of Application in the **Federal Register** and will establish a deadline for interested persons to intervene in the proceeding. Because the Commission's Pre-filing Process occurs before an application to begin a proceeding is officially filed, petitions to intervene during this process are premature and will not be accepted by the Commission.

Environmental Mailing List

Everyone who responds to this notice or provides comments throughout the EA process will be retained on the mailing list. If you do not want to send comments at this time but still want to stay informed and receive copies of the EA, you must return the Mailing List Retention Form (Appendix 3). If you do not send comments or return the Mailing List Retention Form asking to

[1] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available on the Commission's Web site (excluding maps) at the eLibrary link or from the Commission's Public Reference Room or by calling (202) 502–8371. For instructions on connecting to eLibrary, refer to the end of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

remain on the mailing list, you will be taken off the mailing list.

Availability of Additional Information

Additional information about the project is available from the Commission's Office of External Affairs at 1–866–208 FERC (3372) or on the FERC Web site (*http://www.ferc.gov*). Using the eLibrary link, select General Search from the eLibrary menu, enter the selected date range and Docket Number (*i.e.*, PF06–32–000), and follow the instructions. Searches may also be done using the phrase ''Sentinel Expansion'' in the Text Search field. For assistance with access to eLibrary, the helpline can be reached at 1–866–208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ ferc.gov.* The eLibrary link on the FERC Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

In addition, the FERC now offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. To register for this service, go to *http://www.ferc.gov/esubscribenow.htm*.

Public meetings or site visits will be posted on the Commission's calendar located at *http://www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information. Finally, Transco has established a Web site for its project at *http://www.williams.com/sentinel*. The site includes a project overview, contact information, regulatory overview, and construction procedures. Transco will continue to update its Web site with information about the project. You can also request additional information by calling Transco directly, toll-free at 1–866–455–9103.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18099 Filed 10–27–06; 8:45am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP06–452–000]

Trunkline Gas Company, LLC; Notice of Intent To Prepare an Environmental Assessment for the Proposed Field Zone Expansion Project and Request for Comments on Environmental Issues

October 24, 2006.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of constructing and operating Trunkline Gas Company LLC's (Trunkline) proposed Field Zone Expansion Project.

The Field Zone Expansion Project would include the abandonment, removal, relocation, installation, modification, construction and operation of natural gas pipeline facilities in Texas, Louisiana and Illinois to increase the capacity of Trunkline's existing pipeline system and allow for the flow of natural gas from expanding gas production in Texas to delivery points in Louisiana. Specifically, Trunkline is seeking authority to undertake the following activities:

Texas and Louisiana

- Construct the 45-mile-long 36-inch-diameter NTX Line 100–2 Loop natural gas pipeline and associated facilities from the Gate Valve 43 in Jasper County, Texas to the Longville Meter Station in Beauregard Parish, Louisiana, running through Jasper and Newton Counties, Texas and Beauregard Parish, Louisiana.

Texas

- Construct a metering station in Hardin County, Texas;
- Construct a metering station in either Hardin or Jasper Counties, Texas;
- Construct a metering station in Liberty County, Texas; and
- Replace by abandonment a 6,350-horsepower (hp) gas-turbine centrifugal compressor unit with a new 10,350-hp electric motor-driven compressor unit for a total of 10,350-hp of compression at the Kountze Compressor Station in Hardin County, Texas.

Louisiana

- Construct approximately 13.5 miles of 36-inch-diameter natural gas pipeline, known as the Henry Hub Lateral and associated facilities in Vermilion Parish, Louisiana;
- Construct two bi-directional metering stations in Vermilion Parish, Louisiana;
- Relocate two 3,000-hp compressor units from the Centerville Compressor Station to the Kaplan Compressor Station in Vermilion Parish, Louisiana; and
- Install a 10,350-hp compressor unit at the Longview Compressor Station in Beauregard Parish, Louisiana.

Illinois

- Remove a 3,000-hp compressor unit at the Joppa Compressor Station in Massac County, Illinois; modify it and uprate to 5,100-hp, and then re-install it at the Kaplan Compressor Station in Louisiana.

A map depicting Trunkline's proposed facilities is provided in Appendix 1.[1]

Construction of these facilities would require the temporary use of approximately 800 acres of land. Operation of these facilities would require the permanent use of approximately 300 acres of land. Approximately 500 acres of land would not be permanently affected by operation of these facilities and would be restored and/or allowed to revert to their previous use.

If you are a landowner receiving this notice, you may be contacted by a Trunkline representative about the acquisition of an easement to support this project. Trunkline would seek to negotiate a mutually acceptable agreement for any easement; however, if the project is approved by the Commission, this approval conveys with it the right of eminent domain. If easement negotiations between you and Trunkline fail, it would have the authority to initiate condemnation proceedings.

A fact sheet prepared by the Commission entitled ''An Interstate Natural Gas Facility on my Land? What do I need to know?'' should have been attached to the project notice provided to landowners by Trunkline. This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. This fact sheet is also available online at *http://www.ferc.gov.*

The Environmental Assessment Process

The National Environmental Policy Act (NEPA) requires the Commission to

[1] The appendices referenced in this notice will not be printed in the **Federal Register**. Copies are available on the Commission's Web site (excluding maps) at *http://www.ferc.gov* or from the Commission's Public Reference Room—(202) 502–8371.

consider the environmental impacts of a proposed project whenever it considers the issuance of a Certificate of Public Convenience and Necessity as has been requested by Trunkline. NEPA also requires the Commission to undertake a process to identify and address concerns the public may have about proposed projects. This process is commonly referred to as ''scoping''. The main goal of the ''scoping'' process is to identify public concerns and then address them in the environmental assessment. By this Notice of Intent, the Commission requests public comments on environmental issues that should be addressed in the environmental assessment.

The Commission's staff will prepare an environmental assessment that will discuss the potential environmental impacts resulting from the proposed project under the following general headings:

- Geology and Soils.
- Water Resources and Wetlands.
- Fisheries, Vegetation and Wildlife.
- Threatened and Endangered Species.
- Air Quality and Noise.
- Land Use.
- Cultural Resources.
- Pipeline safety and reliability.

The Commission's staff will also evaluate possible alternatives to the proposed project or portions of the project and make recommendations on how to lessen or avoid impacts to the identified environmental resources.

Upon completion of the staff's environmental assessment and depending on the issues identified and/or comments received during the ''scoping'' process, the EA may be published and mailed to Federal, State and local government agencies; elected officials; environmental and public interest groups; affected landowners; other interested parties; local libraries and newspapers; and the Commission's official service list for this proceeding. A 30-day comment period would be allotted for review of the EA if it is published. Staff would consider all comments submitted concerning the EA before making their recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section of this notice.

Federal, state, or local agencies wishing to participate in the development of the environmental assessment may request ''cooperating agency'' status. Cooperating agencies are encouraged to participate in the scoping process and provide us with written comments concerning the proposed project. Cooperating agencies are also welcome to suggest format and content changes that will make it easier for them to adopt the EA; however, we will decide what modifications will be adopted in light of our production constraints. Agencies wanting to participate as a cooperating agency should send a letter describing the extent to which they would like to be involved in the development of this EA. Please submit these letters as indicated in the public participation section of this notice.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the proposed project. By becoming a commentor, your comments and concerns will be addressed in the EA and considered by the Commission. The more specific your comments, the more useful they will be. Generally, comments are submitted regarding the potential environmental effects, reasonable alternatives and measures to avoid or lessen environmental impact.

This notice and request for environmental comments is being sent to affected landowners; Federal, State and local government representatives and agencies; environmental and public interest groups; other interested parties in this proceeding; and local libraries and newspapers. We encourage government representatives to notify their constituents of this notice and to encourage their comments concerning this proposed project.

To ensure that your comments are properly recorded, please mail them to our office on or before November 27, 2006. When filing comments please:

- Send an original and two copies of your letter to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426.
- Label one copy of your comments to the attention of Gas Branch 2, DG2E; and Reference Docket No. CP06–452–000 on the original and both copies.

Please note that the Commission encourages the electronic filing of comments. To file electronic comments online please see the instructions [2] on the Commission's Web site at *http://www.ferc.gov.* When filing electronic comments, prepare your submission in the same manner as you would if filing on paper and save it to a file on your hard drive. Please note before you can file electronic comments with the Commission you will need to create a free online account.

Environmental Mailing List

An effort has been made to send this notice to all individuals, organizations, and government entities that might be interested in and/or potentially affected by the proposed project. This includes all landowners who are potential right-of-way grantors, landowners whose property may be used temporarily for project purposes, and landowners with homes within distances defined in the Commission's regulations of certain aboveground facilities.

If you would like to remain on the environmental mailing list for this proposed project, please return the Mailing List Retention Form found in Appendix 2. If you do not comment on this project or return this form, you will be taken off of the staff's environmental mailing list.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding, an ''intervenor''. To become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214). Intervenors have the right to seek rehearing of the Commission's decision. Motions to Intervene should be electronically submitted using the Commission's eFiling system at *http://www.ferc.gov.* Persons without Internet access should send an original and 14 copies of their motion to the Secretary of the Commission at the address indicated previously. Persons filing Motions to Intervene on or before the comment deadline indicated above must send a copy of the motion to the Applicant. All filings, including late interventions, submitted after the comment deadline must be served on the Applicant and all other intervenors identified on the Commission's service list for this proceeding. Persons on the service list with e-mail addresses may be served electronically; others must be served a hard copy of the filing.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Availability of Additional Information

Additional information about the project is available from the

[2] 18 CFR 385.2001(a)(1)(iii).

Commission's Office of External Affairs at 1–866–208 FERC (3372) or through the Commission's ''eLibrary'' which can be found online at *http://www.ferc.gov.* For assistance with the Commission's ''eLibrary'', the helpline can be reached at 1–866–208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.*

In addition, the FERC now offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. To register for this service, go to *http://www.ferc.gov/esubscribenow.htm.*

If applicable, public meetings or site visits associated with this proposed project will be posted on the Commission's calendar which can be found online at *http://www.ferc.gov/EventCalendar/EventsList.aspx.*

Magalie R. Salas,

Secretary.

[FR Doc. E6–18138 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

October 18, 2006.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of license to change project design and capacity.

b. *Project No:* 11437–016.

c. *Date Filed:* September 26, 2006.

d. *Applicant:* Hydro Matrix Partnership, Ltd.

e. *Name of Project:* Jordan Dam Hydroelectric Project.

f. *Location:* The project is located at the U.S. Army Corps of Engineers' Jordan Dam on the Haw River in Chatham County, North Carolina.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* James B. Price, Hydro Matrix Partnership, Ltd., P.O. Box 5550, Aiken, S.C. 29804. Tel: (803) 642–2749. Also, Mayo Hydropower, LLC, 5400 Downing Street, Dover, FL 33527. Tel: (813) 659–1007.

i. *FERC Contact:* Any questions on this notice should be addressed to Vedula Sarma at (202) 502–6190 or *vedula.sarma@ferc.gov.*

j. *Deadline for filing comments and/or motions:* November 17, 2006.

k. *Description of Filing:* Hydro Matrix Partnership, Ltd. proposes to install two large turbines instead of currently authorized 80 small turbines and generators. The proposal would change the authorized installed capacity from 8 megawatts (MW) to 4 MW, and the Project's hydraulic capacity would decrease from 2,320 cubic feet per second (cfs) to 1,200 cfs.

l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments:* Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18094 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12658–001]

E.ON U.S. Hydro 1 LLC; Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests

October 18, 2006.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original Major License.

b. *Project No.:* 12658–001.

c. *Date Filed:* October 10, 2006.

d. *Applicant:* E.ON U.S. Hydro 1 LLC.

e. *Name of Project:* Meldahl Hydroelectric Project.

f. *Location:* On the Ohio River, near the City of Augusta, Bracken County, Kentucky. The existing dam is owned and operated by the U.S. Army Corps of Engineers (Corps). The project would occupy approximately 16 acres of United States lands administered by the Corps.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Mr. Michael S. Beer, E.ON U.S. Hydro 1 LLC, 220 West

Main Street, Louisville, KY 40202, (502) 627–3547; e-mail—*mike.beer@eon-us.com*.

i. *FERC Contact:* Peter Leitzke at (202) 502–6059; or e-mail at *peter.leitzke@ferc.gov*.

j. *Cooperating Agencies:* We are asking Federal, State, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the environmental document. Agencies who would like to request cooperating status should follow the instructions for filing comments described in item 1 below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See,* 94 FERC ¶ 61,076 (2001).

k. Pursuant to Section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

1. *Deadline for filing additional study requests and requests for cooperating agency status:* December 11, 2006.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Additional study requests and requests for cooperating agency status may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

m. The application is not ready for environmental analysis at this time.

n. The proposed project would utilize the existing U.S. Army Corps of Engineers' Captain Anthony Meldahl Locks and Dam, and would consist of: (1) An intake channel; (2) a combined 225-foot-long by 205-foot-wide powerhouse and intake section containing three generating units having a total installed capacity of 99 megawatts; (3) a tailrace channel; (4) a substation; (5) a 1.7-mile-long, 138-kilovolt transmission line; and (6) appurtenant facilities. The project would have an annual generation of 500 gigawatt-hours, which would be sold to a local utility.

o. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. With this notice, we are initiating consultation with the Kentucky State Historic Preservation Officer (SHPO) and the Ohio SHPO, as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

q. *Procedural schedule:* The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Issue Acceptance or Deficiency Letter	January 2007.
Request Additional Information	January 2007.
Issue Scoping Document for comments	March 2007.
Notice of application is ready for environmental analysis	June 2007.
Notice of the availability of the draft EA	December 2007.
Notice of the availability of the final EA	June 2008.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18095 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12667–003]

City of Hamilton, OH; Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests

October 18, 2006.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original Major License.

b. *Project No.:* 12667–003.

c. *Date Filed:* October 6, 2006.

d. *Applicant:* City of Hamilton, Ohio.

e. *Name of Project:* Meldahl Hydroelectric Project.

f. *Location:* On the Ohio River, near the City of Augusta, Bracken County, Kentucky. The existing dam is owned and operated by the U.S. Army Corps of Engineers (Corps). The project would occupy approximately 81 acres of United States lands administered by the Corps.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Mr. Michael Perry, Director of Electric, City of Hamilton, Ohio, 345 High Street, Hamilton, OH 45011, (513) 785–7229.

i. *FERC Contact:* Peter Leitzke at (202) 502–6059; or e-mail at *peter.leitzke@ferc.gov*.

j. *Cooperating agencies:* We are asking Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the environmental document. Agencies who would like to request cooperating status should follow the instructions for filing comments described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. See, 94 FERC ¶ 61,076 (2001).

k. Pursuant to Section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. *Deadline for filing additional study requests and requests for cooperating agency status:* December 5, 2006.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Additional study requests and requests for cooperating agency status may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

m. The application is not ready for environmental analysis at this time.

n. The proposed project would utilize the existing U.S. Army Corps of Engineers' Captain Anthony Meldahl Locks and Dam, and would consist of: (1) An intake approach channel; (2) an intake structure, (3) a 248-foot-long by 210-foot-wide powerhouse containing three generating units having a total installed capacity of 105 megawatts, (4) a tailrace channel; (5) a 5-mile-long, 138-kilovolt transmission line; and (6) appurtenant facilities. The City of Hamilton (Hamilton) is a municipal preference entity that owns and operates an electrical system. The project would have an estimated annual generation of 489 gigawatt-hours, which would be used to serve the needs of the customers of Hamilton's electric system.

o. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. With this notice, we are initiating consultation with the Kentucky State Historic Preservation Officer (SHPO) and the Ohio SHPO, as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36, CFR, at 800.4.

q. *Procedural Schedule:* The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

h	h
Issue Acceptance or Deficiency Letter	January 2007.
Request Additional Information	January 2007.
Issue Scoping Document for comments	March 2007.
Notice of application is ready for environmental analysis	June 2007.
Notice of the availability of the draft EA	December 2007.
Notice of the availability of the final EA	June 2008.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18096 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests and Comments

October 18, 2006.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12736–000.

c. *Date Filed:* September 12, 2006.

d. *Applicant:* Hydro Matrix Limited Partnership.

e. *Name of Project:* Falls Hydroelectric Project.

f. *Location:* On Neuse River, in Wake County, North Carolina. The Falls Dam is owned and operated by the U.S. Army Corps of Engineers.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. James B. Price, Ph.D., W. V. Hydro, Inc., Managing General Partner, P.O. Box 5550, Aiken, SC 29804, *jimpricehydro@bellsouth.net.*

i. *FERC Contact:* Patricia W. Gillis at (202) 502–8735.

j. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (P–12736–000) on any comments, protests, or motions filed.

k. *Description of Project:* The proposed project would utilize the existing U.S. Army Corps of Engineers' Falls Dam and would consist of: (1) A proposed penstock; (2) a proposed powerhouse containing two generating units with a total generating capacity of 5000 kilowatts; (3) a proposed tailrace; (4) a proposed 400-foot-long, 13.8 kilovolt transmission line; and (5) appurtenant facilities. The project would have an estimated annual generation of approximately 20 gigawatt-hours and would be sold to a local utility.

l. *Location of Application:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov*. For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Competing Preliminary Permit:* Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the

particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

o. *Competing Development Application:* Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

p. *Notice of Intent:* A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. *Proposed Scope of Studies under Permit:* A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper; See 18 CFR 385.2001 (a)(1)(iii) and the instructions on the Commission's Web site under ''e-filing'' link. The Commission strongly encourages electronic filing.

s. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', ''MOTION TO INTERVENE'', ''NOTICE OF INTENT'', or ''COMPETING APPLICATION'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. *Agency Comments:* Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18097 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests and Comments

October 18, 2006.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12737–000.

c. *Date Filed:* September 15, 2006.

d. *Applicant:* Hydro Matrix Limited Partnership.

e. *Name of Project:* Gathright Hydroelectric Project.

f. *Location:* On the Jackson River, in Alleghany County, Virginia. The Gathright Dam is owned and maintained by the U.S. Army Corps of Engineers.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. *Applicant Contact:* Mr. Dean Edwards, Mayo Hydro LLC, General Partner, 5400 Downing Street, Dover, FL, 33527, (813) 966–4300, *mayohydro@hotmail.com.*

i. *FERC Contact:* Patricia W. Gillis at (202) 502–8735.

j. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (P–12737–000) on any comments, protests, or motions filed.

k. *Description of Project:* The proposed project would utilize the existing U.S. Army Corps of Engineers' Gathright Dam and would consist of: (1) A proposed penstock; (2) a proposed powerhouse containing one generating unit with an installed capacity of 5,000-kilowatts; (3) a proposed 1.7-mile-long, 46-kV transmission line; and (4) appurtenant facilities. The proposed project would have an estimated annual generation of approximately 20-gigawatts. The applicant plans to sell the generated energy.

l. *Location of Application:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Competing Preliminary Permit*—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the

specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

o. *Competing Development Application*—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

p. *Notice of Intent*—a notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper; See 18 CFR 385.2001 (a)(1)(iii) and the instructions on the Commission's Web site under ''e-filing'' link. The Commission strongly encourages electronic filing.

s. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', ''MOTION TO INTERVENE'', ''NOTICE OF INTENT'', or ''COMPETING APPLICATION'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18098 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

October 19, 2006.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No:* 12744–000.

c. *Date Filed:* October 6, 2006.

d. *Applicant:* Chevron Technology Ventures LLC.

e. *Name of Project:* Central Cook Inlet Tidal Energy Project.

f. *Location:* The proposed tidal project would be located on Cook Inlet in the central part of Cook Inlet in Kenai Peninsula, Alaska.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contacts:* Mr. John C. Sterling, Chevron Technology Ventures LLC, 3901 Briarpark Drive, Houston TX 77042, (713) 954–6297.

i. *FERC Contact:* Mr. Robert Bell, (202) 502–4126.

j. *Deadline for filing motions to intervene, protests and comments:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings. Please include the project number (P–12744–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Competing Application:* Project No. 12705–000, Date Filed: June 28, 2006, Date Issued: July 10, 2006, Due Date: September 9, 2006. The applicant filed pursuant to a timely Notice of Intent to file a competing preliminary permit application.

l. *Description of Project:* The proposed tidal project would consist of: (1) A proposed field of axial free flow turbines having a total installed capacity of up to 80 megawatts, (2) a proposed transmission line; and (3) appurtenant facilities. The project would have an annual generation of 8.76 gigawatt-hours.

m. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's

Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Competing Preliminary Permit*—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

p. *Competing Development Application*—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

q. *Notice of Intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

r. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

s. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

t. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

u. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18108 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application and Soliciting Comments, Motions To Intervene, and Protests

October 19, 2006.

a. *Type of Application:* Request for Non-project Use of Project Lands and Waters.

b. *Project Number:* Project No. 459–163.

c. *Date Filed:* July 14, 2006.

d. *Applicant:* AmerenUE.

e. *Name of Project:* Osage Hydroelectric Project (FERC No. 459).

f. *Location:* The project is located on the Osage River in Camden and Miller Counties, Missouri.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a) 825(r) and 799 and 801.

h. *Applicant Contact:* Reginald Franklin, Ameren Services, PO Box 993, Lake Ozark, MO 65049. Phone: (573)-365–9216.

i. *FERC Contact:* Any questions on this notice should be addressed to Chris Yeakel at (202) 502–8132, or e-mail address: *christopher.yeakel@ferc.gov*.

j. *Deadline for filing comments and or motions:* November 20, 2006.

k. *Description of Application:* The applicant seeks approval to allow the use of approximately 160 square-feet of project lands for a deck associated with a residence located outside the project boundary in the Pebble Creek Subdivision.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field (p-459) to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or e-mail

FERCOnlineSupport@ferc.gov, for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers (p-459–163). All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments:* Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18109 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Non-Project Use of Project Lands and Waters and Soliciting Comments, Motions To Intervene, and Protests

October 20, 2006.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Project Use Of Project Lands And Waters.

b. *Project No:* 2232–527.

c. *Date Filed:* October 10, 2006.

d. *Applicant:* Duke Power, a division of Duke Energy Corporation.

e. *Name of Project:* Catawba-Wateree Project.

f. *Location:* This project is located on the Catawba and Wateree Rivers, in nine counties in North Carolina (Burke, Alexander, McDowell, Iredell, Caldwell, Lincoln, Catawba, Gaston, and Mecklenburg Counties) and five counties in South Carolina (York, Chester, Lancaster, Fairfield and Kershaw Counties). This project does not occupy any Tribal or federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a) 825(r) and 799 and 801.

h. *Applicant Contact:* Mr. Kelvin Reagan, Senior Lake Services Representative; Duke Energy Corporation; P.O. Box 1006; Charlotte, NC; 28201–1006; 704–382–9386.

i. *FERC Contact:* Any questions on this notice should be addressed to Jon Cofrancesco at (202) 502–8951 or by e-mail: *Jon.Cofrancesco@ferc.gov*.

j. *Deadline for filing comments and or motions:* November 20, 2006.

All documents (original and eight copies) should be filed with: Ms. Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426. Please include the project number (P–2232–527) on any comments or motions filed. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages e-filings.

k. *Description of Request:* Duke Power, licensee for the Catawba-Wateree Hydroelectric Project, has requested Commission authorization to lease to 1780, LLC 5.66 acres of project lands for a residential marina to serve the residents of the adjacent 1780, LLC Subdivision. The proposed marina is located on Lake James in McDowell and Burke Counties, North Carolina and would consist of 12 lease areas containing a total of 14 cluster docks with one hundred and thirty-nine (139) boat slips, including one slip to be used as a pump-out facility. No dredging or shoreline stabilization is associated with the proposed marina.

l. *Location of the Application:* This filing is available for review at the Commission or may be viewed on the Commission's Web site at *http://www.ferc.gov*, using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, contact (202) 502–8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''Comments'', ''Recommendations for Terms and Conditions'', ''Protest'', for ''Motion to Intervene'', as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. Agency Comments—Federal, state, and local agencies are invited to file comments on the described applications. A copy of the applications may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also

be sent to the Applicant's representatives.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18117 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Non-Project Use of Project Lands and Waters and Soliciting Comments, Motions To Intervene, and Protests

October 20, 2006.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Project Use Of Project Lands And Waters.

b. *Project No:* 2232–528.

c. *Date Filed:* October 13, 2006.

d. *Applicant:* Duke Power, a division of Duke Energy Corporation.

e. *Name of Project:* Catawba-Wateree Project.

f. *Location:* This project is located on the Catawba and Wateree Rivers, in nine counties in North Carolina (Burke, Alexander, McDowell, Iredell, Caldwell, Lincoln, Catawba, Gaston, and Mecklenburg Counties) and five counties in South Carolina (York, Chester, Lancaster, Fairfield and Kershaw Counties). This project does not occupy any Tribal or Federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a) 825(r) and 799 and 801.

h. *Applicant Contact:* Mr. Kelvin K. Reagan, Senior Lake Services Representative; Duke Energy Corporation; P.O. Box 1006; Charlotte, NC; 28201–1006; 704–382–9386.

i. *FERC Contact:* Any questions on this notice should be addressed to Brian Romanek at (202) 502–6175 or by e-mail: *Brian.Romanek@ferc.gov.*

j. Deadline for filing comments and or motions: November 20, 2006.

All documents (original and eight copies) should be filed with: Ms. Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (P–2232–528) on any comments or motions filed. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages e-filings.

k. *Description of Request:* Duke Power, licensee for the Catawba-Wateree Hydroelectric Project, has requested Commission authorization to lease to the Old Wildlife Club Owners Association, Inc., 3.53 acres of project lands for use as a Commercial/Residential Marina to serve residents of the Old Wildlife Club Owners Subdivision. The Old Wildlife Club Owners Subdivision is located on Lake James in McDowell County, North Carolina. The proposal consists of 12 leased areas that would accommodate a total of 12 cluster boat docks with seventy-seven (77) boat slips. No dredging, shoreline stabilization (rip rap), or fuel-dispensing docks are proposed.

l. *Location of the Application:* This filing is available for review at the Commission or may be viewed on the Commission's Web site at *http://www.ferc.gov*, using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, contact (202) 502–8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''Comments'', ''Recommendations for Terms and Conditions'', ''Protest'', or ''Motion to Intervene'', as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. Agency Comments—Federal, State, and local agencies are invited to file comments on the described applications. A copy of the applications may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18118 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12646–001]

City of Broken Bow; Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

October 24, 2006.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original Major License.

b. *Project No:* 12646–001.

c. *Date Filed:* July, 6 2006.

d. *Applicant:* City of Broken Bow.

e. *Name of Project:* Pine Creek Lake Dam Hydropower Project.

f. *Location:* On the Little River, in the Town of McCurtain County, OK. The project would be located at the United States Army Corps of Engineers' (Corps) Pine Creek Lake Dam and would occupy several acres of land administered by the Corps.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Olen Hill, City Manager, City of Broken Bow, Oklahoma; 210 North Broadway; Broken Bow, Oklahoma 74728; (405) 584–2282.

i. *FERC Contact:* Allyson Conner at (202) 502–6082 or *allyson.conner@ferc.gov.*

j. *Deadline for filing motions to intervene and protests:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice and Procedures require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list

for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Motions to intervene and protests may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

k. This application has been accepted for filing, but is not ready for environmental analysis at this time.

l. *Description of Project:* The proposed project, using the existing Corps' Pine Creek Dam and Reservoir, would consist of: (1) A diversion structure connecting to the existing outlet conduit; (2) a penstock connecting the diversion structure to the powerhouse; (3) a 112-foot-wide by 73-foot-long powerhouse containing two turbine-generator units, having a totaled installed capacity of 6.4 megawatts; (4) a tailrace returning flows to the Little River; (5) a one-mile-long, 14.4-kilovolt transmission line or a 6.5-mile-long, 13.8 kilovolt transmission line connecting to an existing distribution line; and (6) appurtenant facilities. The project would have an average annual generation of 16,200 megawatt-hours.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified deadline date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified deadline date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must (1) bear in all capital letters the title ''PROTEST'' or ''MOTION TO INTERVENE,'' ''NOTICE OF INTENT TO FILE COMPETING APPLICATION,'' or ''COMPETING APPLICATION;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18137 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER06–615–002]

California Independent System Operator Corporation; Notice of Technical Conference

October 24, 2006.

Take notice that the Federal Energy Regulatory Commission will host a technical conference on Thursday and Friday, December 14–15, 2006 to address issues related to the California Independent System Operator Corporation's (CAISO) electric tariff, which reflects the Market Redesign and Technology Upgrade (MRTU). The conference will be held at the Biltmore Hotel at 2400 East Missouri in Phoenix, Arizona. The conference is scheduled for Thursday, December 14 from 1 to 5 p.m. and Friday, December 15, from 8:30 a.m. to 12:30 p.m. Mountain Standard Time. Commissioners will attend, and the conference is open to the public.

The purpose of the technical conference is to assist the CAISO and parties outside the CAISO Control Area to identify alleged seams issues that require resolution, in accordance with the directive of the Commission's September 21, 2006 order conditionally accepting the CAISO's proposed MRTU electric tariff.[1]

The technical conference will be a forum for participants to identify specific alleged seams issues they will face upon MRTU implementation and to offer solutions to remedy those seams. Participants should be prepared to discuss technical and operational issues. Participants are encouraged to file comments with the Commission on or before November 15, 2006 that identify specific alleged operational seams issues (particularly quantitative examples) and possible solutions for discussion at the conference. These comments should be filed in Docket No. ER06–615–002.

The Commission is now soliciting nominations for speakers at the technical conference. Persons wishing to nominate themselves as speakers should do so using this electronic link: *https://www.ferc.gov/whats-new/registration/caiso-12-14-speaker-form.asp*. Such nominations must be made before the close of business, Thursday, November 9, 2006, so that an agenda for the technical conference can be drafted and published.

[1] *See Cal. Indep. Sys. Operator Corp.*, 116 FERC ¶ 61,274 at P 490 (2006).

All interested persons may attend the conference, and registration is not a strict requirement. However, in-person attendees are encouraged to register on-line at *https://www.ferc.gov/whats-new/registration/caiso-12-14-form.asp* by close of business on Thursday, November 30, 2006.

For more information about the conference, please contact Sarah McKinley at 202–502–8004, *sarah.mckinley@ferc.gov*.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18136 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11810–004—Georgia Augusta Canal Project]

City of Augusta; Notice of Proposed Restricted Service List for a Programmatic Agreement for Managing Properties Included in or Eligible for Inclusion in the National Register of Historic Places

October 19, 2006.

Rule 2010 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure provides that, to eliminate unnecessary expense or improve administrative efficiency, the Secretary may establish a restricted service list for a particular phase or issue in a proceeding.[1] The restricted service list should contain the names of persons on the service list who, in the judgment of the decisional authority establishing the list, are active participants with respect to the phase or issue in the proceeding for which the list is established.

The Commission staff is consulting with the Georgia State Historic Preservation Officer (Georgia SHPO), and the South Carolina State Historic Preservation Officer (South Carolina SHPO), pursuant to the Council's regulations, 36 CFR part 800, implementing section 106 of the National Historic Preservation Act, *as amended*, (16 U.S.C. 470 f), to prepare and execute a programmatic agreement for managing properties included in, or eligible for inclusion in, the National Register of Historic Places at the Augusta Canal Project No. 11810–004 (Georgia SHPO Reference Number HP981207–001). The Commission staff will also provide the Advisory Council on Historic Preservation an opportunity to comment.

The programmatic agreement, when executed by the Commission, Georgia SHPO, and the South Carolina SHPO would satisfy the Commission's section 106 responsibilities for all individual undertakings carried out in accordance with the license until the license expires or is terminated (36 CFR 800.13[e]). The Commission's responsibilities pursuant to section 106 for the Augusta Canal Project would be fulfilled through the programmatic agreement, which the Commission proposes to draft in consultation with certain parties listed below. The executed programmatic agreement would be incorporated into any Order issuing a license.

The city of Augusta, as licensee for Project No. 11810 is invited to participate in consultations to develop the programmatic agreement.

For purposes of commenting on the programmatic agreement, we propose to restrict the service list for the aforementioned project as follows:

Don Klima or Representative, Advisory Council on Historic Preservation, The Old Post Office Building, Suite 803, 1100 Pennsylvania Avenue, NW., Washington, DC 20004.

Rebekah Dobrasko or Representative, Review and Compliance Coordinator, Archives & History Center, 8301 Parklane Road, Columbia, SC 29223.

Mr. Max Hicks, Director or Representative, Utilities Department, 360 Bay Street, Suite 180, Augusta, GA 30901.

Elizabeth Shirk or Representative, Historic Preservation Division, Department of Natural Resources, 34 Peachtree Street, NW., Suite 1600, Atlanta, GA 30303.

Any person on the official service list for the above-captioned proceeding may request inclusion on the restricted service list, or may request that a restricted service list not be established, by filing a motion to that effect within 15 days of this notice date. In a request for inclusion, please identify the reason(s) why there is an interest to be included. Also please identify any concerns about historic properties, including Traditional Cultural Properties. If historic properties are to be identified within the motion, please use a separate page, and label it NON-PUBLIC Information.

An original and 8 copies of any such motion must be filed with Magalie Salas, the Secretary of the Commission (888 First Street, NE., Washington, DC 20426) and must be served on each person whose name appears on the official service list. Please put the project name ''Augusta Canal Project'' and number ''P–11810–004'' on the front cover of any motion. If no such motions are filed, the restricted service list will be effective at the end of the 15 day period. Otherwise, a further notice will be issued ruling on any motion or motions filed within the 15 day period.

Magalie Salas,

Secretary.

[FR Doc. E6–18107 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 385.2010.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

October 2, 2006.

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the

decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC, Online Support at FERCOnlineSupport@ferc.gov or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket number	Date received	Presenter or requester
Prohibited:		
1. Project No. 637–022	9–29–06	Terry Luker.
Exempt:		
1. CP05–130–000	9–19–06	Hon. Barbara A. Mikulski.
2. CP06–12–000,CP06–13–000, CP06–14–000,	9–29–06	E.M. Staunton.
3. CP06–275–000	9–20–06	Hon. Charlie Borders.
4. CP06–275–000	9–25–06	Hon. Joey Pendleton.
5. CP06–275–000	9–25–06	Hon. Dorsey Ridley.
6. ER06–615–000	9–19–06	Hon. Peter DeFazio, Hon. Doc Hastings, Hon. Norm Dicks, Hon. Greg Walden, Hon. Jim McDermott, Hon. David Reichert, Hon. Jay Inslee, Hon. Cathy McMorris, Hon. Darlene Hooley, Hon. Jon Porter, Hon. Adam Smith, Hon. Stevan Pearce, Hon. Brian Baird, Hon. Rick Larsen, Hon. Jim Gibbons.
7. ER06–615–000	9–20–06	Hon. Jeff Hatch-Miller, Hon. William A. Mundell, Hon. Kristin K. Mayes, Hon. Barry Wong.
8. ER06–615–000	9–21–06	Hon. John Shadegg, Hon. J.D. Hayworth, Hon. Jeff Flake, Hon. Trent Franks, Hon. Rick Renzi.
9. PF06–30–000	9–27–06	Maurice A. Hartley[1]
10. Project No. 1637–000	9–15–06	Hon. Patty Murray, Hon. Doc Hastings.
11. Project No. 1971–079	9–27–06	Alan Mitchnick.
12. Project No. 2216–066	7–06–06	Mr. and Mrs. James J. Trzaska.
13. Project No. 12657–000	9–1–06	Hon. Geoff Davis.

[1] This is one letter among similar correspondence (e-mails, letters, scoping meeting summary) placed in the record in this proceeding on September 27, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–18110 Filed 10–27–06; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8235–6]

Federal Advisory Committee on Detection and Quantitation Approaches and Uses in Clean Water Act Programs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; FACA committee meeting announcement.

SUMMARY: As required by the Federal Advisory Committee Act, Public Law 92–463, the Environmental Protection Agency is announcing a three-day meeting of the Federal Advisory Committee on Detection and Quantitation Approaches and Uses in Clean Water Act (CWA) Programs.

DATES: A meeting of the Federal Advisory Committee on Detection and Quantitation Approaches and Uses in CWA Programs will be held on Wednesday, Thursday, and Friday, December 6, 7, and 8, 2006. The meeting on December 6 and 7 will be from 9 a.m. until 9 p.m. and on December 8, from 8 a.m. to 5 p.m. All times are Eastern Standard Time.

ADDRESSES: The meetings will be held at the L. William Seidman Center, 3501 North Fairfax Drive, Arlington, Virginia, across from the Virginia Square Metro stop on the Orange line. Members of the public may attend in person or via teleconference. The public may obtain the call-in number and access code for the teleconference lines from Marion Kelly, whose contact information is listed under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Document Availability: The agenda for the meeting is provided in the General Information section of this notice or from Marion Kelly whose contact information is listed under the **FOR FURTHER INFORMATION CONTACT** section of this notice. The agenda may also be viewed through EDOCKET, as provided in section I.A. of the **SUPPLEMENTARY INFORMATION** section of this notice. Any member of the public interested in making an oral presentation at the meeting may contact Richard Reding, whose contact information is listed under **FOR FURTHER INFORMATION CONTACT** section of this notice. Requests for making oral presentations will be accepted up to December 4, 2006. In general, each oral presentation will be limited to a total of three minutes.

Submitting Comments: Written comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in section I.B of the **SUPPLEMENTARY INFORMATION** section. Written comments will be accepted up to two business days prior to the start of the meeting.

FOR FURTHER INFORMATION CONTACT: Marion Kelly, Engineering and Analysis Division, 4303T, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 566–1045; fax number: (202) 566–1053; e-mail address: *Kelly.Marion@EPA.GOV;* Richard Reding, Designated Federal Officer, Environmental Protection Agency, Office of Water, 4303T, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 566–2237; fax number: (202) 566–1053; e-mail address: *Reding.Richard@EPA.GOV.*

SUPPLEMENTARY INFORMATION:

I. General Information

This notice announces a meeting of the Federal Advisory Committee on Detection and Quantitation Procedures and Uses in CWA Programs. The purpose of the meeting is to continue to evaluate and recommend detection and quantitation procedures for use in EPA's analytical methods programs for compliance monitoring under 40 CFR part 136. The Committee will analyze and evaluate relevant scientific and statistical approaches and protocols; they will also review data and interpretations of data using current and recommended approaches. The major objectives are to provide advice and recommendations to the EPA Administrator on policy issues related to detection and quantitation, and scientific and technical aspects of procedures for detection and quantitation.

The agenda for December 6–8, 2006 includes a series of policy discussions developed by the Policy Work Group. The Committee will discuss uses for quantitation and detection results, setting measurement quality objectives for detection and quantitation limits, and examining matrix effects in analytical methods. The Committee will also begin to discuss an outline for its final report and recommendations.

Information on Services for Individuals With Disabilities

For information on access or services for individuals with disabilities, please contact Marion Kelly at (202) 566–1045 or e-mail: *Kelly.Marion@EPA.GOV* to request accommodation of a disability, at least ten days prior to the meeting, to give EPA as much time as possible to process your request.

A. How Can I Get Copies of Related Information?

1. *Docket*. EPA has established a docket for this committee under Docket ID No., EPA–HQ–OW–2004–0041 in the EPA Docket Center (EPA/DC). The EPA Docket Center is currently under renovations. In addition to electronic access through regulations.gov, public inspection of docket materials will be available by appointment during the renovations period. Appointments may be made by calling (202) 566–1744.

2. *Electronic Access*. You may access this **Federal Register** document electronically through the EPA Internet under the **Federal Register** listings at *http://www.epa.gov/fedrgstr/*. An electronic version of the public docket is available through *http://www.regulations.gov*. You may use *http://www.regulations.gov* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then, key in the appropriate docket identification number, OW–2004–0041.

B. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket identification number (OW–2004–0041) in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period.

1. *Electronically*. If you submit an electronic comment as prescribed below, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment, and it allows EPA to contact you if further information on the substance of the comment is needed or if your comment cannot be read due to technical difficulties. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment placed in the official public docket and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EDOCKET*. Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to *http://www.regulations.gov* and follow the online instructions for submitting comments. To access EPA's electronic public docket from the EPA Internet Home Page, *http://www.epa.gov,* select ''Information Sources,'' ''Dockets''. Once in the system, select ''search'' and then key in Docket ID No., EPA–HQ–OW–2004–0041. The system is an anonymous access system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail*. Comments may be sent by electronic mail (e-mail) to *OW–Docket@epa.gov,* Attention Docket ID No., EPA–HQ–OW–2004–0041. In contrast to EPA's electronic public docket, EPA's e-mail system is not an anonymous access system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM*. You may submit comments on a disk or CD ROM mailed to the mailing address identified in section I.B.2 of this notice. These electronic submissions will be accepted in Word, or rich text files. Avoid the use of special characters and any form of encryption.

2. *By Mail*. Send your comments to: U.S. Environmental Protection Agency, OW Docket, EPA Docket Center (EPA/DC), Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No., OW–2004–0041.

3. *By Hand Delivery or Courier*. Deliver your comments to: EPA Docket Center (EPA/DC), 1301 Constitution Avenue, NW., Washington, DC, Attention Docket ID No. OW–2004–0041 (Note: this is not a mailing address). Such deliveries are only accepted during the docket's normal hours of operation as identified in section I.A.1 of this notice. For those wishing to make public comments, it is important to note that EPA's policy is that comments, whether submitted electronically or on paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket. Public comments submitted on computer disks mailed or delivered to the docket will be transferred to EPA's electronic public docket. Written public comments mailed or delivered to the Docket will be scanned and placed in EPA's electronic public docket.

Dated: October 20, 2006.

Mary T. Smith,

Director, Engineering and Analysis Division.

[FR Doc. E6–18229 Filed 10–27–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8236–4]

Meeting of the Ozone Transport Commission

AGENCY: Environmental Protection Agency.

ACTION: Notice of meeting.

SUMMARY: The United States Environmental Protection Agency is announcing the 2006 Fall Meeting of the Ozone Transport Commission (OTC). This OTC meeting will explore options available for reducing ground-level ozone precursors in a multi-pollutant context.

DATES: The meeting will be held on November 15, 2006 starting at 9 a.m. and ending at 5 p.m.

ADDRESSES: Crowne Plaza Richmond—River District, 555 East Canal Street, Richmond, VA 23219, (804) 788–0900.

FOR FURTHER INFORMATION CONTACT: Marcia L. Spink, Associate Director, Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103; (215) 814–2100. *For documents and press inquiries contact:* Ozone Transport Commission, 444 North Capitol Street NW., Suite 638, Washington, DC 20001; (202) 508–3840; e-mail: *ozone@otcair.org;* Web site: *http://www.otcair.org.*

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1990 contain at Section 184 provisions for the ''Control of Interstate Ozone Air Pollution.'' Section 184(a) establishes an ''Ozone Transport Region'' (OTR) comprised of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, parts of Virginia and the District of Columbia. The purpose of the Ozone Transport Commission is to deal with ground-level ozone formation, transport, and control within the OTR. The purpose of this notice is to announce that the OTC will meet on November 15, 2006 at the address noted earlier in this notice. This meeting will explore options available for reducing ground-level ozone precursors in a multi-pollutant context. Section 176A(b)(2) of the Clean Air Act Amendments of 1990 specifies that the meeting of the Ozone Transport Commission is not subject to the provisions of the Federal Advisory Committee Act. This meeting will be open to the public as space permits.

Type of Meeting: Open.

Agenda: Copies of the final agenda will be available from the OTC office (202) 508–3840; by e-mail: *ozone@otcair.org* or via the OTC Web site at *http://www.otcair.org.*

Dated: October 25, 2006 .

Donald S. Welsh,

Regional Administrator, Region III.

[FR Doc. E6–18258 Filed 10–27–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8235–8]

Notice of Proposed Administrative Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with Section 122(h)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), 42 U.S.C. 6922(h)(1), notice is hereby given of a proposed administrative settlement concerning the La Costex Refinery Superfund Site (Site). The Site is located on approximately 38.4 acres of which only approximately 10 acres were used for the facility operations in La Coste, Medina County, Texas.

The settlement requires the Settling Party, Chevron U.S.A. Inc., to pay a total of $100,000.00 for reimbursement of past response costs to the EPA Hazardous Substance Superfund. The settlement includes a covenant not to sue which includes, but is not limited to: (1) Any direct or indirect claim for reimbursement from the EPA Hazardous Substance Superfund pursuant to Sections 106(b)(2), 107, 111, 112, and 113 of CERCLA, 42 U.S.C. 9606(b)(2), 9607, 9611, 9612, or 9613; (2) any claims arising out of the response actions at or in connection with the Site; and, (3) any claims against the United States pursuant to Sections 107 and 113 of CERCLA, 42 U.S.C. 9607 and 9613, relating to the Site.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at 1445 Ross Avenue, Dallas, Texas, 75202–2733.

DATES: Comments must be submitted on or before November 29, 2006.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection at 1445 Ross Avenue, Dallas, Texas, 75202–2733. A copy of the proposed settlement may be obtained from Kenneth Talton, 1445 Ross Avenue, Dallas, Texas, 75202–2733 at (214) 665–7475. Comments should reference the La Costex Refinery Superfund Site, La Coste, Medina County, Texas, EPA Docket Number 06–07–06 and should be addressed to Kenneth Talton at the address listed above.

FOR FURTHER INFORMATION CONTACT: Joseph Compton, 1445 Ross Avenue, Dallas, Texas, 75202–2733 at (214) 665–8506.

Dated: October 18, 2006.

Richard E. Greene,

Regional Administrator (6RA).

[FR Doc. E6–18202 Filed 10–27–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8235–7]

Notice of Tentative Approval and Solicitation of Request for a Public Hearing for Public Water System Supervision Program Revision for the Commonwealth of Virginia

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of tentative approval and solicitation of requests for a public hearing.

SUMMARY: Notice is hereby given in accordance with the provision of section 1413 of the Safe Drinking Water Act as amended, and the National Primary Drinking Water Regulations Implementation that the Commonwealth of Virginia is revising its approved Public Water System Supervision Program. Virginia has adopted the Long Term 1 Enhanced Surface Water Treatment Rule to improve control of microbial pathogens in drinking water,

including specifically the protozoan *Cryptosporidium*.

EPA has determined that these revisions are no less stringent than the corresponding Federal regulations. Therefore, EPA has decided to tentatively approve these program revisions. All interested parties are invited to submit written comments on this determination and may request a public hearing.

DATES: Comments or a request for a public hearing must be submitted by November 29, 2006. This determination shall become effective on November 29, 2006 if no timely and appropriate request for a hearing is received and the Regional Administrator does not elect on his own to hold a hearing, and if no comments are received which cause EPA to modify its tentative approval.

ADDRESSES: Comments or a request for a public hearing must be submitted to the U.S. Environmental Protection Agency Region III, 1650 Arch Street, Philadelphia, PA 19103–2029. Comments may also be submitted electronically to *gambatese.jason@epa.gov*. All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

- Drinking Water Branch, Water Protection Division, U.S. Environmental Protection Agency Region III, 1650 Arch Street, Philadelphia, PA 19103–2029.
- Virginia Department of Health, Madison Building, 6th floor, 109 Governor Street, Room 632, Richmond, VA 23219.

FOR FURTHER INFORMATION CONTACT: Jason Gambatese, Drinking Water Branch at the Philadelphia address given above; telephone (215) 814–5759 or fax (215) 814–2318.

SUPPLEMENTARY INFORMATION: All interested parties are invited to submit written comments on this determination and may request a public hearing. All comments will be considered, and, if necessary, EPA will issue a response. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by November 29, 2006, a public hearing will be held. A request for public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such a hearing; and (3) the signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Dated: September 20, 2006.

Donald S. Welsh,

Regional Administrator, EPA, Region III.

[FR Doc. E6–18155 Filed 10–27–06; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

Notice of Issuance of Statement of Federal Financial Accounting Standards (SFFAS) No. 31, *Accounting for Fiduciary Activities,* and Preliminary Views Document Entitled Accounting for Social Insurance, Revised (PV)

AGENCY: Federal Accounting Standards Advisory Board.

ACTION: Notice.

Board Action: Pursuant to 31 U.S.C. 3511(d), the Federal Advisory Committee Act (Pub. L. No. 92–463), as amended, and the FASAB Rules Of Procedure, as amended in April 2004, notice is hereby given that the Federal Accounting Standards Advisory Board (FASAB) has issued Statement of Federal Financial Accounting Standard 31, *Accounting For Fiduciary Activities.* FASAB is also seeking input on its Preliminary Views document entitled *Accounting for Social Insurance, Revised (PV).*

Copies of the standard and Preliminary Views document can be obtained by contacting FASAB at 202–512–7350. The standard is also available on FASAB's home page *http://www.fasab.gov.* The Preliminary Views document can be found on the Web site *http://www.fasab.gov/exposure.html.*

FOR FURTHER INFORMATION CONTACT: Wendy M. Comes, Executive Director, 441 G St., NW., Mail Stop 6K17V, Washington, DC 20548, or call (202) 512–7350.

Authority: Federal Advisory Committee Act. Pub. L. No. 92–463.

Dated: October 24, 2006.

Charles Jackson,

Federal Register Liaison Officer.

[FR Doc. 06–8945 Filed 10–27–06; 8:45 am]

BILLING CODE 1610–01–M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC–06–85–C (Auction No. 85); DA 06–2034]

LPTV and TV Translator Digital Companion Channel Applications Mutually Exclusive Proposals; Announcement of 60-Day Settlement Period Ending December 15, 2006

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces a 60-day settlement period filing window for parties that filed mutually exclusive proposals for digital companion channels for low power television and television translator stations to enter into settlement agreements or otherwise resolve mutual exclusivities by means of engineering solutions.

DATES: Settlement Agreement filing window October 17, 2006—December 15, 2006.

FOR FURTHER INFORMATION CONTACT: *Video Division, Media Bureau:* Hossein Hashemzadeh (technical) or Shaun Maher (legal) at (202) 418–1600. To request materials in accessible formats (Braille, large print, electronic files, or audio format) for people with disabilities, send an e-mail to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 or 418–0432. (TTY).

SUPPLEMENTARY INFORMATION: This is a summary of the *Auction No. 85 Settlement Public Notice* released on October 17, 2006. The complete text of the *Auction No. 85 Settlement Public Notice,* including attachments and related Commission documents, is available for public inspection and copying from 8 a.m. to 4:30 p.m. Monday through Thursday or from 8 a.m. to 11:30 a.m. on Friday at the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. The *Auction No. 85 Settlement Public Notice* and related Commission documents may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC, 20554, telephone 202–488–5300, facsimile 202–488–5563, or you may contact BCPI at its Web site: *http://www.BCPIWEB.com.* When ordering documents from BCPI, please provide the appropriate FCC document number, such as DA 06–2034 for the *Auction No. 85 Settlement Public Notice.* The *Auction No. 85 Settlement Public Notice* and related documents are

also available on the Internet at the Commission's Web site at: *http://wireless.fcc.gov/auctions/85/.*

1. *Mutually Exclusive Engineering Proposals:* On April 20, 2006, the Media and Wireless Telecommunications Bureaus (Bureaus) announced a filing window for certain low power television (LPTV) and television translator stations to submit proposals for digital companion channels by public notice, 71 FR 34348, June 14, 2006. In attachment A of the *Auction No. 85 Settlement Public Notice,* the Bureaus provide a list of all proposals received that are mutually exclusive with other proposals submitted in the filing window. Since the proposals listed in *Attachment A of the Auction No. 85 Settlement Public Notice* are mutually exclusive, they are subject to the Commission's competitive bidding procedures.

2. *60-Day Settlement Period Ending December 15, 2006:* The Bureaus announce a 60-day period beginning with the release of the *Auction No. 85 Settlement Public Notice* and ending December 15, 2006, for parties with proposals in the mutually exclusive (MX) groups listed in Attachment A of the *Auction No. 85 Settlement Public Notice* to enter into settlement agreements or otherwise resolve their mutual exclusivities by means of engineering solutions. The parties must submit the agreements and affidavits required by 47 CFR 73.3525 and/or any engineering submission by the deadline on December 15, 2006. After approval of a settlement and/or engineering submission, the proposed permittee(s) must submit an accurate and complete FCC Form 346 by the deadline subsequently specified by staff.

3. *Settlement Agreement Submission Requirements:* Applicants must ensure that their settlement agreements comply with the provisions of 47 U.S.C. 311(c) and the pertinent requirements of 47 CFR 73.3525 including the reimbursement restrictions. For example: (a) Parties must submit a copy of their settlement agreement and any ancillary agreement(s); (b) parties must submit a joint request for approval of such agreement; (c) parties must submit an affidavit of each party to the agreement setting forth: (i) the reasons why it is considered that such agreement is in the public interest; (ii) a statement that its application was not filed for the purpose of reaching or carrying out such agreement; (iii) a certification that neither the applicant nor its principals has received any money or other consideration in excess of the legitimate and prudent expenses of the applicant; (iv) the exact nature and amount of any consideration paid or promised; (v) an itemized accounting of the expenses for which it seeks reimbursement; and (vi) the terms of any oral agreement relating to the dismissal or withdrawal of its application.

4. Applicants that unilaterally dismiss their application or file an engineering amendment that removes the mutual exclusivity to their application without having entered a settlement agreement with another applicant must nevertheless submit an affidavit as to whether or not consideration has been promised to or received by such applicant in connection with their dismissal or engineering amendment.

5. *Anti-Collusion Rule:* The prohibition of collusion set forth in 47 CFR 1.2105(c) and 73.5002(d) became effective upon the short-form (FCC Form 175) filing deadline on June 30, 2006. However, the Commission's Rules provide for a limited opportunity to settle, or otherwise resolve mutual exclusivities by means of engineering solutions, following the filing of the FCC Form 175 applications. Specifically, parties in MX groups listed in Attachment A of the *Auction No. 85 Settlement Public Notice* may discuss possible settlement agreements or technical solutions with other parties in their group during the limited period which commences with the release of the *Auction No. 85 Settlement Public Notice* and ends on December 15, 2006. Once the settlement period ends, the anti-collusion restrictions once again take effect. The Commission will proceed to auction with any competing mutually exclusive proposals that are not resolved by the parties during this settlement period.

6. *When and Where to File:* Settlement agreements that are entered into in connection with this settlement period must be filed prior to 6 p.m. Eastern Time (ET) on December 15, 2006, as an attachment to the respective parties' FCC Form 175s via the FCC Auction System. Similarly, applicants proposing engineering amendments in connection with this settlement period must do so by amending the technical portion of their FCC Form 175s via the FCC Auction System. Engineering amendments also must be submitted prior to 6:00 p.m. on December 15, 2006. Late-filed settlement agreements and engineering amendments or unconfirmed submissions of electronic data will not be accepted. Settlement agreements and engineering amendments may be filed any time beginning 9 a.m. ET on October 17, 2006, until 6 p.m. ET on December 15, 2006. Applicants are strongly encouraged to file their settlement agreements and engineering amendments early and are responsible for allowing adequate time for filing. Information about accessing, viewing, completing amendments to, and filing settlement agreements for the FCC Form 175 is included in Attachment B of the *Auction No. 85 Settlement Public Notice.* Technical support is available at (877) 480–3201, option nine; (202) 414–1250; or (202) 414–1255 (text telephony (TTY)); hours of service are Monday through Friday, from 8 a.m. to 6 p.m. ET. In order to provide better service to the public, all calls to the hotline are recorded.

7. The Bureaus will withhold further action on the mutually exclusive proposals listed in Attachment A of the *Auction No. 85 Settlement Public Notice* pending submission of settlement agreements or engineering proposals to resolve mutual exclusivity. Following the close of the settlement period, the Bureaus subsequently will announce an auction date and propose auction procedures for selecting among the remaining MX proposals.

Federal Communications Commission.

Gary D. Michaels,

Deputy Chief, Auctions Access and Spectrum Division, WTB.

[FR Doc. E6–18220 Filed 10–27–06; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Notices

DATE AND TIME: Thursday, November 2, 2006 at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.

Advisory Opinion 2006–29: Representative Mary Bono, by Jason Vasquez, Communications Director.

Advisory Opinion 2006–30: ActBlue, by Jonathan Zucker, Senior Strategist and Counsel.

Draft Guidance Bulletin Regarding ''Purpose of Disbursement'' Entries for Reports Filed with the Commission.

Management and Administrative Matters.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Biersack, Press Officer.

Mary W. Dove,

Secretary of the Commission.

[FR Doc. 06–8991 Filed 10–26–06; 3:03 pm]

BILLING CODE 6715–01–M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than November 14, 2006.

A. Federal Reserve Bank of St. Louis (Glenda Wilson, Community Affairs Officer) 411 Locust Street, St. Louis, Missouri 63166-2034:

1. William Harvey Bowen, Little Rock, Arkansas, individually and as part of the Blanchard Family Group to acquire First State Banking Corporation, Russellville, Arkansas. The Blanchard Family Group consists of Charles H. Blanchard and Cynthia B. Blanchard of Russellville, Arkansas, Charles B. Blanchard, Fayetteville, Arkansas, Mary Patricia Blanchard Hardman and William H. Bowen, of Little Rock, Arkansas, and the Blanchard Family Living Trust, Janive S. Blanchard, Trustee, North Little Rock, Arkansas.

Board of Governors of the Federal Reserve System, October 25, 2006.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E6–18154 Filed 10–27–06; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 14, 2006

A. Federal Reserve Bank of San Francisco (Tracy Basinger, Director, Regional and Community Bank Group) 101 Market Street, San Francisco, California 94105-1579:

1. Belvedere Capital Fund II L.P., and Belvedere Capital Partners II LLC, both of San Francisco, California; to acquire up to 11 percent of the voting shares of BenefitStreet, Inc., San Ramon, California, and thereby indirectly engage in investment advisory services and providing employee benefit consulting services, pursuant to sections 22.28(b)(6) and 225.28(b)(9) of Regulation Y.

2. NHB Holdings, Inc., Jacksonville, Florida; to engage indirectly de novo through its acquisition of 50.1 percent of the voting shares of a limited liability company to be formed, and thereby indirectly engage in mortgage lending activities pursuant to section 225.28(b)(1) of Regulation Y.

Board of Governors of the Federal Reserve System, October 25, 2006.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E6–18153 Filed 10–27–06; 8:45 am]

BILLING CODE 6210–01–S

GOVERNMENT ACCOUNTABILITY OFFICE

Advisory Council on Government Auditing Standards; Notice of Meeting

The Advisory Council on Government Auditing Standards will meet Friday, November 17, 2006, from 8:30 a.m. to 4:30 p.m., in room 7C13 of the Government Accountability Office building, 441 G Street, NW., Washington, DC.

The Advisory Council on Government Auditing Standards will hold a meeting to discuss GAO's analysis of comments received on the June 2006 exposure draft of revisions to Government Auditing Standards, proposed changes, and any outstanding issues for Council discussion. The meeting is open to the public. Members of the public will be provided an opportunity to address the Council with a brief (five minute) presentation in the afternoon.

Any interested person who plans to attend the meeting as an observer must contact Jennifer Allison, Council Administrator, 202–512–3423. A form of picture identification must be presented to the GAO Security Desk on the day of the meeting to obtain access to the GAO building. For further information, please contact Ms. Allison. Please check the Government Auditing Standards Web page (*http://www.gao.gov/govaud/ybk01.htm*) one week prior to the meeting for a final agenda.

[Public Law 67–13, 42 Stat. 20 (June 10, 1921)]

Dated: October 25, 2006.

Jeanette Franzel,

Director, Financial Management and Assurance.

[FR Doc. E6–18181 Filed 10–27–06; 8:45 am]

BILLING CODE 1610–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Refugee Unaccompanied Minor Placement Report (ORR–3); Refugee Unaccompanied Minor Progress Report (ORR–4).

OMB No.: 0970–0034.

Description: The two reports will collect information necessary to administer the refugee unaccompanied minor program. The ORR–3 (Placement Report) is submitted to the Office of Refugee Resettlement (ORR) by the service provider agency at initial placement and whenever there is a change in the child's status, including termination from the program. The ORR–4 (Progress Report) is submitted annually and records the child's progress toward the goals listed in the child's case plan.

Respondents: State governments.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ORR–3	15	15	.417	94
ORR–4	15	60	.250	225

Estimated total annual burden hours: 319.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503. Attn: Desk Officer for ACF. E-mail address: *Karen_Y._Matsuoka@omb.eop.gov.*

Dated: October 26, 2006.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 06–8958 Filed 10–27–06; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission of OMB Review; Comment Request

Title: Compassion Capital Fund Evaluation—Intermediary Survey.

OMB No.: New Collection.

Description: This proposed information collection activity is for a survey to be completed by Compassion Capital Fund intermediary grantees as a part of the outcome and impact study components of the Compassion Capital Fund Evaluation.

The Compassion Capital F und Evaluation is a multi-component study designed to examine the effectiveness of the Compassion Capital Fund (CCF) in meeting its objective of improving the organizational capacity of faith-based and community organizations. The CCF program works through intermediary organizations to provide capacity building assistance to interested faith-based and community organizations. The purpose of this data collection activity is to obtain more detailed information about the management processes and service delivery and monitoring approaches used by CCF intermediaries in providing technical and financial assistance to increase the organizational capacity of faith-based and community organizations.

Respondents: CCF intermediary grantees.

Annual Burden Estimates

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Intermediary survey	54	1	.5	27

Estimated Total Annual Burden Hours: 27.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L/Enfant Promenade, SW., Washington, DC 20447, ATtn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sen directly to the following: Office of Management and Budget, Paperwork Reduction Project, Attn: Desk Officer for ACF, E-mail address: *Karen_Y._Matsuoka@omb.eop.gov.*

Dated: October 5, 2006.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 06–8959 Filed 10–27–06; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2006N–0420]

Agency Information Collection Activities; Proposed Collection; Comment Request; Orphan Drugs

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the procedures by which sponsors of orphan drugs may request eligibility for the incentives by implementing a program as outlined in the Orphan Drug Act.

DATES: Submit written or electronic comments on the collection of information by December 29, 2006.

ADDRESSES: Submit electronic comments on the collection of

information to: *http://www.fda.gov/dockets/ecomments*. Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Jonna Capezzuto, Office of the Chief Information Officer (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857,301–827–4659.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Orphan Drugs—21 CFR 316 (OMB Control Number 0910–0167)—Extension

Sections 525 through 526 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360aa through 360 dd) give FDA statutory authority to do the following: (1) Provide recommendations on investigations required for approval of marketing applications for orphan drugs, (2) designate eligible drugs as orphan drugs, (3) set forth conditions under which a sponsor of an approved orphan drug obtains exclusive approval, and (4) encourage sponsors to make orphan drugs available for treatment on an ''open protocol'' basis before the drug has been approved for general marketing. The implementing regulations for these statutory requirements have been codified under part 316 (21 CFR part 316) and specify procedures that sponsors of orphan drugs use in availing themselves of the incentives provided for orphan drugs in the act and sets forth procedures FDA will use in administering the act with regard to orphan drugs. Section 316.10 specifies the content and format of a request for written recommendations concerning the non-clinical laboratory studies and clinical investigations necessary for approval of marketing applications. Section 316.12 provides that, before providing such recommendations, FDA may require results of studies to be submitted for review. Section 316.14 contains provisions permitting FDA to refuse to provide written recommendations under certain circumstances. Within 90 days of any refusal, a sponsor may submit additional information specified by FDA. Section 316.20 specifies the content and format of an orphan drug application which includes requirements that an applicant document that the disease is rare (affects fewer than 200,000 persons in the United States annually) or that the sponsor of the drug has no reasonable expectation of recovering costs of research and development of the drug. Section 316.26 allows an applicant to amend the applications under certain circumstances. Section 316.30 requires submission of annual reports, including progress reports on studies, a description of the investigational plan, and a discussion of changes that may affect orphan status. The information requested will provide the basis for an FDA determination that the drug is for a rare disease or condition and satisfies the requirements for obtaining orphan drug status. Secondly, the information will describe the medical and regulatory history of the drug. The respondents to this collection of information are biotechnology firms, drug companies, and academic clinical researchers.

The information requested from respondents represents, for the most part, an accounting of information already in the possession of the applicant. It is estimated, based on frequency of requests over the past 5 years, that 171 persons or organizations per year will request orphan-drug designation and none will request formal recommendations on design of preclinical or clinical studies.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Responses	Total Hours
316.10, 316.12, & 316.14	5	1	5	130	650
316.20, 316.21, & 316.26	171	2.0	342	130	44,460
316.22	30	1	30	2	60
316.27	25	1	25	4	100
316.30	500	1	500	2	1,000
316.36	.2	3	.6	15	9
Total					46,279

[1] There are no capital costs or maintenance costs associated with this collection of information.

Dated: October 23, 2006.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E6–18067 Filed 10–27–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2004D–0198]

Guidance for Industry on Implementation of Acceptable Full-Length Donor History Questionnaire and Accompanying Materials for Use in Screening Donors of Blood and Blood Components; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a document entitled ''Guidance for Industry: Implementation of Acceptable Full-Length Donor History Questionnaire and Accompanying Materials for Use in Screening Donors of Blood and Blood Components,'' dated October 2006. The guidance document provides blood establishments that collect blood and blood components intended for transfusion or for further manufacture with advice on reporting to FDA a manufacturing change consisting of the implementation of a standardized full-length donor history questionnaire and accompanying materials (DHQ documents). The guidance document addresses which DHQ documents are acceptable, and establishes the process for FDA to recognize other DHQ documents in the future. The guidance announced in this notice finalizes the draft guidance entitled ''Guidance for Industry: Acceptable Full-Length Donor History Questionnaire and Accompanying Materials for Use in Screening Human Donors of Blood and Blood Components'' dated April 2004.

DATES: Submit written or electronic comments on agency guidances at any time.

ADDRESSES: Submit written requests for single copies of the guidance to the Office of Communication, Training, and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist the office in processing your requests. The guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 301–827–1800. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit written comments on the guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*.

FOR FURTHER INFORMATION CONTACT: Brenda R. Friend, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a document entitled ''Guidance for Industry: Implementation of Acceptable Full-Length Donor History Questionnaire and Accompanying Materials for Use in Screening Donors of Blood and Blood Components,'' dated October 2006. The guidance document provides blood establishments that collect blood and blood components intended for transfusion or for further manufacture with advice on reporting to FDA a manufacturing change consisting of the implementation of DHQ documents. Acceptable DHQ documents (DHQ documents that provide licensed and unlicensed manufacturers with one means of complying with the FDA requirements for collecting donor history information) will provide manufacturers with a specific process for administering questions to donors of blood and blood components to determine their eligibility to donate. The guidance document advises licensed manufacturers who choose to implement acceptable DHQ documents on how to report the manufacturing change to FDA, and recognizes the Donor History Questionnaire Version No. 1.1 dated June 2005 (v.DHQ–1.1), prepared by the AABB (formerly known as the American Association of Blood Banks) Donor History Task Force, as acceptable DHQ documents.

In the future, FDA may recognize other DHQ documents as acceptable, and intends to make all of the acceptable DHQ documents available on FDA's Web site. FDA believes that acceptable DHQ documents will assist manufacturers in complying with the regulations under 21 CFR 640.3 and 640.63. The guidance also advises licensed manufacturers of blood and blood components who choose to implement acceptable DHQ documents on how to report the manufacturing change to FDA under 21 CFR 601.12.

In the **Federal Register** of May 12, 2004 (69 FR 26399), FDA announced the availability of the draft guidance entitled ''Guidance for Industry: Acceptable Full-Length Donor History Questionnaire and Accompanying Materials for Use in Screening Human Donors of Blood and Blood Components'' dated April 2004. This draft guidance contained the full-length donor history questionnaire and accompanying materials (Version No. 1, dated April 2004) (v.DHQ–1). FDA received several comments on the draft guidance and those comments were considered as the guidance was finalized. A summary of changes to the guidance includes the following: (1) Added a statement to direct inquiries regarding the v.DHQ–1.1 or other AABB DHQ documents to the task force; (2) clarified how to implement acceptable DHQ documents, including v.DHQ–1.1, and the self-administration of these documents; and (3) added a separate Web site link to access all DHQ documents that FDA has recognized as acceptable. In addition, FDA received many comments on the v.DHQ–1, and forwarded these comments to the task force. In response, the task force submitted updated DHQ documents (v.DHQ–1.1), for FDA's review. The guidance announced in this notice finalizes the draft guidance dated April 2004, and refers to the v.DHQ–1.1.

The guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents FDA's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR 606.160 have been approved under OMB control numbers 0910–0116; those in 21 CFR 601.12 have been approved under 0910–0338.

III. Comments

Interested persons may, at any time, submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding the

guidance. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in the brackets in the heading of this document. A copy of the guidance and received comments are available for public examination in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

IV. Electronic Access

Persons with access to the Internet may obtain the guidance at either *http://www.fda.gov/cber/guidelines.htm* or *http://www.fda.gov/ohrms/dockets/default.htm*.

Dated: October 20, 2006.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E6–18068 Filed 10–27–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2006D–0413]

Draft Guidance for Industry; Blue Bird Medicated Feed Labels; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry (#181) entitled ''Draft Guidance for Industry: Blue Bird Medicated Feed Labels.'' This draft guidance is intended to provide new animal drug application (NADA) sponsors with the Center for Veterinary Medicine's (CVM's) current thinking on what constitutes recommended content and format of representative labels for new animal drugs intended for use in the manufacture of medicated feeds.

DATES: Submit written or electronic comments on the draft guidance by January 16, 2007, to ensure their adequate consideration in preparation of the final document. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Submit written requests for single copies of the draft guidance document to the Communications Staff (HFV–12), Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. Submit written comments on the draft guidance document to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Dragan Momcilovic, Center for Veterinary Medicine (HFV–220), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–453–6856, e-mail: *DMomcilo@cvm.fda.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Draft Guidance for Industry: Blue Bird Medicated Feed Labels.'' This draft guidance is intended to provide NADA sponsors with CVM's current thinking on what constitutes recommended content and format of representative labels for new animal drugs intended for use in the manufacture of medicated feeds. An NADA for a Type A medicated article is required to include, among other things, representative labeling proposed to be used for Type B and Type C medicated feeds containing the new animal drug (21 CFR 514.1(b)(3)(v)(*b*)). A Type A medicated article is defined in § 558.3(b)(2) (21 CFR 558.3(b)(2)) as ''intended solely for use in the manufacture of another Type A medicated article or a Type B or Type C medicated feed.'' Type B medicated feed is defined in § 558.3(b)(3) as ''intended solely for the manufacture of other medicated feeds (Type B or Type C).'' Type C medicated feed is defined in § 558.3(b)(4) as ''intended as the complete feed for the animal or may be fed ''top dressed'' (added on top of usual ration) on or offered ''free-choice'' (e.g., supplement) in conjunction with other animal feed.''

This draft guidance provides recommendations on the content and format of the representative labeling for Type B and Type C medicated feeds only. This representative labeling is also known as ''Blue Bird'' labeling. This draft guidance does not address the labeling of Type A medicated articles.

II. Significance of Guidance

This level 1 draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent FDA's current thinking on this topic. It does not create or confer any rights for or on any person and will not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

III. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR 514.1(b)(3) have been approved under OMB control number 0910–0032.

IV. Comments

This draft guidance document is being distributed for comment purposes only and is not intended for implementation at this time. Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. A copy of the draft guidance and received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

V. Electronic Access

Electronic comments may be submitted on the Internet at *http://www.fda.gov/dockets/ecomments*. Once on the Internet site, select Docket No. 2006D–0413, ''Draft Guidance for Industry: Blue Bird Medicated Feed Labels'' and follow the directions. Copies of this draft guidance may be obtained on the Internet from the CVM home page at *http://www.fda.gov/cvm*.

Dated: October 23, 2006.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E6–18148 Filed 10–27–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HOMELAND SECURITY

[DHS–2006–0042]

Science and Technology Directorate; Submission for Review; Reinstatement of a Previously Approved Information Collection Request for Support of SAFETY Act Application Kit 1640–0001

AGENCY: Science and Technology Directorate, DHS.

ACTION: 30-day notice of information collections under review: the application forms and instructions (hereinafter ''Applications Kit'') designed to assist persons applying for coverage under the SAFTY Act of 2002.

SUMMARY: The Department of Homeland Security (DHS) has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995: 1640–0001. This notice and request for comments is required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35).

DATES: Comments are encouraged and will be accepted until November 29, 2006. This process is conduced in accordance with 5 CFR 1320.10.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to Nathan Lesser, Desk Officer for the Department of Homeland Security/ Science and Technology Directorate, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Ken Rogers, (202) 254–6185.

SUPPLEMENTARY INFORMATION: On June 8, 2006, DHS published a final rule interpreting and implementing the SAFETY Act of 2002 (*see* 71 FR 33147). In connection with the issuance of this final rule, DHS consolidated the forms and instructions designed to assist persons applying for SAFETY Act coverage. The forms and instructions were consolidated into one Application Kit.

This ICR was previously published in the **Federal Register** on August 17, 2006, at 71 FR 47507 for a 60-day public comment period ending October 16, 2006. No comments were received by DHS on this ICR during the 60-day comment period. The purpose of this notice is to allow an additional 30 days for public comments. This notice and request for comments is required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35).

DHS invites the general public to comment on the proposed reinstatement of OMB Information Collection 1640–0001 (Application Kit), as described below.

Interested parties can obtain copies of the Application Kit by going to the Office of Safety Act Web site and downloading copies thereof. The address is: *http://www.safetyact.gov.* The Application Kit and applicable supporting documentation may also be obtained by calling or writing the point of contact listed above.

Please note that the Application Kit includes various forms for different types of SAFETY Act applications. As explained herein, these separate forms are intended to be flexible and permit the Applicants to provide relevant information to their specific applications without undue bureaucratic burden. The Department is committed to improving its SAFETY Act processes and urges all interested parties to suggest how these materials can further reduce burden while seeking necessary information under the Act.

DHS is particularly interested in comments that:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Suggest ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Suggest ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

Overview of This Information Collection:

(1) *Type of Information Collection:* Reinstatement of a previously approved collection.

(2) *Title of the Form/Collection:* SAFETY Act Application Kit.

(3) *Agency Form Number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* DHS\S&T–I SAFETY–0001 through 0010.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Business or other for-profit and not-for profit institutions; the data collected through the Application Kit will facilitate efforts of responding persons to develop vital anti-terrorist technology by obtaining coverage under the SAFETY Act.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 2500 respondents with an average of slightly more than 48.5 hours per respondent.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 121,400 burden hours.

Dated: October 24, 2006.

Deborah Diaz,

Chief Information Officer, Science and Technology Directorate.

[FR Doc. E6–18195 Filed 10–27–06; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[DHS–2006–0041]

Privacy Act of 1974; System of Records

AGENCY: Office of the Chief Human Capital Officer; Department of Homeland Security.

ACTION: Notice of Privacy Act System of Records.

SUMMARY: Pursuant to the Privacy Act of 1974, the Department of Homeland Security proposes to add a new system of records to the Department's inventory, entitled ''the MaxHR e-Performance Management System.'' This system is an employee performance management e-tool that will standardize and automate related human resources functions that will support a portion of the Department's MaxHR program. This program will support the Department's ability to continue to attract, retain, and reward a robust and highly qualified workforce by transforming DHS human resources policies, processes, systems, streamlining business processes, and consolidating several disparate systems currently in operation. Implementation of the the MaxHR e-Performance Management System will provide greater flexibility and accountability in the way employees are paid, developed, and evaluated. Employees, through a password protected portal, can access the system to initiate each step in the performance cycle, including

performance planning, quarterly reviews, and performance appraisals. Supervisors will utilize various features of the system to review employees' performance, determine completion of goals, and complete performance appraisals. Each step in the performance management cycle, as reflected in the automated system, will serve as a catalyst for increased communication between supervisor and employees to enhance performance and ensure that work is accomplished in an efficient and effective manner.

DATES: The new system of records will be effective November 29, 2006, unless comments are received that result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number DHS–2006–0041, by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *FAX:* 202–357–8474 (Not a toll-free number).
- *Mail:* John S. Allen, U.S. Department of Homeland Security, Director of Human Capital Business Systems, Office of the Chief Human Capital Officer, 245 Murray Lane, SW., Building 410, Washington, DC 20528; or *E-mail: John.s.allen@dhs.gov.*

FOR FURTHER INFORMATION CONTACT: John S. Allen, U.S. Department of Homeland Security, Office of the Chief Human Capital Officer, Human Capital Business Systems, 245 Murray Lane, SW., Building 410, Washington, DC 20528; or Shila Ressler, U.S. Department of Homeland Security, Executive Secretariat-Management, Washington, DC 20393. For privacy issues please contact: Hugo Teufel III (571–227–3813), Chief Privacy Officer, Privacy Office, U.S. Department of Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

The Department of Homeland Security (DHS), Office of the Chief Human Capital Officer (OCHCO), is publishing a Privacy Act System of Records Notice to cover its collection, use, and maintenance of records relating to its performance management responsibilities for the Department. Until now, pursuant to the savings clause in the Homeland Security Act of 2002, Public Law 107–296, sec. 1512, 116 Stat. 2310 (Nov. 25, 2002) (6 U.S.C. 552), the Department has been relying on legacy Privacy Act systems for this purpose, including Office of Personnel Management's (OPM) Government 2—Employee Performance File System of Records.

The MaxHR Program was established by DHS to implement the human capital provisions of the Homeland Security Act of 2002. The MaxHR program is a collection of functions and systems centered on a core enterprise entitled the Human Resource Management System. A primary component of this overall system is an electronic performance management program based on pay-for-performance principles. Each employee's goals are cascaded down from the organization's goals. By using this approach, each employee's individual work plan is linked to the organization's goals.

DHS developed the MaxHR ePerformance Management System (''the ePerformance System'') to facilitate the implementation and management of this new automated pay-for-performance program. The ePerformance System is designed to support the ongoing review and evaluation of employees by their supervisors. This system collects personally identifiable data from DHS employees, including their full name, Social Security number, pay plan, grade, step, series, supervisory code, organizational code, employee status, probationary dates, and duty locations. The ePerformance tool will be used to set and communicate performance expectations; monitor performance and provide feedback; develop performance goals; complete the appraisal process; address poor performance and reward good performance; and produce performance-related reports. The new system will replace current performance management systems that are largely paper-based and that do not adequately support the new MaxHR program requirements for pay-for-performance.

The Privacy Act embodies fair information principles in a statutory framework governing the means by which the U.S. Government collects, maintains, uses and disseminates personally identifiable information. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of the individual or by some identifying number such as property address, mailing address, symbol, or other identifying particular assigned to the individual. The MaxHR Performance Management System is such a system of records.

The Privacy Act requires each agency to publish in the **Federal Register** a description denoting the type and character of each system of records that the agency maintains, and the routine uses that are contained in each system in order to make agency record keeping practices transparent, to notify individuals regarding the uses to which personally identifiable information is put, and to assist individuals to more easily find such files within the agency. Below is the description of the MaxHR e-Performance Management System.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this new system of records to the Office of Management and Budget and to Congress.

DHS/OCHCO–001

SYSTEM NAME:

MAXHR ePerformance Management System.

SECURITY CLASSIFICATION:

Unclassified but sensitive.

SYSTEM LOCATION:

The system is located at ServerVault, 1506 Moran Road, Dulles, VA 20166.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Homeland Security managers, supervisors, and non-bargaining unit employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The following records are maintained in the ePerformance system: personnel position information, such as position title, name, Social Security number, occupational series, grade, organization, component and duty location; information related to employee performance, including performance goals and competencies, performance appraisals, individual development plans, and notes regarding employee performance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Homeland Security Act of 2002 at Section 841; 5 U.S.C. 9701(a); 5 CFR 9701; DHS Management Directive 3181.

PURPOSE(S):

The MaxHR ePerformance Management System will help DHS meet its critical mission needs by transforming disparate paper-based and automated performance management systems into one cohesive, unified enterprise-wide electronic system. The ePerformance System will be used to set and communicate performance expectations; monitor performance and provide feedback; develop performance goals; complete the appraisal process; address poor performance and reward good performance; and produce performance-related reports. By leveraging technology to transform a wide variety of processes and systems, the end result will be greater flexibility and accountability in the way

employees are paid, developed, and evaluated.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use as follows:

A. To the National Finance Center, United States Department of Agriculture, to update employee personnel records and meet government record keeping and reporting requirements.

B. When a record, either on its face on in conjunction with other information, indicates a violation or potential violation of law, whether criminal, civil or administrative, the relevant records may be referred to an appropriate Federal, State, territorial, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting such a violation or enforcing or implementing such law.

C. To a Federal, state, tribal, local or foreign government agency or professional licensing authority in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance or status of a license, grant, or other benefit by the requesting entity, to the extent that the information is relevant and necessary to the requesting entity's decision on the matter.

D. To the news media and the public where there exists a legitimate public interest in the disclosure of the information or when disclosure is necessary to preserve confidence in the integrity of the Department or is necessary to demonstrate the accountability of the Department's officers, employees, or individuals covered by the system, except to the extent it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

E. To the National Archives and Records Administration or other federal government agencies in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

F. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government, when necessary to accomplish an agency function related to this system of records.

G. To the Department of Justice (DOJ) or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when: (a) DHS, or (b) any employee of DHS in his/her official capacity, or (c) any employee of DHS in his/her individual capacity where DOJ or DHS has agreed to represent the employee, or (d) the United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and DHS determines that disclosure is relevant and necessary to the litigation.

H. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

I. To an agency, organization, or individual for the purposes of performing audit or oversight operations as authorized by law.

J. To the Equal Employment Opportunity Commission, Merit Systems Protection Board, Office of the Special Counsel, Federal Labor Relations Authority, or Office of Personnel Management or to arbitrators and other parties responsible for processing any personnel actions or conducting administrative hearings or appeals, or if needed in the performance of authorized duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data is stored in a commercial database management system, (Microsoft SQL Server) located at ServerVault, 1506 Moran Road, Dulles, VA 20166. The magnetic storage devices used to store the database are located in a locked vault, accessed only by authorized personnel. The storage media is further protected from loss or damage due to media failure using redundant storage technology that simultaneously updates a backup copy of the database.

RETRIEVABILITY:

Data may be retrieved by the individual's name, Social Security number, or other assigned personal identifier.

SAFEGUARDS:

Information in this system is safeguarded in accordance with applicable laws, rules, and policies, including the DHS Information Technology Security Program Handbook. All records are protected from unauthorized access through appropriate administrative, physical, and technical safeguards. These safeguards include restricting access to authorized personnel who have a ''need-to-know,'' using locks and password protection identification features. DHS file areas are locked after normal duty hours and the facilities are protected from the outside by security personnel.

Further system and data safeguards are outlined in detail in the System Security Plan developed by DHS and Softscape (Automated Service Provider makers of commercial off the shelf software) and ServerVault (the hosting center). Additionally, DHS's Privacy Office is reissuing the ePerformance Privacy Impact Assessment (PIA) with the issuance of this notice. The PIA can be accessed at *http://www.dhs.gov/privacy*.

RETENTION AND DISPOSAL:

The General Records Schedule specifies that performance records for non-Senior Executive Service employees should be destroyed when four (4) years old or no longer needed; for Senior Executive Service employees, when five (5) years old or no longer needed. OCHCO will follow this and the NARA guidance on Employee Performance File System Records.

SYSTEM MANAGER(S) AND ADDRESS:

John S. Allen, U.S. Department of Homeland Security, Chief Human Capital Officer, Human Capital Business Systems, 1201 New York Avenue, NW., Suite 1200, Washington, DC, 20005; or Shila Ressler, U.S. Department of Homeland Security, Executive Secretariat—Management, Washington, DC 20393.

NOTIFICATION AND PROCEDURE:

To determine whether this system contains records relating to you, write to the System Manager identified above.

RECORD ACCESS PROCEDURE:

A request for access to records in this system may be made by writing to the System Manager, identified above, or to the Director for Departmental Disclosure and FOIA in conformance with 6 CFR part 5, subpart B, which provides the rules for requesting access to Privacy Act records maintained by DHS.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedure'' above.

RECORD SOURCE CATEGORIES:

Records are obtained from employees, supervisors, and the National Finance Center.

EXEMPTION CLAIMED FOR THE SYSTEM:

None.

Dated: October 17, 2006.

Hugo Teufel III,

Chief Privacy Officer.

[FR Doc. E6–17949 Filed 10–27–06; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5041–N–39]

Notice of Proposed Information Collection: Comment Request; Mortgagees Annual Notification to Mortgagors

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* December 29, 2006.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Lillian Deitzer, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8003, Washington, DC 20410 or *Lillian_Deitzer@hud.gov*.

FOR FURTHER INFORMATION CONTACT: Laurie Maggiano, Acting Director, Office of Single Family Asset Management, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 708–1672 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Mortgagees Annual Notification to Mortgagors.

OMB Control Number, if applicable: 2502–0235.

Description of the need for the information and proposed use: The purpose of this notice is to extend the use of 24 CFR 203.508(c) and 24 CFR 235.1001. The requirements of the 24 CFR 203.508(c) state, in part, that ''within thirty days after the end of each calendar year, the mortgagee shall furnish to the mortgagor a statement of the interest paid, and of the taxes disbursed from the escrow account during the preceding year''. The requirements of 24 CFR 235.1001 state, in part, that ''mortgagees must provide to the mortgagor an annual statement of interest paid and taxes disbursed and shall include an accounting of the total amount of assistance payments paid by HUD and applied to the mortgagor's account during the preceding year.''

Agency form numbers, if applicable: None.

Estimation of the total hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated total number of burden hours needed to prepare the information collection is 1,143; the number of respondents is 438 generating approximately 4,003,880 annual responses; the frequency of response is annually and third party disclosures; and the estimated time needed to prepare the response is less than 1 minute.

Status of the proposed information collection: Extension is a previously approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: October 23, 2006.

Frank L. Davis,

General Deputy Assistant Secretary for Housing-Deputy Federal Housing Commissioner.

[FR Doc. E6–18069 Filed 10–27–06; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5041–N–38]

Notice of Proposed Information Collection: Comment Request; Rental Schedule—Low Rent Housing

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* December 29, 2006.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Lillian Deitzer, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Building, Room 8202, Washington, DC 20410, telephone (202) 708–5221 (this is not a toll-free number) for copies of the proposed forms and other available information.

FOR FURTHER INFORMATION CONTACT: Kimberly Munson, Office of Asset Management, Policy and Participation Standards Division, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone number (202) 708–1320 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the

burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Rental Schedule—Low Rent Housing.

OMB Control Number, if applicable: 2502–0012.

Description of the need for the information and proposed use: This information is necessary for HUD to ensure that tenant rents are approved in accordance with HUD administrative procedures. Project owners utilize form HUD–92458 when requesting an adjustment to project rents due to anticipated or unavoidable increases in operating costs.

Agency form numbers, if applicable: HUD–92458.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated number of respondents is 15,875; and the estimated number of responses is 15,875. Total burden is estimated at 100,492 hours; the frequency of responses is on occasion; and the time to provide the information varies from 15 minutes to one hour.

Status of the proposed information collection: Extension of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: October 23, 2006.

Frank L. Davis,

General Deputy Assistant Secretary for Housing-Deputy Federal Housing Commissioner.

[FR Doc. E6–18070 Filed 10–27–06; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4950–FA–19]

Announcement of Funding Awards for the Section 202 Supportive Housing for the Elderly Program Fiscal Year 2005

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department in a competition for funding under the Super Notice of Funding Availability (SuperNOFA) for the Section 202 Supportive Housing For the Elderly Program. This announcement contains the names of the awardees and the amounts of the awards made available by HUD.

FOR FURTHER INFORMATION CONTACT: Mr. Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, 451 Seventh Street, SW., Washington, DC 20410–8000; telephone (202) 708–3000 (this is not a toll-free number). Hearing- and speech-impaired persons may access this number via TTY by calling the Federal Relay Service toll-free at (800) 877–8339. For general information on this and other HUD programs, visit the HUD Web site at *http://www.hud.gov*.

SUPPLEMENTARY INFORMATION: The Section 202 Supportive Housing for the Elderly Program is authorized by Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act (Pub. L 101–625; approved November 28, 1990); the Housing and Community Development Act of 1992 (Pub. L. 102–550; approved October 28, 1992); the Recessions Act (Pub. L. 104–19; enacted on July 27, 1995); the American Homeownership and Economic Opportunity Act of 2000 (Pub. L. 106–569; approved December 27, 2000); and the Consolidated Appropriations Act, 2005 (Pub. L. 108–447, approved December 8, 2004). The competition was announced in the SuperNOFA published in the **Federal Register** on March 21, 2005. Applications were rated and selected for funding on the basis of selection criteria contained in that Notice.

The Catalog of Federal Domestic Assistance number for this program is 14.157.

The Section 202 program is the Department's primary program for providing affordable housing for the elderly that allows them to live independently with supportive services. Under this program, HUD provides funds to private non-profit organizations to develop supportive housing for the elderly. Funds are also provided to subsidize the expenses to operate the housing projects.

A total of $574,806,700 was awarded to 130 projects for 4,719 units nationwide. In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing the grantees and amounts of the awards in Appendix A of this document.

Dated: October 11, 2006.

Brian Montgomery,

Assistant Secretary for Housing-Federal Housing Commissioner.

APPENDIX A—Awardees for the Section 202 Supportive Housing for the Elderly Program Fiscal Year 2005

Alabama

Birmingham, AL
Non-Profit Sponsor: AHEPA National Housing Corp
Capital Advance: $3,966,400
Five-year rental subsidy: $700,500
Number of units 50

Montgomery, AL
Non-Profit Sponsor: Capitol Heights Baptist Church
Capital Advance: $3,940,500
Five-year rental subsidy: $700,500
Number of units 50

Talladega, AL
Non-Profit Sponsor: Presbytery of Sheppards and Lapsley
Capital Advance: $1,382,600
Five-year rental subsidy: $252,500
Number of units 18

Arizona

Somerton, AZ
Non-Profit Sponsor: Housing America Corporation
Capital Advance: $4,480,500
Five-year rental subsidy: $654,500
Number of units 45

Arkansas

Bryant, AR
Non-Profit Sponsor: Bryant Methodist Services, Inc
Co-Sponsor: Pathfinder, Inc.
Capital Advance: $1,367,700
Five-year rental subsidy: $260,500
Number of units 20

Paragould, AR
Non-Profit Sponsor: White River Housing Development Corp.
Capital Advance: $1,299,300
Five-year rental subsidy: $247,500
Number of units 19

Russellville, AR
Non-Profit Sponsor: Friendship Community Care Inc
Capital Advance: $1,299,300
Five-year rental subsidy: $234,500
Number of units 19

California

Daly City, CA
Non-Profit Sponsor: Broadmoor Presbyterian Church
Co-Sponsor: ABHOW
Capital Advance: $5,004,300
Five-year rental subsidy: $1,084,000
Number of units 40

Long Beach, CA

Non-Profit Sponsor: Menorah Housing Foundation
Capital Advance: $8,239,700
Five-year rental subsidy: $1,464,500
Number of units 66

Manteca, CA
Non-Profit Sponsor: Eden Housing Inc
Capital Advance: $4,608,200
Five-year rental subsidy: $738,500
Number of units 40

Oceanside, CA
Non-Profit Sponsor: Southern California Presbyterian Homes
Capital Advance: $9,981,800
Five-year rental subsidy: $1,649,500
Number of units 80

Ontario, CA
Non-Profit Sponsor: Cooperative Services, Inc.
Capital Advance: $5,999,800
Five-year rental subsidy: $1,059,000
Number of units 48

Pomona, CA
Non-Profit Sponsor: TELACU
Capital Advance: $8,350,000
Five-year rental subsidy: $1,554,500
Number of units 70

San Francisco, CA
Non-Profit Sponsor: Mercy Housing California
Capital Advance: $12,626,500
Five-year rental subsidy: $2,639,500
Number of units 96

Walnut Creek, CA
Non-Profit Sponsor: Satellite Housing, Inc.
Capital Advance: $4,106,400
Five-year rental subsidy: $917,000
Number of units 33

Connecticut

Fairfield, CT
Non-Profit Sponsor: Mutual Housing Association of SW CT
Capital Advance: $1,288,400
Five-year rental subsidy: $213,500
Number of units 10

Niantic, CT
Non-Profit Sponsor: AHEPA National Housing Corp.
Capital Advance: $6,442,400
Five-year rental subsidy: $1,067,500
Number of units 50

Florida

Brandon, FL
Non-Profit Sponsor: Lutheran Social Services Florida, Inc.
Co-Sponsor: Lutheran Social Services of Michigan
Capital Advance: $5,503,700
Five-year rental subsidy: $722,500
Number of units 55

Miami, FL
Non-Profit Sponsor: Allapattah Community Action, Inc.
Capital Advance: $8,942,100
Five-year rental subsidy: $1,174,500
Number of units 80

Orlando, FL
Non-Profit Sponsor: Diocese of Orlando
Capital Advance: $9,150,000
Five-year rental subsidy: $1,037,500
Number of units 80

Pembroke Pines, FL
Non-Profit Sponsor: Miami Jewish Home & Hospital
Capital Advance: $5,796,700
Five-year rental subsidy: $773,000
Number of units 52

Georgia

Decatur, GA
Non-Profit Sponsor: Mercy Housing Southeast, Inc.
Capital Advance: $5,390,100
Five-year rental subsidy: $931,500
Number of units 66

Lawrenceville, GA
Non-Profit Sponsor: Broadway Towers, Inc.
Capital Advance: $3,418,900
Five-year rental subsidy: $602,000
Number of units 42

Reynolds, GA
Non-Profit Sponsor: Housing Devl. Corp. of Macon & Taylor
Capital Advance: $2,194,500
Five-year rental subsidy: $387,000
Number of units 28

Hawaii

Kihei, HI
Non-Profit Sponsor: Hale Mahaolu
Capital Advance: $933,200
Five-year rental subsidy: $106,000
Number of units 5

Kihei, HI
Non-Profit Sponsor: Hale Mahaolu
Capital Advance: $933,200
Five-year rental subsidy: $106,000
Number of units 5

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Non-Profit Sponsor: Hale Mahaolu
Capital Advance: $933,200
Five-year rental subsidy: $106,000
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Capital Advance: $933,200
Five-year rental subsidy: $106,000
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Non-Profit Sponsor: Hale Mahaolu
Capital Advance: $933,200
Five-year rental subsidy: $106,000
Number of units 5

Kihei, HI
Non-Profit Sponsor: Hale Mahaolu
Capital Advance: $933,200
Five-year rental subsidy: $106,000
Number of units 5

Illinois

Carthage, IL
Non-Profit Sponsor: West Central Illinois Area Agency on Aging
Capital Advance: $961,400
Five-year rental subsidy: $180,500
Number of units 10

Chicago, IL
Non-Profit Sponsor: The Renaisasance Collaborative
Capital Advance: $9,600,400
Five-year rental subsidy: $1,260,500
Number of units 71

Cissna Park, IL
Non-Profit Sponsor: Cissna Park Comm Life Dev, Inc.
Capital Advance: $1,485,700
Five-year rental subsidy: $270,500
Number of units 16

Danville, IL
Non-Profit Sponsor: Lutheran Social Services of Illinois
Capital Advance: $2,292,000
Five-year rental subsidy: $450,500
Number of units 25

Hanna City, IL
Non-Profit Sponsor: Henry Home Association
Capital Advance: $3,336,100
Five-year rental subsidy: $648,500
Number of units 36

Rock Island, IL
Non-Profit Sponsor: Disciples Uniting in the Quad Cities, Inc.
Co-Sponsor: United Church Homes, Inc.
Capital Advance: $6,470,700
Five-year rental subsidy: $1,080,500
Number of units 60

Indiana

Bloomington, IN
Non-Profit Sponsor: Community Reinvestment Foundation, Inc.
Capital Advance: $2,040,700
Five-year rental subsidy: $389,000
Number of units 24

Indianapolis, IN
Non-Profit Sponsor: Light of The World Christian Church, Inc.
Capital Advance: $4,355,300
Five-year rental subsidy: $809,500
Number of units 50

Marion, IN
Non-Profit Sponsor: Community Reinvestment Foundation, Inc.
Capital Advance: $1,633,200
Five-year rental subsidy: $340,000
Number of units 21

Mentone, IN
Non-Profit Sponsor: Garden Court, Inc.
Capital Advance: $1,810,800
Five-year rental subsidy: $340,000
Number of units 21

Iowa

LeMars, IA
Non-Profit Sponsor: The Ev Luth Gd Samar Soc
Capital Advance: $1,546,100
Five-year rental subsidy: $177,500
Number of units 12

Marion, IA
Non-Profit Sponsor: Marion Churches Senior Living Community Foundation
Capital Advance: $2,696,100
Five-year rental subsidy: $281,000
Number of units 20

Kansas

Wichita, KS
Non-Profit Sponsor: Mental Health Assn of S Central Kansas, Inc.
Capital Advance: $2,375,100
Five-year rental subsidy: $380,000
Number of units 24

Kentucky

Louisa, KY
Non-Profit Sponsor: Mountain Housing Corporation
Capital Advance: $1,998,100
Five-year rental subsidy: $335,000
Number of units 23

Louisville, KY

Non-Profit Sponsor: Saint Michaels Antiochian Orthodox CH
Capital Advance: $1,401,900
Five-year rental subsidy: $243,500
Number of units 16

Louisville, KY
Non-Profit Sponsor: Catholic Charities of Louisville
Capital Advance: $2,628,700
Five-year rental subsidy: $456,500
Number of units 30

Louisiana

Balstrop, LA
Non-Profit Sponsor: Morehouse Council on Aging, Inc
Capital Advance: $988,200
Five-year rental subsidy: $168,500
Number of units 13

Eunice, LA
Non-Profit Sponsor: Community Development Inc
Capital Advance: $1,126,400
Five-year rental subsidy: $176,500
Number of units 14

Shreveport, LA
Non-Profit Sponsor: National Ch Residences Inc
Capital Advance: $4,538,800
Five-year rental subsidy: $784,500
Number of units 57

Maine

Bucksport, ME
Non-Profit Sponsor: Eastern Area Agency on Aging
Capital Advance: $3,504,900
Five-year rental subsidy: $461,500
Number of units 26

Topsham, ME
Non-Profit Sponsor: VOANNE
Capital Advance: $3,803,700
Five-year rental subsidy: $479,000
Number of units 28

Maryland

Owings Mills, MD
Non-Profit Sponsor: Associated Jewish Fed
Capital Advance: $8,732,900
Five-year rental subsidy: $1,744,500
Number of units 99

Massachusetts

Framningham, MA
Non-Profit Sponsor: Jewish Community Housing for the Elderly
Capital Advance: $6,740,300
Five-year rental subsidy: $1,133,000
Number of units 50

Spencer, MA
Non-Profit Sponsor: Mental Health Programs Inc
Capital Advance: $4,211,500
Five-year rental subsidy: $793,500
Number of units 36

Michigan

Battle Creek, MI
Non-Profit Sponsor: Presbyterian Villages of Michigan
Capital Advance: $3,751,000
Five-year rental subsidy: $664,500
Number of units 45

Detroit, MI
Non-Profit Sponsor: Cooperative Services Inc.
Co-Sponsor: Detroit Catholic Pastoral Alliance
Capital Advance: $6,354,900
Five-year rental subsidy: $1,107,500
Number of units 62

Hampton Township, MI
Non-Profit Sponsor: Presbyterian Villages of Michigan
Co-Sponsor: Lutheran Homes of Michigan Inc.
Capital Advance: $5,045,400
Five-year rental subsidy: $907,500
Number of units 51

Minnesota

Sartell, MN
Non-Profit Sponsor: Accessible Space, Inc.
Capital Advance: $4,355,800
Five-year rental subsidy: $758,000
Number of units 44

St. Paul, MN
Non-Profit Sponsor: Episcopal Corporation for the Elderly
Capital Advance: $5,311,400
Five-year rental subsidy: $863,500
Number of units 50

St. Paul, MN
Non-Profit Sponsor: Sholom Community Alliance
Capital Advance: $4,759,700
Five-year rental subsidy: $793,000
Number of units 45

Missouri

Hermitage, MO
Non-Profit Sponsor: West Central Missouri Community Action Agency
Capital Advance: $2,256,800
Five-year rental subsidy: $380,000
Number of units 23

Pagedale, MO
Non-Profit Sponsor: Retirement Housing Foundation
Capital Advance: $4,754,100
Five-year rental subsidy: $679,000
Number of units 40

Warrensburg, MO
Non-Profit Sponsor: Bishop Boland Institute for Housing and Community
Capital Advance: $2,354,900
Five-year rental subsidy: $380,000
Number of units 23

Nebraska

Alliance, NE
Non-Profit Sponsor: The Ev Luth Gd Samar Soc
Capital Advance: $872,200
Five-year rental subsidy: $149,000
Number of units 10

Alliance, NE
Non-Profit Sponsor: The Ev Luth Gd Samar Soc
Capital Advance: $1,221,000
Five-year rental subsidy: $208,500
Number of units 14

Papillion, NE
Non-Profit Sponsor: Immanuel Health Sys
Capital Advance: $1,724,500
Five-year rental subsidy: $297,500
Number of units 20

New Hampshire

Ashland, NH
Non-Profit Sponsor: Southern New Hampshire Services, Inc.
Capital Advance: $3,774,600
Five-year rental subsidy: $482,500
Number of units 28

Littleton, NH
Non-Profit Sponsor: AHEAD
Capital Advance: $808,800
Five-year rental subsidy: $103,500
Number of units 6

Nashua, NH
Non-Profit Sponsor: AHEPA Nat'l Hsg. Corp.
Capital Advance: $5,122,600
Five-year rental subsidy: $655,000
Number of units 38

Newport, NH
Non-Profit Sponsor: Southwestern Community Services, Inc.
Capital Advance: $3,370,100
Five-year rental subsidy: $414,000
Number of units 25

New Jersey

Linden, NJ
Non-Profit Sponsor: Linden Hsg Corp
Capital Advance: $10,514,900
Five-year rental subsidy: $2,183,500
Number of units 78

New York

Bronx, NY
Non-Profit Sponsor: Metro NY Coord Council
Capital Advance: $8,737,500
Five-year rental subsidy: $2,293,000
Number of units 70

Bronx, NY
Non-Profit Sponsor: South Bronx Community Corporation
Capital Advance: $4,135,500
Five-year rental subsidy: $1,081,000
Number of units 34

Bronx, NY
Non-Profit Sponsor: The Jewish Home & Hospital Bx Division
Capital Advance: $8,986,300
Five-year rental subsidy: $2,326,000
Number of units 72

Brooklyn, NY
Non-Profit Sponsor: Common Ground Community
Capital Advance: $8,986,300
Five-year rental subsidy: $2,326,000
Number of units 72

Catskill, NY
Non-Profit Sponsor: Columbia Memorial Hospital
Capital Advance: $1,894,500
Five-year rental subsidy: $291,500
Number of units 21

Gowanda, NY
Non-Profit Sponsor: Healthy Community Alliance Inc
Capital Advance: $1,938,100
Five-year rental subsidy: $284,500
Number of units 21

Hamburg, NY
Non-Profit Sponsor: People Inc
Capital Advance: $5,077,100
Five-year rental subsidy: $664,000
Number of units 50

Staten Island, NY
Non-Profit Sponsor: Sisters of Charity of St. Vincent de Paul
Capital Advance: $7,175,500
Five-year rental subsidy: $1,933,000
Number of units 60

Wheatfield, NY

Non-Profit Sponsor: People Inc
Capital Advance: $5,077,100
Five-year rental subsidy: $664,000
Number of units 50

North Carolina

Fayetteville, NC
Non-Profit Sponsor: John H. Wellons Fnd, Inc.
Capital Advance: $4,271,800
Five-year rental subsidy: $654,000
Number of units 44

Henderson, NC
Non-Profit Sponsor: Metropolitan Hsg and CDC, Inc.
Capital Advance: $2,899,000
Five-year rental subsidy: $456,500
Number of units 30

Manson, NC
Non-Profit Sponsor: NC Senior Citizens Fed, Inc.
Capital Advance: $1,352,900
Five-year rental subsidy: $213,000
Number of units 14

Whiteville, NC
Non-Profit Sponsor: Beautiful Light Inn, Inc.
Capital Advance: $2,918,900
Five-year rental subsidy: $441,000
Number of units 30

Ohio

Ashland, OH
Non-Profit Sponsor: Lutheran Social Services of Central Ohio
Capital Advance: $1,088,200
Five-year rental subsidy: $218,000
Number of units 12

Barlow, OH
Non-Profit Sponsor: Community of Christ
Capital Advance: $2,663,300
Five-year rental subsidy: $467,000
Number of units 30

Cleveland, OH
Non-Profit Sponsor: Eliza Bryant Center
Capital Advance: $4,269,700
Five-year rental subsidy: $817,500
Number of units 45

Cleveland, OH
Non-Profit Sponsor: Famicos Foundation
Capital Advance: $569,300
Five-year rental subsidy: $109,000
Number of units 6

Dayton, OH
Non-Profit Sponsor: St. Mary Development Corporation
Capital Advance: $4,847,800
Five-year rental subsidy: $897,000
Number of units 55

Garfield Heights, OH
Non-Profit Sponsor: Humility of Mary Housing, Inc.
Capital Advance: $3,795,300
Five-year rental subsidy: $726,500
Number of units 40

Oak Harbor, OH
Non-Profit Sponsor: Lutheran Homes Society Inc
Capital Advance: $1,088,200
Five-year rental subsidy: $218,000
Number of units 12

Springfield, OH
Non-Profit Sponsor: The Franklin Foundation
Capital Advance: $2,039,200
Five-year rental subsidy: $370,500
Number of units 24

Oklahoma

Coalgate, OK
Non-Profit Sponsor: Big Five Community Services, Inc.
Capital Advance: $1,120,400
Five-year rental subsidy: $238,500
Number of units 17

Collinsville, OK
Non-Profit Sponsor: St John Villas, Inc.
Capital Advance: $2,702,300
Five-year rental subsidy: $575,000
Number of units 41

Pennsylvania

Girard, PA
Non-Profit Sponsor: The Luth Serv Soc of Western PA
Capital Advance: $3,680,400
Five-year rental subsidy: $575,500
Number of units 36

Penn Hills, PA
Non-Profit Sponsor: The Luth Serv Soc of Western PA
Capital Advance: $3,578,700
Five-year rental subsidy: $559,000
Number of units 35

Philadelphia, PA
Non-Profit Sponsor: Food For All, Inc. d.b.a. Food For Life
Capital Advance: $6,924,900
Five-year rental subsidy: $1,380,500
Number of units 63

Philadelphia, PA
Non-Profit Sponsor: Sal Army, a New York Corp
Capital Advance: $5,519,700
Five-year rental subsidy: $1,091,000
Number of units 50

Philadelphia, PA
Non-Profit Sponsor: Mount Zion Comm Dev Corp
Co-Sponsor: Deer Meadows
Capital Advance: $8,267,700
Five-year rental subsidy: $1,647,500
Number of units 75

Philadelphia, PA
Non-Profit Sponsor: PresbyHomes & Serv
Capital Advance: $7,278,400
Five-year rental subsidy: $1,447,500
Number of units 66

Puerto Rico

Naguabo, PR
Non-Profit Sponsor: Assco Puertorr de los Adven 7mo Dia Inc
Capital Advance: $3,510,600
Five-year rental subsidy: $518,500
Number of units 37

Rhode Island

Portsmouth, RI
Non-Profit Sponsor: Coastal Housing Corporation
Capital Advance: $594,600
Five-year rental subsidy: $106,000
Number of units 5

Warwick, RI
Non-Profit Sponsor: Valley Affordable Housing Corp
Capital Advance: $5,019,800
Five-year rental subsidy: $866,000
Number of units 42

South Carolina

Anderson, SC
Non-Profit Sponsor: Metropolitan Housing and CDC, Inc.
Capital Advance: $4,382,800
Five-year rental subsidy: $616,500
Number of units 44

Bennettsville, SC
Non-Profit Sponsor: John H. Wellons Fnd, Inc.
Capital Advance: $1,456,900
Five-year rental subsidy: $210,500
Number of units 15

Bennettsville, SC
Non-Profit Sponsor: John H. Wellons Fnd, Inc.
Capital Advance: $1,456,900
Five-year rental subsidy: $210,500
Number of units 15

Mullins, SC
Non-Profit Sponsor: Genesis I Community Development Corporation
Capital Advance: $1,456,900
Five-year rental subsidy: $210,500
Number of units 15

South Dakota

Brookings, SD
Non-Profit Sponsor: ASI
Capital Advance: $2,997,900
Five-year rental subsidy: $326,000
Number of units 25

Sioux Falls, SD
Non-Profit Sponsor: Ev Luth Gd Samar Soc
Capital Advance: $6,146,200
Five-year rental subsidy: $801,000
Number of units 60

Tennessee

Cleveland, TN
Non-Profit Sponsor: Douglas Cherokee Economic Authority, Inc.
Capital Advance: $948,500
Five-year rental subsidy: $154,500
Number of units 11

Livingston, TN
Non-Profit Sponsor: Douglas Cherokee Economic Authority
Capital Advance: $1,494,100
Five-year rental subsidy: $202,000
Number of units 15

McMinnville, TN
Non-Profit Sponsor: Cumberland Regional Development Corporation
Capital Advance: $1,499,500
Five-year rental subsidy: $188,500
Number of units 15

Memphis, TN
Non-Profit Sponsor: Volunteers of America of Kentucky, Inc.
Capital Advance: $4,007,200
Five-year rental subsidy: $645,000
Number of units 46

Sevierville, TN
Non-Profit Sponsor: Douglas Cherokee Economic Authority, Inc.
Capital Advance: $1,724,500
Five-year rental subsidy: $280,500
Number of units 20

Shelbyville, TN
Non-Profit Sponsor: Buffalo Valley, Inc.
Capital Advance: $1,494,100
Five-year rental subsidy: $188,500
Number of units 15

South Carthage, TN
Non-Profit Sponsor: Cumberland Regional Development Corporation

Capital Advance: $1,499,500
Five-year rental subsidy: $188,500
Number of units 15

Texas

Dallas, TX
Non-Profit Sponsor: CC Young Memorial Home Inc
Capital Advance: $4,216,500
Five-year rental subsidy: $806,000
Number of units 54

Houston, TX
Five-year rental subsidy: $1,012,000
Number of units 67

San Antonio, TX
Non-Profit Sponsor: Retirement Housing Foundation
Capital Advance: $4,065,300
Five-year rental subsidy: $753,500
Number of units 55

Waco, TX
Non-Profit Sponsor: Mercy Housing Inc
Co-Sponsor: Mercy Housing Colorado
Capital Advance: $4,208,400
Five-year rental subsidy: $821,500
Number of units 55

Utah

Price, UT
Non-Profit Sponsor: Comm Hsg Ser Inc
Capital Advance: $3,516,000
Five-year rental subsidy: $466,000
Number of units 33
Project Description:
The funds will be used for the new construction of two buildings for the very low-income elderly consisting of a total of 33 units. Some of the supportive services that will be provided are meals-on-wheels, housekeeping assistance, social activities and transportation.

Virginia

Kilmarnock, VA
Non-Profit Sponsor: Bay Aging
Capital Advance: $1,515,900
Five-year rental subsidy: $299,500
Number of units 19

Vinton, VA
Non-Profit Sponsor: Metropolitan Housing and CDC, Inc.
Capital Advance: $5,824,400
Five-year rental subsidy: $1,150,500
Number of units 73

Washington

Buckley, WA
Non-Profit Sponsor: Enumclaw Community Hospital
Capital Advance: $2,042,700
Five-year rental subsidy: $318,500
Number of units 20

Kennewick, WA
Non-Profit Sponsor: Shalom Ecumenical Center
Capital Advance: $4,008,900
Five-year rental subsidy: $722,000
Number of units 45

Spokane, WA
Non-Profit Sponsor: East Central Community Organization
Capital Advance: $2,157,200
Five-year rental subsidy: $394,000
Number of units 25

Vancouver, WA
Non-Profit Sponsor: Columbia Non-Profit Housing
Capital Advance: $5,479,700
Five-year rental subsidy: $866,500
Number of units 56

Yakima, WA
Non-Profit Sponsor: Diocese of Yakima Housing Services
Capital Advance: $3,544,700
Five-year rental subsidy: $640,000
Number of units 40

Wisconsin

Milwaukee, WI
Non-Profit Sponsor: Eternal Life Church of God in Christ
Capital Advance: $2,799,900
Five-year rental subsidy: $380,000
Number of units 24

Town of Russell, WI
Non-Profit Sponsor: Impact Seven INC
Capital Advance: $1,255,300
Five-year rental subsidy: $198,500
Number of units 12

[FR Doc. E6–18071 Filed 10–27–06; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5089–N–01]

Allocations and Waivers Granted to and Alternative Requirements for CDBG Disaster Recovery Grantees Under Chapter 9 of Title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of allocation, waivers, and alternative requirements.

SUMMARY: This Notice advises the public of the allocations for grant funds for Community Development Block Grant (CDBG) disaster recovery grants for the purpose of assisting in the recovery in the most impacted and distressed areas related to the consequences of Hurricanes Katrina, Rita, and Wilma in the Gulf of Mexico in 2005. As described in the Supplementary Information section of this notice, HUD is authorized by statute to waive statutory and regulatory requirements and specify alternative requirements for this purpose, upon the request of the State grantees. This notice also describes the application and reporting waivers and the common alternative requirements for the grants made under the subject appropriations act.

DATES: *Effective Date:* November 6, 2006.

FOR FURTHER INFORMATION CONTACT: Jan C. Opper, Director, Disaster Recovery and Special Issues Division, Office of Block Grant Assistance, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7286, Washington, DC 20410, telephone number (202) 708–3587. Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339. FAX inquiries may be sent to Mr. Opper at (202) 401–2044. (Except for the ''800'' number, these telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

Authority To Grant Waivers

Chapter 9 of Title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Pub. L. 109–234, approved June 15, 2006) (Public Law 109–234) appropriates $5.2 billion in Community Development Block Grant funds for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure directly related to the consequences of the covered disasters. Public Law 109–234 authorizes the Secretary to waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or use by the recipient of these funds and guarantees, except for requirements related to fair housing, nondiscrimination, labor standards, and the environment, upon a request by the State and a finding by the Secretary that such a waiver would not be inconsistent with the overall purpose of the statute. The following application and reporting waivers and alternative requirements are in response to requests from the States receiving an allocation under this notice.

The Secretary finds that the following waivers and alternative requirements, as described below, are not inconsistent with the overall purpose of Title I of the Housing and Community Development Act of 1974, as amended, or the Cranston-Gonzalez National Affordable Housing Act, as amended.

Under the requirements of the Department of Housing and Urban Development Act, as amended (42 U.S.C. 3535(q)), regulatory waivers must be published in the **Federal Register**.

Except as described in this and other notices applicable to this grant, statutory and regulatory provisions governing the Community Development Block Grant program for States, including those at 24 CFR part 570, shall apply to the use of these funds. In accordance with Public Law 109–234, HUD will reconsider every waiver in this notice on the two-year anniversary of the day this notice is published.

Allocations

Public Law 109–234 (effective June 15, 2006) provides $5.2 billion of supplemental appropriation for the CDBG program for:

necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in the most impacted and distressed areas related to the consequences of Hurricanes Katrina, Rita, or Wilma.

The law further notes:

That funds provided under this heading shall be administered through an entity or entities designated by the Governor of each State. And that: *No State shall receive more than $4.2 billion of the amount provided under this heading.*

As provided for in Public Law 109–234, the funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency or the Army Corps of Engineers. Further, none of the funds made available under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program.

Also as required by the law, not less than $1.0 billion of the $5.2 billion appropriation less $27.0 million in administrative set-asides (which computes to 19.3311 percent of any State's allocation) shall be used for repair, rehabilitation, and reconstruction (including demolition, site clearance and remediation) of the affordable rental housing stock (including public and other HUD-assisted housing) in the impacted areas. Therefore, HUD is requiring that not less than 19.3311 percent of each State's grant be used for these activities.

From this supplemental appropriation, the Secretary is allocating funds as follows.

State	Disaster	Allocation amount ($)
Alabama	Hurricane Katrina (FEMA–1605–DR)	$21,225,574
Florida	Hurricane Katrina (FEMA–1602–DR), Hurricane Wilma (FEMA–1609–DR)	100,066,518
Louisiana	Hurricane Katrina (FEMA–1603–DR), Hurricane Rita (FEMA–1607–DR)	4,200,000,000
Mississippi	Hurricane Katrina (FEMA–1604–DR)	423,036,059
Texas	Hurricane Rita (FEMA–1606–DR)	428,671,849

State	Minimum amount for affordable rental housing ($)
Alabama	$4,103,146
Florida	19,344,001
Louisiana	811,907,984
Mississippi	81,777,703
Texas	82,867,166

The amounts in the table directly above are the minimum required for each State to use of its allocation from Public Law 109–234 for repair, rehabilitation, and reconstruction (including demolition, site clearance and remediation) of the affordable rental housing stock (including public and other HUD-assisted housing) in the impacted areas.

In Louisiana, the Department has reviewed data chronicling the massive impact of the disasters on affordable rental housing, including public housing, in the areas of the State most affected by disasters. In light of the unprecedented housing needs resulting from the disasters, the Secretary is carrying out his statutory duty to ensure that priority has been given to identified affordable rental housing by providing an alternative requirement. HUD is requiring that, before the State of Louisiana expends any funds to meet the minimum requirement for affordable rental housing under this notice (*see* table above), the Governor of Louisiana shall demonstrate to the Secretary's satisfaction that the State will provide funds or has identified dedicated resources sufficient to meet the key disaster recovery needs for repair, rehabilitation, and reconstruction of affordable rental housing stock, including public housing, in the most impacted areas of the State.

HUD invites each State receiving an allocation to submit an Action Plan for Disaster Recovery in accordance with this notice.

The appropriations statute requires funds be used only for disaster relief, long-term recovery, and restoration of infrastructure in the most impacted and distressed areas related to the consequences of hurricanes in the Gulf of Mexico in 2005. The statute directs that each grantee will describe in its Action Plan for Disaster Recovery how the use of the grant funds gives priority to infrastructure development and rehabilitation and the rehabilitation and reconstruction of the affordable rental housing stock including public and other HUD-assisted housing. HUD will monitor compliance with this direction and may be compelled to disallow expenditures if it finds uses of funds are not disaster-related, or funds allocated duplicate other benefits.

For the State of Louisiana, which suffered major impacts from two different hurricanes, HUD estimates that over 85 percent of the major and severe damage due to those storms is in the New Orleans-Metairie-Bogalusa Metropolitan Area (Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, and St. Tammany Parishes). HUD therefore expects that the State will target a substantial majority of its disaster recovery funds under Pub. L. 109–234 toward the disaster recovery needs in the New Orleans-Metairie-Bogalusa Metropolitan Area, and has included an alternative requirement to that effect.

Prevention of Fraud, Abuse, and Duplication of Benefits

The statute also directs the Secretary to:

Establish procedures to prevent recipients from receiving any duplication of benefits and report quarterly to the Committees on Appropriations with regard to all steps taken to prevent fraud and abuse of funds made available under this heading including duplication of benefits.

To meet this directive, HUD is pursuing five courses of action. First, this notice makes applicable specific reporting, written procedures, monitoring, and internal audit requirements for grantees. Second, to the extent its resources allow, HUD will institute risk analysis and on-site monitoring of grantee management of the grants and of the specific uses of funds. Third, HUD will be extremely cautious in considering any waiver related to basic financial management requirements. The standard, time-tested CDBG financial requirements will continue to apply. Fourth, HUD is collaborating with the HUD Office of Inspector General to plan and implement oversight of these funds. Fifth, HUD will follow the direction of the conference report, 109–494, and apply $6 million of funds appropriated for the Working Capital Fund for ''immediate enhancement of the capabilities of the Disaster Recovery Grant Reporting system by building

additional electronic controls that will increase accountability while further decreasing the risk of fraud, waste, or abuse.''

Waiver Justification

In general, waivers already granted to the States and alternative requirements already specified for CDBG disaster recovery grant funds provided under the Department of Defense Appropriations Act, 2006 (Pub. L. 109–148, approved December 30, 2005) (Appropriations Act) will also apply to grant funds provided under Public Law 109–234. This eliminates unnecessary inconsistencies in administration of the two grants and thus reduces the opportunities for technical errors. The notices in which these prior waivers and alternative requirements appear are 71 FR 7666, published February 13, 2006 (all five States); 71 FR 34448 (for Alabama), 71 FR 34451 (for Mississippi), and 71 FR 34457 (for Louisiana), all published June 14, 2006; 71 FR 43622, published August 1, 2006 (for Texas); 71 FR 51678 (for Florida), published August 30, 2006; and 71 FR 62372 (for Mississippi), published October 24, 2006, except that the provisions of paragraph four of the latter notice do not apply to the funds allocated under Pub. L. 109–234.

In addition to making applicable the requirements cited above, this notice specifies and provides for differences in program rules, waivers, or alternative requirements that are necessary due to the provisions of Public Law 109–234.

The provisions of this notice do not apply to funds provided under the regular CDBG program. The provisions provide additional flexibility in program design and implementation and implement statutory requirements unique to this appropriation.

Application for Allocation

The waivers and alternative requirements related to a State's application for its allocation are those delineated in a notice entitled, ''Allocations and Common Application and Reporting Waivers Granted to and Alternative Requirements for CDBG Disaster Recovery Grantees Under the Department of Defense Appropriations Act, 2006,'' published February 13, 2006 71 (FR 7666), with the changes noted below. HUD encourages each State receiving an allocation to submit an Action Plan for Disaster Recovery to HUD within 60 days of the publication date of this notice.

New elements added to the State's Action Plan for Disaster Recovery include a description of how the State will give priority to infrastructure development and rehabilitation and how the State will give priority to the rehabilitation and reconstruction of the affordable rental housing stock including public and other HUD-assisted housing. The State must also explain how its choices for fund use will result in the State meeting the requirement to use not less than 19.3311 percent of its allocation for repair, rehabilitation, and reconstruction (including demolition, site clearance and remediation) of the affordable rental housing stock (including public and other HUD-assisted housing) in the impacted areas. The explanation should include how the State has considered the unique challenges that individuals with disabilities face in finding accessible and affordable housing.

Applicable Rules, Statutes, Waivers, and Alternative Requirements

1. *General note.* Except as described in this notice, the statutory, regulatory, and notice provisions that shall apply to the use of these funds are:

a. Those governing the funds appropriated under the Appropriations Act and already published in the **Federal Register**, including those in notices 71 FR 7666, published February 13, 2006 (for all five States); 71 FR 34448 (for Alabama), 71 FR 34451 (for Mississippi), and 71 FR 34457 (for Louisiana), all published June 14, 2006; 71 FR 43622 for Texas, published August 1, 2006; 71 FR 51678 (for Florida), published on August 30, 2006; and 71 FR 62372 (for Mississippi), published October 24, 2006, except that the provisions of paragraph four of the latter notice do not apply to the funds allocated under Public Law 109–234; and

b. Those governing the Community Development Block Grant program for States, including those at 42 U.S.C. 5301 *et seq.* and 24 CFR part 570.

2. *Action Plan additional elements.* a. In addition to the waivers and alternative requirements published in the ''Allocations and Common Application and Reporting Waivers Granted to and Alternative Requirements for CDBG Disaster Recovery Grantees Under the Department of Defense Appropriations Act, 2006'' notice published February 13, 2006, the disaster recovery grantees receiving funding under Public Law 109–234 must add the items in paragraph b below to those described in paragraph number 7 on page 7669 of that notice regarding the information required in the State's overall plan for disaster recovery for use of funds under Public Law 109–234.

b. The grantee's overall plan for disaster recovery will also include:

(i) An explanation of how the State will give priority to the rehabilitation and reconstruction of the affordable rental housing stock including public and other HUD-assisted housing, a description of the activities the State plans to undertake with grant funds under this priority, and a description of the unique challenges that individuals with disabilities face in finding accessible and affordable housing;

(ii) An explanation of how the State will give priority to infrastructure development and rehabilitation, and a description of the infrastructure activities it plans to undertake with grant funds; and

(iii) An explanation of how the method of distribution or use of funds described in accordance with the applicable notices will result in the State meeting the requirement that at least 19.3311 percent of its allocation under this notice shall be used for repair, rehabilitation, and reconstruction (including demolition, site clearance and remediation) of the affordable rental housing stock (including public and other HUD-assisted housing) in the impacted areas.

3. *Note that use of grant funds must relate to the covered disaster(s).* In addition to being eligible under 42 U.S.C. 5305(a) of this notice and meeting a CDBG national objective under the penultimate paragraph of 42 U.S.C. 5304(b)(3), Public Law 109–234 requires that activities funded under this notice must also be for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in the most impacted and distressed areas related to the consequences of Hurricanes Katrina, Rita, and Wilma in communities included in Presidential disaster declarations.

4. *Alternative Requirements Regarding Targeting in Louisiana.* a. The State of Louisiana will target 70 percent of its disaster recovery funds under Pub. L. 109–234 towards the disaster recovery needs in the New Orleans-Metairie-Bogalusa Metropolitan Area; and

b. Before the State of Louisiana expends any funds to meet the minimum requirement for affordable rental housing under this notice, the Governor of Louisiana shall demonstrate to the Secretary's satisfaction that the State will provide funds or has identified dedicated resources sufficient to meet the key disaster recovery needs for repair, rehabilitation, and reconstruction of affordable rental housing stock, including public housing

disaster recovery in the most impacted areas of the State.

5. *Information collection approval note.* HUD has approval for information collection requirements in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) under OMB control number 2506–0165, which expires August 31, 2007. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, nor is a person required to respond to, a collection of information unless the collection displays a valid control number.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers for the disaster recovery grants under this notice are as follows: 14.219; 14.228.

Finding of No Significant Impact

A Finding of No Significant Impact (FONSI) with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The FONSI is available for public inspection between 8 a.m. and 5 p.m. weekdays in the Office of the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 10276, Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, please schedule an appointment to review the finding by calling the Regulations Division at (202) 708–3055 (this is not a toll-free number).

Dated: October 25, 2006.

Roy A. Bernardi,

Deputy Secretary.

[FR Doc. 06–8978 Filed 10–26–06; 1:56 pm]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5067–N–02]

Extension of Period of Submission for Notices of Intent and Fungibility Plans in Accordance With HUD's Implementation Guidance for Section 901 of the Emergency Supplemental Appropriations To Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: On July 28, 2006, HUD published a notice entitled, ''Implementation Guidance for Section 901 of the Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006.'' This notice extends the period for eligible public housing agencies (PHAs) located within the most heavily impacted areas of Louisiana and Mississippi that are subject to a declaration by the President of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in connection with Hurricanes Katrina or Rita to submit Notices of Intent and Fungibility Plans in accordance with the July 28, 2006, notice. Section 901 of the supplemental appropriations act authorizes PHAs to combine assistance provided under sections 9(d) and (e) of the United States Housing Act of 1937 (Act) and assistance provided under section 8(o) of the Act, for the purpose of facilitating the prompt, flexible, and efficient use of funds provided under these sections of the Act to assist families who were receiving housing assistance under the Act immediately prior to Hurricane Katrina or Rita and were displaced from their housing by the hurricanes. In addition to extending the PHA submission deadline, this notice removes the restriction that the combined funding may not be spent for uses under the housing choice voucher (HCV) program. If approved by HUD, the combined funding may now be used for eligible purposes under the HCV program. Any use of combined funds under the HCV program must also be in accordance with the requirement to assist those families who were receiving housing assistance under the public housing or HCV program immediately prior to Hurricane Katrina or Rita and were displaced from their housing by the hurricane. A PHA that already has an approved Fungibility Plan may request HUD approval to change the Plan in order to use the combined funds for HCV program eligible purposes. As provided in the July 28, 2006 **Federal Register** notice, PHAs must submit to HUD requests for approval of any substantial deviations from the approved Fungibility Plan, and HUD will respond to such requests within 10 calendar days.

DATES: Eligible PHAs must submit their Notices of Intent and Fungibility Plans no later than November 21, 2006.

FOR FURTHER INFORMATION CONTACT: For technical assistance and other questions concerning the Notice of Intent and Section 901 Fungibility Plan, PHAs should contact their local HUD Public Housing Hub in New Orleans, Louisiana, or Jackson, Mississippi; or Bessy Kong, Deputy Assistant Secretary for Policy, Program, and Legislative Initiatives, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4216, Washington, DC 20410–5000, telephone (202) 708–0614 or 708–0713, extension 2548 (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

On July 28, 2006 (71 FR 42996), HUD published a notice entitled, ''Implementation Guidance for Section 901 of the Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006.'' Section V.A. of the July 28, 2006, notice, entitled, ''General Procedures for Combining Public Housing and Voucher Funds Under Section 901,'' instructs that PHAs interested in implementing the flexibility authorized in Section 901 should submit, in writing for HUD review and approval, no later than 45 days from the date of the notice or September 11, 2006: (1) A Notice of Intent to invoke Section 901 flexibility and (2) a detailed Section 901 Fungibility Plan describing the total amount under Section 901, and the source of those funds by account (HCV, Operating Fund, Capital Fund).

Some eligible PHAs are facing circumstances that precluded submission of their Notices of Intent and Fungibility plans by September 11, 2006, and require additional time to determine whether program funds are available to combine for other program uses. Therefore, HUD has extended the period during which eligible PHAs may submit their Notices of Intent and Fungibility Plans to no later than November 21, 2006, in order to allow sufficient time for HUD to review and approve the plans. HUD strongly recommends earlier submission, if possible, in the event resubmission of plans is required because of HUD's review determinations. HUD must approve all plans, including those that must be resubmitted, no later than December 31, 2006.

In addition to extending the PHA submission deadline, this notice removes the restriction that the combined funding may not be spent for uses under the housing choice voucher (HCV) program. If approved by HUD, the combined funding may now be used

for eligible purposes under the HCV program. Any use of combined funds under the HCV program must also be in accordance with the requirement to assist those families who were receiving housing assistance under the public housing or HCV program immediately prior to Hurricane Katrina or Rita and were displaced from their housing by the hurricane.

A PHA that already has an approved Fungibility Plan may request HUD approval to change the Plan in order to use the combined funds for HCV program eligible purposes. As provided in the July 28, 2006 **Federal Register** Notice, PHAs must submit to HUD requests for approval of any substantial deviations from the approved Fungibility Plan, and HUD will respond to such requests within 10 calendar days.

Notices and Plans should be submitted to the following addresses and contacts, as listed in the July 28, 2006, notice: PHAs should submit one copy to the Public Housing Director of the HUD office in New Orleans, Louisiana or Jackson, Mississippi, as applicable, and the original to HUD Headquarters, Office of Public and Indian Housing, Office of Policy, Program, and Legislative Initiatives, 451 Seventh Street, SW., Room 4116, Washington, DC 20410–5000, *Attention:* Bessy Kong/Sherry McCown.

II. List of Louisiana and Mississippi PHAs Heavily Impacted by Hurricane Katrina or Rita

The following list includes PHAs in counties eligible to receive individual and public assistance through FEMA as a result of damages sustained from Hurricanes Katrina and Rita.

No.	HA code	HA name	County	State	Hurricane
1	LA001	New Orleans Housing Authority (HA)	Orleans	LA	Katrina.
2	LA003	E. Baton Rouge HA	East Baton Rouge	LA	Katrina.
3	LA004	Lake Charles HA	Calcasieu	LA	Katrina and Rita.
4	LA005	Lafayette (City) HA	Lafayette	LA	Katrina and Rita.
5	LA011	Westwego	Jefferson	LA	Katrina and Rita.
6	LA012	Kenner HA	Jefferson	LA	Katrina and Rita.
7	LA013	Jefferson Parish HA	Jefferson	LA	Katrina and Rita.
8	LA024	Bogalusa HA	Washington	LA	Katrina.
9	LA025	Eunice HA	St. Landry	LA	Rita.
10	LA026	Kaplan HA	Vermilion	LA	Katrina and Rita.
11	LA027	New Iberia HA	Iberia	LA	Katrina and Rita.
12	LA028	Rayne HA	Acadia	LA	Katrina and Rita.
13	LA029	Crowley	Acadia	LA	Katrina and Rita.
14	LA030	Ville Platte HA	Evangeline	LA	Rita.
15	LA031	Mamou HA	Evangeline	LA	Rita.
16	LA032	Church Point HA	Acadia	LA	Katrina and Rita.
17	LA033	Oakdale HA	Allen	LA	Rita.
18	LA034	Abbeville HA	Vermilion	LA	Katrina and Rita.
19	LA035	Gueydan HA	Vermilion	LA	Katrina and Rita.
20	LA036	Morgan City HA	St. Mary	LA	Katrina and Rita.
21	LA039	Welsh HA	Jefferson Davis	LA	Katrina and Rita.
22	LA040	St. Martinville HA	St. Martin	LA	Katrina and Rita.
23	LA041	Lake Arthur HA	Jefferson Davis	LA	Katrina and Rita.
24	LA043	Donaldsonville HA	Ascension	LA	Katrina and Rita.
25	LA044	Thibodaux HA	Lafourche	LA	Katrina and Rita.
26	LA046	Vinton HA	Calcasieu	LA	Katrina and Rita.
27	LA047	Erath HA	Vermilion	LA	Katrina and Rita.
28	LA055	Opelousas HA	St. Landry	LA	Rita.
29	LA056	Berwick HA	St. Mary	LA	Katrina and Rita.
30	LA058	Basile HA	Evangeline	LA	Rita.
31	LA059	Breaux Bridge HA	St. Martin	LA	Katrina and Rita.
32	LA063	Sulphur HA	Calcasieu	LA	Katrina and Rita.
33	LA065	Delcambre HA	Vermilion	LA	Katrina and Rita.
34	LA066	Elton HA	Jefferson Davis	LA	Katrina and Rita.
35	LA067	St. Landry Parish HA	St. Landry	LA	Rita.
36	LA068	Oberlin HA	Allen	LA	Rita.
37	LA069	Kinder HA	Allen	LA	Rita.
38	LA070	Patterson HA	St. Mary	LA	Katrina and Rita.
39	LA073	South Landry HA	St. Landry	LA	Rita.
40	LA074	Sabine Parish HA	Sabine	LA	Rita.
41	LA075	Ponchatoula HA	Tangipahoa	LA	Katrina.
42	LA080	Lafourche Parish HA	Lafourche	LA	Katrina and Rita.
43	LA082	Merryville HA	Beauregard	LA	Rita.
44	LA084	Parks HA	St. Martin	LA	Katrina and Rita.
45	LA086	Deridder HA	Beauregard	LA	Rita.
46	LA090	Houma—Terrebonne HA	Terrebonne	LA	Katrina and Rita.
47	LA091	Southwest Acadia HA	Acadia	LA	Katrina and Rita.
48	LA092	St. James Parish HA	St. James	LA	Katrina.
49	LA093	White Castle HA	Iberville	LA	Katrina.
50	LA094	St. Charles Parish HA	St. Charles	LA	Katrina.
51	LA095	St. John the Baptist Parish HA	St. John the Baptist	LA	Katrina.
52	LA099	Independence HA	Tangipahoa	LA	Katrina.
53	LA100	Youngsville HA	Lafayette	LA	Katrina and Rita.
54	LA101	Denham Springs HA	Livingston	LA	Katrina and Rita.
55	LA103	Slidell HA	St. Tammany	LA	Katrina and Rita.
56	LA106	Dequincy HA	Calcasieu	LA	Katrina and Rita.

No.	HA code	HA name	County	State	Hurricane
57	LA111	Leesville HA	Vernon	LA	Rita.
58	LA113	New Roads HA	Pointe Coupee	LA	Katrina.
59	LA118	Jennings HA	Jefferson Davis	LA	Katrina and Rita.
60	LA128	Vernon Parish HA	Vernon	LA	Rita.
61	LA130	Duson HA	Lafayette	LA	Katrina and Rita.
62	LA231	HA of Iowa	Calcasieu	LA	Katrina and Rita.
63	LA238	Covington HA	St. Tammany	LA	Katrina and Rita.
64	LA250	Ascension Parish	Ascension	LA	Katrina and Rita.
65	LA261	Fenton	Jefferson Davis	LA	Katrina and Rita.
66	LA266	White Castle City	Iberville	LA	Katrina.
67	MS001	Hattiesburg HA	Forrest	MS	Katrina.
68	MS002	Laurel HA	Jones	MS	Katrina.
69	MS003	McComb HA	Pike	MS	Katrina.
70	MS004	Meridian HA	Lauderdale	MS	Katrina.
71	MS005	Biloxi HA	Harrison	MS	Katrina.
72	MS019	Mississippi Regional HA No. IV	Lowndes	MS	Katrina.
73	MS030	Mississippi Regional HA No. V	Newton	MS	Katrina.
74	MS040	Mississippi Regional HA No. VIII	Harrison	MS	Katrina.
75	MS047	Starkville HA	Oktibbeha	MS	Katrina.
76	MS057	Mississippi Regional HA No. VII	Pike	MS	Katrina.
77	MS058	Mississippi Regional HA No. VI	Hinds	MS	Katrina.
78	MS060	Brookhaven HA	Lincoln	MS	Katrina.
79	MS061	Canton HA	Madison	MS	Katrina.
80	MS063	Yazoo City HA	Yazoo	MS	Katrina.
81	MS064	Bay St. Louis HA	Hancock	MS	Katrina.
82	MS066	Picayune HA	Pearl River	MS	Katrina.
83	MS067	Richton HA	Perry	MS	Katrina.
84	MS068	Waynesboro HA	Wayne	MS	Katrina.
85	MS076	Columbus HA	Lowndes	MS	Katrina.
86	MS079	Louisville HA	Winston	MS	Katrina.
87	MS084	Summit HA	Pike	MS	Katrina.
88	MS086	Vicksburg HA	Warren	MS	Katrina.
89	MS094	Hazlehurst HA	Copiah	MS	Katrina.
90	MS099	Lumberton HA	Lamar	MS	Katrina.
91	MS101	Waveland HA	Hancock	MS	Katrina.
92	MS103	Jackson HA	Hinds	MS	Katrina.
93	MS105	Natchez HA	Adams	MS	Katrina.
94	MS109	Long Beach HA	Harrison	MS	Katrina.
95	MS111	Forest HA	Scott	MS	Katrina.
96	MS117	Attala County HA	Attala	MS	Katrina.

Dated: October 24, 2006.

Paula O. Blunt,

General Deputy Assistant, Secretary for Public and Indian Housing.

[FR Doc. 06–8979 Filed 10–26–06; 1:56 pm]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Information Collection Sent to the Office of Management and Budget (OMB) for Approval; OMB Control Number 1018–0124; Migratory Bird Subsistence Harvest Household Survey

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (Fish and Wildlife Service) have sent an Information Collection Request (ICR) to OMB for review and approval. This ICR is scheduled to expire on October 31, 2006. We may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. However, under OMB regulations, we may continue to conduct or sponsor this information collection while it is pending at OMB.

DATES: You must submit comments on or before November 29, 2006.

ADDRESSES: Send your comments and suggestions on this ICR to the Desk Officer for the Department of the Interior at OMB–OIRA at (202) 395–6566 (fax) or *OIRA_DOCKET@OMB.eop.gov* (e-mail). Please provide a copy of your comments to Hope Grey, Information Collection Clearance Officer, Fish and Wildlife Service, MS 222–ARLSQ, 4401 North Fairfax Drive, Arlington, VA 22203 (mail); (703) 358–2269 (fax); or *hope_grey@fws.gov* (e-mail).

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Hope Grey at one of the addresses above or by telephone at (703) 358–2482.

SUPPLEMENTARY INFORMATION: *OMB Control Number:* 1018–0124.

Title: Migratory Bird Subsistence Harvest Household Survey.

Service Form Numbers: 7–FW–100, 7–FW–101, 7–FW–102, 7–FW–103, 7–FW–103a, and 7–FW–103b.

Type of Request: Revision of currently approved collection.

Affected Public: Households within the subsistence eligible areas of Alaska (Alaska Peninsula, Kodiak Archipelago, the Aleutian Islands, or in areas north and west of the Alaska Range (50 CFR 92.5)).

Respondent's Obligation: Voluntary.

Frequency of Collection: Once per year for forms 7–FW–100, 7–FW–101, and 7–FW–102. Three times per year for forms 7–FW 103, 7–FW–103a, and 7–FW–103b.

Form	Number of respondents	Annual number of responses	Average time/ response (minutes)	Total annual burden hours
7–FW–100	23,000	23,000	1	383
7–FW–101	182	182	30	91
7–FW–102	14,000	14,000	5	1,167
7–FW–103, a, b	11,500	34,500	5	2,875

Abstract: The Migratory Bird Treaty Act Protocol Amendment (1995) (Amendment) provides for the customary and traditional use of migratory birds and their eggs for subsistence use by indigenous inhabitants of Alaska. The Amendment, however, states that its intent is not to cause significant increases in the take of species of migratory birds relative to their continental population sizes. A May 20, 1996, submittal letter from the Department of State to the White House accompanied the Amendment and specified the need for harvest monitoring. The letter stated that the Fish and Wildlife Service, the Alaska Department of Fish and Game, and Native organizations cooperatively would collect harvest estimates within the subsistence eligible areas. Harvest survey data help ensure that customary and traditional use of migratory birds and their eggs for subsistence use by indigenous inhabitants of Alaska does not significantly increase the take of species of migratory birds relative to their continental population sizes.

From 1989 to 2004, we monitored subsistence harvest in Alaska through the use of annual household surveys in the most heavily used subsistence harvest areas; *e.g.*, Yukon-Kuskokwim Delta. In 2004, we began monitoring subsistence harvest in subsistence eligible areas Statewide. We presently rotate survey areas due to budget constraints. This monitoring enables us to track significant changes or trends in levels of harvest and user participation.

We gather information on the annual subsistence harvest of 54 species of birds (including geese, ducks, swans, cranes, loons, seabirds, shorebirds, and upland game birds) through surveys of households in the subsistence eligible areas of Alaska. Annually, local village resident surveyors produce lists of all households in each village and provide survey forms to randomly selected households. We combine the estimates of harvest per household with the complete list of households in the subsistence-eligible areas to obtain estimates of the total annual harvest. We use four forms to collect the harvest information. We will aggregate all information collected and use it only for statistical purposes. We do not arrange or retrieve forms by a personal identifier.

Comments: On June 21, 2006, we published in the **Federal Register** (71 FR 35690) a notice of our intent to request that OMB renew approval for this information collection. In that notice, we solicited comments for 60 days, ending on August 21, 2006. One comment was received in response to this notice. The commenter did not believe that the information provided by respondents was truthful and objected to the use of taxpayer dollars for the surveys.

We collect this information from people who are part of subsistence-based, Alaska Native cultures, whose ancestors have relied on migratory birds for food for thousands of years to sustain them physically, emotionally, and spiritually. These birds continue to be an important part of the Alaska Native diet in nonroaded, remote parts of Alaska, particularly in springtime. We believe that the information is basically honest and truthful, because:

(1) The reported bird species harvest information corresponds to the species actually known to be in the areas surveyed;

(2) The harvest information is relatively consistent from year to year, by time period and region, and the harvest trends have generally tracked the bird population trends; and

(3) People have an incentive to accurately report their harvests, because they know the information is used to manage the birds they depend on for food. They also know that documenting their customary and traditional dependence on birds is important, especially in times of resource shortage.

Harvest survey information aids in promulgating regulations that help protect the birds. Therefore, taxpayer dollars that pay for harvest surveys are helping protect birds that people depend on for food as well as for enjoyment by present and future generations. We did not make any changes to our information collection as a result of this comment.

We again invite comments concerning this information collection on:

(1) Whether or not the collection of information is necessary, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on respondents. Comments submitted in response to this notice are a matter of public record.

Dated: October 16, 2006.

Hope Grey,

Information Collection Clearance Officer, Fish and Wildlife Service.

[FR Doc. E6–18149 Filed 10–27–06; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Pelican Island National Wildlife Refuge

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability of the Final Comprehensive Conservation Plan and Finding of No Significant Impact for Pelican Island National Wildlife Refuge in Indian River County, Florida.

SUMMARY: The Fish and Wildlife Service announces that a Final Comprehensive Conservation Plan and Finding of No Significant Impact for Pelican Island National Wildlife Refuge are available for distribution. The plan was prepared pursuant to the National Wildlife Refuge System Improvement Act of 1997 and in accordance with the National Environmental Policy Act of 1969. It describes how the refuge will be managed for the next 15 years. The compatibility determinations for fishing, environmental education and interpretation, wildlife observation, wildlife photography, research, mosquito control, interim citrus grove management, and commercial ecotour operations are also available within the plan.

ADDRESSES: A copy of the plan may be obtained by writing to the Pelican Island National Wildlife Refuge, 1339 20th Street, Vero Beach, Florida 32960. The

plan may also be accessed and downloaded from the Service's Web site *http://southeast.fws.gov/planning/.*

SUPPLEMENTARY INFORMATION: Pelican Island National Wildlife Refuge in Indian River County, Florida, is adjacent to the city of Sebastian and along the east coast of Florida. The refuge is over 5,400 acres in size within an acquisition boundary of about 6,184 acres. Primarily comprised of lagoonal waters, the refuge includes aquatic, transitional, and upland habitats supporting a diversity of species, including 14 federally listed species. This complex ecological system also supports hundreds of species of birds, fish, plants, and mammals, as well as important bird rookeries, key fish spawning and settlement sites, and a globally important juvenile sea turtle nursery.

The availability of the Draft Comprehensive Conservation Plan and Environmental Assessment for a 60-day public review and comment period was announced in the **Federal Register** on July 27, 2005 (70 FR 43446). The plan and environmental assessment identified and evaluated three alternatives for managing the refuge over the next 15 years. Alternative A, the No Action Alternative, would have continued current management of the refuge. Alternative B would have minimally expanded certain refuge management programs. Alternative C, the Proposed Alternative, would have moderately expanded refuge management activities to a level more in keeping with the resources protected in the developed and developing landscapes that surround the refuge.

Based on the environmental assessment and the comments received, the Service adopted Alternative C as its Preferred Alternative. This alternative was considered to be the most effective for meeting the purposes of the refuge and the mission of the National Wildlife Refuge System. Further, Alternative C best pursues national, ecosystem, and refuge-specific goals.

FOR FURTHER INFORMATION CONTACT: Cheri Ehrhardt, Natural Resource Planner, telephone: 321/861–2368; fax: 321/861–1276; e-mail: *PelicanIslandCCP@fws.gov;* or address: Pelican Island NWR CCP, P.O. Box 6504, Titusville, Florida 32782–6504.

Authority: This notice is published under the authority of the National Wildlife Refuge System Improvement Act of 1997, Public Law 105–57.

Dated: April 10, 2006.

Cynthia K. Dohner,

Acting Regional Director.

Editorial note: This document was received at the Office of the Federal Register October 25, 2006.

[FR Doc. 06–8954 Filed 10–27–06; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Intent To Prepare a Comprehensive Conservation Plan and Environmental Assessment for Wolf Island National Wildlife Refuge Located Off the Coast of Darien, GA, in McIntosh County

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent.

SUMMARY: The Fish and Wildlife Service, Southeast Region, intends to gather information necessary to prepare a comprehensive conservation plan and environmental assessment for Wolf Island National Wildlife Refuge, pursuant to the National Environmental Policy Act of 1969 and its implementing regulations.

The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997, requires the Service to develop a comprehensive conservation plan for each national wildlife refuge. The purpose is developing a comprehensive conservation plan is to provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management, conservation, legal mandates, and Service policies. In addition to outlining broad management direction on conserving wildlife and their habitats, plans identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation, wildlife photography, and environmental education and interpretation.

The purpose of this notice is to achieve the following:

(1) Advise other agencies and the public of our intentions, and

(2) Obtain suggestions and information on the scope of issues to include in the environmental document.

DATES: To ensure consideration, written comments must be received no later than December 29, 2006.

ADDRESSES: Address comments, questions, and requests for more information to Jane Griess, Project Leader, Savannah National Wildlife Refuge Complex, 1000 Business Center Drive, Suite 10, Savannah, Georgia 31405.

SUPPLEMENTARY INFORMATION: The comprehensive conservation planning process will consider many elements, including wildlife and habitat management, public recreational activities, and cultural resource protection. Public input to the planning process is essential. Special mailings, newspaper articles, and other media announcements will be used to inform the public and state and local government agencies of meeting dates and opportunities for input throughout the planning process. All comments received from individuals become part of the official public record. Requests for such comments will be handled in accordance with the Freedom of Information Act and the Council on Environmental Quality's NEPA regulations [40 CFR 1506.6(f)].

Wolf Island National Wildlife Refuge is approximately 12 miles off the coast of Darien, Georgia, in McIntosh County, and was established on April 3, 1930, to provide protection and habitat for migratory birds. The barrier island refuge consists of Wolf Island and two smaller islands, Egg and Little Egg. More than 75 percent of the refuge's 5,126 acres are composed of saltwater marsh.

Wolf Island Refuge was designated a National wilderness Area in 1975. In addition to providing protection for migratory birds, it also is a refuge for such threatened and endangered species as the loggerhead sea turtle and the piping plover. Due to its status as a Wilderness Area, no public use facilities are planned for the refuge. Although the refuge's saltwaters are open to a variety of recreational activities, such as fishing and crabbing, its beach, marsh, and upland areas are closed to the public.

FOR FURTHER INFORMATION CONTACT: Jane Griess; Telephone: 912/652–4030, Extension 101; Fax: 912/652–4385; e-mail: *jane_griess@fws.gov*; or mail (write to Project Leader at address in **ADDRESSES** section).

Authority: This notice is published under the authority of the National Wildlife Refuge System Improvement Act of 1997, Public Law 105–57.

Dated: September 21, 2006.

Cynthia K. Dohner,

Acting Regional Director.

[FR Doc. 06–8953 Filed 10–27–06; 8:45 am]

BILLING CODE 310–55–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Federal Acknowledgment of Tribes Proposed Information Collection Renewal; Comment Request

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice announces that the Information Collection Request for Documented Petitions for Federal Acknowledgment as an Indian Tribe will expire December 31, 2006. As required by the Paperwork Reduction Act of 1995, we are seeking comments on this information collection before we request extension from the Office of Information and Regulatory Affairs, Office of Management and Budget.

DATES: Submit comments on or before December 29, 2006.

ADDRESSES: Send your written comments to R. Lee Fleming, Director, Office of Federal Acknowledgment, Assistant Secretary—Indian Affairs, 1951 Constitution Avenue, NW., MS–34B SIB, Washington, DC 20240. If you wish to submit comments by facsimile, the number is (202) 219–3008. Please mention OMB Number 1076–0104.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information or copies of the information collection submission should be directed to R. Lee Fleming, Director, Office of Federal Acknowledgment, Assistant Secretary—Indian Affairs, 1951 Constitution Avenue, NW., MS–34B SIB, Washington, DC 20240. You may also call (202) 513–7650.

All written comments will be available for public inspection in Room 34 of the South Interior Building, 1951 Constitution Avenue, NW., Washington, DC from 9 a.m. until 3 p.m., Monday through Friday, excluding legal holidays.

SUPPLEMENTARY INFORMATION:

I. Abstract

The information collection is needed to establish whether a petitioning group has the characteristics necessary to be acknowledged as having a government-to-government relationship with the United States. Federal recognition makes the group eligible for benefits from the Federal government.

II. Method of Collection

The acknowledgment regulations at 25 CFR part 83 contain seven criteria (§ 83.7) which unrecognized groups seeking Federal acknowledgment as Indian tribes must demonstrate that they meet. Information collected from petitioning groups under these regulations provide anthropological, genealogical and historical data used by the Assistant Secretary—Indian Affairs to establish whether a petitioning group has the characteristics necessary to be acknowledged as having a government-to-government relationship with the United States. Respondents are not required to retain copies of information submitted to the Bureau of Indian Affairs but will probably maintain copies for their own use. No periodic reports are required which would impose a recordkeeping requirement.

III. Data

Title: Collection of Information for Federal Acknowledgment Under 25 CFR Part 83.

OMB Control Number: 1076–0104.

Expiration Date: December 31, 2006.

Type of Review: Extension of a currently approved collection.

Affected Entities: Groups petitioning for Federal acknowledgment as Indian tribes.

Estimated Number of Petitioners: 10.

Estimated Time per Petition: 2,075 hours.

Estimated Total Annual Burden Hours: 20,750.

Estimated Annual Costs: $830,000 (2,075 hours × $40.00 per hour).

IV. Request for Comments

You are invited to comment on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) The accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other collection techniques or the forms of information technology.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record. Individual respondents may request confidentiality. If you wish to request that we consider withholding your name, street address, and other contact information (such as Internet address, FAX, or phone number) from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comment. We will make available for public inspection in their entirety all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Dated: October 20, 2006.

Michael D. Olsen,

Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. E6–18057 Filed 10–27–06; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Request for Comments on Navajo Partitioned Lands (NPL) Grazing Regulations Information Collection Renewal

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of proposed collection.

SUMMARY: As required by the Paperwork Reduction Act of 1995, we are renewing the information collection found in the NPL grazing regulations. The purpose of this data collection is to ensure that grazing regulations are administered for the benefit of the Navajo Nation and individual Navajo tribal members. We invite your comments on this renewal of OMB Control No. 1076–0162.

DATES: Comments on this proposed information collection must be received by December 29, 2006.

ADDRESSES: Send comments to James Orwin, Office of Trust Services, Division of Natural Resources, Mail Stop 4655–MIB, 1849 C Street NW., Washington, DC 20240. Comments may also be faxed to (202) 219–0006. We cannot accept e-mail comments at this time.

FOR FURTHER INFORMATION CONTACT: James R. Orwin, (202) 208–6464.

SUPPLEMENTARY INFORMATION: The collection of information is authorized under Public Law 103–177, the ''American Indian Agricultural Resource Management Act,'' as amended. Tribes, tribal organizations, individual Indians, and those entering into permits with tribes or individual Indians submit information required by the regulation. The information is used by the Bureau of Indian Affairs to determine:

(a) Whether or not a permit for grazing may be approved or granted;

(b) The value of each permit;

(c) The appropriate compensation to landowners; and

(d) Provisions for violations of permit and trespass.

Request for Comments

The Bureau of Indian Affairs requests your comments on this collection concerning:

(a) The necessity of this information collection for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) The accuracy of the agency's estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used;

(c) Ways we could enhance the quality, utility and clarity of the information to be collected; and

(d) Ways we could minimize the burden of the collection of the information on the respondents, such as through the use of automated collection techniques or other forms of information technology.

Please note that an agency may not sponsor or request, and an individual need not respond to, a collection of information unless it has a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section, room 4648, during the hours of 8 a.m. to 4 p.m. EST, Monday through Friday except for legal holidays. If you wish to have your name and/or address withheld, you must state this prominently at the beginning of your comments. We will honor your request according to the requirements of the law. All comments from organizations or their representatives will be available for review. We may withhold comments from review for other reasons.

Information Collection Abstract

OMB Control Number: 1076–0162.

Type of Review: Renewal.

Title: Navajo Partitioned Lands Grazing Permits, 25 CFR 161.

Brief Description of Collection: Information is collected through a grazing permit application. Respondent supplies all information needed to prepare a grazing permit, including: name, address, range unit requested, number of livestock, season of use, livestock owner's brand, kind of livestock, mortgage holder information, ownership of livestock, and requested term of permit.

Respondents: Possible respondents include: Individual tribal members, individual tribal member-owned businesses, tribal governments, and land owners who are seeking a benefit; namely, grazing privileges.

Number of Responses: 3,200 annually.

Estimated Time per Response: 1/3 hour.

Frequency of Response: Annually.

Total Annual Burden to Respondents: 1,227 hours.

Dated: October 20, 2006.

Michael D. Olsen,

Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. E6–18162 Filed 10–27–06; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Request for Comments on Grazing Regulations Information Collection Renewal

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of proposed collection.

SUMMARY: As required by the Paperwork Reduction Act of 1995, we are renewing the information collection found in the general grazing regulations. The purpose of this data collection is to ensure that grazing regulations are administered for the benefit of Indian tribes and individual Indians. We invite your comments on this renewal of OMB Control No. 1076–0157.

DATES: Comments on this proposed information collection must be received by December 29, 2006.

ADDRESSES: Send comments to James Orwin, Office of Trust Services, Division of Natural Resources, Mail Stop 4655, 1849 C Street NW., Washington, DC 20240. Comments may also be faxed to (202) 219–0006. We cannot accept e-mail comments at this time.

FOR FURTHER INFORMATION CONTACT: James R. Orwin, (202) 208–6464.

SUPPLEMENTARY INFORMATION: The collection of information is authorized under Public Law 103–177, the ''American Indian Agricultural Resource Management Act,'' as amended. Tribes, tribal organizations, individual Indians, and those entering into permits with tribes or individual Indians submit information required by the regulation. The information is used by the Bureau of Indian Affairs to determine:

(a) Whether or not a permit for grazing may be approved or granted;

(b) The value of each permit;

(c) The appropriate compensation to landowners; and

(d) Provisions for violations of permit and trespass.

Request for Comments

The Bureau of Indian Affairs requests your comments on this collection concerning:

(a) The necessity of this information collection for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) The accuracy of the agency's estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used;

(c) Ways we could enhance the quality, utility and clarity of the information to be collected; and

(d) Ways we could minimize the burden of the collection of the information on the respondents, such as through the use of automated collection techniques or other forms of information technology.

Please note that an agency may not sponsor or request, and an individual need not respond to, a collection of information unless it has a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section, room 4648, during the hours of 8 a.m. to 4 p.m. EST, Monday through Friday except for legal holidays. If you wish to have your name and/or address withheld, you must state this prominently at the beginning of your comments. We will honor your request according to the requirements of the law. All comments from organizations or their representatives will be available for review. We may withhold comments from review for other reasons.

Information Collection Abstract

OMB Control Number: 1076–0157.
Type of review: Renewal.
Title: Grazing Permits, 25 CFR 166.
Brief description of collection: Information is collected through a grazing permit application. Respondent supplies all information needed to prepare a grazing permit, including: name, address, range unit requested, number of livestock, season of use, livestock owner's brand, kind of livestock, mortgage holder information, ownership of livestock, and requested term of permit.
Respondents: Possible respondents include: Individual tribal members, individual non-Indians, individual tribal member-owned businesses, non-Indian owned businesses, tribal governments, and land owners who are seeking a benefit; namely, grazing privileges.
Number of Responses: 2,570 annually.
Estimated Time per Response: 1/3 hour.
Frequency of Response: Annually.
Total Annual Burden to Respondents: 861 hours.

Dated: October 20, 2006.

Michael D. Olsen,

Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. E6–18171 Filed 10–27–06; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Proclaiming Certain Lands as Reservation for the Snoqualmie Indian Tribe of Washington

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of reservation proclamation.

SUMMARY: This notice informs the public that the Principal Deputy Assistant Secretary—Indian Affairs proclaimed approximately 55.84 acres, more or less, as the Snoqualmie Indian Reservation for the Snoqualmie Tribe of Indians of Washington on October 20, 2006.

FOR FURTHER INFORMATION CONTACT: Ben Burshia, Bureau of Indian Affairs, Division of Real Estate Services, Mail Stop 4639–MIB, 1849 C Street, NW., Washington, DC 20240, telephone (202) 208–7737.

SUPPLEMENTARY INFORMATION: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Principal Deputy Assistant Secretary—Indian Affairs by part 209 of the Departmental Manual.

A proclamation was issued according to the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 467), for the land described below. The land was proclaimed to be the Snoqualmie Indian Reservation for the exclusive use of Indians on that reservation who are entitled to reside at the reservation by enrollment or tribal membership.

Snoqualmie Indian Reservation, King County, Washington

Lot 1, Block 3 of the unrecorded plat of Si-View acre tracts, more particularly described as follows:

Beginning at a point on the south line of the Northwest quarter of Section 31, Township 24 North, Range 8 East, W.M., in King County, Washington, 750.75 feet South 88°51′ll″ West of the southeast corner of said Northwest quarter; thence South 88°51′11″ West 660.36 feet; thence North 3°02′25″ West 308.18 feet; thence North 86°57′35″ East 660.0 feet to the west line of a 60.0 foot street, thence South 3°02′25″ East along said street 330.0 feet to the point of beginning;

Except that Portion of Lot 1, in Block 3 of the unrecorded plat of Si-View acre tracts, in Section 31, Township 24 North, Range 8 East, W.M., in King County, Washington, described as follows: Beginning at the northeast corner of the above described Lot 1; thence South 86°57′35″ West a distance of 311.14 feet along the north boundary of said Lot 1; thence South 3°02′25″ East a distance of 140.00 feet; thence North 86°57′35″ East a distance of 311.14 feet to the east boundary line of said Lot 1; thence North 3°02′25″ West a distance of 140.00 feet along the east boundary of said Lot 1 to the point of beginning.

and

All of Government Lot 3 and that portion of Government Lot 4, lying northerly of the north margin of SR 90 (State Highway Number 2); Section 31, Township 24 N., Range 8 East, W.M., King County, Washington.

Containing a total of 55.840 acres more or less.

The above-described lands contain a total of 55.840 acres, more or less, which are subject to all valid rights, reservations, rights-of-way, and easements of record.

This proclamation does not affect title to the land described above, nor does it affect any valid existing easements for public roads and highways, public utilities and for railroads and pipelines and any other rights-of-way or reservations of record.

Dated: October 20, 2006.

Michael D. Olsen,

Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. E6–18184 Filed 10–27–06; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Notice of Intent To Prepare an Amendment to the California Desert Conservation Area (CDCA) Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: This document provides notice that the BLM intends to amend the motorized vehicle route network designations in the CDCA Plan area. The affected area is located in Mono County, California. This designation encompasses approximately 3.7 miles of the existing Furnace Creek Canyon Road, leading up to the Inyo National Forest boundary. The proposed land use plan amendment and associated Environmental Assessment (EA) will consider whether or not to designate this 3.7 mile section of road as an approved route of travel for vehicular access for casual public use. The Land Use Plan amendment and EA will fulfill the requirements set forth in the National Environmental Policy Act (NEPA), the Federal Land Policy and Management Act (FLPMA), BLM planning regulations, and other BLM management policies.

DATES: This notice initiates the public comment period on this plan amendment and associated EA. Comments on issues related to the proposed Furnace Creek Canyon Road designation can be submitted in writing to the address listed below and will be accepted for 30 days from the date of publication of this notice.

ADDRESSES: Submit comments by sending them in writing to the address below or electronically at the Web address below. Individual respondents may request confidentiality. If you wish to withhold your name and/or address from public review or disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. The BLM will honor such requests to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, are

available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Hector Villabos, Field Office Manager, Bureau of Land Management, Ridgecrest Field Office, 300 South Richmond Road, Ridgecrest CA 93555, (760) 384–5400.

SUPPLEMENTARY INFORMATION: The land use plan amendment is needed to complete the motorized vehicle access and travel management planning initiated under the CDCA Plan and subsequent amendments for the Northern and Eastern Mojave Desert (NEMO) area. In its May 2004 NEMO Route Designation Amendment, the BLM committed to addressing the Furnace Creek Canyon Road in a ''separate planning process.''

In June 2004, Ridgecrest BLM and the Inyo National Forest entered into a Memorandum of Understanding to develop an EA to analyze potential impacts of opening the Furnace Creek Canyon Road to vehicular traffic. As part of the public involvement process, the agencies conducted two meetings (November 6, 2003, in Bishop, California and December 10, 2003, in Dyer, Nevada) and a field trip (October 23, 2003) to solicit comment on the proposed action. Two additional meetings (June 24, 2004, in Bishop, California and June 26, 2004, in Fish Lake Valley, Nevada) and a field trip (June 26, 2004) were held to gather additional scoping comments.

Initial scoping for the EA generated nearly 500 comments. Attendance at the June public meetings was relatively high—over 115 people attended the June 24 meeting in Bishop, while nearly 50 people attended the June 26 meeting in Fish Lake Valley.

The Furnace Creek Road EA, EA–650–2005–121, was released for a 30-day public comment period on January 15, 2005.

Two additional public meetings were held (February 2, 2005, in Bishop, CA and February 3, 2005, in Fish Lake Valley, NV). Approximately 4,500 public comments were received on the EA.

The EA was updated to reflect the public comment received on the project. This Notice of Intent serves as notification to the public that the EA is still available for review and comment at *http://www.ca.blm.gov/ridgecrest/*.

BLM will incorporate the results of the previous public meetings and public participation in the joint BLM/Forest Service Environmental Assessment published April 24, 2006, in this amendment. The public may submit additional comments at this time or change comments already submitted.

Hector A. Villalobos,

Ridgecrest Field Manager.

[FR Doc. E6–18156 Filed 10–27–06; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–931–1430–ET; AZA–33316 et al.]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Forest Service has filed applications requesting the Secretary of the Interior to withdraw 3,130.64 acres of National Forest System lands from mining to protect the resources and future Federal investments in the Coronado National Forest, Arizona. This notice segregates the lands for up to 2 years from location and entry under the United States mining laws. The lands will remain open to all other uses which may by law be authorized on National Forest System lands.

DATES: Comments must be received by no later than January 29, 2007.

ADDRESSES: Comments and meeting requests should be sent to the Bureau of Land Management, One North Central Avenue, Suite 800, Phoenix, Arizona 85004, and to the Forest Supervisor, Coronado National Forest, 300 West Congress, Tucson, Arizona 85701.

FOR FURTHER INFORMATION CONTACT: George McKay, Coronado National Forest, at the above address or at (520) 388–8423.

SUPPLEMENTARY INFORMATION: The United States Forest Service has filed applications with the Bureau of Land Management, pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714, to withdraw for 20 years the following described National Forest System lands within the Coronado National Forest from location and entry under the United States mining laws, subject to valid existing rights:

Gila and Salt River Base and Meridian

Guidani Basin (AZA 33316)

T. 18 S., R. 19 E.,
Secs. 21 and 22;
Sec. 23, lots 2 and 3, W½W½ and SE¼SW¼;
Sec. 24, lots 3 and 4;
Sec. 25, W½;
Sec. 26, N½ and N½N½S½;
Sec. 27, NE¼, N½NW¼, N½SE¼NW¼, and NE¼SE¼.

The area described contains 2595.64 acres, more or less, in Cochise County.

Gordon Hirabayashi Recreation and Historic Site (AZA 33318)

T. 12 S., R. 16 E.,
Sec. 33, SW¼SW¼.
T. 13 S., R. 16 E., sec. 4, NW¼NW¼.

The area described contains 80 acres, more or less, in Pima County.

Fish Canyon Camp Historic Site (AZA 33361)

T. 19 S., R. 16 E.,
Sec. 31, S½NE¼SW¼, and N½SE¼SW¼.

The area described contains 40 acres, more or less, in Pima County.

Elgin Research Natural Area (AZA 33317)

T. 21 S., R. 18 E.,
Sec. 26, W½W½E½NE¼, W½NE¼, E½NW¼, E½SW¼, E½SE¼SW¼SW¼, W½W½NE¼SE¼, and W½SE¼.

The area described contains 355 acres, more or less, in Santa Cruz County.

Alto Post Office Historic Site (AZA 33329)

T. 21 S., R. 14 E.,
Sec. 11, W½SE¼NE¼, LESS AND EXCEPTING all that portion of Mineral Survey No. 2154A.

The area described contains 20 acres, more or less, in Santa Cruz County.

Brown Canyon Ranch Historic Site (AZA 33330)

T. 22 S., R. 18 E.,
Sec. 34, NW¼SE¼.

The area described contains 40 acres, more or less, in Santa Cruz County.

The use of a right-of-way, an interagency agreement, or a cooperative agreement would not adequately constrain nondiscretionary mining locations and related uses which could irrevocably damage the areas and threaten public health and safety and Federal investments.

There are no suitable alternative sites that can be considered because the lands contain the specific resources, values or Federal improvements described in the applications.

No water rights will be needed to fulfill the purpose of this withdrawal.

Preliminary mineral potential evaluations found the lands in Guidani Basin (AZA 33316), Fish Canyon Camp Historic Site (AZA 33361) and Alto Post Office Historic Site (AZA 33329) to have moderate potential for locatable minerals. All of the other above-described areas were found to have low potential for locatable minerals.

The purpose of the proposed withdrawal would be to protect the

unique natural resources, historical and cultural values, and Federal improvements.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Forest Supervisor of the Coronado National Forest.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request, by the date specified above, to the Bureau of Land Management and to the Forest Supervisor, Coronado National Forest, at the addresses specified above. Upon determination by the authorized officer, Bureau of Land Management, that a public meeting will be held, a notice of time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The applications will be processed in accordance with the regulations set forth in 43 CFR part 2300.

Comments, including names and street addresses of respondents, will be available for public review at the Coronado National Forest, 300 West Congress, Tucson, Arizona 85701 during regular business hours, 8 a.m. to 4 p.m., Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

On October 30, 2006 the above-described lands will be segregated from location and entry under the United States mining laws. The segregative effect of each application shall terminate upon denial or cancellation of the applications; approval of the applications; or October 30, 2008, whichever occurs first.

Records relating to the applications can be examined by interested persons at the Bureau of Land Management, One North Central Avenue, Suite 800, Phoenix, Arizona, during regular business hours, 9 a.m. to 4 p.m., Monday through Friday.

(Authority: 43 CFR 2310.3–1(a))

Dated: September 20, 2006.

Michael A. Taylor,

Deputy State Director, Resources.

[FR Doc. E6–18152 Filed 10–27–06; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–050–5853-ES; N–76721]

Notice of Realty Action; Recreation and Public Purposes Act Classification of Public Lands in Clark County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) has examined and found suitable for classification for lease and subsequent conveyance under the provisions of the Recreation and Public Purposes (R&PP) Act (43 U.S.C. 869 *et seq.*), as amended, approximately 5 acres of public land in Clark County, Nevada. The City of Las Vegas (City) proposes to use the land as a Las Vegas Metropolitan Police Substation and related facilities.

DATES: Interested parties may submit written comments regarding the proposed lease/conveyance or classification of the lands until December 14, 2006.

ADDRESSES: Send written comments to the Field Manager, Las Vegas Field Office, Bureau of Land Management, 4701 N. Torrey Pines Drive, Las Vegas, Nevada 89130–2301.

FOR FURTHER INFORMATION CONTACT: Rebecca L. Rury, Realty Specialist, Las Vegas Field Office, Bureau of Land Management, (702) 515–5087.

SUPPLEMENTARY INFORMATION: The City filed an R&PP Act application for 5 acres of public land to be developed as a Las Vegas Metropolitan Police Substation and related facilities. These related facilities include a substation building facility, (offices, kitchen, restrooms, utility/storage rooms, generator pad, and mechanical yard), ancillary equipment, separated paved parking areas for police and citizens, landscaped areas, lighting and utilities, and off-site improvements (boundary streets, utilities, street lighting, and sidewalks). The parcel of public land located on the southeast portion of the Las Vegas Metropolitan area is described below:

Mount Diablo Meridian, Nevada

T. 21 S., R. 60 E.,
Sec. 9, E½NE¼SW¼NW¼.

The area described contains 5 acres, more or less, in Clark County.

The land is not required for any Federal purpose. The lease/conveyance is consistent with the BLM Las Vegas Resource Management Plan dated October 5, 1998, and would be in the public interest. The lease/conveyance, when issued, will be subject to the provisions of the R&PP Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A reservation of a right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

The lease/conveyance will be subject to:

1. Valid existing rights of record, including, but not limited to those documented on the BLM public land records at the time of lease issuance.

Detailed information concerning this action is available for review in the office of the BLM, Las Vegas Field Office at the address listed above.

On October 30, 2006, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the R&PP Act, leasing under the mineral leasing laws and disposals under the mineral material disposal laws.

Classification Comments: Interested parties may submit comments involving the suitability of the land for a Las Vegas Metropolitan Police Substation and related facilities. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not

directly related to the suitability of the land for a Las Vegas Metropolitan Police Substation and related facilities. Comments received during this process, including the respondent's name, address, and other contact information will be available for public review. Individual respondents may request confidentiality. If you wish to request that BLM consider withholding your name, address, and other contact information from public review or disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comment. The BLM will honor requests for confidentiality on a case-by-case basis to the extent allowed by law. The BLM will make available for public review, in their entirety, all comments submitted by businesses or organizations, including comments by individuals in their capacity as an official or representative of a business or organization. Any adverse comments will be reviewed by the BLM, Nevada State Director who may sustain, vacate, or modify this realty action.

In the absence of any adverse comments, the classification will become effective on December 29, 2006. The land will not be available for lease and subsequent conveyance until after the classification becomes effective.

(Authority: 43 CFR 2741)

Sharon DiPinto,

Assistant Field Manager, Division of Lands, Las Vegas, NV.

[FR Doc. E6–18078 Filed 10–27–06; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

National Park Service

Avalanche Hazard Reduction by Burlington Northern Santa Fe Railroad in Glacier National Park and Flathead National Forest Montana Draft Environmental Impact Statement, Glacier National Park, Montana

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of availability of the Draft Environmental Impact Statement for the Avalanche Hazard Reduction by Burlington Northern Santa Fe Railroad in Glacier National Park and Flathead National Forest Montana Glacier National Park, Montana.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), the National Park Service announces the availability of a Draft Environmental Impact Statement for the Avalanche Hazard Reduction by Burlington Northern Santa Fe Railroad in Glacier National Park and Flathead National Forest Montana Draft Environmental Impact Statement, Glacier National Park, Montana.

DATES: The National Park Service will accept comments on the Draft Environmental Impact Statement from the public for 60 days from the date the Environmental Protection Agency publishes the Notice of Availability. No public meetings are scheduled at this time.

ADDRESSES: Information will be available for public review and comment online at *http://parkplanning.nps.gov*, in the office of the Superintendent, Mick Holm, Glacier National Park Headquarters, West Glacier, Montana, 406–888–7901 and Hudson Bay District Offices, Glacier National Park, St. Mary, Montana, 406–732–7700.

FOR FURTHER INFORMATION CONTACT: Mary Riddle, Glacier National Park, West Glacier, MT 59936, 406–888–7898, *mary_riddle@nps.gov.*

SUPPLEMENTARY INFORMATION: If you wish to comment, you may submit your comments by any one of several methods. You may mail comments to Glacier National Park, Attention Avalanche Hazard DEIS, West Glacier, MT 59936. You may also comment via the Internet at *http://parkplanning.nps.gov*. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly at 406–888–7902. Finally, you may hand-deliver comments to Glacier National Park, Headquarters, Going-to-the Sun Road, West Glacier, MT. Our practice is to make comments, including names, home addresses, home phone numbers, and email addresses of respondents, available for public review. Individual respondents may request that we withhold their names and/or home addresses, etc., but if you wish us to consider withholding this information you must state this prominently at the beginning of your comments. In addition, you must present a rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released.

We will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives of or officials of organizations or businesses, available for public inspection in their entirety.

Dated: September 18, 2006.

Anthony J. Schetzsle,

Acting Director, Intermountain Region, National Park Service.

[FR Doc. E6–18208 Filed 10–27–06; 8:45 am]

BILLING CODE 4310–9Y–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent To Prepare a Draft Environmental Impact Statement for the General Management Plan for Kings Mountain National Military Park, Blacksburg, SC

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, requirements of the National Parks and Recreation Act of 1978, Public Law 95–625, and National Park Service Policy in Director's Order Number 2 (Park Planning) and Director's Order Number 12 (Conservation Planning, Environmental Impact Analysis, and Decision-making) the National Park Service (NPS) will prepare an Environmental Impact Statement for the General Management Plan (EIS/GMP) for Kings Mountain National Military Park (KIMO) located near Blacksburg, South Carolina. The authority for publishing this notice is contained in 40 CFR 1501.7. The statement will assess potential environmental impacts associated with various types and levels of visitor use and resources management within KIMO.

The NPS is currently accepting comments from interested parties on issues, concerns, and suggestions pertinent to the management of KIMO. Suggestions and ideas for managing the cultural and natural resources and visitor experiences at KIMO are encouraged. Comments may be submitted in writing to the address listed at the end of this notice or through the NPS Planning, Environment, and Public Comment (PEPC) Web site, which is linked to the park's Web site at *http://www.nps.gov/kimo.*

The NPS will publish periodic newsletters on the PEPC Web site to present scoping issues and preliminary management concepts to the public as they are developed. Public meetings to present draft management concepts will be conducted in the local area. Specific locations, dates, and times will be announced in local media and on the PEPC Web site.

If you wish to comment, you may submit your comments by any one of several methods. You may mail comments to Superintendent, Kings Mountain National Military Park, 2625 Park Road, Blacksburg, South Carolina 20702, telephone: 864–936–7921. You may also comment via the Internet to *http://parkplanning.nps.gov/parkHome.cfm?parkId=390.* Please submit internet comments as a plain text file, avoiding the use of special characters and any form of encryption. If you do not receive a confirmation from the system that we have received your internet message, contact us directly at 404–562–3124, extension 685. Finally, you may hand-deliver comments to Kings Mountain National Military Park, 2625 Park Road, Blacksburg, South Carolina 20702.

Our practice is to make comments, including names, home addresses, home phone numbers, and e-mail addresses of respondents, available for public review. Individual respondents may request that we withhold their names and/or home addresses, etc., but if you wish us to consider withholding this information you must state this prominently at the beginning of your comments. In addition, you must present a rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released. We will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives of or officials of organizations or businesses, available for public inspection in their entirety.

DATES: Locations, dates, and times of public meetings will be published in local newspapers and may also be obtained by contacting the NPS Southeast Regional Office, Division of Planning and Compliance. This information will also be published on the GMP Web site for KIMO.

ADDRESSES: Scoping suggestions should be submitted to the following addresses to ensure adequate consideration by the NPS: Superintendent, Kings Mountain National Military Park, 2625 Park Road, Blacksburg, South Carolina, Telephone: 864–936–7921.

FOR FURTHER INFORMATION CONTACT: Superintendent, Kings Mountain National Military Park, 2625 Park Road, Blacksburg, South Carolina, telephone: 864–936–7921.

SUPPLEMENTARY INFORMATION: The Draft and Final GMP/EIS will be made available to all known interested parties and appropriate agencies. Full public participation by Federal, State, and local agencies as well as other concerned organizations and private citizens is invited throughout the preparation process of this document.

The responsible official for this Environmental Impact Statement is the Regional Director for the Southeast Region, Patricia A. Hooks.

Dated: September 11, 2006.

Patricia A. Hooks,

Regional Director, Southeast Region.

[FR Doc. 06–8951 Filed 10–27–06; 8:45 am]

BILLING CODE 4310–A3–M

DEPARTMENT OF THE INTERIOR

National Park Service

Environmental Impact Statement/General Management Plan; Ross Lake National Recreation Area, North Cascades National Park Complex, Skagit and Whatcom Counties, WA; Notice of Intent To Prepare an Environmental Impact Statement

Summary: In accord with § 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.), the National Park Service is undertaking a conservation planning and environmental impact analysis process for updating the General Management Plan (General Management Plan) for the Ross Lake National Recreation Area, in northwestern Washington. Ross Lake National Recreation Area is administratively managed as part of the North Cascades National Park Service Complex; however, this GMP will specifically address the Ross Lake unit of the part complex. An Environmental Impact Statement (EIS) will be prepared concurrently with the GMP. The GMP is intended to set forth the basic management philosophy for this unit of the National Park System and provide the strategies for addressing issues and achieving identified management objectives for that unit. Thus, the GMP will serve as a blueprint to guide management of natural and cultural resources and visitor use during the next 15–20 years. One or more Development Concept Plans, which guide more detailed, site-specific preservation and development actions, may be included with the GMP.

Consistent with NPS Planning Program Standards, the update GMP will: (1) Describe the Ross Lake National Recreation Area's (Ross Lake NRA) purpose, significance, and primary interpretive themes; (2) identify the fundamental resources and values of Ross Lake NRA, its other important resources and values, and describe the condition of these resources; (3) describe desired conditions for cultural and natural resources and visitor experiences throughout the Ross Lake NRA; (4) develop management zoning to support these desired conditions; (5) develop alternative applications of these management zones to the Ross Lake NRA's landscape (*i.e.*, zoning alternatives); (6) address user capacity; (7) analyze potential boundary modifications; (8) ensure that management recommendations are developed in conclusion with interested stakeholders and the public and adopted by NPS after a thorough analysis of the benefits, potential environmental consequences, and economic costs of alternative courses of action; (9) develop cost estimates implementing each of the alternatives; and (10) identify and prioritize subsequent detailed studies, plans and actions that may be needed to implement the updated GMP.

Scoping Process: A comprehensive scoping outreach effort is planned so as to elicit early public comment regarding issues and concerns, the nature and extent of potential environmental impacts (and as appropriate, mitigation measures), and possible alternatives that should be addressed in the preparing of the Draft EIS and proposed update to the GMP. Through the various scoping outreach activities planned, the NPS welcomes information and suggestions from the public regarding resource protection, visitor use, and land management. This notice formally initiates the public scoping comment phase for the EIS process. All written scoping comments must be postmarked not later than December 30, 2006. All comments should be addressed to: General Management Plan, Ross Lake National Recreation Area, Attn: Bill Paleck, Superintendent, North Cascades National Park Service Complex, 810 State Route 20, Sedro-Woolley, WA 92884–1289. At this time, it is expected that public workshops will be hosted in towns near Ross Lake NRA, and the metropolitan area of Seattle, Washington the week of October 16, 2006, and the week of October 23, 2006. Detailed information regarding these meetings will be posted on the GMP Web site (*http://parkplanning.nps.gov/rola*). All participants will be given the opportunity to ask questions and provide comments to the planning team. The GMP Web site will provide the most up-to-date information regarding

the project, including project description, planning process updates, meeting notices, reports and documents, and useful links associated with the project; direct mailings will also be made periodically.

Please note that our practice is to make comments, including names, home addresses, home phone numbers, and e-mail addresses of respondents, available for public review. Individual respondents may request that we withhold their names and/or home addresses, etc., but if you wish us to consider withholding this information you must state this prominently at the beginning of your comments. In addition, you must present a rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released. We will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives of or officials of organizations or businesses, available for public inspection in their entirety.

Supplementary Information: As noted above, Ross Lake NRA is managed as one unit of the North Cascades National Park Complex (North Cascades), which also includes North Cascades National Park (north and south units), and Lake Chelan National Recreation Area (which adjoins the park on the south). North Cascades is located deep in the northernmost reaches of the Cascades Range in Washington State and borders British Columbia, Canada.

Management guidance for Ross Lake NRA was included in the North Cascades GMP (now 18 years old) and has become inadequate to address the policy and operational issues now facing park management for Ross Lake NRA. Since the completion of the North Cascades GMP, many changes have occurred that affect NRA management. Seattle City Light's three dam facilities have been re-licensed by the Federal Energy Regulatory Commission (FERC). The mitigation package approved as part of the relicensing agreement included several large-scale changes and improvements for Ross Lake NRA that were not included or fully envisioned in the 1988 North Cascades GMP. It is timely to update the GMP to address these large scale changes that are occurring in Ross Lake NRA and to address resource protection, visitor use, and management issues surrounding these enhancements.

Additionally, Ross Lake NRA also faces other broad natural and cultural resource protection issues—these include bioregional management strategies for grizzly bear recovery, control of invasive species, local climate change effects, changing lake levels, air quality, archeology, and American Indian traditional uses. Complementary management strategies will be pursued for these resource challenges.

Visitor use within Ross Lake NRA has diversified and significantly increased since the 1988 North Cascades GMP, due in part to the enhanced recreational facilities. Boating on Diablo and Ross Lakes has intensified. Use of Washington State's North Cascades Highway 20 (which bisects approximately 25 miles of Ross Lake NRA) has increased dramatically and is the most popular motorcycle touring route in the region. The GMP update is needed to adequately provide management guidance for visitor use, boats, and motor vehicles within the Ross Lake NRA and address carrying capacity for visitor experience and resource protection.

Following the completion of the 1988 North Cascades GMP, the Stephen Mather Wilderness within the North Cascades National Park Complex was designated by Congress in November 1988. This act brought 93% of the park complex under the provisions of the 1964 Wilderness Act, and 69% of Ross Lake NRA is designated wilderness (4% is designated potential wilderness). The new GMP is needed to adequately update zoning for the management of wilderness lands within Ross Lake NRA, and will ratify the current management contained in the Wilderness Management Plan.

Trans-boundary ecosystem and recreation management is also a significant issue for Ross Lake NRA, which borders British Columbia provincial parks for five miles along its northern border. Hozomeen, at the US-Canada border, is the most developed access point onto Ross Lake. Ross Lake NRA is within a large extended watershed that begins in Canada, continues through the North Cascades and lower river valley, and then drains into the Pacific Ocean. An effort by Skagit Environmental Endowment Commission (SEE), an endowed organization established by international treaty, is underway to manage the upper Skagit watershed more holistically between Canada and the United States. The new GMP will address trans-boundary resource management issues as well as partnership opportunities with U.S. and Canadian entities. In addition, SEE has provided funding to the province of British Columbia to complete a managment plan for its provincial park units adjacent to Ross Lake NRA and within the upper Skagit watershed.

Decision Process: Following the scoping phase and consideration of public concerns and other agency comments, a Draft EIS and proposed GMP will be prepared and released for public review. Availability of the forthcoming Draft EIS for public review and written comment will be formally announced with publication of a Notice of Availability in the **Federal Register**, as well as through local and regional news media, direct mailings, and via Web site postings. Following due consideration of all agency and public comment, a Final EIS will be prepared; it is anticipated that the final GMP proposal will be available in September 2009. As a delegated EIS, the official responsible for the decision on the proposed GMP is the Regional Director, Pacific West Region, National Park Service. Subsequently, the official responsible for implementation of the approved GMP would be the Superintendent, North Cascades National Park Service Complex.

Dated: September 14, 2006.

Patricia L. Neubacher,

Acting Regional Director, Pacific West Region.

[FR Doc. 06–8949 Filed 10–27–06; 8:45 am]

BILLING CODE 4312–GX–M

DEPARTMENT OF THE INTERIOR

National Park Service

Final Environmental Impact Statement/General Management Plan, Minidoka Internment National Monument, Jerome County, ID; Notice of Approval of Record of Decision

Summary: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91–190, as amended) and the implementing regulation promulgated by the Council on Environmental Quality (40 CFR 1505.2), the Department of the Interior, National Park Service has prepared, and the Regional Director, Pacific West Region has approved, the Record of Decision for the General Management Plan for Minidoka Internment National Monument. The formal no-action period was officially initiated July 28, 2006, with the U.S. Environmental Protection Agency's **Federal Register** notification of the filing of the Final Environmental Impact Statement (EIS).

Decision: As soon as practicable the monument will begin to implement as its new General Management Plan the

Preferred Alternative (Alternative C) contained in the Draft and Final EIS. The selected plan features a deliberate, long-term strategy emphasizing on-site education and interpretation and the extensive treatment and use of cultural resources in telling the Minidoka story. A range or preservation techniques to protect and enhance historic resources will be employed, including delineation; stabilization, restoration, or rehabilitation; and limited reconstruction. A complete barracks block exhibit in its original location will be established. A visitor contact facility area will be developed by adaptively reusing existing historic buildings; there will be minimal new development. As document in the EIS, this course of action was also deemed to be the ''environmentally preferred'' alternative. The proposed plan and three alternatives were identified and analyzed in the Final EIS, and previously in the Draft EIS (the latter was distributed in June 2005). The full spectrum of foreseeable environmental consequences was assessed, and appropriation mitigation measures identified, for each alternative. Beginning with early scoping, through the preparation of the Draft and Final EIS, scores of public meetings were conducted and over 2000 interested individuals participated overall. Approximately 375 written comments were received during the scoping phase or in response to the Draft EIS (given the minor nature of comments received on the Draft EIS, an abbreviated format was used for the Final EIS). Key consultations or other contacts that aided in preparing the EIS involved (but were not limited to) the Jerome County Office of Planning and Zoning, Jerome County Historical Society, State Historic Preservation Offices in Idaho, Oregon, and Washington, the Advisory Council on Historic Preservation, U.S. Fish and Wildlife Service, native American Tribes, Japanese American Citizens League, South Central Idaho Tourism Association, and adjoining land managing agencies. Local communities, county and city officials, and interested organizations were contacted extensively during initial scoping and throughout the GMP planning process.

Copies: Interested parties desiring to review the Record of Decision may obtain a complete copy by contacting the Superintendent, Minidoka Internment National Monument, P.O. Box 570, Hagerman, Idaho 83332–0570; or via telephone request at (208) 837–4793.

Dated: September 6, 2006.

Jonathan B. Jarvis,

Regional Director, Pacific West Region.

[FR Doc. 06–8952 Filed 10–27–06; 8:45 am]

BILLING CODE 4312–DC–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection for 1029–0047 and 1029–0080

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing its intention to request renewed authority for two collections of information: 30 CFR parts 816 and 817 relating to the permanent program performance standards—surface mining activities and underground mining activities, and 30 CFR part 850 authorizing State regulatory authorities to develop blaster certification programs. These information collection activities were previously approved by the Office of Management and Budget (OMB), and assigned clearance numbers 1029–0047 and 1029–0080, respectively.

DATES: Comments on the proposed information collection must be received by December 29, 2006, to be assured of consideration.

ADDRESSES: Comments may be mailed to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW., Room 202—SIB, Washington, DC 20240. Comments may also be submitted electronically to *jtrelease@osmre.gov*.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection requests, explanatory information and related forms, contact John A. Trelease, at (202) 208–2783.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR part 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. This notice identifies information collections that OSM will be submitting to OMB for approval. These collections are contained in 30 CFR parts 816 and 817—Permanent Program Performance Standards—Surface and Underground Mining Activities, and 30 CFR part 850, Permanent Regulatory Program Requirements—Standards for Certification of Blasters. OSM will request a 3-year term of approval for each information collection activity.

Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany OSM's submission of the information collection request to OMB.

The following information is provided for each information collection: (1) Title of the information collection; (2) OMB control number; (3) summary of the information collection activity; and (4) frequency of collection, description of the respondents, estimated total annual responses, and the total annual reporting and recordkeeping burden for the collection of information.

Title: Permanent Program Performance Standards—Surface and Underground Mining Activities, 30 CFR Parts 816 and 817.

OMB Control Number: 1029–0047.

Summary: Section 515 and 516 of the Surface Mining Control and Reclamation Act of 1977 provides that permittees conducting coal mining operations shall meet all applicable performance standards of the Act. The information collected is used by the regulatory authority in monitoring and inspecting surface coal mining activities to ensure that they are conducted in compliance with the requirements of the Act.

Bureau Form Number: None.

Frequency of Collection: Once, on occasion, quarterly and annually.

Description of Respondents: Coal mining operators and State regulatory authorities.

Total Annual Responses: 326,027.

Total Annual Burden Hours: 1,432,142.

Total Annual Burden Cost: $323,096.

Title: Permanent Regulatory Program Requirements—Standards for Certification of Blasters, 30 CFR Part 850.

OMB Control Number: 1029–0080.

Summary: This part establishes the requirements and procedures applicable to the development of regulatory programs for the training, examination, and certification of persons engaging in

or directly responsible for the use of explosives in surface coal mining operations.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: State regulatory authorities.

Total Annual Responses: 1.

Total Annual Burden Hours: 173.

Dated: October 23, 2006.

John R. Craynon,

Chief, Division of Regulatory Support.

[FR Doc. 06–8955 Filed 10–27–06; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 018–2006]

Privacy Act of 1974; System of Records

Pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, notice is given that the Department of Justice proposes to modify all of its systems of records, as identified in the list below.

The Department has modified all of its systems of records to include a new routine use that allows disclosure to appropriate persons and entities for purposes of response and remedial efforts in the event that there has been a breach of the data contained in the systems. This routine use will facilitate an effective response to a confirmed or suspected breach by allowing for disclosure to those individuals affected by the breach, as well as to others who are in a position to assist in the Department's response efforts, either by assisting in notification to affected individuals or otherwise playing a role in preventing, minimizing, or remedying harms from the breach.

In accordance with 5 U.S.C. 552a(e)(4) and (11), the public is given a 30-day period in which to comment; and the Office of Management and Budget (OMB), which has oversight responsibility under the Privacy Act, requires a 40-day period in which to conclude its review of the systems. Therefore, please submit any comments by December 11, 2006. The public, OMB, and the Congress are invited to submit any comments to Mary E. Cahill, Management and Planning Staff, Justice Management Division, United States Department of Justice, Washington, DC 20530–0001 (Room 1400, National Place Building).

A description of the modification to the Department's systems of records is provided below. In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and the Congress.

Dated: October 24, 2006.

Lee J. Lofthus,

Acting Assistant Attorney General for Administration.

[Please insert the following table header and list of **Federal Register** publications and citations.]

Department of Justice Privacy Act notices and citations follow. An asterisk (*) designates the last publication of the complete document in the **Federal Register**.

DOJ–001	Accounting Systems for the Department of Justice	06–03–04 *	69 FR 31406 *
		01–03–06	71 FR 142
DOJ–002	DOJ Computer Systems Activity & Access Records	12–30–99	64 FR 73585
DOJ–003	Correspondence Management Systems for the Department of Justice; Corrections.	06–04–01 *	66 FR 29992 *
		06–29–01	66 FR 34743
		10–25–02	67 FR 65598
DOJ–004	Freedom of Information Act, Privacy Act, and Mandatory Declassification Review Requests and Administrative Appeals; Corrections.	06–04–01 *	66 FR 29994 *
		06–29–01	66 FR 34743
DOJ–005	Nationwide Joint Automated Booking System (JABS)	09–07–06	71 FR 52821
DOJ–006	Personnel Investigation and Security Clearance Records for the Department of Justice.	09–24–02 *	67 FR 59864 *
		11–10–04	69 FR 65224
DOJ–007	Reasonable Accommodations for the Department of Justice	05–16–02	67 FR 34955
DOJ–008	Department of Justice Grievance Records	10–29–03 *	68 FR 61696 *
		08–04–04	69 FR 47179
DOJ–009	Emergency Contact Systems for the Department of Justice	01–12–04	69 FR 1762
DOJ–010	Leave Sharing Systems	04–26–04 *	69 FR 22557 *
		08–04–04	69 FR 47179
DOJ–011	Access Control System (ACS)	12–03–04	69 FR 70279
DOJ–012	Department of Justice Regional Data Exchange System (RDEX)	07–11–05 *	70 FR 39790 *
		12–02–05	70 FR 72315
ASG–001	General Files System of the Office of the Associate Attorney General	04–27–04	69 FR 22872
ATF–001	Administrative Record System	01–24–03	68 FR 3551, 52
ATF–003	Criminal Investigation Report System	01–24–03	68 FR 3551, 53
ATF–006	Internal Security Record System	01–24–03	68 FR 3551, 55
ATF–007	Personnel Record System	01–24–03	68 FR 3551, 56
ATF–008	Regulatory Enforcement Record System	01–24–03	68 FR 3551, 58
ATF–009	Technical and Scientific Services Record System	01–24–03	68 FR 3551, 60
ATF–010	Training and Professional Development Record System	01–24–03	68 FR 3551, 62
ATR–001	Antitrust Division Expert Witness File	10–13–89	54 FR 42061
ATR–003	Index of Defendants in Pending and Terminated Antitrust Cases	10–10–95	60 FR 52690
ATR–004	Statements by Antitrust Division Officials (ATD Speech File)	10–10–95	60 FR 52691
ATR–005	Antitrust Management Information System (AMIS)—Time Reporter	10–17–88	53 FR 40502
ATR–006	Antitrust Management Information System (AMIS)—Monthly Report	02–20–98 *	63 FR 8659 *
		03–29–01	66 FR 17200
ATR–007	Antitrust Division Case Cards	10–10–95	60 FR 52692
ATR–008	Public Complaints and Inquiries File	11–17–80	45 FR 75902
ATR–009	Consumer Inquiry Index	09–30–77	42 FR 53396
ATR–014	Civil Investigative Demand (CID) Tracking System	10–10–95	60 FR 52694
BIA–001	Decisions of the Board of Immigration Appeals	02–04–83	48 FR 5331
BIA–002	Roster of Organizations and their Accredited Representatives Recognized by the Board of Immigration Appeals.	11–17–80	45 FR 75908
BOP–001	Prison Security and Intelligence Record System	06–18–02	67 FR 41449
BOP–004	Inmate Administrative Remedy Record System	09–09–02	67 FR 57244
BOP–005	Inmate Central Records System	05–09–02	67 FR 31371

BOP–006	Inmate Trust Fund Accounts and Commissary Record System	03–15–02	67 FR 11711
BOP–007	Inmate Physical and Mental Health Record System	03–15–02	67 FR 11712
BOP–008	Inmate Safety and Accident Compensation Record System	06–18–02	67 FR 41452
BOP–009	Administrative Claims Record System	06–18–02	67 FR 41453
BOP–010	Access Control Entry/Exit System	04–08–02	67 FR 16760
BOP–011	Telephone Activity Record System	04–08–02 *	67 FR 16762 *
		02–24–06	71 FR 9606
BOP–012	Office of Internal Affairs Investigative Records	02–28–02	67 FR 9321
BOP–013	Inmate Electronic Message Record System	11–06–05	70 FR 69594
BOP–014	Employee Assistance Program (EAP) Record System	07–31–00	65 FR 46739
BOP–015	Outside Employment Requests Records System	04–08–02	67 FR 16763
BOP–101	The National Institute of Corrections Technical Resource Provider Record System.	03–02–00	65 FR 11342
BOP–103	National Institute of Corrections Academy Record System	12–16–99	64 FR 70286
BOP–104	National Institute of Corrections Mailing List & Information Center Contacts Records System.	12–16–99	64 FR 70287
CIV–001	Civil Division Case File System	02–20–98 *	63 FR 8659 *
		03–29–01	66 FR 17200
		07–12–01	66 FR 36593
CIV–002	Civil Division Case File System: Customs Litigation	01–10–80	45 FR 2217
CIV–003	Office of Alien Property File System	09–30–77	42 FR 53324
CIV–004	Swine Flu Administrative Claim File System	09–28–78	43 FR 44708
CIV–005	Annuity Brokers List System	04–09–03	68 FR 17401
CIV–006	Consumer/Inquiry Investigatory System	10–17–88	53 FR 40506
CIV–008	September 11th Victim Compensation Fund of 2001 File System	12–21–01	66 FR 65991
COPS–001	Police Corps System	01–08–97	62 FR 1131
CRM–001	Central Criminal Division Index File and Associated Records	02–20–98 *	63 FR 8659 *
		03–29–01	66 FR 17200
CRM–002	Criminal Division Witness Security File	12–11–87	52 FR 47186
CRM–003	File of Names Checked to Determine if those Individuals Have Been the Subject of an Electronic Surveillance.	12–11–87	52 FR 47187
CRM–004	General Crimes Section, Criminal Division, Central Index File and Associated Records.	12–11–87	52 FR 47190
CRM–005	Index to Names of Attorneys Employed by the Criminal Division, U.S. Department of Justice, Indicating the Subject of the Memoranda on Criminal Matters They Have Written.	12–11–87	49 FR 47191
CRM–006	Information File on Individuals and Commercial Entities Known or Suspected of Being Involved in Fraudulent Activities.	09–30–77	42 FR 53336
CRM–007	Name Card File on Criminal Division Personnel Authorized to have Access to the Central Criminal Division Records.	12–11–87	52 FR 47192
CRM–008	Name Card File on Department of Justice Personnel Authorized to have Access to the Classified Files of the Department of Justice.	12–11–87	52 FR 47193
CRM–012	Organized Crime and Racketeering Section, General Index File and Associated Records.	11–26–90 *	55 FR 49147*
		03–29–01	66 FR 17200
CRM–014	Organized Crime and Racketeering Section, Intelligence and Special Services Unit, Information Request System.	09–30–77	42 FR 53343
CRM–017	Registration and Propaganda Files Under the Foreign Agents Registration Act of 1938, As Amended.	05–11–88	53 FR 16794
CRM–018	Registration Files of Individuals Who Have Knowledge of or Have Received Instruction or Assignment in Espionage, Counterespionage, or Sabotage Service or Tactics of a Foreign Government or of a Foreign Political Party.	12–11–87	52 FR 47197
CRM–019	Requests to the Attorney General for Approval of Applications to Federal Judges for Electronic Interceptions.	12–11–87	52 FR 47198
CRM–021	The Stocks and Bonds Intelligence Control Card File System	12–11–87	52 FR 47199
CRM–022	Witness Immunity Records	12–11–87	52 FR 47200
CRM–023	Weekly Statistical Report	01–10–80	45 FR 2195
CRM–025	Tax Disclosure Index File and Associated Records	12–11–87	52 FR 47202
CRM–026	International Prisoner Transfer Case Files/International Prisoner Transfer Tracking System.	04–29–03	68 FR 22739
CRM–027	Office of Special Investigation (OSI) Displaced Persons Listings	12–11–87	52 FR 47204
CRM–028	Organized Crime Drug Enforcement Task Force Fusion Center System	10–18–04	69 FR 61403
CRS–001	Operational Data Information System	01–10–80	45 FR 2220
CRT–001	Central Civil Rights Division Index File and Associated Records	08–11–03	68 FR 47610, 11
		07–29–05	70 FR 43904
CRT–003	Civil Rights Interactive Case Management System	08–11–03	68 FR 47610, 13
CRT–004	Registry of Names of Interested Persons Desiring Notifications of Submissions Under Section 5 of the Voting Rights Act.	08–11–03	68 FR 47610, 14
CRT–007	Files on Employment Civil Rights Matters Referred by the Equal Employment Opportunity Commission.	08–11–03	68 FR 47610, 15
CRT–009	Civil Rights Division Travel Reports	08–11–03	68 FR 47610, 16
DAG–003	Drug Enforcement Task Force Evaluation Reporting System	03–10–92	57 FR 8473
DAG–005	Master Index File of Names	10–21–85	50 FR 42606
DAG–006	Presidential Appointee Candidate Records System	10–21–85	50 FR 42607
DAG–007	Presidential Appointee Records System	10–21–85	50 FR 42608

DAG–008	Special Candidates for Presidential Appointments and Noncareer SES Positions Records System.	08–31–94	59 FR 45005
DAG–009	Summer Intern Program Records System	10–21–85	50 FR 42611
DAG–010	United States Judge and Department of Justice Presidential Appointee Records.	10–21–85	50 FR 42612
DAG–011	Miscellaneous Attorney Personnel Records	10–21–85	50 FR 42613
DAG–013	General Files System	03–10–92	57 FR 8475
DEA–001	Air Intelligence Program	12–11–87	52 FR 47206
DEA–INS–111	Automated Intelligence Records System (Pathfinder)	11–26–90	55 FR 49182
DEA–002	Clandestine Laboratory Seizure System (CLSS)	01–27–03	68 FR 3894
DEA–003	Automated Records and Consolidated Orders System/ Diversion Analysis and Detection System (ARCOS/DADS).	08–17–04	69 FR 51104
DEA–005	Controlled Substances Act Registration Records (CSA)	12–11–87	52 FR 47208
DEA–008	Investigative Reporting and Filing System	10–17–96	61 FR 54219
DEA–010	Planning and Inspection Division Records	12–11–87	52 FR 47213
DEA–011	Operations Files	12–11–87	52 FR 47214
DEA–012	Registration Status/Investigation Records	12–11–87	52 FR 47215
DEA–013	Security Files	12–11–87	52 FR 47215
DEA–015	Training Files	12–11–87	52 FR 47217
DEA–017	Grants of Confidentiality Files (GCF)	12–11–87	52 FR 47218
DEA–020	Essential Chemical Reporting System	12–11–87	52 FR 47219
DEA–021	DEA Aviation Unit Reporting System	04–28–00	65 FR 24986
DEA–022	El Paso Intelligence Center (EPIC) Seizure System (ESS)	06–26–06	71 FR 36362
ENRD–001	Appraisers, Approved Attorneys, Abstractors and Title Companies Files Database System.	02–23–00 * 10–20–05	65 FR 8989 * 70 FR 61159
ENRD–003	Environment & Natural Resources Division Case & Related Files System.	02–23–00 * 10–20–05	65 FR 8990 * 70 FR 61159
EOIR–001	Records and Management Information System	05–11–04	66 FR 26179
EOIR–003	Practitioner Complaint/Disciplinary Files	09–10–99	64 FR 49237
FBI–001	National Crime Information Center (NCIC)	09–28–99	64 FR 52343
FBI–002	The FBI Central Records System	02–20–98 * 03–29–01	63 FR 8671 * 66 FR 17200
FBI–003	Bureau Mailing Lists	02–14–05	70 FR 7513
FBI–006	Electronic Surveillance (ELSUR) Indices	02–14–05	70 FR 7513, 14
FBI–007	FBI Automated Payroll System	10–05–93	58 FR 51874
FBI–008	Bureau Personnel Management System	10–05–93	58 FR 51875
FBI–009	Fingerprint Identification Records System (FIRS)	09–28–99	64 FR 52347
FBI–010	Employee Travel Vouchers and Individual Earning Records	12–11–87	52 FR 47248
FBI–011	Employee Health Records	10–05–93	58 FR 51875
FBI–012	Time Utilization Record-Keeping (TURK) System	10–05–93	58 FR 51876
FBI–013	Security Access Control System (SACS)	02–14–05	70 FR 7513, 16
FBI–014	FBI Alcoholism Program	12–11–87	52 FR 47251
FBI–015	National Center for the Analysis of Violent Crime (NCAVC)	10–05–93	58 FR 51879
FBI–016	FBI Counterdrug Information Indices System (CIIS)	06–09–94	59 FR 29824
FBI–017	National DNA Index System (NDIS)	07–18–96	61 FR 37495
FBI–018	National Instant Criminal Background Check System (NICS)	11–25–98 * 12–14–00 01–22–01 03–01–01	63 FR 65223 * 65 FR 78190 66 FR 6676 66 FR 12959
FBI–019	Terrorist Screening Records System	07–28–05 * 12–02–05	70 FR 43715 * 70 FR 72315
FBI Blanket Routine Uses	FBI established ten ''blanket'' routine uses (BRUs) to be applicable to more than one FBI system of records.	06–22–01 * 02–14–05	66 FR 33558 * 70 FR 7513
FTTTF–001	Flight Training Candidates File System	06–10–02 * 07–19–02	67 FR 39839 * 67 FR 47570
INTERPOL–001	INTERPOL—United States National Central Bureau (USNCB) Records System.	04–10–02	67 FR 17464
JMD–002	Controlled Substances Act Nonpublic Records	07–20–01	66 FR 38000
JMD–003	Department of Justice Payroll System	01–02–04	69 FR 107
JMD–006	Debt Collection Management System	11–12–93	58 FR 60055
JMD–009	Debt Collection Offset Payment System	06–19–97	62 FR 33438
JMD–016	Employee Assistance Program (EAP) Counseling and Referral Records	06–09–00 * 09–01–04	65 FR 36718 * 69 FR 53469
JMD–017	Department of Justice (DOJ) Employee Transportation Facilitation System.	04–24–01	66 FR 20683
JMD–022	Department of Justice Consolidated Asset Tracking System (CATS)	05–19–06	71 FR 29170
JMD–023	Federal Bureau of Investigation Whistleblower Case Files	09–07–05	70 FR 53253
NDIC–001	National Drug Intelligence Center Data Base	04–26–93	58 FR 21995
OAG–001	General Files System	09–12–85	50 FR 37294
OIG–001	Office of the Inspector General Investigative Records System	03–10–92 * 05–22–00 04–29–03	57 FR 8476 * 65 FR 32125 68 FR 22741
OIG–004	OIG Employee Training Records	12–07–99	64 FR 68375
OIG–005	OIG Firearms Qualifications System	12–07–99	64 FR 68376
OIPR–001	Policy and Operational Records System	01–26–84	49 FR 3281
OIPR–002	Foreign Intelligence Surveillance Act Records System	01–26–84	49 FR 3282

OIPR–003	Litigation Records System	01–26–84	49 FR 3284
OJP–001	Equipment Inventory	10–05–93	58 FR 51879
OJP–004	Grants Management Information System	10–17–88	53 FR 40526
OJP–006	Congressional and Public Affairs System	12–11–87	52 FR 47276
OJP–007	Public Information System	11–17–80	45 FR 75936
OJP–008	Civil Rights Investigative System	10–17–88	53 FR 40528
OJP–009	Federal Advisory Committee Membership Files	10–17–88	53 FR 40529
OJP–010	Technical Assistance Resource Files	10–17–88	53 FR 40430
OJP–011	Registered Users File—National Criminal Justice Reference Service (NCJRS).	10–05–93	58 FR 51879
OJP–012	Public Safety Officers Benefits System	05–10–99	64 FR 25070
OJP–013	Denial of Federal Benefits Clearinghouse System (DEBAR)	05–10–99	64 FR 25071
OJP–014	Victims of International Terrorism Expense Reimbursement Program	08–07–06	71 FR 44709
OLC–001	Attorney Assignment Reports	09–04–85	50 FR 35879
OLC–002	Office of Legal Counsel Central File	09–04–85	50 FR 35878
OLP–002	United States Judges Records System	07–25–85	50 FR 30309
OLP–003	General Files System	09–12–85	50 FR 37299
OPA–001	Executive Clemency Case Files/Executive Clemency Tracking System	10–31–02	67 FR 66417
OPR–001	Office of Professional Responsibility Records Index	12–10–98 *	63 FR 68299
		11–27–02	67 FR 70967
		04–20–04	69 FR 21160
OSCW–001	Caselink Document Database for Office of Special Counsel—Waco	09–05–00	65 FR 53749
PAO–001	News Release, Document and Index System	09–30–77	42 FR 53364
PRC–001	Docket, Scheduling and Control	12–11–87	52 FR 47281
PRC–003	Inmate and Supervision Files	03–10–88	53 FR 7313
PRC–004	Labor and Pension Case, Legal File and General Correspondence System.	10–17–88	53 FR 40533
PRC–005	Office Operation and Personnel System	10–17–88	53 FR 40535
PRC–006	Statistical, Educational and Developmental System	12–11–87	52 FR 47287
PRC–007	Workload Record, Decision Result, and Annual Report System	10–17–88	53 FR 40535
TAX–001	Criminal Tax Case Files, Special Project Files, Docket Cards, and Associated Records.	03–07–06	71 FR 11446, 47
TAX–002	Tax Division Civil Tax Case Files, Docket Cards, and Associated Records.	03–07–06	71 FR 11446, 49
TAX–003	Files of Applications for Attorney and Non-Attorney Positions with the Tax Division.	03–07–06	71 FR 11446, 51
USA–001	Administrative Files	12–22–83	48 FR 56662
USA–002	A.U.S.A. Applicant Files	08–23–83	48 FR 38329
USA–003	Citizen Complaint Files	10–13–89	54 FR 42088
USA–005	Civil Case Files	02–20–98 *	63 FR 8659
		03–29–01	66 FR 17200
USA–006	Consumer Complaints	10–13–89	54 FR 42090
USA–007	Criminal Case Files	02–20–98 *	63 FR 8659 *
		12–21–99	64 FR 71499
		03–29–01	66 FR 17200
USA–009	Kline District of Columbia and Maryland Stock and Land Fraud Inter-relationship Filing System.	10–13–89	54 FR 42093
USA–010	Major Crimes Division Investigative Files	10–13–89	54 FR 42094
USA–011	Prosecutor's Management Information System (PROMIS)	10–13–89	54 FR 42095
USA–012	Security Clearance Forms for Grand Jury Reporters	02–04–83	48 FR 5386
USA–013	U.S. Attorney, District of Columbia Superior Court Division, Criminal Files.	10–13–89	54 FR 42097
USA–014	Pre-Trial Diversion Program Files	08–23–83	48 FR 38344
USA–015	Debt Collection Enforcement System	07–25–06	71 FR 42118
USA–016	Assistant United States Attorney Applicant Records System	03–10–92	57 FR 8487
USA–017	Appointed Assistant United States Attorneys Personnel System	03–10–92	57 FR 8488
USA–018	United States Attorneys' Office *Giglio* Information Files	12–01–00	65 FR 75308
USA–020	Employee Assistance Program (EAP) Counseling and Referral Records	03–20–01	66 FR 15755
USM–001	United States Marshals Service Badge and Credentials File	11–08–99	64 FR 60832, 33
USM–002	United States Marshals Service Internal Affairs System	11–08–99	64 FR 60832, 34
USM–003	United States Marshals Service Prisoner Transportation System	09–06–91	56 FR 44101
USM–004	Special Deputation Files	11–08–99	64 FR 60832, 35
USM–005	U.S. Marshals Service Prisoner Processing and Population Management/Prisoner Tracking System (PPM/PTS).	04–28–04	69 FR 23213
USM–006	United States Marshals Service Training Files	11–08–99	64 FR 60832, 38
USM–007	Warrant Information Network (WIN)	11–08–99	64 FR 60832, 39
USM–008	Witness Security Files Information System	11–08–99	64 FR 60832, 40
USM–009	Inappropriate Communications/Threat Information System	11–08–00	64 FR 60832, 41
USM–010	Judicial Facility Security Index System	11–08–99	64 FR 60832, 42
USM–011	Judicial Protection Information System	11–08–99	64 FR 60832, 43
USM–013	U.S. Marshals Service Administration Proceedings, Claims and Civil Litigation Files.	11–08–99	64 FR 60832, 45
USM–015	U.S. Marshals Service (USMS) Employee Assistance Program (EAP) Records.	11–08–99	64 FR 60832, 47

USM–016	U.S. Marshals Service (USMS) Key Control Record System	11–08–99	64 FR 60832, 48
USM–017	Judicial Security Staff Inventory	11–08–99	64 FR 60849, 50
USM–018	Alternative Dispute Resolution (ADR) Files and Database Tracking System.	11–08–99	64 FR 60849, 51
USM–019	Merit Promotion Open Season Records System (MPOS)	05–23–06	71 FR 29668
UST–001	Bankruptcy Case Files and Associated Records	10–11–06	71 FR 59818, 19
UST–002	Bankruptcy Trustee Oversight Records	10–11–06	71 FR 59818, 22
UST–003	U.S. Trustee Program Timekeeping Records	10–11–06	71 FR 59818, 24
UST–004	United States Trustee Program Case Referral System	10–11–06	71 FR 59818, 25
UST–005	Credit Counseling and Debtor Education Files and Associated Records	10–11–06	71 FR 59818, 27

* * * * *

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:

To appropriate agencies, entities, and persons when (1) it is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; (2) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

* * * * *

[FR Doc. E6–18009 Filed 10–27–06; 8:45 am]

BILLING CODE 4410–FB–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Dimensional Metrology Standards Consortium, Inc.

Notice is hereby given that, on September 21, 2006, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Dimensional Metrology Standards Consortium, Inc. (''DMSC, Inc.'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) The name and principal place of business of the standards development organization and (2) the nature and scope of its standards development activities. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the name and principal place of business of the standards development organization is: Dimensional Metrology Standards Consortium, Inc., Arlington, TX. The nature and scope of DMSC, Inc.'s standards development activities will focus on the development of standards in the field of dimensional metrology, and the interoperability of standards related to such technology. This includes not only metrology-specific standards but also related standards that are used by metrologists to perform jobs such as product and tolerance exchange. In general, DMSC, Inc. will not operate in the field of hardware standards.

Patricia A. Brink,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 06–8948 Filed 10–27–06; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—IMS Global Learning Consortium, Inc.

Notice is hereby given that, on September 28, 2006, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), IMS Global Learning Consortium, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, eCollege, Denver, CO; Information Management Specialists, Inc., Montgomery, AL; Oracle Corporation, Redwood Shores, CA; Respondus, Inc., Redmond, WA; and Intrallect Ltd., Linlithgow, Scotland, United Kingdom have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and IMS Global Learning Consortium, Inc., intends to file additional written notification disclosing all changes in membership.

On April 7, 2000, IMS Global Learning Consortium, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on September 13, 2000 (65 FR 55283).

The last notification was filed with the Department on July 6, 2006. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on August 9, 2006 (71 FR 45580).

Dated:

Patricia A. Brink,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 06–8946 Filed 10–27–06; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Interactive Advertising Bureau

Notice is hereby given that, on October 6, 2006, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Interactive Advertising Bureau (''IAB'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, IAB is currently

developing standards for Rich Internet Application Ad Measurement Guidelines and Click Measurement Guidelines.

On September 17, 2004, IAB filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on October 21, 2004 (69 FR 61868).

The last notification was filed with the Department on June 1, 2006. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on June 28, 2006 (71 FR 36829).

Patricia A. Brink,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 06–8947 Filed 10–27–06; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

October 23, 2006.

The Department of Labor (DOL) has submitted the following public information collection requests (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of each ICR, with applicable supporting documentation, may be obtained from RegInfo.gov at *http://www.reginfo.gov/public/do/PRAMain* or by contacting Darrin King on 202–693–4129 (this is not a toll-free number) / e-mail: *king.darrin@dol.gov.*

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Mine Safety and Health Administration (MSHA), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–7316 / Fax: 202–395–6974 (these are not a toll-free numbers), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Agency: Mine Safety and Health Administration.

Type of Review: Extension without change of currently approved collection.

Title: Daily Inspection of Surface Coal Mines; Certified Person; Reports of Inspection (Pertains to Surface Coal Mines).

OMB Number: 1219–0083.

Type of Response: Recordkeeping.

Affected Public: Private Sector: Business or other for-profit.

Number of Respondents: 1,620.

Estimated Number of Annual Responses: 492,480.

Average Response Time: Approximately 1.5 hours.

Estimated Annual Burden Hours: 738,720.

Total Annualized capital/startup costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $0.

Description: Section 77.1713, Title 30 of the Code of Federal Regulations requires coal mine operators to conduct examinations of each active working area of surface mines, active surface installations at these mines, and preparation plants not associated with underground coal mines for hazardous conditions during each shift. A report of hazardous conditions detected must be entered into a record book along with a description of any corrective actions taken.

The records are used by MSHA inspectors to determine compliance with the standard, and that any hazards found have either been corrected or barricaded. These records are used by mine operators to identify areas of the mine or equipment that present hazards to miners and, therefore, must be corrected to prevent miner injuries or death. Repeated hazardous conditions in any area or involving a particular piece of equipment would indicate to the operator the need for modification of operating procedures or replacement or repair of equipment.

Agency: Mine Safety and Health Administration.

Type of Review: Extension without change of currently approved collection.

Title: Explosive Materials and Blasting Units (pertains to metal and nonmetal underground mines deemed to be gassy).

OMB Number: 1219–0095.

Type of Response: Reporting.

Affected Public: Private Sector: Business or other for-profit.

Number of Respondents: 1.

Estimated Number of Annual Responses: 1.

Average Response Time: 1 hour.

Estimated Annual Burden Hours: 1.

Total Annualized capital/startup costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $0.

Description: Under Title 30 U.S. Code of Federal Regulations Parts 7 and MSHA evaluates and approves explosive materials and blasting units as permissible for use in the mining industry. However, since there are no permissible explosives or blasting units available that have adequate blasting capacity for some metal and nonmetal gassy mines, 30 CFR 57.22606(a) outlines the procedures for mine operators to follow when using non-approved explosive materials and blasting units. The standard provides that mine operators of metal or nonmetal gassy mines must notify MSHA in writing prior to their use of non-approved explosive materials and blasting units. MSHA then evaluates the non-approved explosive materials and determines whether they are safe for use in a potentially gassy environment.

MSHA uses the information provided by the mine operator to determine whether non-approved blasting materials and explosives and procedures are safe for use in a gassy underground metal or nonmetal mine. Without such determinations, miners may be exposed to significant safety risks.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. E6–18160 Filed 10–27–06; 8:45 am]

BILLING CODE 4510–43–P

OFFICE OF NATIONAL DRUG CONTROL POLICY

Leadership Conference on Medical Education in Substance Abuse, November 30–December 1, 2006

AGENCY: Office of National Drug Control Policy.

ACTION: Notice.

SUMMARY: A conference of leaders in the field of medical education in substance abuse will be held on Thursday, November 30 and Friday, December 1,

2006, at the Westin Embassy Row Hotel, Massachusetts Avenue, NW., Washington, DC. The conference will begin at 6 p.m. on Thursday, November 30 and conclude at 5:30 p.m. on Friday, December 1. The specific objectives of the Leadership Conference are: (1) To enhance awareness of the contribution substance abuse screening and brief intervention programs can make to public health in the United States; (2) To identify best practices to cope with emerging patterns of drug-specific abuse; (3) To receive reports on improvements in medical education in drug and alcohol-related disorders; and (4) To encourage the development of medical education curricula on alcohol and other drug related disorders. Members of the public who wish to attend the meeting should telephone ONDCP's Leadership Conference on Medical Education telephone line at (202) 395–6750 to arrange building access.

FOR FURTHER INFORMATION CONTACT: Martha Gagneá at (202) 395–6750.

Dated: October 24, 2006.

Linda V. Priebe,

Assistant General Counsel.

[FR Doc. E6–18089 Filed 10–27–06; 8:45 am]

BILLING CODE 3180–02–P

SECURITIES AND EXCHANGE COMMISSION

Submissions for OMB Review; Comment Request

Upon written request; copies available from: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extensions:

Form T–1, OMB Control No. 3235–0110, SEC File No. 270–121.

Form T–2, OMB Control No. 3235–0111, SEC File No. 270–122.

Form T–3, OMB Control No. 3235–0105, SEC File No. 270–123.

Form T–4, OMB Control No. 3235–0107, SEC File No. 270–124.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget these requests for extension of the previously approved collections of information discussed below.

Form T–1 (17 CFR 269.1) is a statement of eligibility and qualification under the Trust Indenture Act of 1939 (15 U.S.C. 77aaa *et seq.*) of a corporation designated to act as a trustee. The information is used to determine whether the trustee is qualified to serve under the indenture. Form T–1 is filed on occasion. The information required by Form T–1 is mandatory. This information is publicly available on EDGAR. Form T–1 takes approximately 15 hours per response to prepare and is filed by 13 respondents. We estimate that 25% of the 15 hours per response (4 hours) is prepared by the company for a total annual reporting burden of 52 hours (4 hours per response × 13 responses). The remaining 75% of the burden hours is attributed to outside cost.

Form T–2 (17 CFR 269.2) is a statement of eligibility of an individual trustee to serve under an indenture relating to debt securities offered publicly. The information is used to determine whether the trustee is qualified to serve under the indenture. Form T–2 is filed on occasion. The information required by Form T–2 is mandatory. This information is publicly available on EDGAR. Form T–2 takes approximately 9 hours per response to prepare and is filed by 36 respondents. We estimate that 25% of the 9 hours per response (2 hours) is prepared by the filer for a total annual reporting burden of 72 hours (2 hours per response × 36 responses). The remaining 75% of the burden hours is attributed to outside cost.

Form T–3 (17 CFR 269.3) is an application for qualification of an indenture under the Trust Indenture Act of 1939 (15 U.S.C. 77aaa *et seq.*). The information provided by Form T–3 is used by the staff to decide whether to qualify an indenture relating to securities offered to the public in an offering registered under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). Form T–3 is filed on occasion. The information required by Form T–3 is mandatory. This information is publicly available on EDGAR. Form T–3 takes approximately 43 hours per response to prepare and is filed by 78 respondents. We estimate that 25% of the 43 hours per response (11 hours) is prepared by the filer for a total annual reporting burden of 858 hours (11 hours per response × 78 responses). The remaining 75% of the burden hours is attributed to outside cost.

Form T–4 (17 CFR 269.4) is used to apply for an exemption pursuant to Section 304(c) (15 U.S.C. 77ddd(c)) of the Trust Indenture Act of 1939 (15 U.S.C. 77aaa *et seq.*) and is transmitted to shareholders. Form T–4 is filed on occasion. The information required by Form T–4 is mandatory. This information is publicly available on EDGAR. Form T–4 takes approximately 5 hours per response to prepare and is filed by 3 respondents. We estimate that 25% of the 5 hours per response (1 hour) is prepared by the filer for a total annual reporting burden of 3 hours (1 hour per response × 3 responses). The remaining 75% of the burden hours is attributed to outside cost.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or send an e-mail to *David_Rostker@omb.eop.gov*; and (ii) R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, C/O Shirley Martinson 6432 General Green Way, Alexandria, Virginia 22312; or send an e-mail to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: October 23, 2006.

Nancy M. Morris,

Secretary.

[FR Doc. E6–18141 Filed 10–27–06; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–27526; File No. 812–13316]

AXA Equitable Life Insurance Company, et al.; Notice of Application

October 24, 2006.

AGENCY: Securities and Exchange Commission (SEC).

ACTION: Notice of application for an order pursuant to Section 26(c) of the Investment Company Act of 1940 (''1940 Act'' or ''Act''), approving certain substitutions of securities and for an order of exemption pursuant to Section 17(b) of the Act.

Applicants: AXA Equitable Life Insurance Company (''AXA Equitable''), Separate Account A of AXA Equitable (''Separate Account A''), Separate Account FP of AXA Equitable (''Separate Account FP'') and Separate Account No. 49 of AXA Equitable (''Separate Account 49'') (collectively, the ''Section 26 Applicants''); and AXA Equitable, Separate Account A, Separate Account FP, Separate Account 49, Separate Account No. 65 of AXA

Equitable (''Separate Account 65'') and the EQ Advisors Trust (the ''Trust'') (collectively, the ''Section 17 Applicants,'' together with the Section 26 Applicants, the ''Applicants'').

Summary of Application: The Section 26 Applicants request an order pursuant to Section 26(c) of the 1940 Act, approving the proposed substitution of shares of a series of EQ Advisors Trust (the ''Trust'') for shares of a comparable series of an unaffiliated registered investment company (the ''Substitution''), which is currently used as an underlying investment option for certain variable annuity contracts and/or variable life insurance policies issued by AXA Equitable (''Contracts''), as more fully described below. The Section 17 Applicants also request an order pursuant to Section 17(b) of the 1940 Act exempting them from Section 17(a) of the 1940 Act to the extent necessary to permit in-kind redemptions of securities issued by the Removed Portfolio (as defined herein) and purchases of securities issued by the Replacement Portfolio (as defined herein) (the ''In-Kind Transactions'') in connection with the Substitution.

Filing Date: The application was filed on July 21, 2006, and amended on October 23, 2006.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on November 16, 2006, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the requester's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090. Applicants, c/o AXA Equitable Life Insurance Company, 1290 Avenue of the Americas, New York, NY 10104, Attn: Steven M. Joenk, Senior Vice President.

FOR FURTHER INFORMATION CONTACT: Sonny Oh, Staff Attorney, or Zandra Bailes, Branch Chief, Office of Insurance Products, Division of Investment Management at (202) 551–6795.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch, 100 F Street, NE., Room 1580, Washington, DC 20549 (tel. (202) 551–8090).

Applicants' Representations

1. AXA Equitable is a New York stock life insurance company that has been in business since 1859. AXA Equitable is authorized to sell life insurance and annuities in all fifty states, the District of Columbia, Puerto Rico and the Virgin Islands. AXA Equitable is an investment adviser registered under the Investment Advisers Act of 1940, as amended, and is a wholly owned subsidiary of AXA Financial, Inc. (''AXA Financial''). Majority-owned publicly traded subsidiaries of AXA Financial currently include AllianceBernstein, L.P. AXA Financial, a holding company, is an indirect, wholly owned subsidiary of AXA. AXA is a French holding company for an international group of insurance and related financial services companies and is publicly traded.

2. AXA Equitable serves as sponsor and depositor for Separate Account A, Separate Account FP, Separate Account 49 and Separate Account 65 (sometimes referred to herein collectively as the ''Separate Accounts'' and individually as a ''Separate Account''). Separate Account A was established in 1968 pursuant to authority granted by AXA Equitable's Board of Directors and funds certain variable annuity contracts. Separate Account FP was established in 1995 pursuant to authority granted by the Board of Directors of AXA Equitable in connection with the merger of Equitable Variable Life Insurance Company with and into AXA Equitable and funds certain variable life insurance policies. Separate Account 49 was established in 1996 pursuant to authority granted by AXA Equitable's Board of Directors and funds certain variable annuity contracts. Separate Account 65 was established in 1996 pursuant to authority granted by AXA Equitable's Board of Directors and funds group pension and profit-sharing plans under group annuity contracts issued by AXA Equitable.

3. Each Separate Account is a segregated asset account of AXA Equitable. Each Separate Account, with the exception of Separate Account 65, is registered with the Commission as a unit investment trust under the 1940 Act. Separate Account 65 is excluded from registration under the 1940 Act pursuant to Section 3(c)(11) of the 1940 Act. Units of interest in the Separate Accounts, except for Separate Account 65, under the Contracts are registered under the Securities Act of 1933, as amended (''1933 Act''). Units of interest in Separate Account 65 are exempt from registration under the 1933 Act, pursuant to Section 3(a)(2) of the 1933 Act. As noted above, the Separate Accounts fund the respective variable benefits available under the Contracts issued by AXA Equitable.

4. That portion of the respective assets of the Separate Accounts that is equal to the reserves and other Contract liabilities with respect to the respective Separate Accounts is not chargeable with liabilities arising out of any other business of AXA Equitable, as the case may be. In accordance with the respective Contracts for those Separate Accounts, any income, gains or losses, realized or unrealized, from assets allocated to the respective Separate Accounts are credited or charged against the Separate Accounts, without regard to other income, gains or losses of AXA Equitable.

5. The Trust is organized as a Delaware statutory trust. It is registered as an open-end management investment company under the 1940 Act, and its shares are registered under the 1933 Act on Form N–1A. It commenced operations on May 1, 1997. The Trust is a series investment company and currently offers 63 separate series (each a ''Portfolio'' and collectively, the ''Portfolios''). AXA Equitable currently serves as investment manager (''Manager'') of each of the Portfolios. The Trust has received an exemptive order from the Commission (''Multi-Manager Order'') that permits the Manager, or any entity controlling, controlled by, or under common control (within the meaning of Section 2(a)(9) of the 1940 Act) with the Manager, subject to certain conditions, including approval of the Board of Trustees of the Trust, and without the approval of shareholders to appoint, dismiss, or replace investment sub-advisers (''Advisers'') and to amend Investment Advisory Agreements (''Advisory Agreements'').[1] If a new Adviser is retained for a Portfolio, Contract owners would receive notice of any such action.

6. The variable annuity Contracts (''Annuity Contracts'') subject to the application include flexible premium deferred variable annuity contracts and single premium immediate variable annuity contracts with a variety of sales charge structures. Some of the Annuity Contracts are issued as group contracts where the owner of the Annuity Contract is the employer, sponsor or trustee of a group retirement plan.

[1] *See EQ Advisors Trust and EQ Financial Consultants, Inc.,* 1940 Act Rel. Nos. 23093 (March 30, 1998) (notice) and 23128 (April 24, 1998) (order).

Members of the group (''participants'') acquire an interest in the Annuity Contract and have certain rights as determined by the Annuity Contract and/or, if applicable, the retirement plan covering the participants' interest. The remaining Annuity Contracts are issued to or on behalf of individuals. All Annuity Contracts allow the Contract owner or, in the case of group Annuity Contracts, the participants, to allocate contributions by participants or premium payments by Contract owners among the variable and any fixed investment options available under the Annuity Contracts where contributions or premium payments allocated to variable funding options are held in corresponding divisions of the appropriate Separate Accounts.

7. Variable life insurance policies issued by the Section 26 Applicants include flexible premium, scheduled premium and single premium individual variable life, second to die and corporate variable life policies. Insurance charges are deducted on a monthly basis by redeeming shares of the underlying investment options if necessary. Premium payments under these Contracts accumulate in variable and any fixed investment options. Accumulated amounts are used to fund death benefits, loans, surrenders and withdrawals payable under these Contracts.

8. AXA Equitable, on its own behalf and on behalf of the Separate Accounts, proposes to exercise its contractual right to substitute a different eligible investment fund for one of the current investment funds offered as a funding option under the Contracts. In particular, the Section 26 Applicants propose to substitute Class IB shares of the EQ/AXA Rosenberg Value Long /Short Equity Portfolio (''Replacement Portfolio'') for Class 2 shares of Laudus Variable Insurance Trust—Laudus Rosenberg VIT Value Long/Short Equity Fund (''Removed Portfolio'').

9. The Section 26 Applicants believe that, as set forth below, the Replacement Portfolio's investment objective, investment policies and principal risks are substantially identical to those of the Removed Portfolio and that the essential objective and risk expectations of Contract owners and participants can continue to be met.

Removed portfolio	Replacement portfolio
Laudus Variable Insurance Trust—Laudus Rosenberg VIT Value Long/Short Equity Fund (Class 2 shares): The Portfolio seeks to increase value through bull markets and bear markets using strategies that are designed to limit exposure to general equity market risk. Under normal circumstances, the Portfolio will invest at least 80% of its net assets, plus borrowings for investment purposes, in equity securities. The Portfolio attempts to achieve its objective by taking long positions in stocks of companies in certain capitalization ranges principally traded in U.S. markets that the Adviser has identified as undervalued and short positions in such stocks that the Adviser has identified as overvalued. The Portfolio will invest primarily in stocks of small- and mid-capitalization companies, but also may invest in stocks of large-capitalization companies. The Portfolio also may purchase shares of ETFs to a limited extent and may engage in active and frequent trading. Principal Risks: • Exchange-Traded Funds Risk • Investment Risk • Large-Size Company Risk • Management Risk • Market Risk • Short Sales Risk • Small and Mid-Size Company Risk • Style Risk	EQ/AXA Rosenberg Value Long/Short Equity Portfolio (Class IB shares): Same. Principal Risks: • Adviser Selection Risk • Asset Class Risk • Equity Risk • Large-Cap Company Risk • Leveraging Risk • Market Risk • Portfolio Turnover Risk • Real Estate Investing Risk • Security Risk • Security Selection Risk • Short Sales Risk • Small- and Mid-Cap Companies Risk • Value Investing Risk

10. The Section 26 Applicants propose the Substitution as part of a continued and overall business plan by AXA Equitable to make its Contracts more competitive and thus more attractive to existing Contract owners and participants or to prospective purchasers, as the case may be, and more efficient to administer and oversee. AXA Equitable represents that it has carefully reviewed its Contracts and each of the investment options offered under the Contracts with the goal of providing a superior choice of investment options.

11. The Section 26 Applicants assert that the Substitution is intended to simplify the prospectuses and related materials with respect to the Contracts and the investment options available through the Separate Accounts. The Contracts offer investment alternatives from multiple fund complexes, each with its own prospectus and disclosure format, which significantly increases the volume and complexity of information that is received by Contract owners and participants. AXA Equitable believes

[2] The annual management fee rate for the Replacement Portfolio as a percentage of the Portfolio's average daily net assets is equal to 1.40% on the first $1 billion; 1.35% on the next $1 billion, 1.325% on the next $3 billion; 1.30% on the next $5 billion; and 1.275% thereafter. The annual management fee rate for the Removed Portfolio as a percentage of the Portfolio's average daily net assets is equal to 1.50% on the first $500 million and 1.45% thereafter.

[3] Class 2 shares of the Removed Portfolio and Class IB shares of the Replacement Portfolio are each subject to a plan adopted pursuant to Rule 12b–1 under the 1940 Act where the maximum Rule 12b-1 fee for the Removed Portfolio's Class 2 shares is 0.25% and that of the Replacement Portfolio's Class IB shares is 0.50%. However, under an arrangement approved by the Trust's Board of Trustees, the Rule 12b–1 fee currently is limited to 0.25% of the average daily net assets attributable to the Portfolio's Class IB shares and will be in effect at least until April 30, 2008.

[4] The Manager of the Replacement Portfolio has agreed to make payments or waive its management, administrative and other fees to limit the expenses of the Portfolio through April 30, 2008, pursuant to an expense limitation agreement, so that the Total Annual Operating Expenses of the Class IB shares of the Portfolio do not exceed an annual rate of 1.99% (excluding dividend expenses on securities sold short). The adviser of the Removed Portfolio has agreed to waive its management fee and bear certain expenses through April 30, 2008, pursuant to an expense limitation agreement, so that the ordinary operating expenses of the Class 2 shares of the Portfolio do not exceed an annual rate of 1.99% (does not include dividend expenses sold short).

that this situation may be confusing to Contract owners and participants. By substituting the Replacement Portfolio for the Removed Portfolio, AXA Equitable anticipates that it would simplify the Contract prospectuses and related materials provided to Contract owners and participants and thereby reduce the potential for Contract owner and participant confusion.

12. The Section 26 Applicants also maintain that the Removed Portfolio has a substantially identical investment objective, policies and risks as those of the Replacement Portfolio. This fact is expected to simplify the process of explaining the Substitution to Contract owners and participants, including an explanation of the relevant differences in the policies of the Replacement and Removed Portfolio, and should facilitate their understanding of the effect of the Substitution on them.

13. The Section 26 Applicants also argue that the Substitution would replace an outside Portfolio with a Portfolio for which AXA Equitable serves as Manager and, thus, would permit AXA Equitable, under the Multi-Manager Order, to appoint, dismiss and replace Advisers and amend Advisory Agreements as necessary to seek optimal performance from the Portfolio and its portfolio managers. Notwithstanding the Multi-Manager Order, after the Substitution Date (as defined herein), the Section 26 Applicants agree not to change the Replacement Portfolio's Adviser without first obtaining shareholder approval of either (a) the Adviser change or (b) AXA Equitable's continued ability to rely on the Multi-Manager Order.

14. The replacement of an outside Portfolio with a Portfolio that is managed by AXA Equitable will provide AXA Equitable with more influence over the administrative aspects of the Portfolio, while providing Contract owners and participants with the benefit of third party asset management. Influence is important because changes to the Removed Portfolio can result in costly, off-cycle communications and mailings to Contract owners and participants. Conversely, for the Replacement Portfolio, AXA Equitable has greater influence over the pace and timing of such changes. AXA Equitable believes that the Substitution will enable it to exercise more influence over the management and administration of the Portfolio, thereby reducing costs and customer confusion. The added influence will give AXA Equitable the ability to react more quickly to changes and problems it encounters in its oversight of the Replacement Portfolio.

15. The Section 26 Applicants note that the Substitution is designed to provide Contract owners and participants with an opportunity to continue their investment in a similar Portfolio without interruption and without any cost to them. In this regard, AXA Equitable has agreed to bear all expenses incurred in connection with the Substitution and related filings and notices, including legal, accounting, brokerage and other fees and expenses. On the effective date of the Substitution, the amount of any Contract owner's or participant's Contract value or the dollar value of a Contract owner's or participant's investment in the relevant Contract will not change as a result of the Substitution.

16. As provided in the chart below, it is also anticipated that the Replacement Portfolio's net annual operating expense ratio for the Class IB shares (before dividend expenses on securities sold short) will be the same as the Removed Portfolio's net annual operating expense ratio for the Class 2 shares (before dividend expenses on securities sold short) immediately after the Substitution due primarily to a lower management fee rate and the contractual expense limitation arrangement in effect. Accordingly, the Section 26 Applicants represent that the proposed Substitution of the Replacement Portfolio for the Removed Portfolio will benefit the Contract owners and participants by maintaining an annual operating expense ratio (before dividend expenses on securities sold short) for the Class IB shares of the Replacement Portfolio that is no higher than that of the Class 2 shares of the Removed Portfolio.

	Laudus Variable Insurance Trust—Laudus Rosenberg VIT Value Long/Short Equity Fund (Class 2) (percent)	EQ/AXA Rosenberg Value Long/Short Equity Portfolio (Class IB) * (percent)
Management Fee [2]	1.50	1.40
Rule 12b–1 Fee [3]	0.25	0.25
Other Expenses	0.26	0.36
Total Annual Operating Expenses	2.01	2.01
Less Fee Waiver/Expense Reimbursement [4]	(0.02)	(0.02)
Net Annual Operating Expenses	1.99	1.99
Dividend Expenses on Securities Sold Short	1.22	1.22
Net Annual Operating Expenses	3.21	3.21

* The EQ/AXA Rosenberg Value Long/Short Equity Portfolio is a newly created Portfolio; therefore, the fees and expenses presented in the table above are estimates for the current fiscal period.

17. The Section 26 Applicants currently expect that the proposed Substitution will be carried out on or about November 17, 2006 (''Substitution Date'') and by supplements to the prospectuses for the Contracts and Separate Accounts, AXA Equitable has notified Contract owners and participants of its intention to take the necessary actions, including seeking the order requested by the application, to substitute shares of the Replacement Portfolio for the Removed Portfolio as described herein. The supplements advised Contract owners and participants, as applicable, that from the date of the supplement until the date of the proposed Substitution, owners are permitted to make transfers of Contract value (or annuity unit value) out of each Removed Portfolio subaccount to another subaccount without the transfer (or exchange) being treated as one of a limited number of permitted transfers (or exchanges) or a limited number of transfers (or exchanges) permitted without a transfer charge. The supplements also informed Contract owners and participants that AXA Equitable will not exercise any rights reserved under any Contract to impose additional restrictions on transfers until at least 30 days after the proposed Substitution.[5] The supplements also

[5] One exception to this is that AXA Equitable may impose restrictions on transfers to prevent or limit disruptive transfer and other ''market timing'' activities by Contract owners, participants or agents

Continued

advised Contract owners and participants that for at least 30 days following the proposed Substitution, AXA Equitable will permit Contract owners and participants affected by the Substitution to make transfers of Contract value (or annuity unit value) out of each Replacement Portfolio subaccount to another subaccount without the transfer (or exchange) being treated as one of a limited number of permitted transfers (or exchanges) or a limited number of transfers (or exchanges) permitted without a transfer charge, as applicable.

18. The Section 26 Applicants have sent or will send the appropriate prospectus supplement containing this disclosure to all existing and new Contract owners and participants as applicable. New purchasers of Contracts will be provided with a Contract prospectus and/or supplement containing disclosure regarding the Substitution, as well as a prospectus and/or supplement for the Replacement Portfolio. The Contract prospectus and/or supplement and the prospectus and/or supplement for the Replacement Portfolio will be delivered to purchasers of new Contracts in accordance with all applicable legal requirements.

19. In addition to the prospectus supplements distributed to Contract owners and participants, within five business days after the proposed Substitution, Contract owners and participants will be sent a written notice of the Substitution informing them that the Substitution was carried out and that they may transfer all Contract value or cash value under a Contract invested in any one of the subaccounts on the date of the notice to another subaccount available under their Contract at no cost and without regard to the usual limit on the frequency of transfers among the variable account options. The notice will also reiterate that (other than with respect to implementing policies and procedures designed to prevent disruptive transfer and other market timing activity) AXA Equitable will not exercise any rights reserved by it under the Contracts to impose additional restrictions on transfers or to impose any charges on transfers until at least 30 days after the proposed Substitution. AXA Equitable will also send each affected Contract owner and participant a current prospectus for the Replacement Portfolio.

20. AXA Equitable also is seeking approval of the proposed Substitution from any state insurance regulators whose approval may be necessary or appropriate and states that the proposed Substitution will take place at relative net asset value with no change in the amount of any Contract owner's or participant's Contract value, cash value, or death benefit or in the dollar value of his or her investment in the Separate Accounts. The Substitution will be effected by redeeming shares of the Removed Portfolio in cash and/or in-kind on the Substitution Date at their net asset value and using the proceeds of those redemptions to purchase shares of the Replacement Portfolio at their net asset value on the same date

21. Moreover, the Section 26 Applicants state that Contract owners and participants will not incur any fees or charges as a result of the proposed Substitution, nor will their rights or AXA Equitable's obligations under the Contracts be altered in any way. Consequently, all expenses incurred in connection with the proposed Substitution, including any brokerage, legal, accounting, and other fees and expenses, will be paid by AXA Equitable. In addition, the proposed Substitution will not impose any tax liability on Contract owners or participants. The proposed Substitution will not cause the Contract fees and charges currently being paid by Contract owners and participants to be greater after the proposed Substitution than before the proposed Substitution. All Contract-level fees will remain the same after the proposed Substitution. No fees will be charged on the transfers made at the time of the proposed Substitution because the proposed Substitution will not be treated as a transfer for purposes of assessing transfer charges or computing the number of permissible transfers under the Contracts.

22. The Section 26 Applicants represent that with respect to those who were Contract owners or participants on the date of the proposed Substitution, AXA Equitable will reimburse, on the last business day of each fiscal period (not to exceed a fiscal quarter) during the two years following the date of the proposed Substitution, the subaccounts investing in the Replacement Portfolio such that the sum of the Replacement Portfolio's applicable net operating expense ratio (taking into account any expense waivers or reimbursements and before dividend expenses on securities sold short) and subaccount expense ratio (asset-based fees and charges deducted on a daily basis from subaccount assets and reflected in the calculations of subaccount unit value) for such period will not exceed, on an annualized basis, the sum of the Removed Portfolio's applicable net operating expense ratio (taking into account any expense waivers or reimbursements and before dividend expenses on securities sold short) and subaccount expense ratio for fiscal year 2005.

23. In addition, the Section 26 Applicants further represent that the Rule 12b–1 fees for the Replacement Portfolio's Class IB shares will not be raised above the Removed Portfolio's Class 2 shares' maximum Rule 12b–1 fee (0.25%) without first obtaining shareholder approval.

Applicants' Legal Analysis

1. Section 26(c) of the 1940 Act prohibits the depositor of a registered unit investment trust that invests in the securities of a single issuer from substituting the securities of another issuer without Commission approval. Section 26(c) provides that ''[t]he Commission shall issue an order approving such substitution if the evidence establishes that it is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title.''

2. The Section 26 Applicants assert that the proposed Substitution involves a substitution of securities within the meaning of Section 26(c) of the 1940 Act and therefore request an order from the Commission pursuant to Section 26(c) approving the proposed Substitution.

3. The Section 26 Applicants state that they have reserved the right under the Contracts to substitute shares of another eligible investment fund for any of the current investment funds offered as a funding option under the Contracts both to protect themselves and their Contract owners and participants in situations where either might be harmed or disadvantaged by events affecting the issuer of the securities held by a Separate Account and to preserve the opportunity to replace such shares in situations where a substitution could benefit AXA Equitable and its Contract owners and participants.

4. The Section 26 Applicants also argue that the Replacement Portfolio and the Removed Portfolio have substantially identical investment objectives, policies and risks. In addition, the proposed Substitution retains for Contract owners and participants the investment flexibility that is a central feature of the Contracts. The Section 26 Applicants assert that any impact on the investment programs of affected Contract owners and participants, including the appropriateness of the available investment options, should therefore be negligible.

of Contract owners and participants as described in the prospectuses for the Separate Accounts and the Portfolios.

5. Furthermore, the Substitution will permit AXA Equitable to present information to its Contract owners and participants in a simpler and more concise manner. It is anticipated that, after the proposed Substitution, Contract owners and participants will be provided with disclosure documents that contain a simpler presentation of the available investment options under their Contracts.

6. In addition, the Section 26 Applicants point out that as a result of the proposed Substitution, Contract owners and participants with subaccount balances invested in the Replacement Portfolio will have the same net operating expenses. In this regard, AXA Equitable has agreed to impose a two year expense limit so that the sum of the Replacement Portfolio's applicable net operating expense ratio (taking into account any expense waivers and reimbursements and before dividend expenses on securities sold short) and subaccount expense ratio (asset-based charges deducted on a daily basis from subaccount assets and reflected in the calculation of subaccount unit values) for each fiscal period (not to exceed a fiscal quarter) will not exceed, on an annualized basis, the sum of the Removed Portfolio's applicable net operating expense ratio and subaccount expense ratio for fiscal year 2005.

7. In addition to the foregoing, the Section 26 Applicants generally submit that the proposed Substitution meets the standards that the Commission and its staff have applied to similar substitutions that the Commission previously has approved. The Section 26 Applicants also submit that the proposed Substitution is not of the type that Section 26(c) was designed to prevent as the Contracts provide each Contract owner and participant with the right to exercise his or her own judgment, and transfer Contract values and cash values into and among other investment options available to Contract owners and participants under their Contracts. Additionally, the Substitution will not, in any manner, reduce the nature or quality of the available investment options. In this regard, the proposed Substitution retains for Contract owners and participants the investment flexibility which is a central feature of the Contracts.

8. Moreover, the Section 26 Applicants state they will offer Contract owners and participants the opportunity to transfer amounts out of the affected subaccounts without any cost or other penalty (other than with respect to implementing policies and procedures designed to prevent disruptive transfer and other market timing activity) that may otherwise have been imposed for a period beginning on the date of the supplement notifying Contract owners and participants of the proposed Substitution and ending no earlier than thirty (30) days after the proposed Substitution. The Substitution, therefore, will not result in the type of costly forced redemption that Section 26(c) was designed to prevent.

9. The Section 26 Applicants also note that the proposed Substitution is also unlike the type of substitution which Section 26(c) was designed to prevent in that by purchasing a Contract, Contract owners and participants select much more than a particular underlying fund in which to invest their Contract values. They also select the specific type of insurance coverage offered by the Section 26 Applicants under the applicable Contract, as well as numerous other rights and privileges set forth in the Contract. Contract owners and participants also may have considered the Insurance Company's size, financial condition, and its reputation for service in selecting their Contract. These factors will not change as a result of the proposed Substitution, nor will the annuity, life or tax benefits afforded under the Contracts held by any of the affected Contract owners or participants.

10. Section 17(a)(1) of the 1940 Act prohibits any affiliated person (as defined in Section 2(a)(3) of the 1940 Act) of a registered investment company, or any affiliated person of such a person, acting as principal, from knowingly selling any security or other property to that company. Section 17(a)(2) of the 1940 Act generally prohibits the same persons, acting as principals, from knowingly purchasing any security or other property from the registered investment company.

11. Section 17(b) of the 1940 Act provides that the Commission may, upon application, issue an order exempting any proposed transaction from Section 17(a) if: (i) The terms of the proposed transactions are reasonable and fair and do not involve overreaching on the part of any person concerned; (ii) the proposed transactions are consistent with the policy of each registered investment company concerned; and (iii) the proposed transactions are consistent with the general purposes of the 1940 Act.

12. The Section 17 Applicants request an order pursuant to Section 17(b) of the 1940 Act exempting them from the provisions of Section 17(a) to the extent necessary to permit them to carry out the In-Kind Transactions in connection with the proposed Substitution.

13. The Section 17 Applicants submit that the terms of the proposed In-Kind Transactions, including the consideration to be paid and received are reasonable and fair and do not involve overreaching on the part of any person concerned. The In-Kind Transactions will be effected at the respective net asset values of the Removed Portfolio and the Replacement Portfolio, as determined in accordance with the procedures disclosed in the registration statement for the relevant investment company and as required by Rule 22c–1 under the 1940 Act. The In-Kind Transactions will not change the dollar value of any Contract owner's or participant's investment in any of the Separate Accounts, the value of any Contract, the accumulation value or other value credited to any Contract, or the death benefit payable under any Contract. After the proposed In-Kind Transactions, the value of a Separate Account's investment in the Replacement Portfolio will equal the value of its investment in the Removed Portfolio (together with the value of any pre-existing investments in the Replacement Portfolio) immediately before the In-Kind Transactions.

14. Section 17 Applicants state that they will assure themselves that the In-Kind Transactions will be in substantial compliance with the conditions of Rule 17a–7 under the 1940 Act. The Section 17 Applicants will assure themselves that the investment companies will carry out the proposed In-Kind Transactions in conformity with the conditions of Rule 17a–7 (or, as applicable, the Removed Portfolio's and the Replacement Portfolio's normal valuation procedures, as set forth in the relevant investment company's registration statement), except that the consideration paid for the securities being purchased or sold will not be cash.

15. The Section 17 Applicants also assert that the proposed In-Kind Transactions by the Section 17 Applicants do not involve overreaching on the part of any person concerned. Furthermore, the Section 17 Applicants represent that the proposed Substitution will be consistent with the policies of the Removed Portfolio and the Replacement Portfolio, as recited in their respective current registration statements, and that the proposed In-Kind Transactions are consistent with the general purposes of the 1940 Act and do not present any conditions or abuses that the 1940 Act was designed to prevent.

Conclusion

For the reasons set forth in the application, the Applicants each respectfully request that the Commission issue an order of approval pursuant to Section 26(c) of the 1940 Act and an order of exemption pursuant to Section 17(b) of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Nancy M. Morris,

Secretary.

[FR Doc. E6–18143 Filed 10–27–06; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 27522; 812–13309]

Integrated ARROs Fund I, et al.; Notice of Application

October 23, 2006.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application for an order under section 38(a) of the Investment Company Act of 1940 (''Act'').

SUMMARY OF THE APPLICATION: Applicants request an order to rescind a prior order dated April 21, 1987 (the ''Prior Order'').[1]

APPLICANTS: Integrated ARROs Fund I, Integrated ARROs Fund II, and IR Pass-through Corporation (''IRPT'').

FILING DATE: The application was filed on June 23, 2006.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on November 17, 2006, and should be accompanied by proof of service on applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090. Applicants: c/o Barbara Leary, Winthrop Management LLC, 7 Bullfinch Place, Suite 500, Boston, MA 02114.

FOR FURTHER INFORMATION CONTACT: Jean E. Minarick, Senior Counsel, at (202) 551–6811, or Mary Kay Frech, Branch Chief, at (202) 551–6821 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 100 F Street, NE., Washington, DC 20549–0102 (telephone (202) 551–5850).

Applicants' Representations and Legal Analysis

1. The Funds were organized in 1987 as grantor trusts by IRPT, a Delaware corporation and a wholly-owned subsidiary of Integrated Resources, Inc. The Funds were registered with the Commission as closed-end investment companies. On October 17, 2005, the Funds made final payment to all of their unitholders after the maturity, sale or other disposition of all their securities assets. Pursuant to the terms of the Funds' trust indentures, the Funds terminated automatically upon the final payments. On November 18, 2005, each Fund filed an application under section 8(f) of the Act for an order of deregistration. On May 24, 2006, the Commission issued orders under section 8(f) declaring that each Fund had ceased to be an investment company.[2]

2. On April 21, 1987, the Commission issued the Prior Order under sections 6(c), 17(b) and 17(d) of the Act exempting the Funds, IRPT and certain future similarly organized closed-end investment companies (''Future Funds'') from various provisions of the Act. The Applicants state they have not organized, and do not intend to organize, any Future Funds in reliance on the Prior Order.

3. Applicants request an order under section 38(a) of the Act rescinding the Prior Order. Section 38(a) of the Act states, in relevant part, that the Commission shall have authority to rescind such orders as are necessary or appropriate to the exercise of the powers conferred upon the Commission elsewhere in the Act. Applicants submit that the requested order is appropriate to the exercise of the Commission's powers under the Act.

[1] Integrated ARROs Fund I, *et al.*, Investment Company Act Rel. Nos. 15492 (Dec. 22, 1986) (notice) and 15693 (Apr. 21, 1987) (order).

[2] Investment Company Act Rel. Nos. 27308 (Apr. 28, 2006) (notice) and 27376 and 27377 (May 24, 2006) (orders).

By the Commission.

Nancy M. Morris,

Secretary.

[FR Doc. E6–18088 Filed 10–27–06; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54641; File No. SR–BSE–2006–45]

Self-Regulatory Organizations; Boston Stock Exchange, Inc.; Notice of Filing of Proposed Rule Change Relating to Correction of Erroneous Cross References

October 23, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 17, 2006, the Boston Stock Exchange Inc. (''BSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by BSE. The Exchange filed the proposal pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission.[5] The Commission is publishing this notice to solicit comments on the proposed rule from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The BSE proposes to amend Section 3 (Designation of an Index) of Chapter XIV of the Rules of the Boston Options Exchange, Inc. (''BOX Rules'') to correct an erroneous cross reference and erroneous numbering. The text of the proposed rule change is available on the BSE's Web site (*http://www.bostonstock.com*), at the Exchange's principal office and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] The Exchange requested the Commission to waive the five-day pre-filing notice requirement and the 30-day operative delay, as specified in Rule 19b–4(f)(6)(iii). 17 CFR 240.19b–4(f)(6)(iii).

the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing several changes in Section 3 (Designation of an Index) of Chapter XIV of the BOX Rules. This rule section contains an erroneous cross reference to a BOX Rule and erroneous numbering. The Exchange proposes to correct the cross reference and numbering to reflect the correct corresponding BOX Rules so that the Exchange's rules are accurate, comprehendible, and transparent to the marketplace.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[6] in general, and Section 6(b)(5) of the Act,[7] in particular, in that it is designed to promote just and equitable principles of trade, and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

(i) Significantly affect the protection of investors or the public interest;

(ii) impose any significant burden on competition; and

(iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act,[8] and Rule 19b–4(f)(6) thereunder.[9] At any time within 60 days of the filing of the proposed rule change the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[10]

A proposed rule change filed under Rule 19b–4(f)(6)[11] does not become operative prior to 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii), the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the five-day pre-filing notice requirement and the 30-day operative delay.[12] The Commission believes that such waiver is consistent with the protection of investors and the public interest because it would allow the BSE to correct cross references and numbering in BOX rules and ensure that its rule book accurately reflects its rules. For this reason, the Commission designates the proposed rule change to be effective upon filing with the Commission.[13]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–BSE–2006–45 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris,Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BSE–2006–45. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BSE–2006–45 and should be submitted on or before November 20, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Nancy M. Morris,

Secretary.

[FR Doc. E6–18080 Filed 10–27–06; 8:45 am]

BILLING CODE 8011–01–P

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6).

[10] *See* 15 U.S.C. 78s(b)(3)(C).

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6)(iii).

[13] For purposes only of accelerating the operative date of this proposal, the Commission has considered the rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54643; File No. SR–CBOE–2006–73]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto To Amend Certain of its Rules To Provide for the Listing and Trading of Options on the CBOE Russell 2000 Volatility Index sm (''RVX sm'')

October 23, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934

(''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 31, 2006, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. On October 20, 2006, the Exchange filed Amendment No. 1 to the proposed rule change. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CBOE proposes to amend certain of its rules to provide for the listing and trading of options on the CBOE Russell 2000 Volatility Index[sm] (''RVX[sm]''). Options on the RVX will be cash-settled and will have European-style expiration. The text of the proposed rule change is available on CBOE's Web site, *http://www.cboe.org*, at CBOE's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. CBOE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to permit the Exchange to list and trade cash-settled, European-style options on the RVX.

Index Design and Calculation

The Exchange states that the calculation of this index is based on a methodology that is an up-to-the-minute market estimate of expected volatility that is calculated by using real-time Russell 2000 Index (''RUT'') option bid/ask quotes. RVX uses nearby and second nearby options with at least 8 days left to expiration and then weights them to yield a constant, 30-day measure of the expected volatility of the RUT.

For each contract month, CBOE will determine the at-the-money strike price. It will then select the at-the-money and out-of-the money series with non-zero bid prices and determine the midpoint of the bid-ask quote for each of these series. The midpoint quote of each series is then weighted so that the further away that series is from the at-the-money strike, the less weight that is accorded to the quote. Then, to compute the index level, CBOE will calculate a volatility measure for the nearby options and then for the second nearby options. This is done using the weighted mid-point of the prevailing bid-ask quotes for all included option series with the same expiration date. These volatility measures are then interpolated to arrive at a single, constant 30-day measure of volatility.[3]

As described above, the RVX option will be structured as an option on a group of securities, namely options on the RUT and by extension the stocks underlying the RUT. CBOE will use the actual quotes of the index options to derive the corresponding volatility index. The underlying index options are themselves securities and are based on an index of the broader number of underlying securities.[4] Thus, the pricing components underlying the RVX options will include the RUT options and, by extension, the component stocks of the RUT. These pricing components will provide a measure of the volatility of price movements of the RUT. The Exchange states that this structure is similar to the approach used by CBOE for its interest rate options.[5] Those products use the quotes of debt securities to derive an interest rate yield, which is converted into a measure that serves as the underlying for options. Similarly, quotes from index option securities, which reflect a measure of stock price movements of the RUT, will be used to derive a measure of volatility that will be the underlying for the respective volatility index options.

CBOE will compute the index on a real-time basis throughout each trading day, from 8:30 a.m. until 3:15 p.m. CST. CBOE has calculated historical index values for the new RVX back to January 2004. Volatility index levels will be calculated by CBOE and disseminated at 15-second intervals to market information vendors via the Options Price Reporting Authority.

Index Option Trading

RVX is quoted in absolute numbers that represent the volatility of the RUT in percentage points per annum. For example, an index level of 20.47 (the closing value of the RVX on October 9, 2006) represents an annualized volatility of 20.47% in the RUT. The Exchange states that the RVX level fluctuates quite differently than individual equity securities or indexes of individual equity securities. Specifically, the Exchange states that indexes such as the RVX that track volatility are ''mean-reverting,'' a statistical term used to describe a strong tendency for the volatility index to move toward its long-term historical average level. In other words, at historically low volatility index levels, there is a higher probability that the next big move will be up rather than down. Conversely, at historically high volatility index levels, the next big move is more likely to be down rather than up.

Thus, as exemplified by RVX, the Exchange states that volatility indexes tend to move within set ranges, and even when a level moves outside that range, the tendency towards mean-reversion often results in the volatility index returning to a level within the range. In the case of RVX, the historical average index value is 20.89. Since January 2004, RVX has fluctuated in a narrow range between a low of 15.95 to a high of 34.02. Furthermore, RVX closed under 25 for 89% of the days on which the level was calculated since 2004 (621 days out of a total of 695 days) and has closed under 30 for 99% of the days on which the level was calculated since 2004 (689 days out of a total of 695 days). RVX has closed between 18 and 24 for 78% of the days on which the level was calculated since 2004 (544 days out of a total of 695 days).

Because of the generally limited range in which RVX has fluctuated, the Exchange believes that investors will be better served if the Exchange is able to list $1 strike price intervals in RVX option series. To address this, the Exchange is proposing to list series at $1

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The RVX is calculated in the same manner as other volatility indexes (*e.g.*, the CBOE Volatility Index (''VIX'')), upon which options have been based and previously approved by the Commission. A more detailed explanation of the method used to calculate VIX may be found on CBOE's Web site at the following Internet address: *http://www.cboe.com/micro/vix/vixwhite.pdf*.

[4] RUT measures the performance of the 2000 smallest companies in the Russell 3000 Index, which represent approximately 8% of the total market capitalization of the Russell 3000.

[5] *See* Securities Exchange Act Release Nos. 26938 (June 15, 1989), 54 FR 26285 (June 22, 1989) (SR–CBOE–87–30) and 33106 (October 26, 1993), 58 FR 58358 (November 1, 1993) (SR–CBOE–93–21).

or greater strike price intervals for each expiration on up to 5 RVX option series above and 5 RVX option series below the current index level. Additional series at $1.00 or greater strike price intervals could be listed for each expiration as the current index level of RVX moves from the exercise price of the RVX options series that already have been opened for trading on the Exchange in order to maintain at least 5 RVX option series above and 5 RVX option series below the current index level. For purposes of adding strike prices at $1.00 or greater strike price intervals, as well as at $2.50 or greater strike price intervals, the ''current index level'' would be defined as the ''implied forward level'' of RVX for each expiration.[6] The Exchange intends to determine implied forward levels of RVX through the use of RVX futures prices. Its reasons for using this approach are explained below.

By way of background, option prices reflect the market's expectation of the price of the underlying at expiration, which is referred to as the ''forward'' level. For stock indexes such as the SPX and the S&P 100 (''OEX''), the best estimate of the forward level is the current, or ''spot,'' price adjusted for the ''carry,'' which is the financing cost of owning the component stocks in the index less the dividends paid by those stocks. For volatility indexes such as RVX, the Exchange states that a better estimate than the standard ''cash and carry'' model for calculating the forward levels of RVX at each expiration is reflected in the prices of the options that will be used to calculate RVX on that expiration day. For example, December RUT options will be used to calculate RVX on the November RVX expiration date. Likewise, February 2007 RVX options are tied to the implied volatility of March 2007 RUT options, and so on.

The Exchange states that one important property of implied volatility is that it exhibits a ''term structure.'' In other words, the implied volatility of options expiring on different dates can trade at different levels and can move independently. Another property related to the term structure is that implied volatility tends to trend toward the market's expectation of a long-term ''average'' value. As a result, a large spike in one-month implied volatility might not affect implied volatility of longer-dated options very much at all.

The CBOE Futures Exchange does not currently list RVX futures; however, CBOE expects that RVX futures corresponding to each RVX options expiration month will be available prior to launch. As a result, the Exchange believes that traders will likely use RVX futures prices as a proxy for forward RVX levels. CBOE believes that using these prices is an accurate and transparent method for determining the ''current index level'' used to center the limited range in which $1 or greater strikes in RVX options will be listed and the broader range in which $2.50 or greater strikes in RVX options will be listed.

Additionally, the Exchange is proposing that it would not list series with $1 intervals within $0.50 of an existing $2.50 strike price with the same expiration month (*e.g.*, if there is an existing $12.50 strike, the Exchange would not list a $12.00 or $13.00 strike). Finally, the interval between strike prices for RVX long-term option series (''LEAPs®'') will continue to be no less than $2.50.

The Exchange states that $1 strike price intervals will more closely bracket the level of RVX when it remains locked within a static range, as currently exists, and will enable investors to assume more dynamic volatility index option positions that reflect greater possibilities of settling in-the-money.

The Exchange also notes that the Commission has approved the listing of options on the CBOE Volatility Index (''VIX'') at $1.00 strike intervals within certain parameters.[7]

CBOE has analyzed its capacity and represents that it believes the Exchange and the Options Price Reporting Authority have the necessary systems capacity to handle the additional traffic associated with the listing and trading of $1 strike RVX options as proposed herein.

The trading hours for options on the volatility indexes will be from 8:30 a.m. to 3:15 p.m. CST. Exhibit 2 to CBOE's filing presents proposed contract specifications for RVX options.

Exercise and Settlement

The proposed options on each index will expire 30 days prior to the expiration date of the options used in the calculation of that index. For example, September 2006 RVX options would expire on Wednesday, September 20, 2006, exactly 30 days prior to the third Friday of the calendar month immediately following the expiring month. Trading in the expiring contract month will normally cease at 3:15 p.m. CST on the last day of trading. Exercise will result in delivery of cash on the business day following expiration. RVX options will be a.m.-settled. The exercise settlement value will be determined by a Special Opening Quotation (SOQ) of the RVX calculated from the sequence of opening prices of the RUT options that comprise that index on the settlement date. The opening price for any series in which there is no trade would be the average of that option's bid price and ask price as determined at the opening of trading.

The exercise-settlement amount is equal to the difference between the exercise-settlement value and the exercise price of the option, multiplied by $100. When the last trading day is moved because of Exchange holidays, the last trading day for expiring options will be the day immediately preceding the last regularly-scheduled trading day.

Surveillance

The Exchange will use the same surveillance procedures currently utilized for each of the Exchange's other index options to monitor trading in options on each volatility index. The Exchange further represents that these surveillance procedures will be adequate to monitor trading in options on these indexes. For surveillance purposes, the Exchange states that it will have complete access to information regarding trading activity in the pertinent underlying securities.

Position Limits

The Exchange proposes to establish position limits for options on the RVX at 50,000 contracts on either side of the market, and no more than 30,000 of such contracts may be in series in the nearest expiration month. The Exchange states that these position limits for options on the RVX are consistent with the position limits for options on the underlying RUT set forth in CBOE Rule 24.4.[8]

Exchange Rules Applicable

Except as modified herein, the CBOE Rules in Chapter XXIV will be applicable to the RVX options. The RVX

[6] With respect to $2.50 or greater strikes, the $2.50 or greater strike price intervals will be reasonably related to the current index value of RVX at or about the time such series are first opened for trading. The term ''reasonably related to the current index value of the underlying index'' means that the exercise price is within 30% of the current index value. The Exchange may also open additional $2.50 or greater strike price series that are more than 30% away from the current index value, provided that demonstrated customer interest exists for such series, as expressed by institutional, corporate, or individual customers or their brokers. *See* Interpretations and Policies .01(d) and .04 of CBOE Rule 24.9.

[7] *See* Securities Exchange Act Release No. 34–54192 (July 21, 2006), 71 FR 43251 (July 31, 2006) (SR–CBOE–2006–27).

[8] Telephone conversation between Jennifer L. Klebes, Senior Attorney, CBOE, and Florence E. Harmon, Senior Special Counsel, Division of Market Regulation, Commission, on October 23, 2006.

will be classified as a ''broad-based index'' and, under CBOE margin rules, specifically CBOE Rule 12.3(c)(5)(A), the margin requirement for a short put or call on the respective volatility indexes will be 100% of the current market value of the contract plus up to 15% of the respective underlying index value.

Finally, CBOE has analyzed its capacity and represents that it believes the Exchange and the Options Price Reporting Authority have the necessary systems capacity to handle the additional traffic associated with the listing and trading of RVX options as proposed herein.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act,[9] in general, and Sections 6(b)(5) of the Act,[10] in particular, in that it will permit trading in options based on the RVX pursuant to rules designed to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade, and thereby will provide investors with the ability to invest in options based on an additional index.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange did not solicit or receive any written comments with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve the proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2006–73 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2006–73. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2006–73 and should be submitted on or before November 20, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Nancy M. Morris,

Secretary.

[FR Doc. E6–18081 Filed 10–27–06; 8:45 am]

BILLING CODE 8011–01–P

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54640; File No. SR–CBOE–2006–82]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Appointment Costs of Certain Hybrid 2.0 Classes

October 23, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 12, 2006, the Chicago Board Options Exchange, Incorporated (''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to amend CBOE Rules relating to the ''appointment costs'' of certain Hybrid 2.0 Classes. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com*), at the CBOE's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this rule change is to amend CBOE Rules 8.3 and 8.4 relating to the ''appointment costs'' of certain Hybrid 2.0 Classes. CBOE Rules 8.3 and 8.4 provide that Market-Makers and Remote Market-Makers (''RMMs''), respectively, can create a Virtual Trading Crowd (''VTC'') Appointment, which confers the right to quote electronically in a certain number of products selected from various ''Tiers.'' Currently, there are five Tiers (Tiers A, B, C, D, and E) that are structured according to trading volume statistics, an ''AA'' Tier which consists of options on the CBOE Volatility Index (VIX), and an ''A+'' Tier which consists of two option classes—options on Standard & Poor's Depositary Receipts (SPY) and options on the Nasdaq-100 Index Tracking Stock (QQQQ).

CBOE Rules 8.3 and 8.4 assign ''appointment costs'' to Hybrid 2.0 Classes based on the Tier in which they are located, and a Market-Maker and an RMM may select for each Exchange membership it owns or leases any combination of products trading on the Hybrid 2.0 Platform [5] whose aggregate ''appointment cost'' does not exceed 1.0.[6]

CBOE proposes to make the following changes to the Tiers. First, CBOE proposes to amend the composition of Tier E such that it includes Hybrid 2.0 Classes 571 to 999. Currently, Tier E is composed of all remaining Hybrid 2.0 Classes that are not ranked among the top 570 Hybrid 2.0 Classes in terms of volume. CBOE intends to maintain the current appointment cost of .01 for Tier E classes. Second, CBOE proposes to create a new Tier F composed of all remaining Hybrid 2.0 Classes with an appointment cost of .001.

CBOE believes that amending the composition of Tier E and creating a new Tier F with an appointment cost of .001 will effectively lower a Market-Maker's and RMM's cost to access CBOE's marketplace and receive an appointment in multiple Hybrid 2.0 Classes. Moreover, these revised appointment costs are more competitive with the access costs at other options exchanges to hold an appointment as a market-maker in multiple option classes.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations under the Act applicable to a national securities exchange and, in particular, the requirements of Section 6(b) of the Act.[7] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [8] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, provided that the self-regulatory organization has given the Commission written notice of its intent to file the proposed rule change prior to the date of filing of the proposed rule change or such shorter time as designated by the Commission, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [9] and Rule 19b–4(f)(6) thereunder.[10]

At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Under Rule 19b–4(f)(6)(iii) of the Act,[11] the proposal does not become operative for 30 days after the date of its filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. The Exchange has requested that the Commission accelerate the 30-day operative date. The Commission, consistent with the protection of investors and the public interest, has determined to accelerate the 30-day operative date to enable the Exchange to implement the changes to the Tiers in connection with its quarterly rebalancing of the Tiers.[12]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2006–82 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2006–82. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule

[5] CBOE Rule 1.1(aaa) defines Hybrid Trading System and Hybrid 2.0 Platform.

[6] These Tiers are also utilized for purposes of determining DPM and e-DPM membership ownership requirements as provided in CBOE Rules 8.85 and 8.92, respectively.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6)(iii).

[12] For purposes only of accelerating the 30-day operative period for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the CBOE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2006–82 and should be submitted on or before November 20, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Nancy M. Morris,

Secretary.

[FR Doc. E6–18082 Filed 10–27–06; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54642; File No. SR–CHX–2006–30]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Filing of Proposed Rule Change To Permit Routing From the Matching System to a Destination Selected by a Participant

October 23, 2006.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 19, 2006, the Chicago Stock Exchange, Inc. (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CHX. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CHX proposes to amend its rules to permit its participants to identify a destination to which an order should be routed when its execution would improperly trade through other markets or its display would improperly lock or cross other markets. The text of the proposed rule change appears below. Additions are *italicized;* deletions are [bracketed].

RULES OF CHICAGO STOCK EXCHANGE, INC.

ARTICLE 20

Prevention of Trade-Throughs

* * * * *

RULE 5.a. An inbound order for at least a round lot is not eligible for execution on the Exchange if its execution would cause an improper trade-through of another ITS market or, when Reg NMS is implemented for a security, if its execution would be improper under Rule 611 (but not including the exception set out in Rule 611(b)(8)) (together an ''improper trade-through''). As described in Interpretation and Policy .03, if the execution of all or part of an inbound order for at least a round lot on the Exchange would cause an improper trade-through, that order (or the portion of that order that would cause a trade-through) shall be routed to another appropriate market or, if designated as ''do not route,'' automatically cancelled; provided, however, that if an undisplayed order is resting in the Matching System and the execution of an inbound round lot order (that is not an IOC or FOK order) against the undisplayed resting order would cause an improper trade-through, the resting order shall be cancelled to the extent necessary to allow the inbound order to be executed or quoted.

b. Inbound odd lot orders and odd lot crosses shall be eligible for execution on the Exchange even if the execution would trade through another market's bid or offer.

* * * Interpretations and Policies:

* * * * *

.03 Routing to other markets when execution in Matching System would cause a trade-through. *As described above, an inbound round lot order is not eligible for execution on the Exchange if its execution would cause an improper trade-through of another market's quotations. If the execution of all or a part of an inbound round-lot order on the Exchange would cause an improper trade-through, that order (or a portion of that order) shall be routed to another destination or, if designated as ''do not route,'' automatically cancelled. Routing to other destinations (''Routing Services'') shall occur as follows:*

a. Cross with satisfy/outbound ISO. If a Participant has submitted a cross with satisfy or an outbound ISO and its execution would cause an improper trade-through, the Matching System shall execute that order and simultaneously route orders or commitments necessary to satisfy the bids or offers of other markets [(the ''Routing Services'')]. *The Exchange's systems will determine when, how and where these orders (or commitments) should be routed. These orders will be routed, at the Participant's election, either through the NMS Linkage System (or any later linkage that supersedes the NMS Linkage System) or through the connectivity provided by a routing services provider with whom the Exchange has negotiated an access agreement.*

b. All other situations. In all other situations, if the execution of all or a part of an inbound round lot order would cause a trade-through, and the Participant has not identified the order as ''do not route,'' the Matching System shall route the order to another venue, according to each Participant's instructions. The Participant will be responsible for ensuring that it has a relationship with its chosen destination to permit the requested access. The Exchange shall not have responsibility for the handling of the order by the other destination, but will report any execution or cancellation of the order by the other destination to the Participant that submitted the order and will notify the other venue of any cancellations or changes to the order submitted by the order-sending Participant.

c [a]. The Exchange will provide its Routing Services pursuant to the terms of three separate agreements, to the extent that they are applicable to a specific routing decision: (1) an agreement between the Exchange and each Participant on whose behalf orders will be routed (''Participant-Exchange Agreement''); (2) an agreement between each Participant and a specified third-party broker-dealer that will use its routing connectivity to other markets and serve as a ''give-up'' in those markets (''Give-Up Agreement''); and (3) an agreement between the Exchange and the specified third-party broker-dealer (''Routing Connectivity Agreement'') pursuant to which the third-party broker-dealer agrees to provide routing connectivity to other markets and serve as a ''give-up'' for the Exchange's Participants in other markets. *The Routing Connectivity Agreement will include terms and conditions that enable the Exchange to comply with this Interpretation and Policy .03.*

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[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

d [b]. The Exchange will provide Routing Services in compliance with these rules and with the provisions of the Act and the rules thereunder, including, but not limited to, the requirements of sections 6(b)(4) and (5) of the Act that the rules of a national securities exchange provide for the equitable allocation of reasonable dues, fees and other charges among its members and issuers and other persons using its facilities, and not be designed to permit unfair discrimination between customers, issuers, brokers or dealers.

[c. In providing the Routing Services, the Exchange will use its own systems to determine when, how and where orders (or commitments) are routed away to other markets.]

[d. The Routing Connectivity Agreement will include terms and conditions that enable the Exchange to comply with this Interpretation and Policy .03.]

e. The Exchange will establish and maintain procedures and internal controls reasonably designed to adequately restrict the flow of confidential and proprietary information between the Exchange (including its facilities) and the third-party broker-dealer, and, to the extent the third-party broker-dealer reasonably receives confidential and proprietary information, that adequately restrict the use of such information by the third party broker-dealer to legitimate business purposes necessary to provide routing connectivity and to serve as a ''give-up.''

[(In addition to these Routing Services, the Exchange is developing a functionality that would, in all other situations where the execution of all or a part of an inbound order for at least a round lot would cause a trade-through, and the Participant has not identified the order as ''do not route,'' route all or a part of the order to another destination, according to each Participant's instructions. This functionality will only be implemented if these rules are amended to define the functionality in more detail).]

* * * * *

Locked and Crossed Markets

RULE 6. a.–c. No change to text.

d. Matching System operation. Except as permitted in paragraph (c) above, an order is not eligible for display on the Exchange if its display would improperly lock or cross the ITS best bid or offer, or, when Reg NMS is implemented for a security, if its display would lock or cross a protected quotation. These orders shall be routed*, pursuant to the provisions of Rule 5, Interpretation .03 above,* to another *destination of the Participant's choice* [appropriate market] or, if designated as ''do not route,'' automatically cancelled.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CHX included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CHX has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Under the Exchange's new trading model rules, the Exchange's Matching System will not execute an order if its execution would cause an improper trade-through of another ITS market or, when Regulation NMS is implemented, if its execution would be improper under Rule 611 of Regulation NMS [3] (together an ''improper trade-through'').[4] Similarly, the Exchange's Matching System will not display an order if its display would improperly lock or cross other markets.[5]

Through this proposal, the Exchange seeks to adopt rules that would allow the Exchange, in these situations, to either cancel the order back to the participant that submitted it or to route the order to the destination of the participant's choice, all at the direction of the participant. Under this proposal, the participant would be responsible for ensuring that it has a relationship with its chosen destination to permit the requested access.[6] The Exchange would not be involved in the execution of the order—any execution of the order would be the responsibility of the destination to which the order was sent. The Exchange, however, would report any execution or cancellation of the order by the other destination to the participant that submitted the order and would notify the other venue of any cancellations or changes to the order submitted by the order-sending participant.[7] The Exchange would provide these routing services pursuant to these proposed rules and a separate agreement between the Exchange and each participant on whose behalf orders would be routed.[8]

The Exchange believes that the proposed routing of orders as set forth above would be a facility of the Exchange, but that the destinations chosen by each participant would not constitute an Exchange facility. As a result, the Exchange would submit fee changes, and any applicable changes to its rules, to the Commission as required by Rule 19b–4 under the Act in connection with its routing.[9] The Exchange's rules and fees, however, would not address the fees or manner of operation of any destination to which the participant asked that an order be routed. Additionally, the Exchange would provide these routing services in compliance with its rules and with the provisions of the Act and the rules thereunder, including, but not limited to, the requirements of Sections 6(b)(4) and (5) of the Act,[10] which require that the rules of a national securities exchange provide for the equitable allocation of reasonable dues, fees and other charges among its members and issuers and other persons using its facilities, and not be designed to permit unfair discrimination between customers, issuers, brokers or dealers.[11]

2. Statutory Basis

The CHX believes that the proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b).[12] The CHX believes that the proposal is consistent with Section 6(b)(5) of the Act [13] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of, a free and open market and a national market system, and, in general, to protect investors and the public interest by confirming that, when the execution of an order would improperly trade through another market (or the display of an order would improperly lock or cross another market), the Exchange may follow a participant's instructions

[3] 17 CFR 242.611.

[4] *See* CHX Article 20, Rule 5.

[5] *See* CHX Article 20, Rule 6.

[6] *See* CHX Article 20, Rule 5, proposed Interpretation and Policy .03(b).

[7] *See* CHX Article 20, Rule 5, proposed Interpretation and Policy .03(b).

[8] *See* CHX Article 20, Rule 5, proposed Interpretation and Policy .03(c).

[9] 17 CFR 240.19b–4.

[10] 15 U.S.C. 78f(b)(4)–(5).

[11] *See* CHX Article 20, Rule 5, proposed Interpretation and Policy .03(d).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

in either cancelling the order back to the participant or routing the order to a destination of the participant's choice.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–CHX–2006–30 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CHX–2006–30. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CHX–2006–30 and should be submitted on or before November 20, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Nancy M. Morris,

Secretary.

[FR Doc. E6–18083 Filed 10–27–06; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54644; File No. SR–ISE–2004–17]

Self-Regulatory Organizations; International Securities Exchange, Inc.; Order Approving a Proposed Rule Change and Amendment No. 1 Thereto Relating to Market Maker Orders

October 23, 2006.

I. Introduction

On May 26, 2004, the International Securities Exchange, Inc. (''ISE'' or ''Exchange''), filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposal to eliminate the restriction on Electronic Access Members (''EAMs'') representing ISE market maker orders, provided that such orders are identified as orders for the account of an ISE market maker. The Exchange filed Amendment No. 1 with the Commission on August 14, 2006.[3] The amended proposal was published for comment in the **Federal Register** on September 14, 2006.[4] The Commission received no comments on the proposal. This order approves the proposal, as amended.

II. Description of the Proposal

The Exchange proposes to amend ISE Rule 717(g) to eliminate the restriction on EAMs representing ISE market maker orders, provided that such orders are identified as orders for the account of an ISE market maker. Currently, under ISE Rules, EAMs generally are not permitted to represent orders for the account of an ISE market maker. In its filing with the Commission, the Exchange stated that it initially included this restriction in its rules due to a system limitation. Specifically, allowing ISE market makers to enter orders through another member instead of directly might have created an opportunity for ISE market makers to avoid certain limitations on market maker trading contained in the Exchange's Rules.[5]

The Exchange represents that it has developed the capability for EAMs to mark orders to show that they are for the account of an ISE market maker. A marked order can be tracked through the Exchange's surveillance system as if it were directly entered by the market maker. Therefore, the Exchange proposes to eliminate the prohibition against EAMs entering orders for the account of ISE market makers in most circumstances. However, the proposal would continue to prohibit an EAM from entering an order solicited from an ISE market maker into the Solicited Order Mechanism and the Price Improvement Mechanism—functionalities that are designed to expose solicited transactions to the market—if the market maker is assigned to the options class that is the subject of the order.[6]

III. Discussion

After careful review, the Commission finds that the proposed rule change, as amended, is consistent with the

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[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 replaced and superceded the original filing in its entirety.

[4] *See* Securities Exchange Act Release No. 54415 (September 7, 2006), 71 FR 54321.

[5] *See, e.g.*, ISE Rule 805 (Market Maker Orders).

[6] This limitation on entering orders solicited from market makers assigned to the options class was included in a rule change by the CBOE (the ''Automated Improvement Mechanism'' or ''AIM'') recently approved by the Commission. *See* Securities Exchange Act Release No. 53222 (Feb. 3, 2006), 71 FR 7089 (Feb. 10, 2006). The execution of solicited transactions through AIM is similar to the execution of orders through the ISE's Price Improvement Mechanism.

requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[7] In particular, the Commission believes that the proposal is consistent with the requirements of Section 6(b)(5) of the Act,[8] which requires, among other things, that the rules of a national securities exchange be designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transaction in securities; to remove impediments to and perfect the mechanism of a free and open market and a national market system; and, in general, to protect investors and the public interest.

The Commission notes that ISE's proposal should permit EAMs to represent orders of ISE market makers without compromising the Exchange's ability to surveil their trading activity. Thus the proposal should not impact the Exchange's execution of its regulatory obligations. In addition, the proposed provision prohibiting an EAM from entering an order solicited from an ISE market maker into the Solicited Order Mechanism and the Price Improvement Mechanism in that ISE market maker's assigned class would permit those two functionalities to remain mechanisms for exposing solicited transactions to the competition of the marketplace.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[9] that the proposed rule change (File No. SR–ISE–2004–17), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Nancy M. Morris,

Secretary.

[FR Doc. E6–18079 Filed 10–27–06; 8:45 am]

BILLING CODE 8011–01–P

[7] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(2).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54648; File No. SR–Phlx–2006–52]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change, and Amendment No. 1 Thereto, Relating to Quoting Obligations

October 24, 2006.

I. Introduction

On August 15, 2006, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Phlx Rule 1014, ''Obligations and Restrictions Applicable to Specialists and Registered Options Traders,'' by adopting Phlx Rule 1014(b)(ii)(D)(4), which would state that Streaming Quote Traders (''SQTs''),[3] Remote Streaming Quote Traders (''RSQTs''),[4] and SQTs and RSQTs that receive Directed Orders [5] (''DSQTs'' and ''DRSQTs,'' respectively) would be deemed not to be assigned in any option series until the time to expiration for such series is less than nine months. Accordingly, the market making obligations described in Phlx Rule 1014(b)(ii)(D) would not apply to SQTs, RSQTs, DSQTs, and DRSQTs respecting series with an expiration of nine months or greater. On September 8, 2006, the Exchange filed Amendment No. 1 to the proposed rule change.[6] The proposed rule change, as amended, was published for comment in the **Federal Register** on September 19, 2006.[7] The Commission received no comments regarding the proposal, as amended. This order approves the proposed rule change, as amended.

II. Description of the Proposal

Currently, SQTs and RSQTs that do not receive Directed Orders in a Streaming Quote Option [8] are responsible to quote continuous, two-sided markets in not less than 60% of the series in each Streaming Quote Option in which such SQT or RSQT is assigned.[9]

A DSQT or DRSQT is responsible to quote continuous, two-sided markets in not less than 99% of the series listed on the Exchange in at least 60% of the options in which such DSQT or DRSQT is assigned.[10] Whenever a DSQT or DRSQT enters a quotation in an option in which such DSQT or DRSQT is assigned, such DSQT or DRSQT must maintain continuous quotations for not less than 99% of the series of the option listed on the Exchange until the close of that trading day.[11]

To reduce the number of quotations submitted by SQTs, RSQTs, DSQTs and DRSQTs, the Phlx proposes to relax the quoting obligations that require quotes to be generated. Specifically, the Exchange proposes, on a six–month pilot basis, to permit SQTs, RSQTs, DSQTs and DRSQTs not to submit streaming quotations in options with a series of more than nine months until expiration, which are known as LEAPS (Long-term Equity Anticipation Securities), by deeming them not to be assigned in any option series until the time to expiration for such series is less than nine months. The effect of this is to relax their quoting obligations, and ultimately the number of quotes they are required to submit, because the quoting obligations in Phlx Rule 1014(b)(ii)(D)(1) apply only to those options in which they are assigned.

Specialists, currently responsible to quote continuous, two-sided markets in not less than 99% of the series in each Streaming Quote Option in which such specialist is assigned,[12] would still be required to quote LEAPS, so the Exchange would continue to disseminate a two-sided market in LEAPS.

The Exchange proposes to effect the proposed rule change, as amended, on a six–month pilot basis, beginning on the date the Commission approves this proposed rule filing.

III. Discussion

The Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Phlx Rule 1014(b)(ii)(A).

[4] *See* Phlx Rule 1014(b)(ii)(B).

[5] *See* Phlx Rule 1080(l)(i)(A).

[6] Amendment No. 1 made a clarifying change to the proposed rule text, as well as two minor technical changes to the purpose section.

[7] *See* Securities Exchange Act Release No. 54429 (September 12, 2006), 71 FR 54864.

[8] A Streaming Quote Option is an option in which SQTs may generate and submit option quotations if such SQT is physically present on the Exchange floor, and RSQTs may generate and submit option quotations from off the floor of the Exchange, electronically. *See* Phlx Rule 1080(k). Currently, all options trading on the Exchange are Streaming Quote options.

[9] *See* Phlx Rule 1014(b)(ii)(D)(1).

[10] *See* Phlx Rule 1014(b)(ii)(D)(1).

[11] *See* Phlx Rule 1014(b)(ii)(D)(1).

[12] *See* Phlx Rule 1014(b)(ii)(D)(2).

securities exchange.[13] In particular, the Commission believes that the proposal, as amended, is consistent with Section 6(b)(5) of the Act,[14] which requires that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Commission believes that the proposal to relax the quoting requirements applicable to SQTs, RSQTs, DSQTs, and DRSQTs in LEAPS should reduce the number of options quotations required to be submitted on the Exchange and, therefore, should help to mitigate the Exchange's quote message traffic and capacity. In addition, the Commission notes that this proposal is consistent with the approach in current Phlx Rule 1012, Commentary .03, which states that strike price interval, bid/ask differential and continuity rules will not apply to such long term option series until the time to expiration is less than nine months.[15]

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[16] that the proposed rule change (SR–Phlx–2006–52), as amended, is hereby approved on a six month pilot basis beginning on the date of this approval order.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[17]

Nancy M. Morris,

Secretary.

[FR Doc. E6–18142 Filed 10–27–06; 8:45 am]

BILLING CODE 8011–01–P

[13] In approving this proposed rule change, as amended, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] 15 U.S.C. 78f(b)(5).

[15] *See* Securities Exchange Act Release No. 29103 (April 18, 1991), 56 FR 19132 (April 25, 1991) (order approving SR–Phlx–91–18).

[16] 15 U.S.C. 78s(b)(2).

[17] 17 CFR 200.30–3(a)(12).

[17] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Emergence Capital Partners SBIC, L.P., License No. 09/79–0454; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Emergence Capital Partners SBIC, L.P., 160 Bovet Road, Suite 300, San Mateo, CA 94402, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration (''SBA'') Rules and Regulations (13 CFR 107.730). Emergence Capital Partners SBIC, L.P. proposes to provide equity/debt security financing to Genius, Inc., One Waters Park Drive, Suite 200, San Mateo, CA 94403. The financing is contemplated for working capital and general corporate purposes.

The financing is brought within the purview of § 107.730(a)(1) of the Regulations because Emergence Capital Partners, L.P. and Emergence Capital Associates, L.P., all Associates of Emergence Capital Partners SBIC, L.P., own more than ten percent of Genius, Inc., and therefore Genius, Inc. is considered an Associate of Emergence Capital Partners SBIC, L.P. as detailed in § 107.50 of the Regulations.

Notice is hereby given that any interested person may submit written comments on the transaction to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, S.W., Washington, DC 20416.

Dated: October 6, 2006.

Jaime Guzmán-Fournier,

Associate Administrator for Investment.

[FR Doc. 06–8964 Filed 10–27–06; 8:45 am]

BILLING CODE 8025–01–M

SMALL BUSINESS ADMINISTRATION

[License No. 09/79–0454]

Emergence Capital Partners SBIC, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Emergence Capital Partners SBIC, L.P., 160 Bovet Road, Suite 300, San Mateo, CA 94402, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration (''SBA'') Rules and Regulations (13 CFR 107.730). Emergence Capital Partners SBIC, L.P. proposes to provide equity/debt security financing to Goodmail Systems, Inc., 2465 Latham Street, Mountain View, CA 94040. The financing is contemplated for working capital and general corporate purposes.

The financing is brought within the purview of § 107.730(a)(1) of the Regulations because Emergence Capital Partners, L.P. and Emergence Capital Associates, L.P., all Associates of Emergence Capital Partners SBIC, L.P., own more than ten percent of Goodmail Systems, Inc., and therefore Goodmail Systems, Inc. is considered an Associate of Emergence Capital Partners SBIC, L.P. as detailed in § 107.50 of the Regulations.

Notice is hereby given that any interested person may submit written comments on the transaction to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

Dated: October 6, 2006.

Jaime Guzmán-Fournier,

Associate Administrator for Investment.

[FR Doc. 06–8966 Filed 10–27–06; 8:45 am]

BILLING CODE 8025–01–M

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 10648 and # 10649]

Alaska Disaster # AK–00006

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Alaska dated 10/19/2006.

Incident: Severe Flooding, Landslides & Mudslides.

Incident Period: 8/15/2006 through 8/25/2006.

Effective Date: 10/19/2006.

Physical Loan Application Deadline Date: 12/18/2006.

Economic Injury (EIDL) Loan Application Deadline Date: 7/19/2007.

ADDRESSES: Submit completed loan applications to:

U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Matanuska-Susitna Borough.

Contiguous Counties:

Alaska:

Chugach Reaa (10), Copper River Reaa (11), Delta/Greely Reaa (03), Denali Borough, Iditarod Area Reaa (21), Kenai Peninsula Borough, Municipality Of Anchorage.

The Interest Rates are:

	Percent
Homeowners with Credit Available Elsewhere	6.250
Homeowners without Credit Available Elsewhere	3.125
Businesses with Credit Available Elsewhere	7.934
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Other (Including Non-Profit Organizations) with Credit Available Elsewhere	5.000
Businesses And Non-Profit Organizations without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 10648 6 and for economic injury is 10649 0.

The State which received an EIDL Declaration # is Alaska.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008).

Dated: October 19, 2006.

Steven C. Preston,

Administrator.

[FR Doc. E6–18194 Filed 10–27–06; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 10646 and # 10647]

Illinois Disaster # IL–00004

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Illinois dated 10/18/2006.

Incident: Tornadoes, Severe Storms and Flooding.

Incident Period: 7/19/2006 through 7/21/2006.

Effective Date: 10/18/2006.

Physical Loan Application Deadline Date: 12/18/2006.

Economic Injury (Eidl) Loan Application Deadline Date: 7/18/2007.

ADDRESSES: Submit completed loan applications to : U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Jefferson, St. Clair.

Contiguous Counties:

Illinois: Clinton, Franklin, Hamilton, Madison, Marion, Monroe, Perry, Randolph, Washington, Wayne.

Missouri: St. Louis, St. Louis City.

The Interest Rates are:

	Percent
Homeowners with Credit Available Elsewhere	5.875
Homeowners without Credit Available Elsewhere	2.937
Businesses with Credit Available Elsewhere	7.763
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Other (Including Non-Profit Organizations) with Credit Available Elsewhere	5.000
Businesses and Non-Profit Organizations without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 10646 C and for economic injury is 10647 0.

The States which received an EIDL Declaration # are Illinois, Missouri.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008).

Dated: October 18, 2006.

Steven C. Preston,

Administrator.

[FR Doc. E6–18182 Filed 10–27–06; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. OST–2006–26169]

Notice of Rights and Protections Available Under the Federal Antidiscrimination and Whistleblower Protection Laws

AGENCY: Office of the Secretary, DOT.

ACTION: No FEAR Act Notice.

SUMMARY: The U.S. Department of Transportation (DOT) is publishing its Notice under Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (Pub. L. 107–174), as required by the Act and 5 CFR part 724. This Notice describes the obligation of DOT and other Federal agencies to notify all employees, former employees, and applicants for Federal employment of the rights and protections available to them under the Federal Antidiscrimination Laws and Whistleblower Protection Laws.

FOR FURTHER INFORMATION CONTACT: Caffin Gordon, Chief, Compliance Operations Division, S–34, Departmental Office of Civil Rights, Office of the Secretary, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–9370 or (TTY) 202–366–0663.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may retrieve this document online through the Document Management System (DMS) at: *http://dmses.dot.gov*. The DMS is available 24 hours each day, 365 days each year. Electronic retrieval help and guidelines are available under the help section of the Web site. An electronic copy of this document may be downloaded by using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board home page at: *http://www.nara.gov/fedreg* and the Government Printing Office's Web page at: *http://www.access.gpo.gov/nara.*

No FEAR Act Notice

On May 15, 2002, Congress enacted the ''Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002,'' Public Law 107–174, which is now known as the No FEAR Act. One purpose of the Act is to ''require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws.'' In support of this purpose, Congress found that ''agencies cannot be run effectively if those agencies practice or tolerate discrimination.'' The Act also requires this agency to provide this notice to Federal employees, former Federal employees and applicants for Federal employment to inform you of the rights and protections available to you under Federal antidiscrimination, whistleblower protection and retaliation laws.

Antidiscrimination Laws

A Federal agency cannot discriminate against an employee or applicant with

respect to the terms, conditions or privileges of employment on the basis of race, color, religion, sex, national origin, age, disability, marital status or political affiliation. Discrimination on these bases is prohibited by one or more of the following statutes: 5 U.S.C. 2302(b)(1), 29 U.S.C. 206(d), 29 U.S.C. 631, 29 U.S.C. 633a, 29 U.S.C. 791 and 42 U.S.C. 2000e–16.

If you believe that you have been the victim of unlawful discrimination on the basis of race, color, religion, sex, national origin or disability, you must contact an Equal Employment Opportunity (EEO) counselor within 45 calendar days of the alleged discriminatory action, or, in the case of a personnel action, within 45 calendar days of the effective date of the action, before you can file a formal complaint of discrimination with your agency. See, e.g., 29 CFR part 1614. If you believe that you have been the victim of unlawful discrimination on the basis of age, you must either contact an EEO counselor as noted above or give notice of intent to sue to the Equal Employment Opportunity Commission (EEOC) within 180 days of the alleged discriminatory action. If you are alleging discrimination based on marital status or political affiliation, you may file a written complaint with the U.S. Office of Special Counsel (OSC) (see contact information below). In the alternative (or in some cases, in addition), you may pursue a discrimination complaint by filing a grievance through your agency's administrative or negotiated grievance procedures, if such procedures apply and are available.

Whistleblower Protection Laws

A Federal employee with authority to take, direct others to take, recommend or approve any personnel action must not use that authority to take or fail to take, or threaten to take or fail to take, a personnel action against an employee or applicant because of disclosure of information by that individual that is reasonably believed to evidence violations of law, rule or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety, unless disclosure of such information is specifically prohibited by law and such information is specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs. Retaliation against an employee or applicant for making a protected disclosure is prohibited by 5 U.S.C. 2302(b)(8). If you believe that you have been the victim of whistleblower retaliation, you may file a written complaint (Form OSC–11) with the U.S. Office of Special Counsel at 1730 M Street NW., Suite 218, Washington, DC 20036–4505 or online through the OSC Web site—*http://www.osc.gov.*

Retaliation for Engaging in Protected Activity

A Federal agency cannot retaliate against an employee or applicant because that individual exercises his or her rights under any of the Federal antidiscrimination or whistleblower protections laws listed above. If you believe that you are the victim of retaliation for engaging in protected activity, you must follow, as appropriate, the procedures described in the Antidiscrimination Laws and Whistleblower Protection Laws sections or, if applicable, the administrative or negotiated grievance procedures in order to pursue any legal remedy.

Disciplinary Actions

Under the existing laws, each agency retains the right, where appropriate, to discipline a Federal employee who has engaged in discriminatory or retaliatory conduct, up to and including removal. If OSC has initiated an investigation under 5 U.S.C. 1214, however, according to 5 U.S.C. 1214(f), agencies must seek approval from the Special Counsel to discipline employees for, among other activities, engaging in prohibited retaliation. Nothing in the No FEAR Act alters existing laws or permits an agency to take unfounded disciplinary action against a Federal employee or to violate the procedural rights of a Federal employee who has been accused of discrimination.

Additional Information

For further information regarding the No FEAR Act regulations, refer to 5 CFR part 724, as well as the appropriate offices within your agency (e.g., EEO/civil rights office, human resources office or legal office). Additional information regarding Federal antidiscrimination, whistleblower protection and retaliation laws can be found at the EEOC Web site—*http://www.eeoc.gov* and the OSC Web site—*http://www.osc.gov.*

Existing Rights Unchanged

Pursuant to section 205 of the No FEAR Act, neither the Act nor this notice creates, expands or reduces any rights otherwise available to any employee, former employee or applicant under the laws of the United States, including the provisions of law specified in 5 U.S.C. 2302(d).

J. Michael Trujillo,

Director, Departmental Office of Civil Rights, United States Department of Transportation.

[FR Doc. E6–18209 Filed 10–27–06; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting on Transport Airplane and Engine Issues

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a public meeting of the FAA's Aviation Rulemaking Advisory Committee (ARAC) to discuss transport airplane and engine (TAE) issues.

DATES: The meeting is scheduled for Wednesday, November 29, 2006, starting at 9 a.m. Pacific Standard Time. Arrange for oral presentations by November 15, 2006.

ADDRESSES: Courtyard Marriott, 400 Andover Park West, Tukwila, Washington 98118 (Room to be determined).

FOR FURTHER INFORMATION CONTACT: Nicanor Davidson, Office of Rulemaking, ARM–207, FAA, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267–5174, FAX (202) 267–5075, or e-mail at *nicanor.davidson@faa.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. app. III), notice is given of an ARAC meeting to be held November 29, 2006, at the Courtyard Marriott, 400 Andover Park West, Tukwila, Washington 98118.

The agenda for the meeting is as follows:

- Opening Remarks.
- FAA Report.
- Transport Canada Report.
- European Aviation Safety Agency Report.
- ARAC Executive Committee Report.
- Ice Protection Harmonization Working Group (HWG) Report.
- Avionics HWG Report.
- Airplane-level Safety Analysis Working Group Report.
- Airworthiness Assurance WG (AAWG) Report.
- FAA discussion on the Widespread Fatigue Damage Notice of Proposed Rulemaking. and differences with the AAWG ARAC recommendation.

• Action Item Review.

Attendance is open to the public, but will be limited to the availability of meeting room space. Please confirm your attendance with the person listed in the **FOR FURTHER INFORMATION CONTACT** section no later than November 15, 2006. Please provide the following information: Full legal name, country of citizenship, and name of your industry association, or applicable affiliation. If you are attending as a public citizen, please indicate so.

For persons participating by telephone, the call-in number is (202) 366–3920; the Passcode is ''1158''. To insure that sufficient telephone lines are available, please notify the person listed in the **FOR FURTHER INFORMATION CONTACT** section of your intent to participate by telephone by November 15, 2006. Anyone calling from outside the Washington, DC metropolitan area will be responsible for paying long-distance charges.

The public must make arrangements by November 15, 2006, to present oral statements at the meeting. Written statements may be presented to the committee at any time by providing 25 copies to the Assistant Executive Director for Transport Airplane and Engine Issues or by providing copies at the meeting. Copies of the document to be presented to ARAC for decision by the FAA may be made available by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

If you need assistance or require a reasonable accommodation for the meeting or meeting documents, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Sign and oral interpretation, as well as a listening device, can be made available if requested 10 calendar days before the meeting.

Issued in Washington, DC, on October 23, 2006.

Eve Adams,

Acting Director, Office of Rulemaking.

[FR Doc. E6–18146 Filed 10–27–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Meeting of the National Parks Overflights Advisory Group Aviation Rulemaking Committee

ACTION: Notice of meeting.

SUMMARY: The Federal Aviation Administration (FAA) and the National Park Service (NPS), in accordance with the National Parks Air Tour Management Act of 2000, announce the next meeting of the National Parks Overflights Advisory Group Aviation Rulemaking Committee (ANPOAG ARC). This notice informs the public of the date, location, and agenda for the meeting.

Date and Location: The NPOAG ARC will meet from November 28–30, 2006, at the Zion National Park Lodge, Zion National Park, Springdale, Utah 84767, phone number (435) 772–0211. The meeting will begin at 8 a.m. on Tuesday, November 28, 2006.

FOR FURTHER INFORMATION CONTACT: Barry Brayer, Manager, Executive Resource Staff, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Blvd., Hawthorne, CA 90250, telephone: (310) 725–3800, *Barry.Brayer@faa.gov*, or Karen Trevino, National Park Service, Natural Sounds Program, 1201 Oakridge Dr., Suite 100, Ft. Collins, CO 80525, telephone (970) 225–3563, *Karen_Trevino@nps.gov*.

SUPPLEMENTARY INFORMATION:

Background

The National Parks Air Tour Management Act of 2000, enacted on April 5, 2000, as Public Law 106–181 (Pub. L. 106–181), required the establishment of a National Parks Overflights Advisory Group (NPOAG) within one year after its enactment. The NPOAG was to be a balanced group representative of general aviation, commercial air tour operations, environmental concerns, and Indian tribes. The duties of the NPOAG include providing advice, information, and recommendations to the NPS Director and the FAA Administrator, on implementation of Public Law 106–181, quiet aircraft technology, other measures that might accommodate interests to visitors to national parks, and, at the request of the Director and Administrator, on safety, environmental, and other issues related to commercial air tour operations over national parks or tribal lands.

On March 12, 2001, the FAA and NPS announced the establishment of the NPOAG (48 FR 14429). On October 10, 2003, the Administrator signed Order No. 1110–138 establishing the NPOAG as an aviation rulemaking committee (ARC) and on January 20, 2006, the Administrator updated Order No. 1110.138 and signed Order No. 1110.138A (71 FR 16610). The advisory group has held nine meetings. The current members of the NPOAG ARC are Heidi Williams (general aviation), Matthew Zuccaro, Elling Halvorson, and Alan Stephen (commercial air tour operations), Don Barger, Chip Dennerlein, Dr. Gregory A. Miller and Mark Peterson (environmental interests), and Rory Majenty and Richard Deertrack (Native American tribes).

Agenda for the November 28–30, 2006 Meeting

The agenda for the meeting will include, but is not limited to, the following review and approval of previous meeting minutes; discussion of Interim Operating Authority (IOA) issues; update on ongoing Air Tour Management Program (ATMP) projects; NPOAG Subgroup assignments and reports; discussion of Mt. Rushmore Draft Environmental Assessment (EA).

Attendance at the Meeting

Although this is not a public meeting, interested persons may attend. Because seating is limited, if you plan to attend, please contact one of the persons listed under **FOR FURTHER INFORMATION CONTACT** so that meeting space may be made to accommodate all attendees.

Record of the Meeting

If you cannot attend the meeting, a summary record of the meeting will be made available under the program information section of the FAA ATMP Web site at *http://www.atmp.faa.gov* or through the Executive Resource Staff, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Blvd., Hawthorne, CA 90250, telephone: (310) 725–3800.

Issued on October 20, 2006.

Barry S. Brayer,

Executive Resource Manager, Western-Pacific Region.

[FR Doc. 06–8950 Filed 10–27–06; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2006–26066]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 75 individuals for exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce

without meeting the Federal vision standard.

DATES: Comments must be received on or before November 29, 2006.

ADDRESSES: You may submit comments identified by Department of Transportation (DOT) Docket Management System (DMS) Docket Number FMCSA–2006–26066 using any of the following methods:

- *Web Site: http://dmses.dot.gov/submit*. Follow the instructions for submitting comments on the DOT electronic docket site.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.

Instructions: All submissions must include the Agency name and docket number for this Notice. Note that all comments received will be posted without change to *http://dms.dot.gov* including any personal information provided. Please see the Privacy Act heading for further information.

Docket: For access to the docket to read background documents or comments received, go to *http://dms.dot.gov* at any time or Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The DMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477; Apr. 11, 2000). This information is also available at *http://dms.dot.gov*.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Chief, Physical Qualifications Division, (202) 366–4001, *maggi.gunnels@dot.gov*, FMCSA, Department of Transportation, 400 Seventh Street, SW., Room 8301, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' FMCSA can renew exemptions at the end of each 2-year period. The 75 individuals listed in this Notice each have requested an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

Qualifications of Applicants

Lucas R. Aleman

Mr. Aleman, age 45, has had optic atrophy in his left eye due to an injury that occurred at age 20. The best corrected visual acuity in his right eye is 20/20 and in the left, count-finger vision. Following an examination in 2006, his ophthalmologist noted, ''As far as driving a motor vehicle is concerned, Lucas should be well adapted to his visual status and from a visual standpoint should be able to operate a motor vehicle, including a commercial vehicle.'' Mr. Aleman reported that he has driven straight trucks for 5 years, accumulating 125,000 miles, and tractor-trailer combinations for 22 years, accumulating 2.2 million miles. He holds a Class A Commercial Drivers License (CDL) from Kansas. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Michael L. Allen

Mr. Allen, 59, has complete loss of vision in his right eye due to a traumatic injury sustained in 1950. The best corrected visual acuity in his left eye is 20/20. Following an examination in 2006, his ophthalmologist noted, ''It appears that the fact that he only has vision in one eye has not been an issue with respect to operating commercial motor vehicles. With that in mind, it is my professional opinion that he be considered for a waiver to continue to drive commercially, as requested.'' Mr. Allen reported that he has driven tractor-trailer combinations for 12 years, accumulating 720,000 miles. He holds a Class A CDL from Nevada. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Jose C. Azuara

Mr. Azuara, 47, has had corneal opacity in his left eye since birth. The visual acuity in his right eye is 20/20 and in the left, no light perception. Following an examination in 2006, his optometrist noted, ''I am of the opinion that the applicant has sufficient visual skills with his right eye to perform his required tasks as a commercial driver.'' Mr. Azuara reported that he has driven tractor-trailer combinations for 16 years, accumulating 2 million miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Felipe Bayron

Mr. Bayron, 50, has had amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye is 20/60 and in the left, 20/20. Following an examination in 2006, his optometrist noted, ''In my medical opinion, Mr. Bayron has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Bayron reported that he has driven straight trucks for 5 years, accumulating 156,000 miles, and tractor-trailer combinations for 3 years, accumulating 16,000 miles. He holds a Class A CDL from Wisconsin. His driving record for the last 3 years shows 2 crashes both of which he was cited for, and no convictions for moving violations in a CMV.

Dennis M. Boggs

Mr. Boggs, 39, has had amblyopia in his right eye since birth. The best corrected visual acuity is 20/16 in the right eye and in the left, 20/190. Following an examination in 2006, his optometrist noted, ''It is my medical opinion that Mr. Boggs has sufficient vision to safely operate a commercial vehicle.'' Mr. Boggs reported that he has driven straight trucks for 5 years, accumulating 156,000 miles, and tractor-trailer combinations for 3 years, accumulating 215,916 miles. He holds a Class A CDL from Wisconsin. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Daniel D. Bradshaw

Mr. Bradshaw, 48, has had amblyopia in his left eye since birth. The best corrected visual acuity in his right eye is 20/25 and in the left, 20/80. Following an examination in 2006, his ophthalmologist noted, ''I certify that in my medical opinion, Mr. Bradshaw has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Bradshaw reported that he has driven straight trucks for 30 years, accumulating 675,000 miles. He holds a Class B CDL from Oregon. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Roy L. Brown

Mr. Brown, 50, has optic nerve damage in his left eye due to an injury sustained in 1988. The best corrected visual acuity in his right eye is 20/20 and in the left, hand-motion vision. Following an examination in 2006, his optometrist noted, ''Even though he is basically monocular, in my medical opinion, Mr. Brown has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Brown reported that he has driven tractor-trailer combinations for 30 years, accumulating 3.5 million miles. He holds a Class A CDL from Tennessee. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Richard A. Brown, Jr.

Mr. Brown, 46, has had amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye is count-finger vision and in the left, 20/20. Following an examination in 2006, his ophthalmologist noted, ''His right eye has amblyopia since childhood to the count-finger level but would not preclude him from operating a commercial vehicle.'' Mr. Brown reported that he has driven straight trucks for 6 years, accumulating 120,000 miles, and tractor-trailer combinations for 6 years, accumulating 180,000 miles. He holds a Class A CDL from Connecticut. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

David S. Brumfield

Mr. Brumfield, 30, has a prosthetic left eye due to ocular complications sustained as an infant. The best corrected visual acuity in his right eye is 20/20. Following an examination in 2006, his optometrist noted, ''It is my opinion that this individual has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Brumfield reported that he has driven straight trucks for 11 years, accumulating 121,000 miles, and tractor-trailer combinations for 7 years, accumulating 504,000 miles. He holds a Class A CDL from Kentucky. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Fabian L. Burnett

Mr. Burnett, 49, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/15 and in the left, 20/60. Following an examination in 2006, his ophthalmologist noted, ''In my opinion, Fabian Burnett has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Burnett reported that he has driven tractor-trailer combinations for 16 years, accumulating 1.2 million miles. He holds a Class A CDL from Illinois. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

David L. Cattoor

Mr. Cattoor, 64, has an opaque cornea due to a failed corneal graft transplant in his right eye in 1996. The visual acuity in his left eye is 20/20. Following an examination in 2006, his optometrist noted, ''He has driven without incident for many years and I certify that in my medical opinion, Mr. Cattoor has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Cattoor reported that he has driven straight trucks for 25 years, accumulating 75,000 miles, and tractor-trailer combinations for 21 years, accumulating 210,000 miles. He holds a Class A CDL from Nevada. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Roger E. Clark

Mr. Clark, 62, has had macular hemorrhages in his left eye due to an infection sustained in 1995. The best corrected visual acuity in his right eye is 20/20 and in the left, 20/80. Following an examination in 2006, his ophthalmologist noted, ''I certify that his right eye sees 20/20 and that he sees well enough to operate a commercial motor vehicle.'' Mr. Clark reported that he has driven straight trucks for 7 years, accumulating 336,000 miles, and tractor-trailer combinations for 8 years, accumulating 240,000 miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Steven J. Clark

Mr. Clark, 37, has had esotropia in his right eye since birth. The visual acuity in his right eye is 20/70 and in the left, 20/20. Following an examination in 2006, his optometrist noted, ''Mr. Clark has extremely healthy eyes and there is sufficient vision to perform all the visual tasks required to operate a commercial vehicle.'' Mr. Clark reported that he has driven straight trucks for 14 years, accumulating 868,000 miles, and tractor-trailer combinations for 2 years, accumulating 250,000 miles. He holds a Class A CDL from New Jersey. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Gary C. Cone

Mr. Cone, 62, has enucleation of his right eye due to trauma resulting in a ruptured globe in 1973. The best corrected visual acuity in his left eye is 20/20. Following an examination in 2006, his ophthalmologist noted, ''Mr. Cone has sufficient vision to operate a commercial vehicle.'' Mr. Cone reported that he has driven straight trucks for 25 years, accumulating 1.5 million miles, and tractor-trailer combinations for 25 years, accumulating 1.5 million miles. He holds a Class A CDL from Nevada. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Timothy E. Coultas

Mr. Coultas, 39, has had amblyopia in his right eye since birth. The visual acuity in his right eye is 20/70 and in the left, 20/25. Following an examination in 2006, his optometrist noted, ''In my opinion, Mr. Timothy Coultas has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Coultas reported that he has driven straight trucks for 10 years, accumulating 250,000 miles, and tractor-trailer combinations for 9 years, accumulating 1 million miles. He holds a Class A CDL from Illinois. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Cesar A. Cruz

Mr. Cruz, 42, has had amblyopia in his left eye since childhood. The best corrected visual acuity in his right eye is 20/25 and in the left, no light perception. Following an examination in 2006, his optometrist noted, ''In my professional opinion, Mr. Cesar A. Cruz has sufficient vision to operate a commercial vehicle.'' Mr. Cruz reported that he has driven straight trucks for 17 years, accumulating 174,488 miles. He

holds a Class C operator's license from Illinois. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Arthur Dolengewicz

Mr. Dolengewicz, 52, has had amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye is 20/80 and in the left, 20/20. Following an examination in 2006, his ophthalmologist noted, ''In my medical opinion, the patient has sufficient central as well as peripheral vision required to operate a commercial vehicle.'' Mr. Dolengewicz reported that he has driven straight trucks for 28 years, accumulating 140,000 miles. He holds a Class A CDL from New York. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Myron R. Durham

Mr. Durham, 63, has had an optic nerve anomaly in his right eye since birth. The best corrected visual acuity in his right eye is hand-motion vision and in the left, 20/20. Following an examination in 2006, his optometrist noted, ''In my opinion, he has vision that is stable and sufficient to operate a commercial vehicle.'' Mr. Durham reported that he has driven straight trucks for 47 years, accumulating 1.4 million miles. He holds a Class C operator's license from Maryland. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Wayne A. Elkins II

Mr. Elkins, 46, has had ambylopia in his left eye since birth. The best corrected visual acuity in his right eye is 20/25 and in the left, 20/50. Following an examination in 2006, his ophthalmologist noted, ''In my opinion, from an ocular standpoint, Mr. Elkins does have vision sufficient to perform driving a commercial vehicle.'' Mr. Elkins reported that he has driven straight trucks for 20 years, accumulating 500,000 miles, tractor-trailer combinations for 10 years, accumulating 12,000 miles, and buses for 20 years, accumulating 10,000 miles. He holds a Class A CDL from Ohio. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Barry Ferdinando

Mr. Ferdinando, 47, has had amblyopia in his right eye since birth. The best corrected visual acuity in his right eye is 20/100 and in the left, 20/20. Following an examination in 2006, his optometrist noted, ''In my professional opinion, I feel that Mr. Ferdinando has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Ferdinando reported that he has driven straight trucks for 29 years, accumulating 145,000 miles, and tractor-trailer combinations for 26 years, accumulating 1 million miles. He holds a Class A CDL from Maine. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Leon C. Flynn

Mr. Flynn, 51, has exotropia in his right eye due to an injury sustained as a child. The best corrected visual acuity in his right eye is 20/200 and in the left, 20/20. Following an examination in 2006, his optometrist noted, ''Mr. Flynn is capable to perform the driving tasks required to operate a commercial vehicle.'' Mr. Flynn reported that he has driven straight trucks for 3 years, accumulating 240,000 miles, and tractor-trailer combinations for 18 years, accumulating 1.8 million miles. He holds a Class C operator's license from Pennsylvania. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

David G. Guldan

Mr. Guldan, 41, has a prosthetic left eye due to an injury sustained in 1977. The visual acuity in his right eye is 20/20. Following an examination in 2006, his optometrist noted, ''In my professional opinion, Mr. Guldan possesses sufficient vision to perform the driving tasks to operate a commercial vehicle.'' Mr. Guldan reported that he has driven straight trucks for 7 years, accumulating 182,000 miles, tractor-trailer combinations for 2 years, accumulating 52,000 miles, and buses for 2 years, accumulating 2,000 miles. He holds a Class A CDL from New York. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Richard G. Gruber

Mr. Gruber, 50, has a prosthetic left eye due to an injury sustained in 1964. The best corrected visual acuity in his right eye is 20/20. Following an examination in 2006, his ophthalmologist noted, ''I believe that Mr. Gruber's eye exam is excellent in the right eye and that he would be able to perform the visual tasks required to drive with a commercial license.'' Mr. Gruber reported that he has driven straight trucks for 34 years, accumulating 170,000 miles, and tractor-trailer combinations for 34 years, accumulating 660,000 miles. He holds a Class A CDL from South Carolina. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Larry W. Hancock

Mr. Hancock, 60, has loss of vision in his right eye due to an injury sustained in 1951. The best corrected visual acuity in his right eye is hand-motion vision and in the left, 20/20. Following an examination in 2006, his ophthalmologist noted, ''In my medical opinion, his visual field in the left eye is completely full and he should be capable of completing the tasks needed to drive a commercial vehicle.'' Mr. Hancock reported that he has driven straight trucks for 41 years, accumulating 1.6 million miles. He holds a Class D operator's license from Kentucky. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Guadalupe J. Hernandez

Mr. Hernandez, 29, has had a corneal scar in his left eye since birth. The best corrected visual acuity in his right eye is 20/15 and in the left, 20/200. Following an examination in 2006, his optometrist noted, ''Mr. Hernandez has sufficient vision to continue to successfully perform his job operating a commercial vehicle.'' Mr. Hernandez reported that he has driven straight trucks for 9 years, accumulating 46,800 miles. He holds a chauffeur's license from Indiana. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

James L. Houser

Mr. Houser, 40, has a prosthetic right eye due to an injury sustained at age 17. The visual acuity in his left eye is 20/15. Following an examination in 2006, his optometrist noted, ''In my opinion, James L. Houser has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Houser reported that he has driven straight trucks for 23 years, accumulating 17,250 miles. He holds a Class O operator's license from Nebraska, which allows him to operate any motor vehicle except a motorcycle and a vehicle that weighs more than 26,000 pounds, carries 16 or more passengers or transports placarded amounts of hazardous materials. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Richard G. Isenhart

Mr. Isenhart, 50, has a retinal detachment in his left eye due to an injury sustained in 1982. The visual acuity in his right eye is 20/20. Following an examination in 2006, his optometrist noted, ''In my opinion, Richard Isenhart does have sufficient vision to operate a commercial vehicle.'' Mr. Isenhart reported that he has driven straight trucks for 29 years, accumulating 2 million miles. He holds a Class B CDL from West Virginia. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV, driving across the median.

Ricky G. Jacks

Mr. Jacks, 48, has aphakia in his right eye due to an injury sustained in 1991. The best corrected visual acuity in his right eye is 20/20 and in the left, 20/400. Following an examination in 2006, his ophthalmologist noted, ''It is my medical opinion to state that Mr. Jacks has efficient vision to operate a commercial vehicle.'' Mr. Jacks reported that he has driven straight trucks for 15 years, accumulating 300,000 miles, and tractor-trailer combinations for 1 year, accumulating 25,000 miles. He holds a Class B CDL from Alabama. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Damir Kocijan

Mr. Kocijan, 39, has loss of vision in his left eye due to esotropia which he has had since birth. The best corrected visual acuity in his right eye is 20/20 and in the left, 20/70. Following an examination in 2006, his optometrist noted, ''Mr. Kocijan has the minimal vision to fulfill his requirements to operate a commercial vehicle.'' Mr. Kocijan reported that he has driven straight trucks for 16 years, accumulating 960,000 miles. He holds a Class B CDL from Florida. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Timothy P. Keogh

Mr. Keogh, 51, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20 and in the left eye, 20/200. Following an examination in 2006, his optometrist noted, ''Mr. Keogh has sufficient vision to perform the driving tasks required to operate a commercial vehicle. We recommend use of spectacle correction during driving, with no other restrictions.'' Mr. Keogh reported that he has driven straight trucks for 22 years, accumulating 770,000 miles. He holds a Class A CDL from Nevada. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Joe E. Jones

Mr. Jones, 56, has a prosthetic right eye due to a traumatic injury sustained in 1970. The best corrected visual acuity in his left eye is 20/20. Following an examination in 2006, his optometrist noted, ''It is my medical opinion that this applicant has sufficient vision to perform driving tasks required to operate a commercial vehicle and that his vision is stable.'' Mr. Jones reported that he has driven straight trucks for 10 years, accumulating 120,000 miles. He holds a chauffeur's license from Indiana. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

William S. LaMar, Sr.

Mr. LaMar, 55, has glaucoma in his left eye due to an eye injury sustained as a child. The best corrected visual acuity in his right eye is 20/20 and in the left, 20/60. Following an examination in 2006, his ophthalmologist noted, ''Based on the fact that this patient has been driving for many, many years with this visual condition that has been present since approximately age eight, I feel this is a stable situation, and should not produce any difficulty with him operating a commercial vehicle. I feel he has sufficient vision to perform his driving tasks.'' Mr. LaMar reported that he has driven straight trucks for 20 years, accumulating 600,000 miles, tractor-trailer combinations for 8 years, accumulating 800 miles, and buses for 3 years, accumulating 3,000 miles. He holds a Class A CDL from Iowa. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Robert T. Lantry

Mr. Lantry, 34, has had amblyopia in his right eye since birth. The visual acuity in his right eye is 20/200 and in the left, 20/20. Following an examination in 2006, his ophthalmologist noted, ''It is my professional opinion that Mr. Lantry's visual function is sufficient vision for operation of a commercial vehicle.'' Mr. Lantry reported that he has driven straight trucks for 14 years, accumulating 24,500 miles, and tractor-trailer combinations for 2½ years, accumulating 9,375 miles. He holds a Class A CDL from Massachusetts. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

John W. Laskey

Mr. Laskey, 53, has had amblyopia in his left eye since childhood. The best corrected visual acuity in his right eye is 20/15 and in the left, 20/200. Following an examination in 2006, his optometrist noted, ''In my opinion, Mr. Laskey's visual function does not negatively impact his ability to safely operate a commercial vehicle.'' Mr. Laskey reported that he has driven straight trucks for 31 years, accumulating 496,000 miles. He holds a Class B CDL from New Hampshire. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV, failure to obey a traffic signal.

Johnny L. Lindsey

Mr. Lindsey, 56, has complete loss of vision in his right eye due to a hemorrhage and subsequent cryotherapy that occurred in 1991. The visual acuity in his left eye is 20/20. Following an examination in 2006, his ophthalmologist noted, ''In my opinion, I certify that John Lynn Lindsey has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Lindsey reported that he has driven tractor-trailer combinations for 34 years, accumulating 1.7 million miles. He holds a Class A CDL from Oklahoma. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV.

Calvin E. Lloyd

Mr. Lloyd, 43, has had amblyopia in his left eye since childhood. The best corrected visual acuity in his right eye is 20/20 and in the left, 20/200. Following an examination in 2006, his optometrist noted, ''In my medical opinion, he should have sufficient vision to perform his commercial vehicle driving task as long as he is wearing glasses.'' Mr. Lloyd reported that he has driven tractor-trailer combinations for 13 years, accumulating 1 million miles. He holds a Class A CDL from Tennessee. His driving record for the last 3 years shows no crashes and two convictions for moving violations in a CMV. He exceeded the speed limit by 11 miles for both convictions.

Kenneth Liuzza

Mr. Liuzza, 41, has a macular hole in his left eye due to a traumatic injury. The visual acuity in his right eye is 20/20 and in the left, 20/200. Following an examination in 2006, his ophthalmologist noted, ''In my opinion, Mr. Liuzza has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr.

Liuzza reported that he has driven straight trucks for 20 years, accumulating 400,000 miles, tractor-trailer combinations for 20 years, accumulating 560,000 miles, and buses for 10 years, accumulating 18,280 miles. He holds a Class A CDL from Louisiana. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Samson B. Margison

Mr. Margison, 54, has had amblyopia in his left eye since birth. The best corrected visual acuity in his right eye is 20/20 and in the left, 20/400. Following an examination in 2006, his optometrist noted, ''In my opinion, I see no reason why Mr. Margison should not be able to drive commercially based on his visual status alone.'' Mr. Margison reported that he has driven straight trucks for 10 years, accumulating 10,000 miles, and tractor-trailer combinations for 25 years, accumulating 2.5 million miles. He holds a Class A CDL from Ohio. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Terrence L. McKinney

Mr. McKinney, 35, has complete loss of vision in the right eye due to a traumatic injury sustained in 1993. The visual acuity in his left eye is 20/15. Following an examination in 2006, his optometrist noted, ''I certify that in my medical opinion, Mr. McKinney has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. McKinney reported that he has driven straight trucks for 6 years, accumulating 234,000 miles, and tractor-trailer combinations for 2 years, accumulating 160,000 miles. He holds a Class C CDL from Texas. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Michael W. McClain

Mr. McClain, 45, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20 and in the left, 20/200. Following an examination in 2006, his optometrist noted, ''I certify that the above patient has sufficient vision to perform the driving tasks to operate a commercial vehicle.'' Mr. McClain reported that he has driven straight trucks for 30 years, accumulating 30,000 miles, and tractor-trailer combinations for 22 years, accumulating 1.9 million miles. He holds a Class A CDL from Colorado. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Ellis T. McKneely

Mr. McKneely, 41, has complete loss of vision in his left eye due to an injury sustained in 1983. The best corrected visual acuity in his right eye is 20/20. Following an examination in 2006, his ophthalmologist noted, ''In my medical opinion, Mr. McKneely has sufficient vision to operate a commercial vehicle and perform the job and tasks required.'' Mr. McKneely reported that he has driven straight trucks for 3 years, accumulating 90,750 miles, and driving tractor-trailer combinations for 12 years, accumulating 390,000 miles. He holds a Class D Chauffeur's license from Louisiana. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Dennis N. McQuiston

Mr. McQuiston, 58, has had amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye is 20/100 and in the left, 20/20. Following an examination in 2005, his optometrist noted, ''It is my medical opinion that he does have sufficient vision to perform driving tasks required to operate a commercial vehicle.'' Mr. McQuiston reported that he has driven straight trucks for 10 years, accumulating 500,000 miles, and tractor-trailer combinations for 35 years, accumulating 2.6 million miles. He holds a Class A CDL from Washington. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV, failure to obey a traffic sign.

Garth R. Mero

Mr. Mero, 57, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/15 and in the left, 20/400. Following an examination in 2006, his ophthalmologist noted, ''It is my opinion that Mr. Mero's vision is sufficient to perform the driving tasks required to operate a commercial vehicle.'' Mr. Mero reported that he has driven straight trucks for 5 years, accumulating 375,000 miles, and tractor-trailer combinations for 22 years, accumulating 2.7 million miles. He holds a Class A CDL from Vermont. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Donald G. Meyer

Mr. Meyer, 76, has had amblyopia in his left eye since childhood. The best corrected visual acuity in his right eye is 20/20 and in the left, 20/400. Following an examination in 2006, his ophthalmologist noted, ''In my medical opinion, Mr. Donald G. Meyer has sufficient vision to perform the task required to operate a commercial vehicle.'' Mr. Meyer reported that he has driven straight trucks for 45 years, accumulating 225,000 miles, and tractor-trailer combinations for 45 years, accumulating 2.2 million miles. He holds a Class A CDL from Indiana. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Ross W. Mockler

Mr. Mockler, 31, has had amblyopia since childhood. The visual acuity in his right eye is 20/20 and in the left, 20/200. Following an examination in 2006, his optometrist noted, ''I certify that in my medical opinion, Mr. Mockler has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Mockler reported that he has driven straight trucks for 15 years, accumulating 183,750 miles, and tractor-trailer combinations for 10 years, accumulating 175,000 miles. He holds a Class A CDL from South Dakota. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Ronald C. Morris

Mr. Morris, 42, has had amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye is 20/200 and in the left, 20/20. Following an examination in 2006, his optometrist noted, ''Mr. Morris has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Morris reported that he has driven straight trucks for 3 years, accumulating 60,000 miles, and tractor-trailer combinations for 20 years, accumulating 800,000 miles. He holds a Class A CDL from Nevada. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Harry M. Oxendine

Mr. Oxendine, 48, has had a retinal detachment in his left eye since 1998. The best corrected visual acuity in his right eye is 20/25 and in the left, 20/200. Following an examination in 2005, his optometrist noted, ''I feel that he has adequate vision to operate a commercial vehicle in gainful employment in order to provide for his family.'' Mr. Oxendine reported that he has driven tractor-trailer combinations for 18 years, accumulating 1.5 million miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Kenneth E. Parrott

Mr. Parrott, 62, has had amblyopia in his left eye since childhood. The best corrected visual acuity in his right eye is 20/25 and in the left, 20/200. Following an examination in 2006, his ophthalmologist noted, ''In my medical opinion, Mr. Kenneth Parrott does have sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Parrott reported that he has driven straight trucks for 45 years, accumulating 270,000 miles. He holds a Class B CDL from Missouri. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Charles R. Patten

Mr. Patten, 60, has had amblyopia in his right eye since birth. The best corrected visual acuity in his right eye is 20/200 and in the left, 20/20. Following an examination in 2006, his optometrist noted, ''Mr. Patten has no medical condition which would affect his ability to operate a commercial vehicle.'' Mr. Patten reported that he has driven straight trucks for 6 years, accumulating 300,000 miles, and tractor-trailer combinations for 11 years, accumulating 990,000 miles. He holds a Class A CDL from Florida. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Lionel Payne, Jr.

Mr. Payne, 45, has a macular scar in his left eye due to an injury sustained in 1998. The visual acuity in his right eye is 20/20 and in the left, hand motion vision. Following an examination in 2006, his optometrist noted, ''I believe that Mr. Payne's vision is sufficient to operate a commercial vehicle.'' Mr. Payne reported that he has driven tractor-trailer combinations for 20 years, accumulating 1.5 million miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Randel G. Pierce

Mr. Pierce, 42, has a prosthetic right eye due to an injury sustained in 2003. The visual acuity in his left eye is 20/20. Following an examination in 2006, his optometrist noted, ''In my medical opinion, Mr. Randel Pierce has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Pierce reported that he has driven straight trucks for 6 years, accumulating 120,000 miles, and tractor-trailer combinations for 8 years, accumulating 240,000 miles. He holds a Class A CDL from Wisconsin. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV. He exceeded the speed limit by 12 mph.

Darrol W. Rippee

Mr. Rippee, 68, has optic neuropathy in his right eye due to an injury he sustained in 1989. The best corrected visual acuity in his right eye is light perception and in the left, 20/20. Following an examination in 2006, his optometrist noted, ''In my medical opinion, Mr. Rippee has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Rippee reported that he has driven straight trucks for 24 years, accumulating 2 million miles. He holds a Class A CDL from Nevada. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV.

Edgardo Rivera

Mr. Rivera, 48, has had amblyopia in his right eye since birth. The best corrected visual acuity in his right eye is 20/400 and in the left, 20/20. Following an examination in 2006, his ophthalmologist noted, ''I understand that Mr. Rivera has an unblemished bus driving record for more than 25 years and my visual and personal assessment of this patient permits me to certify that he has more than sufficient visual capabilities to continue to safely operate a commercial vehicle.'' Mr. Rivera reported that he has driven buses for 26 years, accumulating 806,000 miles. He holds a Class B CDL from New York. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Myriam Rodriguez

Ms. Rodriguez, 52, has had amblyopia in her left eye since birth. The visual acuity in her right eye is 20/20 and in the left, 20/120. Following an examination in 2006, her optometrist noted, ''Our exam findings were quite stable and consistent with results of previous exams dating back to January 2000. Based on this information, and the fact that she has been driving a commercial vehicle for the past three years without incident, I believe Ms. Rodriguez is visually qualified to continue.'' Ms. Rodriguez reported that she has driven tractor-trailer combinations for 3 years, accumulating 60,000 miles. She holds a Class A CDL from California. Her driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Raymond E. Royer

Mr. Royer, 44, has had amblyopia in his left eye since childhood. The best corrected visual acuity in his right eye is 20/20 and in the left, 20/100. Following an examination in 2006, his ophthalmologist noted, ''In our medical opinion, there is no reason that Ray Royer should not be able to perform the driving tasks that are required to operate a commercial vehicle.'' Mr. Royer reported that he has driven straight trucks for 14 years, accumulating 140,000 miles, and tractor-trailer combinations for 8 years, accumulating 75,000 miles. He holds a Class A CDL from South Dakota. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

James E. Savage

Mr. Savage, 44, has had amblyopia in his left eye since childhood. The best corrected visual acuity in his right eye is 20/20 and in the left, 20/50. Following an examination in 2006, his optometrist noted, ''Mr. Savage possesses the visual capabilities necessary to operate a commercial vehicle.'' Mr. Savage reported that he has driven tractor-trailer combinations for 9 years, accumulating 243,000 miles. He holds a Class A CDL from Nevada. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Steven M. Scholfield

Mr. Scholfield, 26, has had choroidal hemangioma his left eye due to Sturge-Webber syndrome since 1998. The visual acuity in his right eye is 20/20 and in the left, 20/160. Following an examination in 2005, his ophthalmologist noted, ''It is my opinion as a board certified ophthalmologist, that the patient is safe to operate a commercial motor vehicle.'' Mr. Scholfield reported that he has driven straight trucks for 3 years, accumulating 19,500 miles. He holds a Class A CDL from Kentucky. His driving record for the last 3 years shows no crashes and or convictions for moving violations in a CMV.

Randal C. Schmude

Mr. Schmude, 45, has had amblyopia in his left eye since birth. The best corrected visual acuity in his right eye is 20/20 and in the left, 20/200. Following an examination in 2005, his optometrist noted, ''Mr. Schmude's vision is sufficient for all driving tasks required of him as a commercial driver.'' Mr. Schmude reported that he has driven tractor-trailer combinations for 23 years, accumulating 2.8 million

miles. He holds a Class A CDL from Wisconsin. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV, failure to obey a traffic sign.

Raymond C. Simpkins

Mr. Simpkins, 29, has had amblyopia in his right eye since birth. The visual acuity in his right eye is 20/400 and in the left, 20/20. Following an examination in 2006, his optometrist noted, ''Mr. Simpkins has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Simpkins reported that he has driven straight trucks for 3 years, accumulating 16,944 miles, and tractor-trailer combinations for 3 years, accumulating 16,944 miles. He holds a Class A CDL from Virginia. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Dennis J. Smith

Mr. Smith, 31, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/400 and in the left, 20/20. Following an examination in 2006, his optometrist noted, ''It is my professional opinion that Mr. Smith has sufficient vision to perform the driving tasks performed to operate a commercial vehicle.'' Mr. Smith reported that he has driven straight trucks for 12 years, accumulating 156,600 miles, and tractor-trailer combinations for 12 years, accumulating 156,600 miles. He holds a Class A CDL from Colorado. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV. He exceeded the speed limit by 9 mph.

W.C. Sparks

Mr. Sparks, 55, has a prosthetic left eye due to an injury sustained in 1974. The best corrected visual acuity in his right eye is 20/20. Following an examination in 2006, his optometrist noted, ''W.C. Sparks has sufficient visual acuity and peripheral field to continue operating a commercial vehicle and performing driving tasks.'' Mr. Sparks reported that he has driven straight trucks for 10 years, accumulating 50,000 miles, and tractor-trailer combinations for 22 years, accumulating 1.8 million miles. He holds a Class A CDL from Mississippi. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

James A. Strickland

Mr. Strickland, 49, has a prosthetic left eye due to a malignant melanoma sustained in 1993. The visual acuity in his right eye is 20/15. Following an examination in 2006, his ophthalmologist noted, ''In my medical opinion, James Strickland has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Strickland reported that he has driven straight trucks for 2 years, accumulating 30,000 miles, and tractor-trailer combinations for 15 years, accumulating 1.2 million miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

David C. Stitt

Mr. Stitt, 48, has complete loss of vision in his right eye due to a traumatic injury sustained in 1973. The visual acuity in his left eye is 20/20. Following an examination in 2006, his optometrist noted, ''In my opinion, Mr. Stitt does have sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Stitt reported that he has driven tractor-trailer combinations for 20 years, accumulating 2.2 million miles. He holds a Class A CDL from Kansas. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Jesse J. Sutton

Mr. Sutton, 53, has had a macular scar in his left eye since 1996. The best corrected visual acuity in his right eye is 20/20 and in the left, 20/100. Following an examination in 2006, his optometrist noted, ''In my medical opinion, Mr. Sutton does have sufficient vision to perform the driving tasks needed to operate a commercial vehicle.'' Mr. Sutton reported that he has driven straight trucks for 35 years, accumulating 875,000 miles, and tractor-trailer combinations for 10 years, accumulating 50,000 miles. He holds a Class A CDL from Indiana. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Gary L. Taylor

Mr. Taylor, 62, has complete loss of vision in his left eye due to an injury sustained in 1981. The visual acuity in his right eye is 20/20. Following an examination in 2006, his optometrist noted, ''The patient has compensated very well, and has perfect vision, best corrected OD (Right eye). This should allow him to operate a commercial vehicle without any difficulty.'' Mr. Taylor reported that he has driven straight trucks for 25 years, accumulating 500,000 miles. He holds a Class C operator's license from Iowa. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Kevin L. Truxell

Mr. Truxell, 44, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20 and in the left, 20/80. Following an examination in 2005, his optometrist noted, ''Kevin possesses sufficient vision to perform the driving task required to operate a commercial vehicle.'' Mr. Truxell reported that he has driven straight trucks for 18 years, accumulating 450,000 miles, and tractor-trailer combinations for 2 years, accumulating 100,000 miles. He holds a Class A CDL from Florida. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Brian S. Tuttle

Mr. Tuttle, 34, has had amblyopia in his right eye since birth. The visual acuity in his right eye is 20/200 and in the left, 20/20. Following an examination in 2006, his optometrist noted, ''I find no contraindications which would prevent him from performing any driving task required to operate a commercial vehicle.'' Mr. Tuttle reported that he has driven straight trucks for 6 years, accumulating 120,000 miles. He holds a Class B CDL from Kentucky. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Humberto A. Valles

Mr. Valles, 59, has had retinal neovascular maculopathy in his left eye since 1999. The best corrected visual acuity in his right eye is 20/20 and in the left, 20/80. Following an examination in 2005, his ophthalmologist noted, ''In my medical opinion, Mr. Humberto Valles has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Valles reported that he has driven straight trucks for 36 years, accumulating 900,000 miles, and tractor-trailer combinations for 25 years, accumulating 12,500 miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Earl M. Vaughan

Mr. Vaughan, 60, has had amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye is 20/400 and in the left, 20/20. Following an examination in 2006, his

optometrist noted, ''It is my opinion that Mr. Vaughan has sufficient vision for operating a commercial vehicle.'' Mr. Vaughan reported that he has driven straight trucks for 6 years, accumulating 48,000 miles. He holds a Class B CDL from Illinois. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Bruce A. Walker

Mr. Walker, 45, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20 and in the left, 20/400. Following an examination in 2006, his optometrist noted, ''It is my medical opinion that Bruce Walker has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Walker reported that he has driven straight trucks for 11 years, accumulating 245,740 miles, and tractor-trailer combinations for 3 years, accumulating 45,000 miles. He holds a Class A CDL from Wisconsin. His driving record for the last 3 years shows no crash and no convictions for moving violations in a CMV.

Harold R. Wallace

Mr. Wallace, 60, has a prosthetic right eye due to a traumatic injury sustained in 1951. The best corrected visual acuity in his left eye is 20/20. Following an examination in 2006, his optometrist noted, ''Mr. Wallace has sufficient vision to perform the driving tasks required.'' Mr. Wallace reported that he has driven tractor-trailer combinations for 10 years, accumulating 1.1 million miles. He holds a Class A CDL from Kentucky. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Lee A. Wiltjer

Mr. Wiltjer, 42, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20 and in the left, 20/400. Following an examination in 2006, his optometrist noted, ''As an optometrist, it is my medical opinion that Mr. Lee Wiltjer does have sufficient vision to perform tasks required to safely operate a commercial vehicle.'' Mr. Wiltjer reported that he has driven straight trucks for 26 years, accumulating 208,000 miles, and tractor-trailer combinations for 26 years, accumulating 182,000 miles. He holds a Class A CDL from Illinois. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

John H. Wisner

Mr. Wisner, 54, has loss of vision in his left eye due to a retinal infection sustained in 1995. The best corrected visual acuity in his right eye is 20/15 and in the left, 20/60. Following an examination in 2006, his ophthalmologist noted, ''Given his driving record during this time has been excellent, I have no objection to his continuing to drive a commercial vehicle.'' Mr. Wisner reported that he has driven straight trucks for 4 years, accumulating 200,000 miles, and tractor-trailer combinations for 30 years, accumulating 2.1 million miles. He holds a Class A CDL from Ohio. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Harold E. White

Mr. White, 60, has complete loss of vision in his right eye due to a traumatic injury sustained in 1966. The visual acuity in his left eye is 20/20. Following an examination in 2006, his ophthalmologist noted, ''I certify that Mr. White has sufficient vision to perform the driving tasks required to operate a vehicle, including a commercial vehicle.'' Mr. White reported that he has driven straight trucks for 17 years, accumulating 255,000 miles, and tractor-trailer combinations for 21 years, accumulating 420,000 miles. He holds a Class A CDL from Missouri. His driving record for the last 3 years shows no crashes or convictions for moving violations in a CMV.

Theron L. Wood

Mr. Wood, 51, has complete loss of vision in his left eye due to congenital cataracts and a retinal detachment since 1991. The visual acuity in his right eye is 20/25. Following an examination in 2006, his ophthalmologist noted, ''In my medical opinion, he has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Wood reported that he has driven tractor-trailer combinations for 4 years, accumulating 456,000 miles. He holds a Class A CDL from Arizona. His driving record for the last 3 years shows one crash and no convictions for moving violations in a CMV.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this Notice. The Agency will consider all comments received before the close of business November 29, 2006. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this Notice. The Agency will file comments received after the comment closing date in the public docket, and will consider them to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

Issued on: October 23, 2006.

Rose A. McMurray,

Associate Administrator, Policy and Program Development.

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BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–33 (Sub-No. 230X)]

Union Pacific Railroad Company—Abandonment Exemption—in Lassen County, CA and Washoe County, NV

On October 10, 2006, Union Pacific Railroad Company (UP) filed with the Surface Transportation Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 in order to permit abandonment and discontinuance of service over both the Flanigan Industrial Lead from milepost 338.33 near Flanigan, NV, to milepost 360.10 near Wendel, CA, a distance of 21.77 miles in Washoe County, NV, and Lassen County, CA; and over the Susanville Industrial Lead from milepost 358.68 to milepost 359.25 near Wendel, CA, a distance of .57 miles in Lassen County, CA (collectively, the line). The line traverses U.S. Postal Service Zip Codes 89405, 96113, 96130 and 96136.

The line does not contain Federally granted rights-of-way. Any documentation in UP's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by January 26, 2007.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the

petition for exemption. Each OFA must be accompanied by a $1,300 filing fee. *See* 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than November 20, 2006. Each trail use request must be accompanied by a $200 filing fee. *See* 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB–33 (Sub-No. 230X), and must be sent to: (1) Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001; and (2) Mack H. Shumate, Jr., Senior General Attorney, Union Pacific Railroad Company, 101 North Wacker Drive, Room 1920, Chicago, IL 60606. Replies to the petition are due on or before November 20, 2006.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565–1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov*.

Decided: October 23, 2006.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E6–18204 Filed 10–27–06; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

October 24, 2006.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

Dates: Written comments should be received on or before November 29, 2006 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1695.

Type of Review: Extension.

Title: Revenue Ruling 2000–33, Deferred Compensation Plans of State and Local Governments and Tax-Exempt Organizations.

Description: This revenue ruling specifies the conditions the plan sponsor should meet to automatically defer a certain percentage of its employees' compensation into their accounts in an eligible deferred compensation plan.

Respondents: State, Local, or Tribal Governments.

Estimated Total Burden Hours: 500 hours.

OMB Number: 1545–1222.

Type of Review: Extension.

Title: Form 8635, Federal Income Tax Products Order Blank; and Form 9383, Fax Order Blank for BPOL Reorders.

Form: 8635, 9383.

Description: Form 8635 serves as an order blank for participants of the BPOL Program. It collects information from banks, post offices and libraries detailing the quantities and types of tax forms and related materials that they will distribute to taxpayers during the tax-filing season. The fax sheet (Form 9383) allows participants to order products via fax.

Respondents: Businesses and other for-profit institutions.

Estimated Total Burden Hours: 3,669 hours.

OMB Number: 1545–2019.

Title: REG–161919–05 (TEMP) and REG–134317–05 (NPRM) Removing Impediments to E-Filing.

Type of Review: Extension.

Description: These regulations eliminate certain impediments in the income tax regulations to mandatory e-filing of U.S. Federal income tax returns by large corporations. These regulations require corporations to attach statements to their returns in order to make the election, or otherwise claim the treatment, allowed by that regulation. These regulations further require the taxpayer to sign the statement. This signature requirement is as impediment to e-filing. This document provides for temporary regulations that eliminate this requirement. These temporary regulations also simplify and clarify the reporting requirements.

Respondents: Businesses and other for-profit institutions.

Estimated Total Burden Hours: 262,500 hours.

OMB Number: 1545–1276.

Title: FI–88–86 (Final) Real Estate Mortgage Investment Conduits (TD 8458).

Type of Review: Extension.

Description: Section 860E(e) imposes an excise tax on the transfer of a residual interest in a REMIC to a disqualified party. The tax must be paid by the transferor of a pass-thru entity of which the disqualified party is an interest holder.

Respondents: Businesses and other for-profit institutions.

Estimated Total Burden Hours: 525 hours.

Clearance Officer: Glenn P. Kirkland, (202) 622–3428, Internal Revenue Service, Room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Robert Dahl,

Treasury PRA Clearance Officer.

[FR Doc. E6–18161 Filed 10–27–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on CARES Business Plan Studies; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Public Law 93–463 (Federal Advisory Committee Act) that a meeting of the Advisory Committee on CARES Business Plan Studies will be held on November 15, 2006, from 1 p.m. until 4 p.m. in the Auditorium Building 5, Canadaigua VA

Medical Center, 400 Ft. Hill Rd, Canandaigua, NY. The meeting is open to the public.

The purpose of the Committee is to provide advice to the Secretary of Veterans Affairs on proposed business plans at the VA Canadaigua facility which was identified in May 2004 as requiring further study by the Capital Asset Realignment for Enhanced Services (CARES) Decision document.

The objectives of the meeting are to communicate the Secretary's decision on the specific options to be the evaluated and the timeframe for the completion of the study. Additional presentations will focus on the VA-selected contractor's methodology and tools to evaluate the remaining options. The agenda will also accommodate public commentary on implementation issues associated with each option.

Interested persons may attend and present oral or written statements to the Committee. For additional information regarding the meeting, please contact Mr. Jay Halpern, Designated Federal Officer, (00CARES), 810 Vermont Avenue, NW., Washington, DC 20420 by phone at (202) 273–5994, or by email at *jay.halpern@hq.med.va.gov.*

Dated: October 24, 2006.

By director of the Secretary:

E. Philip Riggin,

Committee Management Officer.

[FR Doc. 06–8962 Filed 10–27–06: 8:45am]

BILLING CODE 8320–01–M

Federal Register

Monday,
October 30, 2006

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Parts 1, 11, 60, and 121

Flight Simulation Training Device Initial and Continuing Qualification and Use; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 1, 11, 60, and 121

[Docket No. FAA–2002–12461; Amendment Nos. 1–54, 11–52, 60–1, 121–327]

RIN 2120–AH07

Flight Simulation Training Device Initial and Continuing Qualification and Use

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: The FAA is amending the regulations to establish a new part to set forth qualification requirements for flight simulation training devices (FSTD). The new part consolidates and updates FSTD requirements that currently exist in different parts of the FAA's regulations and in advisory circulars. In addition, the FAA is requiring that sponsors of FSTDs have a Quality Management System. These changes are necessary to promote standardization and accountability for FSTD qualification, maintenance, and evaluation. The intended effect of the new part is to ensure that users of FSTDs receive training in devices that closely match the performance and handling characteristics of the aircraft being simulated.

EFFECTIVE DATE: These amendments become effective October 30, 2007.

FOR FURTHER INFORMATION CONTACT: Ed Cook, Air Transportation Division (AFS–200), Flight Standards Service, Federal Aviation Administration, 100 Hartsfield Centre Parkway, Suite 400, Atlanta, GA 30354; telephone: 404–832–4700.

SUPPLEMENTARY INFORMATION:

Availability of Rulemaking Documents

You can get an electronic copy using the Internet by:

(1) Searching the Department of Transportation's electronic Docket Management System (DMS) Web page (*http://dms.dot.gov/search*);

(2) Visiting the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies/;* or

(3) Accessing the Government Printing Office's Web page at *http://www.gpoaccess.gov/fr/index.html.*

You can also get a copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the amendment number or docket number of this rulemaking.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov.*

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. If you are a small entity and you have a question regarding this document, you may contact its local FAA official, or the person listed under **FOR FURTHER INFORMATION CONTACT.** You can find out more about SBREFA on the Internet at *http://www.faa.gov/regulations_policies/rulemaking/sbre_act/.*

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, subpart I, 49 U.S.C. 44701. Under that section, the FAA is charged with regulating air commerce in a way that best promotes safety.

Background

For many years the flightcrew training regulations in 14 CFR part 121 subparts N and O allowed simulator training as an enhancement to training and testing in the aircraft, but not as a complete replacement for training in the aircraft. Due to improvements in flight simulator performance, appendix H was added to part 121 in 1980. Appendix H permitted and expanded use of simulators by air carriers that took advantage of the new simulator performance through an ''Advanced Simulation Training Program.'' Appendix H permits simulators to be used for varying amounts (up to 100%) of the training, testing, and checking required by the FAA. The amount of training permitted depends on the simulator's qualification level.

As the state-of-the-art in simulator technology has advanced, more effective use has been made of the aircraft simulator in training, checking, and certification of flight crewmembers. Using flight simulators rather than aircraft in training allows for more in-depth training, including the practice of critical emergency procedures, in a safer environment. Not only do simulators provide improvements in safety and in safer training operations, they also provide such benefits as reducing noise, air pollution and air traffic congestion, and conserving petroleum resources.

Since 1980 appendix H of 14 CFR part 121 has provided an Advanced Simulation plan outlining the steps toward optimum use of flight simulators. Most major air carriers have taken advantage of appendix H and conduct most or all of their training and checking in simulators.

The FAA originally placed simulator technical requirements in appendix H because part 121 air carriers were the primary users of aircraft simulators. As the larger aviation community became interested in using simulators, the FAA in 1980 provided guidance in an advisory circular AC 121–14C, Aircraft Simulator and Visual System Evaluation and Approval. The AC more fully described what the technical capabilities of simulators should be, how those capabilities might be verified, and how all these capabilities might be incorporated into training programs.

Over the next several years following publication of AC 121–14C, the FAA, in consultation with the aviation industry, refined and republished its guidance material several times. Because the regulations regarding advanced simulators remained in part 121, appendix H, certificate holders who operated under parts other than 121 (such as parts 125 and 135) had to obtain exemptions in order to use simulators as provided in part 121, appendix H. The number of these operators has continued to grow.

The ability to manage the increasing number of exemptions, each one with slightly different provisions, conditions and limitations, became increasingly difficult. The development of 14 CFR part 142, Certification of Training Centers, was seen to be a logical and necessary way to deal with those operators who wished to conduct training for flight crewmembers but who did not operate under any of the part 121, 125 or 135 rules. However, the regulatory requirements for the technical criteria for a majority of the simulators coming into the U.S. aviation inventory has remained in the part 121 operating rule.

Notice of Proposed Rulemaking

The FAA published a Notice of Proposed Rulemaking (NPRM) for part 60 and related amendments on September 25, 2002, (67 FR 60284) and published a correction to the NPRM on October 25, 2002 (67 FR 65524). From December 2 until December 13, 2002, the FAA hosted an on-line public forum, which provided an opportunity for the public to answer specific questions posed by the FAA and allowed the FAA to respond with clarifying information. After an extension requested by commenters, the comment period closed on February 24, 2003.

In the NPRM the FAA proposed to remove the technical requirements for flight simulation devices (FSD) (flight simulators and flight training devices) from part 121 and place them in a new part 60, titled ''Flight Simulation Device Initial and Continuing Qualification and Use.'' The NPRM proposed to establish FSTD requirements for anyone conducting flight crewmember training, evaluation, and flight experience under any of the Federal Aviation Regulations.

Flight Simulation Device Aviation Rulemaking Committee (ARC)

In order to resolve comments and provide a forum for the FAA and the aviation community to discuss issues regarding Flight Simulation Training Devices (FSTDs), the FAA established the Flight Simulation Device Aviation Rulemaking Committee (ARC) on July 2, 2003. The ARC included participants from: Air Line Pilots Association, Aircraft Owners and Pilots Association, American Airlines, Alteon, Atlas Air, Boeing, CAE Electronics, Continental Airlines, Delta Air Lines, Federal Express, FlightSafety International, Northwest Airlines, Pan Am Flight Academy, Thales Training and Simulation, United Airlines, U.S. Airways, and FAA.

The general goal of the ARC was to provide advice, guidance, and recommendations on FSTD issues including, but not limited to, safety of flight; the suitability and the application of the simulation to flight crewmember training, testing, or checking activities; and implementation of technical changes or scientific advancements in simulation. The ARC provided a forum for the FAA and affected members of the aviation community to discuss issues. The ARC also allowed members of the aviation community to reach consensus on certain recommendations that would be submitted to the FAA and to develop resolutions to facilitate the evolution of FSTDs. The ARC's initial task was to review the FAA's September 25, 2002, proposed rule. On November 24, 2003, the ARC submitted to the FAA its recommendations on how the proposed rule language should be clarified and reorganized. After the FAA received recommendations from the ARC the comment period was reopened on February 10, 2004, to permit interested persons to review these recommendations and submit additional comments. The recommendations from the ARC are available online at *http://dms.dot.gov* by searching for entry 84 in docket number FAA–2002–12461. The comment period closed on March 11, 2004. The overwhelming majority of the clarifications and revisions contained in the final rule are consistent with the ARC recommendations.

Summary of the Final Rule

New part 60 contains the requirements for the evaluation, qualification, and maintenance of FSTDs. These requirements are based on the current guidance regarding the capability and performance of simulators in appendix H of part 121 and § 121.407. As part of this rulemaking project, the FAA has amended appendix H of part 121 and removed the Simulator Requirements and the Visual Requirements for Level B, C and D devices. These requirements are now outlined in the appropriate Qualification Performance Standards (QPS) appendices. In a separate rulemaking project that will follow this final rule, the FAA will propose to move Training and Checking Requirements of appendix H to a new subpart of part 121, and to delete appendix H.

Part 60 also contains items (such as frequency, content, and method of evaluation) previously found in the advisory material in AC 120–40B, Airplane Flight Simulator Qualification, in AC 120–45A, Airplane Flight Training Device Qualification, and in AC 120–63, Helicopter Simulator Qualification. Standards from this advisory material and specific items that are subject to change through technological advancements are being placed into one of the first four appendices to part 60:

- *Appendix A*, ''Qualification Performance Standards for Airplane Full Flight Simulators.''
- *Appendix B*, ''Qualification Performance Standards for Airplane Flight Training Devices.''
- *Appendix C*, ''Qualification Performance Standards for Helicopter Full Flight Simulators.''
- *Appendix D*, ''Qualification Performance Standards for Helicopter Flight Training Devices.''

In addition, the FAA has reorganized and clarified some material from the original NPRM into two appendices, *Appendix E*, ''Qualification Performance Standards for Quality Management Systems for Flight Simulation Training Devices,'' and *Appendix F*, ''Definitions and Abbreviations.'' Appendix E will become the single appendix for reference to Quality Management System (QMS) programs for FSTDs under this part. Appendix F will become the single appendix for definitions and abbreviations for terms used throughout part 60 and the QPS appendices.

Some of the terms and abbreviations listed in the new appendix F and added to part 1 are clarifications of terms that appeared in the September 25, 2002, NPRM. For example, FSD has been replaced with the more internationally compatible term—FSTD. The term FSTD more accurately addresses the full range of uses for these devices as addressed in part 60 and also harmonizes with the Joint Aviation Authorities (JAA) of Europe. In addition, to more appropriately describe the devices, the term Flight Simulator has been changed to Full Flight Simulator (FFS). Another clarification the FAA has made with respect to terms and definitions is that the Quality Assurance Program (QAP) is now called a QMS.

The QPS requirements in appendices A through E are regulatory. Future changes and additions to these standards are subject to notice and comment rulemaking procedures under the Administrative Procedure Act, unless ''good cause'' (see 5 U.S.C. 553(b)(B)) exists to justify proceeding without notice and comment. In addition, the FAA has issued FAA Order 1110.136, ''Flight Simulation Device Aviation Rulemaking Committee.''

What Action Is the Agency Taking?

The FAA is adding part 60 to Title 14 of the Code of Federal Regulations to establish qualification requirements for flight simulation training devices (FSTD). These requirements are based on the current requirements found in appendix H of part 121 and § 121.407 for the capability and performance of aircraft simulators. The new rule also incorporates certain existing practices that were previously described in the following Advisory Circulars: AC 120–40B, Airplane Flight Simulator Qualification, AC 120–45A, Airplane Flight Training Device Qualification, and AC 120–63, Helicopter Simulator Qualification.

Why Is the Rule Necessary?

The rule is necessary to promote standardization and accountability for FSTD maintenance, qualification and evaluation for use in an FAA approved flight training program. FSTDs are often used in lieu of aircraft to train and check individuals for purposes of issuing airmen certificates and ratings. FSTDs are also used to meet FAA air carrier training requirements for flight crewmembers. In fact, depending on the status of the airman and the sophistication of the device, an FSTD may be used for 100% of the training, testing, and checking required by the FAA. Training in an FSTD is most effective when the FSTD closely matches the performance and handling characteristics of the aircraft being simulated. This rule sets forth the regulatory process for establishing the qualification level of the FSTD and for the continuous review and inspection of FSTD performance to identify potential problems with FSTD maintenance and operation. The new rule will improve flight crewmember training, reduce operational errors and increase safety. It will also provide the standards that must be reached in order for a device to be qualified at a certain level (*i.e.*, Level A, B, C, or D Simulators and Level 4, 5, or 6 Training Devices).

Generally speaking, the amount of training and testing that can be conducted in an FSTD for the purpose of meeting FAA airmen certification or training requirements is directly proportional to the qualification level of the device. Thus, a device with a higher qualification level (*e.g.*, Level D) will be eligible for more certification and training credits than a device with a lower qualification level (*e.g.*, Level A).

Qualification Performance Standards (QPS)

One of the unique features of the part 60 rule is the incorporation of QPS. The QPS is an appendix to the regulation and outlines requirements and other information regarding the qualification, performance, evaluation and maintenance of FSTDs. The QPS contains several charts. Some of the charts prescribe regulatory requirements, while others outline general information and examples to assist the user in meeting the regulatory requirements.

The charts containing regulatory material are labeled ''QPS Requirements.'' Compliance with the criteria in these charts is mandatory in order to receive and maintain approval from the FAA for the qualification level and use of an FSTD. Changes to a QPS Requirement are subject to notice and comment rulemaking procedures under the Administrative Procedure Act, unless ''good cause'' (see 5 U.S.C. 553(b)(B)) exists to justify proceeding without notice and comment. The charts containing general information and examples are labeled ''Information.'' Compliance with the material contained in these charts is not mandatory, and changes to an Information section are generally not subject to notice and comment rulemaking procedures. The Information charts are included simply to provide additional guidance to the user.

Incorporating both the regulatory and advisory material into the QPS consolidates all of the relevant information and makes it available in one location. This promotes ease of use and greater uniformity among those involved in every aspect of FSTD performance, including manufacturers, airmen, training providers and regulators. Moreover, it gives greater insight to the regulated community regarding the FAA's intent behind the regulation, and the required and approved methods of compliance.

Comments

The FAA received 54 comments in response to the NPRM. Commenters included industry associations, airlines, training centers and schools, aircraft manufacturers, simulator and flight training device manufacturers, pilot associations, governmental organizations, and individuals. The major concerns of the commenters were harmonization of FAA standards with those of International Civil Aviation Organization (ICAO) and the JAA, the cost of complying with the new requirements, grandfathering existing simulators and other flight training devices, the requirement for a Quality Assurance Program (QAP), and the proposed requirements to be approved by the FAA as an FSTD ''sponsor.''

The FAA reviewed all comments. They are more fully explained in the Discussion section to follow. With respect to the major concerns raised by commenters, the FAA took the following actions:

- Revised certain sections of the QPS Requirements to incorporate ICAO/JAA standards that were within the scope of the original NPRM. Changes that are beyond the scope will be incorporated in future revisions to the QPS Requirements.
- Revised certain requirements where appropriate in order to reduce costs. The FAA notes, however, that part 60 is largely a codification of existing practices, and therefore, the agency does not anticipate that sponsors will incur many new or additional costs. The FAA's cost projection is outlined in the Regulatory Evaluation.
- Excluded Levels 2 and –3 Flight Training Devices from this rulemaking effort. The FAA will review its existing advisory material and determine the best method to continue to evaluate and qualify these devices.
- Replaced the QAP proposal with a Quality Management System (QMS). The QMS is significantly less costly than the proposed QAP.
- Eliminated the 600-hour annual use requirement for sponsorship eligibility. Persons are now permitted to sponsor an FSTD as long as the device is used at least once per year in an FAA approved training program, or at least once per year a pilot, appropriately qualified on the aircraft being simulated, flies the FSTD and confirms that the performance and handling qualities are like the aircraft.

Many other detailed comments of an editorial nature were also provided. These are not included in the summary, but have been carefully reviewed by the FAA in preparing the Final Rule. In addition, the specific comments on the QPS appendices are not summarized in the Final Rule summary, but have been carefully reviewed and incorporated, where appropriate, into the Final Rule. The FAA made certain changes to the QPS appendices from the proposed language to include technical corrections and clarifications that did not adversely affect safety and were within the scope of the NPRM. There were other technical changes that the FAA did not incorporate into this final rule because they were beyond the scope of the NPRM. The FAA will issue another NPRM to incorporate the changes that were beyond the scope of the original NPRM, and will incorporate these changes before the rule becomes effective. All of the comments are available for review at *http://dms.dot.gov.* The Docket Number is 12461.

Abbreviations Used in this Preamble

AC Advisory Circular
ALPA Airline Pilots Association
AOPA Aircraft Owners and Pilots Association
ARC Aviation Rulemaking Committee
ATA Air Transport Association
ATOS Air Transportation Oversight System
CBT Computer Based Training
DPE Designated Pilot Examiner
EASA European Aviation Safety Authority (formerly Joint Aviation Authorities (JAA)
FFS Full Flight Simulator
FOQA Flight Operations Quality Assurance
FSB Flight Safety Boeing
FSD Flight Simulation Device

FSDO Flight Standards District Office
FSI FlightSafety International
FSTD Flight Simulation Training Device
FTD Flight Training Device
ICAO International Civil Aviation Organization
MQTG Master Qualification Test Guide
MR Management Representative
NAFI National Association of Flight Instructors
NATA National Air Transport Association
NBAA National Business Aviation Association
NDB Non-Directional Beacon
NPRM Notice of Proposed Rulemaking
NSP National Simulator Program
NSPM National Simulator Program Manager
POI Principal Operations Inspector
QPS Qualification Performance Standards
QAP Quality Assurance Program
QMS Quality Management System
QS Quality System
QTG Qualification Test Guide
RAA Regional Airline Association
SITC Simulation and Instrument Training Center, Inc.
SOQ Statement of Qualification
TCPM Training Center Program Managers
Thales Thales Training & Simulation
TPAA Training Program Approval Authority
UA United Airlines
UAA University Aviation Association
UPS United Parcel Service

General Issues

General Comments

Eclipse, NLX Corporation, JAA, and an individual, applaud and appreciate the FAA's attempt to amend the regulations for FSTDs. JAA writes that the ''proposal takes care of the legal concern that regulations in this area have to have a mandatory basis * * * and it concentrates all related material in one document.'' This commenter states that this proposal did not address the latest modifications applied to the ICAO Manual and questions if using an FSTD instead of an aircraft would be made mandatory. An individual writes that simplification and consolidation of these regulations are appropriate and more detailed regulations and device inspection will force flight training schools to improve and that ''somewhat of a loophole'' in flight training in flight simulators and flight training devices would be closed. NLX indicates that these new regulations are a step forward in the overall process of FSTD qualifications. An individual believes that statistics proving that the use of simulator training has reduced aviation accidents or incidents are needed.

FAA Response: This final rule does not mandate the use of FSTDs instead of aircraft for training. This rule simply establishes FSTD qualification requirements. The FAA is developing an NPRM that proposes to revise the QPS appendices to achieve the desired level of harmonization.

Disposition of Level 7 Flight Training Devices

Regional Airline Association states that the preamble should discuss the disposition of Level 7 FTDs.

FAA Response: The original premise for the Level 7 FTD was that there was to be an aircraft entering service that would not have an ''on-set motion cue'' with the failure of an engine, and that the pilots training in an FSTD for that airplane type could be trained and checked on such an engine failure without requiring a force (motion) cueing system. The FAA determined that a Level C simulator aerodynamic data package would be required for the level 7 FTD to accurately simulate such an aircraft. However, the airplane never entered service and the requirements for the Level 7 FTD quickly became superfluous. Level 6 and Level 7 FTDs had the same authorizations (except for one area involving ''icing accountability''), but the Level 7 FTD continued to require significantly more aerodynamic data for no more value than the Level 6 FTD. The elimination of the Level 7 FTD does not preclude any Level 6 FTD from incorporating a Level C data package and having essentially the same kind of device as the originally described Level 7 device. However, there has been essentially no difference between the two levels in authorized use, and it made little sense to continue with a Level 7 FTD when there was little difference between a Level 6 and Level 7 FTD.

The FAA is considering future rulemaking to develop standards for Level 7 FTDs for helicopters. Any new requirements would be subject to notice and comment.

Rule vs. QPS

Continental asserts that there is a conflict between the rule and the Qualification Performance Standards (QPS). Continental states that the rule addresses a number of technical issues that would be best delegated to the QPS, and also notes that parts of the rule and its application have different definitions than the QPS.

FAA Response: In the final rule, we eliminated the repetition of the rule language in the QPS appendices because it was never the FAA's intent to have different definitions for terms in the rule and the QPS appendices. The FAA has also revised the rule language and the QPS appendices so that technical information is presented in the most appropriate sections and formats.

Codified Design Criteria

Northwest writes, ''The proposed regulation should be streamlined to centrally codify simulator design and qualification criteria.''

FAA Response: The FAA deems it appropriate to stop short of establishing a regulation mandating the design and construction criteria for these devices. While the FAA has type certificate requirements for aircraft instead of individual qualification requirements like we have for FSTDs, the FAA is not including such requirements in this final rule. We believe requiring a type certificate process would create the potential for enormous cost increases with virtually no gain in the quality of the devices.

Clarification of Requirements and Oversight Responsibilities

TWA and CAE were concerned with the lack of clarity in the rule language. Specifically, TWA wants the rule rewritten clearly stating FAA's intentions and adding that the National Simulator Program Manager (NSPM) has full authority over FSTDs and all results of other inspections must go through the NSPM before action can be taken. CAE expressed a similar concern.

FAA Response: The FAA revised the part 60 rule language and QPS appendices to ensure the requirements are clear. The QPS appendices provide examples and additional information and criteria outlining the method of compliance with the regulations. In addition, the FAA has clarified the NSPM will exercise oversight responsibility for the evaluation and qualification of all FSTDs included in part 60.

Use of FSTDs in the Course of Training

FlightSafety Boeing (FSB) believes part 60 ''should be limited to the definition, design criteria, required documentation and record-keeping of Flight Simulation Devices, and the evaluation process to assure continued functionality as designed, for the respective level of device.'' In FSB's opinion the authority on planned or actual use of FSTDs in the course of training should remain with the respective sponsor of the device and the Training Program Approval Authority (TPAA) as presently required in existing regulations. Also, FSB writes that all proposed wording addressing the continued use of a device be eliminated, including the words ''and use'' in the title of the proposal.

FAA Response: The final rule addresses the definition, required documentation and record keeping for

FSTDs. It also outlines the evaluation process to assure continued functionality of FSTDs, including the objective and subjective requirements. However, as stated earlier, the FAA has determined it is not appropriate to include FSTD ''design criteria'' in the final rule. Also, the phrase ''and use'' in the title of the part 60 rule does not apply to the actual ''use'' of an FSTD in the course of training approved by the TPAA. Rather, the term refers to those uses of the FSTD for which representatives of the NSPM have qualified a specific FSTD.

NSP Office

TechniFlite states, ''There should be an official (rather than implied or assumed) FAA office established at the Washington level to be responsible for the oversight of the National Simulation Program. This office could be responsible for reviewing appeals when disputes with the NSP arise.''

FAA Response: The NSP is part of the Flight Standards Service. Specifically, it is part of the Air Transportation Division, AFS–200, and answers directly to the AFS–200 manager in Washington, DC. An appeals process is outlined in §§ 60.5(d) and 60.29(b). In both cases, the Director of the Flight Standards Service, AFS–1, is the person/office to whom appeals should be made.

Level of Detail in Regulations

Thales Training & Simulation (Thales) ''objects to the way that our regulations are becoming so overly prescriptive.''

FAA Response: The part 60 rule is, for the most part, a codification of existing practices. However, there are new requirements such as the QMS requirement in § 60.5. The FAA, working with the ARC, including Thales, developed requirements that balance safety concerns without being overly burdensome.

Necessity of the Rule

Several commenters question whether this rule is needed. American Airlines states that it has worked closely with the NSPM to develop its simulator program and it believes it has the highest quality simulator program in the world. American sees ''nothing in the NPRM that will result in an increase in the quality or effectiveness of the American Airlines training program.'' Similarly the National Business Aviation Association (NBAA) does not think the rule will result in a safety enhancement, stating that, ''there has been no evidence that the current system of certifying and maintaining flight simulator devices has compromised safety in any way.'' The Aircraft Owners and Pilots Association (AOPA) states that the proposed rule ''places an unnecessary regulatory burden on the aviation industry, and it does not address a safety problem or provide a net safety benefit.'' Storm Haven Aviation and a flight instructor make similar comments.

FAA Response: Codifying simulation qualification standards provides for a ''level playing field'' among FSTD manufacturers and sponsors in the United States and a harmonization of interests internationally. Further, these provisions, together with the provision for a QMS, will provide each sponsor a clear understanding of what is required of them for a satisfactory FSTD. The FAA also notes that part 60 is largely a codification of existing practices, and does not impose significantly new burdens. The FAA recognizes the close working relationship that exists between the NSPM and a large portion of the aviation training community. That close working relationship continues with this rulemaking effort and should continue after the rule becomes effective. The FAA believes that the rule will result in an increase in the quality and effectiveness of flight training programs without an undue burden on the industry.

Withdraw NPRM

Air Transport Association (ATA) requests the immediate withdrawal of the NPRM and the formation of an industry-government advisory committee to develop a new proposed rule. In support of this request, ATA states five general concerns with the NPRM:

1. If published as currently written, the NPRM would eliminate the use of a significant number of simulators until they could be qualified or replaced.
2. The proposed rule ignores harmonization efforts between the FAA, the JAA, and the simulator industry.
3. The FAA currently is revising Subparts N & O of FAR Part 121, which deal directly with crew training and the practical use of FSTD. However, the NPRM overlaps and implicates training requirements, and thus it is impossible to determine the overall impacts of the NPRM until the training requirements of Subparts N & O are revised or clarified.
4. The NSP, or each responsible TPAA, would have to be manned on a 24 hour/7 days per week basis to administer the proposed FAR Part 60 requirements in order to prevent unnecessary FSTD downtime.
5. The NPRM places a severe financial burden on U.S. airlines. The cost of the NPRM is not justified by its benefits.

Several other commenters, including Bombardier, FedEx, American Trans Air, TWA, Continental, and DHL agree with ATA's position that the NPRM should be immediately withdrawn and that an industry-government advisory committee should be convened to develop a new proposed rule. Other commenters did not specifically cite the ATA position, but did suggest that a more effective rule would be achieved through government and industry collaboration.

FAA Response: Rather than withdraw the NPRM, the FAA established the ARC. The overwhelming majority of the ARC members, including ATA members and an ATA representative, participated in the development of recommendations to the FAA. As proposed in the NPRM, each currently qualified FSTD will continue to be evaluated against the criteria current at the time of that FSTDs original evaluation (67 FR 60291). No currently qualified FSTDs will be disqualified because of the new part 60 evaluation requirements. Therefore, the FAA does not expect that anyone will be ''driven back into the airplane'' for training, testing, or checking because of the part 60 final rule.

In addition, the standards contained in the final rule have been modified so they are more in line with ICAO and JAA standards. Also, as mentioned previously, the FAA is continuing its efforts to achieve the desired level of harmonization. The FAA would like to note that part 60 is not interdependent with and does not overlap the rulemaking effort to revise 14 CFR part 121, Subparts N and O. The part 121, Subparts N and O rulemaking deals directly with flight crewmember training and the practical use of FSTDs, while part 60 deals with the standards for FSTD qualification and evaluation.

Cost of the Proposed Rule

A group of commenters cite cost as the reason the NPRM should be withdrawn. AOPA states that the proposed rule places an unnecessary regulatory burden by imposing a large cost without properly identifying the cost impact. TechniFlite explains that with the cooperation of the FAA and industry, initiatives can be taken to make significant reductions in the cost of simulators thereby making simulators more available to the broader needs of the industry. Professional Instrument Courses believes that the proposed rule would add needless expense to their company with no gain in the quality of safety of their program and would put their successful 22-year-old instrument flight training company out of business.

FAA Response: The FAA continues to believe that training in an FSTD is most effective when the FSTD closely

matches the performance and handling characteristics of the aircraft being simulated. Accordingly, training and checking activities should be accomplished only in those devices that are objectively and subjectively evaluated. The rule creates no new technical requirements for qualification of the basic levels of FTDs. The NSPM has maintained an open and continuous dialogue with aircraft simulator manufacturers and users. This dialogue continues to enhance the quality of simulation, improve the evaluation of simulation devices, and reduce the costs of acquiring, evaluating, and using these devices for flight crewmember training and checking. It is the FAA's intent to maintain this on-going effort.

Advisory Circulars vs. Regulations (Appendices A–D)

Three commenters disagree with including the advisory language that currently exists in the Advisory Circulars (ACs) for airplane simulators and flight training devices in the proposed rule. Delta states that the advisory language is very lengthy and detailed and that after incorporating this language into the rule, the FAA and users will need to strictly abide by it and any changes would need to go through a lengthy revision process. Regional Airline Association (RAA) says the proposed QPS appendices are written as ''engineering standards,'' as opposed to performance standards. RAA believes the FAA should adopt performance based regulations whenever possible because they allow for flexibility and freedom for innovation. RAA states its concern that even seemingly minor requests for deviations from the QPS appendices content will require that operators/owners petition the FAA for deviation approval, a process it says takes weeks and most often months for approval. In addition, RAA notes, ''no specific instances of the proposal were mentioned as to industry's failure to constructively use and follow the content of the AC's.'' FSI says the NPRM preamble incorrectly explains that the FAA is proposing to remove the technical requirements from part 121 and place them in the new part 60. FSI maintains that these requirements have always been advisory and not regulatory, and recommends that the FAA clearly acknowledge that a major purpose of this rulemaking is to make previously advisory material mandatory.

The National Association of Flight Instructors (NAFI) agrees completely with moving the requirements into the proposed rule. It applauds and unequivocally supports the FAA's efforts to make these requirements regulatory rather than advisory.

FAA Response: The FAA disagrees that the QPS appendices are written as an engineering standard, rather than as a performance standard. The QPS appendices are a codification of existing advisory material that was used to determine whether or not a specific FSTD met FAA requirements. These standards have always been ''performance standards,'' involving an objective and subjective evaluation of the device in comparison to the aircraft. There has never been a requirement for an ''engineering standard'' in simulation beyond that which is necessary to meet the stated performance objectives. Part 60 does not change these requirements.

The decision to codify FSTD qualification requirements was made after careful consideration of facts and circumstances. This decision is not a result of ''industry's failure to constructively use and follow the content of the AC's.'' Rather, the FAA has determined that continued oversight through the issuance and application of ACs is not appropriate. Executive Order 12866 states ''(e)ach agency shall draft its regulations to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty'' [section 1(b)(12)]. Additionally, Section 5–1 of FAA Order 1320.46A, ''Advisory Circular System,'' states that

> AC's are not regulations and may not impose or lessen a burden on anyone, nor have a mandatory effect. AC's may not be used to add to, interpret, or relieve a duty imposed by a Federal Aviation Regulation (FAR). Advisory circulars may set forth 'acceptable means' or 'methods of compliance' with a particular FAR. However, the language used to explain the compliance methods in the AC must not imply that it is the only or minimum acceptable means, nor require other methods of compliance to be 'equivalent' to the one described in the AC.

In order to be legally valid, a regulation must establish a requirement or standard that is sufficiently clear to persons required to comply with it so that they can have a reasonable understanding of what is expected of them, without having to resort to material not published in the rule. In other words, the regulation must be able to stand on its own. The regulations that support the current set of ACs describing simulation standards are found in 14 CFR part 121, Subpart N and, since 1980, part 121, appendix H. However, in neither of these rule sections is the regulatory language sufficient to meet the requirement that persons would not have to resort to additional material not published in the rule. Additionally, while FSTD qualification standards have been contained in ACs, they have been treated as though they were regulatory. Clearly, this practice is not in compliance with either the EO or the FAA Order. Therefore, the development of a rule for the qualification of FSTDs was imperative.

Due to a comment, the FAA recognized that it did not have rule language in the part 60 NPRM that proposed to remove technical FSTD requirements from part 121. In the final rule, we have removed from part 121 those technical FSTD requirements that are in part 60. It was an administrative oversight that we neglected to propose removing technical FSTD requirements from part 121, but we were clear in the NPRM that part 60 would serve as the regulatory part for FSTD qualification and evaluation.

The FAA is aware that there are differences in the application of what may be authorized under an advisory circular concept and what may be required or authorized under a regulatory concept. However, the language of this final rule has been carefully constructed to accommodate ''operations and engineering judgment'' when applying flight test data to objective test requirements and tolerances. The goal was to allow the logical application of this judgment while, at the same time, not allow complete ''free play'' with FAA standards.

QPS Document

FSI states ''The Qualification Performance Standard (QPS) contains regulatory language that appears only in the QPS. The combination of information, data, and regulatory language will create misunderstanding between FAA and the industry.'' In addition, FSI believes that the ''tabular technical requirements in the QPS are also confusing due to the outdated condition of the tolerances and test descriptions.'' FSI further states, ''The most glaring of the unrealistic requirements in the QPS is the motion system 'specifications.' In the past when rules have attempted to define hardware and software simulator system 'specifications,' the rules became obsolete before they were published.'' Therefore, FSI recommends the QPS define tolerances, not design specifications.

TWA states that the ''direct quote or a paraphrasing of the Part 60 rule'' in the QPS documents is sometimes very confusing and sometimes they are in disagreement with the rule. TWA recommends removing them to make the QPS smaller and easier to use.

FAA Response: The FAA has revised the final rule to eliminate the motion system standards published in the NPRM. Additionally, the FAA has removed the part 60 rule language from the QPS appendices to avoid confusion and repetition. The FAA recognizes the necessity of additional modifications to certain sections of the QPS appendices that are beyond the scope of the NPRM. The FAA is continuing to revise the QPS, and any recommendations for changes to part 60 will be available for public review and comment as an NPRM prior to being adopted. It is the FAA's intent the part 60 final rule not be effective until the first revision of the QPS appendices have been published in the **Federal Register** as a final rule.

Related to N&O Rulemaking

FSI notes that the preamble states ''In a separate rulemaking project that will follow this proposal, other portions of appendix H would be moved to a new subpart of part 121, and appendix H would be deleted.'' Concerned that timely action may not be taken and considering the length of time for rulemakings, FSI requests that the FAA make the necessary and proper conforming changes now and amend § 121.407 and delete appendix H.

Air Transport Association (ATA) states that this NPRM and subparts N and O of part 121 are very closely linked, and ''recommends that any proposed changes to Subparts N and O be coordinated with this rulemaking and, in particular, that any changes to Subparts N and O precede this rulemaking.''

FAA Response: The FAA recognizes 14 CFR part 121, appendix H has both technical requirements and operational authorizations. By ''removing and reserving'' certain sections in the current part 121, appendix H, (*i.e.*, those sections dealing with technical requirements of FFSs) without canceling the entire appendix, the remaining sections of appendix H will continue to serve operational necessities until such time as appendix H is cancelled. The requirements contained in 14 CFR 121.407 are not contrary to the requirements contained in part 60.

Changes to 14 CFR part 121, Subparts N and O will include references to FSTDs, but only to the extent of defining what tasks may be authorized for part 121 flight crewmembers in a given level of FSTD. Part 60, including all of the evaluation and qualification requirements, is not dependent upon or interdependent with, any future Subparts N and O changes that may be proposed or adopted.

Harmonization and ICAO

Many commenters address the issue of harmonization of FAA's FSD qualification standards with those of ICAO and the JAA. Boeing, United, Continental, American, FSI, FSB, NLX, CAE, and Eclipse are concerned that the NPRM does not include recent industry efforts to harmonize the latest regulatory standards for the qualification of FSDs. Delta commented that an opportunity to revise the rule would provide a chance to define an improved revision process for the advisory material and to incorporate harmonization with the ICAO Manual of Criteria for the Qualification of Flight Simulators. Eclipse states that the ICAO Manual of the Criteria for the Qualification of Flight Simulators, 2nd edition, which was endorsed by the FAA, should be incorporated into the QPS appendices. Continental states that a lack of harmonization will impose a financial burden on the carriers when they sponsor or use FSDs that are currently approved under the ICAO standard. American states that, instead of matching the ICAO criteria, the NPRM appendices contain a version of the criteria contained in the Draft AC 120–40C, modified with additional requirements. American states that since the FAA is on record as planning to eventually adopt the ICAO criteria, there is no reason not to do it in this rule.

NLX comments that although updating the QPS should not require the lengthy time frames experienced with changes like AC 120–40C, the industry has no assurance this will occur. NLX is concerned that after the rule is in place, updating the QPS will result in an extended time frame of possibly several years during which the industry must comply with the obsolete requirements. NLX states that, without some guarantee that this will not be the case, it recommends that the QPS be updated to reflect the latest JAR/ICAO material before the rule is put into effect.

FSB states that the proposed FAA standards are significantly different from the JAR STD 1A requirements, which are stricter. FSB urges the FAA to reconsider the timetable so as to include the recent updates to the ICAO 9625, JAR STD 1A and to remove changes to the motion standards in appendix A, which were vigorously disapproved by industry when added to the AC 120–40C. If the plan is to go forth with the rulemaking process with the existing differences, FSB strongly suggests that the FAA comment on an implementation plan and timetable for complete harmonization to take place.

United comments that the proposed standards decouple the functional and subjective test requirements from the FSD qualification level and require an FSD qualification task list without offering any criteria against which such tasks would be approved. United states that this is a break from past FAA practice, from the current JAA practice, and from the recommendations in the ICAO Manual.

Boeing comments that considerable industry time and expense has been expended over the past years to harmonize the standards. The results of these efforts have been incorporated into the ICAO Manual and are in the process of being incorporated into the JAA's JAR–STD 1A document, *Aeroplane Flight Simulators.* In addition, Boeing states, a set of ''best practices'' advisory material has been developed and is being included in both JAR–STD 1A and ICAO Document 9625. According to Boeing,

> The latest standards and best practices material has not been included in the FAA's proposed Part 60. If the NPRM were to go forward as proposed, there would be two different sets of standards for the regulated public to comply with. This would impose an unnecessary adverse economic impact on the industry, including the data provider. We consider that the proposed Part 60, as currently structured, would be unacceptable to the industry, and both difficult and costly for the FAA to administer. We strongly recommend that the FAA revise the NPRM prior to any further action.

Boeing includes in its comments an extensive history of the harmonization efforts and detailed suggestions on how to harmonize the NPRM with the JAA and ICAO material.

CAE comments that ''The United States has been a leading voice in encouraging other countries to adopt and maintain international standards; implementation of Part 60 regulations that are inconsistent with ICAO standards would undermine the U.S. Government's credibility in making these arguments to other countries.''

Several commenters disagreed with the statement in the NPRM paragraph on ''International Compatibility'' that the FAA had identified ''no differences'' between the proposal and the ICAO Standards and Recommended Practices. Thales Training and Simulation states ''where there are major deviations between the proposed Part 60 standards and the latest agreed ICAO standards, the motion requirements being a good example, industry needs to be aware of how the Part 60 standards will evolve towards the ICAO standards. It is

unreasonable for industry to be expected to expend major investment to meet a standard that may only be in existence for a few months.'' CAE states there are several instances in which the proposed rule significantly differs from ICAO standards, including areas such as latency, tolerances, organization of validation test cases, numbering, and definitions. CAE recommends that the FAA identify and clarify the differences between the two standards and confirm whether the ICAO standards could be used as an acceptable alternative for obtaining FAA qualification of an FSD. ATA states that the rule should not be published until the QPS documents are updated to reflect the ICAO guidance.

FAA Response: The FAA recognizes it is necessary for simulator qualification technical requirements to reflect international standards as appropriate. The FAA plans to harmonize the simulator qualification technical requirements as part of the first revision of the QPS appendices.

Impacts on General Aviation

Several commenters are concerned about the impact of the proposed rule on the use of FSDs by general aviation, particularly with respect to Level 1–3 FTDs.

FSI states that the NPRM preamble language stating that ''other certificate holders may seek approval to use the same FSD'' seems to eliminate non-certificate holders, such as corporate or private operators under part 91, from doing the same thing. FSI comments that fractional ownership operators would be precluded from being sponsors by the same wording.

Fidelity comments that due to the recent advent of affordable, significant computing power, general aviation is able to use advanced simulation and that part 61 allows for a significant usage of FSDs. Fidelity comments that the proposed rule is unclear as to whether a sponsor must be a certificate holder in order to use the FSD for part 61 training.

NAFI is also concerned about the potential impact of the proposed rule on general aviation flight instruction. NAFI states that the required level of actual aircraft emulation for high-end, full motion simulation should be vastly different from general aviation flight training devices, and this proposed rule appears to lump them together. Specifically, NAFI states, smaller operators with less sophisticated FTDs will be unnecessarily burdened by the required establishment of the QAP and daily inspections.

National Air Transportation Association (NATA) comments that the proposal seems to give consideration only to training that targets commercial and high-end corporate aircraft operators and makes no attempt to provide a framework that enables the greater deployment of these devices for light general aviation and corporate aircraft. Furthermore, NATA states that placing the responsibility for qualification of FSDs and FTDs with the National Simulator Program Office will limit the ability of the aviation industry to use such devices.

FAA Response: Only those persons required to have an FAA approved flight training program or otherwise authorized under § 60.7 are eligible to sponsor an FSTD. The FAA acknowledges that Fractional Ownership Program Managers are required by § 91.1073 to have an FAA approved flight training program. However, this requirement did not exist when the proposed part 60 was being drafted because the fractional program regulations had not been finalized. It is beyond the scope of this rulemaking project to include Fractional Ownership Program Managers as eligible FSTD sponsors. Therefore, the FAA will initiate a separate rulemaking project to incorporate Fractional Ownership Program Managers into the class of persons eligible to sponsor FSTDs. The FAA does not intend to allow other part 91 operators to be FSTD sponsors because they are not required to have an FAA approved flight training program.

The FAA has not included the qualification requirements for Level 2 and 3 FTDs in this final rule. The FAA has determined that these devices should continue to be monitored and qualified under advisory material. The FAA has posted, for comment, an Advisory Circular providing guidance about the evaluation and approval of Basic Aircraft Training Devices and Advanced Aircraft Training Devices. To view and comment on the Advisory Circular go to the following Web address: *http://www.faa.gov/aircraft/draft_docs*

Conforming Changes (Parts 61, 63, 125, 137, 141, and 142)

FSI states that training, testing, and checking requirements of parts 125 and 137 may be accomplished in FSDs, but there is no reference to these parts. FSI suggests that the FAA clearly state the permitted uses of FSDs.

FSI, NATA, University Aviation Association (UAA), and Purdue University comment that the NPRM states that the devices described in § 61.4 may be used only for private pilot certification and instrument ratings. These commenters state that training for a commercial pilot certificate and training under part 141, Pilot Schools, can also be done in an approved training device; they ask the FAA to verify the uses permitted for approved training devices under parts 61 and 141.

FSI states that it is mandatory to withdraw appendix H of part 121 in order for part 60 to be possible. FSI also cites other sections that should be changed (*e.g.*, §§ 121.407, 135.335, 142.59, 141.41, 135.324, 135.321, and 121.402). FSI suggests that the FAA conduct a comprehensive review of all rules that may be in contradiction to part 60 and make the appropriate changes.

FAA Response: The permitted uses of FSTDs for credit purposes (*i.e.*, to meet airmen certification standards or certain commercial operator training requirements) are a topic for a different rule. Part 60 addresses only the requirements for the evaluation and qualification of FSTDs. Section 61.4 does not state that FSTDs may only be used for private pilot certification and the instrument rating. Rather, § 61.4(a) specifically refers to ''any training, testing, or checking requirement under this chapter.'' ''This chapter'' refers to Chapter I, Subchapter D (Airmen), and specifically, all airmen, certificates, and ratings falling under the purview of part 61, Certification of pilots, flight instructors, and ground instructors.

It is not necessary to withdraw all of 14 CFR part 121, appendix H because of part 60. As stated earlier, the FAA is ''removing and reserving'' appropriate sections of appendix H to eliminate those technical requirements that have been moved into part 60 and is retaining those operational requirements in appendix H until such time as those sections are combined in a subsequent rulemaking effort and appendix H is cancelled. Additionally, the requirements contained in §§ 121.407, 135.335, 141.41, and 142.59 are not contrary to the requirements contained in part 60. The FAA has reviewed all other sections to see if any additional conforming changes need to be made because of part 60.

In addition, the FAA has determined that the conforming changes to parts 61, 141, and 142 proposed in the NPRM are no longer necessary since Level 2 and 3 FTDs are not included in this final rule.

Impact on Part 142

FSI states that when part 142 was issued, training centers were given regulatory assurance that if they did certain things, the Administrator was obligated to issue a certificate under that part. FSI believes that for the FAA to propose now that another step is

required, *i.e.*, gaining approval as a sponsor, is improper. Also, FSI states training centers were told they would not be required to have any specific relationship with an air carrier, yet under this proposal a training center may have to have an air carrier client as the sponsor of the FSD, for example, to meet the minimum annual usage requirement.

FAA Response: The FAA eliminated the hourly usage requirements for sponsor qualification. The FAA eliminated the proposed requirement for sponsor utilization of additional simulators, except for the initial FSTD to qualify an applicant for a part 142 Training Certificate or the initial FSTD as part of a part 119 FAA-approved flight training program. The FAA has determined that these proposed requirements are not necessary because the requirements for an FAA approved training program are sufficiently robust to ensure safety.

Elimination of Exemptions

AOPA states that the proposal places additional regulatory burdens on the entire aviation industry, including small pilot training centers, simply to allow the FAA to rid itself of the burden of issuing exemptions to part 125 and 135 operators who wish to use Level A–D flight simulators under part 121, appendix H. Instead, AOPA suggests making the appropriate changes in parts 125, 135, and 142 by cross referencing part 121, appendix H. According to AOPA, the proposal should then be modified to address only part 125 and 135 operators and Level A–D flight simulators.

FAA Response: The purpose of this final rule is not to relieve the FAA of the task of issuing exemptions. The requirements set out under part 60 are for the evaluation and qualification of FSTDs, a task that the FAA has to perform regardless of whether the device will be used in air carrier operations or not. This final rule codifies existing practices and provides uniform standards for all FSTDs regardless of where they will be used. Authorized uses under any individual part of 14 CFR are contained in the respective part. Therefore, even if a device is evaluated and qualified for certain tasks and maneuvers, the FAA, independent of part 60, will still need to determine whether the device is suitable for use in a particular FAA approved training program.

Comments Regarding Definitions

ATA states that the definition of flight simulator uses the term ''series'' of aircraft, while the definition of flight training device uses ''set'' of aircraft. Since proposed § 60.3 does not define ''series'' of aircraft and since an aircraft series meets the proposed definition for ''set of aircraft'' and a definition for ''set of aircraft'' is already proposed, ATA recommends that the term ''series'' should be deleted and replaced with the term ''set of aircraft'' throughout the document. In addition, the term ''ground operation'' should be replaced with the term ''surface operation,'' since surface operation is utilized in Attachment 3 to appendix A as operational task b. ''Surface Operations.'' Also, ATA notes that the definition of flight training device uses the term ''full size replica,'' while appendix B does not use this term in describing the FTD requirements. ATA recommends using the language in appendix B, while Delta suggests using ''realistic replica'' instead of ''full size replica.''

CAE states that in the definition of ''evaluation'' in the use of ''etc.'' is open to interpretation and should be removed. Likewise, CAE claims that the word ''performance'' is used in a very general sense in the definition of ''flight test data'' and in many other places. CAE states, ''Performance in simulators has traditionally meant airplane performance with regard to thrust/drag relationships, climb, range, etc.'' CAE recommends defining ''Approved data supplier'' as ''the aircraft manufacturer or other supplier of data acceptable to the NSPM.'' CAE also recommends defining ''Performance'' as ''the overall performance of the FSD to include aerodynamic performance as well as flight and ground handling.'' Additionally, CAE recommends changing the definition for ''flight test data'' to ''Actual aircraft performance data collected by an approved data supplier during an aircraft flight test program. This includes the aircraft on the ground test data as well as in the air.''

FSI states that the definition of ''flight experience'' is at odds with § 61.1 and other parts of 14 CFR. FSI recommends deleting this definition or more accurately defining it.

Boeing recommends changing the phrase ''actual or predicted aircraft performance data'' in the definition of ''objective test'' to ''final test or approved aircraft data'' because it is not clear what is meant by ''actual'' or ''predicted'' data. Boeing states that ''predicted data'' should apply to data that are truly predicted, *i.e.*, data that are estimated for regions of the flight envelope where there are no relevant flight test data (for example, for very high angle of attack), or for a new airplane configuration that has not yet been flight-tested. Boeing believes the definition should exclude engineering simulation data from a simulation that has been flight test updated and that the definition of ''predicted data'' should not include all aircraft performance data derived from sources other than flight data.

ATA states that the definition of ''Qualification Performance Standard'' should refer to ''the collection of procedures and regulatory criteria'' instead of ''the collection of procedures and criteria.'' ATA further recommends that the definition of ''Qualification Test Guide'' refer to ''initial'' evaluation and that ''approved objective data'' be added to the list of contents. Also, ''MQTG is the reference document for subsequent evaluations'' should be added to the definition of ''Master Qualification Test Guide.''

Boeing asks whether ''set of aircraft'' is a derivative series of models produced by the same manufacturer or does it encompass a class of aircraft, such as a medium twin-engine jet transport? CAE states that in the definition of ''Set of Aircraft,'' a reference is made to ''handling,'' when in all previous places ''performance'' has been used to cover both the conventional aerodynamic performance and handling. To be more consistent, CAE recommends replacing ''handling'' with ''performance.''

FSB believes that the term ''Sponsor'' must be more clearly defined to include who may be or must be the ''Sponsor'' of a particular simulator (FSD). FSB states, ''There are many proposed references in the NPRM that place a requirement, responsibility, or burden on the actual owner of the FSD that will effectively eliminate the ability to acquire and maintain U.S. certification of the FSD. The overall impact of this NPRM, if adopted without major changes, could potentially eliminate Part 142 Certificate Holders as providers of U.S. certified FSDs.'' FSB recommends that the entity that is the financially responsible owner of the FSD, and is a certificate holder, must be the sponsor of the FSD. The rule must not disqualify this entity as the sponsor because of arbitrary conditions such as how or how much the FSD will be used as long as the device continues to meet applicable qualification standards.

ATA states that the definition of ''Subjective test'' is inconsistent with appendix A, Attachment 3, Item 3, Simulator Systems. CAE states that in the definition of ''Subjective test,'' it is stated ''FSD performs and handles.'' CAE recommends changing the definition of ''Subjective test'' as

follows: ''A qualitative comparison to determine the extent to which the FSD performs like the aircraft being simulated.''

CAE states, in reference to the definition for ''Training Program Approval Authority,'' that parts 121, 135, and 142 are currently established as to who may approve training programs. In CAE's opinion, no new authority needs to be introduced or created by part 60.

FAA Response: The FAA wishes to clarify the distinction between a ''series'' and a ''set of aircraft.'' An example of ''series'' would be the Boeing B–737 aircraft, where –200 is a ''series'' (*e.g.*, –222, or –252, or –265 are part of the –200 ''series'') as opposed to a –300 aircraft in the same make and model (Boeing, B–737 line). ''Set of aircraft,'' is defined as ''aircraft that share similar handling and operating characteristics and similar operating envelopes and have the same number and type of engines or power plants.'' While aircraft in the same ''series'' can certainly be described as being within the same ''set of aircraft,'' it is not true that aircraft that are legitimately in the same ''set'' are necessarily in the same ''series.'' For example, we can consider the Boeing B–737–222, the Boeing B–757–252, and the Embraer EMB–170–100 within the same ''set'' of aircraft (*i.e.*, they share similar handling and operating characteristics and similar operating envelopes and have the same number and type of engines); however, it is obvious that these three are not the same ''series'' of aircraft. A ''series'' of an aircraft make and model is not the same as a ''set'' of aircraft.

The FAA has clarified the definition of ''set of aircraft.'' In response to Boeing's question about set of aircraft, the FAA notes that while a ''set of aircraft'' may include a derivative series of models produced by the same manufacturer, the definition does not restrict ''set'' to derivative series. Rather, ''set'' encompasses aircraft with similar handling and operating characteristics, a similar operating envelope, as well as the same number and type of engines or power plants as in the commenter's example of a ''medium twin engine jet.''

In the NPRM, the FAA used the terms ''ground operation'' and ''surface operation'' interchangeably. The FAA recognizes that this could be confusing and has clarified the final rule to use the term ''surface operations'' throughout the document to be consistent with international harmonization.

In the final rule, we changed references from ''full size replica'' to the more simple term ''replica'' and clarified the definition by changing the phrase ''ground and flight operations'' to ''operations in ground and flight conditions.'' We made a similar change to the definition of ''Flight Training Device (FTD)'' where we used the simplified term ''replica'' instead of the term ''full size replica'' and to the phrase ''aircraft in ground and flight conditions'' where we used ''aircraft operations in ground and flight conditions'' for consistency with the definition of an FFS.

To avoid the confusion of including ''etc.'' in the definition of ''evaluation'' as raised by CAE, we have included ''*e.g.*'' instead so the sentence now reads ''With respect to an FSTD, the qualification activities (*e.g.*, the objective and subjective tests, the inspections, the continuing qualification evaluations) associated with the requirements of this part.''

We have added a definition of ''FSTD Performance'' to read ''The overall performance of the FSTD includes aircraft performance (*e.g.*, thrust/drag relationships, climb, range) as well as flight and ground handling.''

The definition of flight experience is limited to part 60. Therefore, it does not conflict with other parts. The FAA has clarified the definitions of ''flight test data,'' ''objective test'' and ''predicted data'' to be more precise. The FAA notes that the use of engineering simulation, as an engineering analysis tool, may be integrally involved in the development of aircraft performance predictions.

The FAA did not revise the definition of ''Qualification Performance Standard (QPS)'' except to include a reference to appendix E, Quality Management System for Flight Simulation Training Devices. Also, the FAA did not revise the definition for Master Qualification Test Guide (MQTG); however, we did clarify the definition of Qualification Test Guide (QTG). The FAA did not revise the definition of ''sponsor.'' The FAA has not substantively changed the definitions of QPS, MQTG, QTG, and sponsor from the definitions as proposed in the NPRM. However, the FAA has addressed the concerns raised by the commenters by making other appropriate changes to part 60 and the QPS appendices. The definitions of these terms are consistent with the recommendations made by the ARC.

The FAA has reformatted the material originally located in appendix A, Attachment 3. That material is now found in a table entitled ''Table of Functions and Subjective Tests,'' and is consistent with the title of the appendix. Additionally, the FAA has clarified the definition of ''subjective test.'' The changes are consistent with the ARC recommendation.

The FAA is not proposing to establish a new entity to approve training programs. The term Training Program Approval Authority (TPAA) was introduced as a ''shorthand'' way of listing the various combinations of titles of those who are currently authorized to provide such approvals; *i.e.*, ''Principal Operations Inspectors (POI), Training Center Program Managers (TCPM), or Flight Standards District Office (FSDO) operations inspectors assigned the duties of training program oversight and approval.'' The FAA has not changed the definition of TPAA as proposed in the NPRM.

Comments Regarding Abbreviations

CAE suggests adding new abbreviations to differentiate between airplanes and helicopters, as follows:

AFSD—Airplane Flight Simulation Device
HFSD—Helicopter Flight Simulation Device
AFTD—Airplane Flight Training Device
HFTD—Helicopter Flight Training Device

FAA Response: The FAA has not added these abbreviations and does not consider them necessary for clarity.

Comments Regarding the Applicability of the Part 60 Rule and the Use of Flight Simulators

Use of FSTDs

ATA states:

> This rule provides regulatory information and further guidance to those who wish to become Sponsors of one or more FSDs and how a Sponsor must act to qualify and maintain the qualification of an FSD. In addition, it provides the technical requirements for an FSD to be awarded a specific level of qualification. This rule should not address how an FSD is used. That information is contained within other parts of this Chapter and should be between the Training Program Approval Authority (TPAA), the Sponsor, and the user.

United agrees with ATA's recommendation to remove the words ''and use'' from the title of part 60 and § 60.1(a).

FAA Response: This rule is not intended to infringe upon the FAA designated TPAA. The phrase ''and use'' in the title of the part 60 rule has specific and limited application: (1) To the ''use'' requirements for simulator sponsorship; (2) to the ''use'' limitations with missing, malfunctioning, or inoperative components; (3) to those for whom ''use'' of the FSTD is authorized and for whom its ''use'' may apply; and (4) to those ''uses'' of the FSTD for which representatives of the NSPM have evaluated and qualified a specific FSTD and may be referenced in the Statement

of Qualification, Non-Qualified Maneuvers, Procedures, and Tasks (as listed by exception to those maneuvers, procedures, and tasks listed in the subjective evaluation contents found in Attachment 3 to each of the applicable QPS appendices). Examples might include a circling approach; windshear training in accordance with 14 CFR 121.409(d); Surface Movement and Guidance System (SMGS); or Weather Radar System. These ''uses'' are not to be confused with the uses for which a specific FSTD may or may not be approved by the FAA designated TPAA.

Qualified FSDs

ATA states:

* * * this applies to ALL FSDs. It does not address the use of FSDs that are not qualified by the FAA but are used as part of an approved training program even though no training credits are granted. For example, one carrier has used their B727 CPT and a DC–10 Level 4 equivalent device for training in an approved training program even though neither was qualified by the NSP * * *. This paragraph should be changed to allow for the use of non-qualified FSDs as training aids in an approved training program. This is then under the jurisdiction of the POI. This could be done in paragraph 1.1, definitions, to exclude unapproved devices from the definition of FSDs. Similarly, the rules, requirements, and penalties associated with using an FSD that is not qualified should themselves be clarified to allow for the use of non-qualified FSDs with TPAA approval.

FAA Response: The FAA recognizes the functionality of many pieces of equipment (*e.g.*, FSTDs, books, Computer Based Training Aids) that can be used in an effective pilot or other flight crewmember training program. This final rule does not prohibit a POI from authorizing the use of any training aid that will provide valuable instruction to flight crewmembers. While these devices can be authorized for use in a training program, only those devices that meet the definitional requirements in part 60 (*i.e.*, that have been evaluated and found to be qualified at a stated level) can be referred to as ''FSTDs.'' To be called an FSTD, and to fall under this part, the device has to meet the stated definition and evaluation requirements. Other equipment that may or may not be found to be suitable for use in a pilot training curriculum, whether or not that curriculum is approved by the FAA, may not be called FSTDs (either FFSs or FTDs) when the device being referenced does not meet the definition or evaluation requirements of an FSTD.

Clarification of Terms

FSI states that the preamble statement regarding ''operating experience'' makes it unclear what is prohibited in an FSD. FSI recommends that the FAA list the sections of 14 CFR for which an FSD may not be used.

Two commenters address the term ''each person'' in paragraphs (b) and (c). JAA states, ''It is still difficult to understand why an individual of an FSD user organization, which does not (necessarily) own the FSD, would be responsible for the quality of the FSD and not the FSD operator.'' CAE recommends that in paragraph (c) ''each person'' should be the sponsor or a person leasing the equipment.

FAA Response: The FAA did not adopt a specific list of sections in 14 CFR for which an FSTD may not be used. The TPAA determines what the FSTD may be used for on a case by case basis. However, the FSTD may never be used for satisfying the operating experience requirements of § 121.434 or § 135.244.

The term ''person'' is a multiple use term that, in the vernacular, might be read ''the appropriate party.'' It is important to note that the term ''person,'' as used in the referenced sections (*i.e.*, ''each person using'' and ''each person who uses''), is defined in 14 CFR part 1 as ''an individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.''

Comments Regarding the Applicability of Sponsor Rules to Persons Who Conduct Sponsor Activities Without Being Qualified Sponsors (§ 60.2)

FSI states that, contrary to the NPRM preamble discussion, the issue of a non-sponsor using or allowing the use of an FSD is clearly an administrative rule, not a safety rule; even the discussion uses the word ''inappropriately,'' not ''unsafely.'' FSI further states that the FAA goes on to illustrate in the actual proposed section text with examples of permitted practices rather than listing prohibited practices. FSI recommends that the FAA clearly articulate those practices that are prohibited in the actual text, and accurately discuss applicability of this section to non-sponsors. In addition, FSI states that paragraph (a)(1) adds another step in the process of being able to use an FSD, *i.e.*, separate approval as a sponsor.

CAE states that the use of the term ''causes'' in § 60.2(a) is too general. For example, a technician asked to switch the motion pump on cannot be considered to be the cause for the use of the device for unauthorized training. CAE recommends changing the text to be more specific about the persons to which this rule applies.

FAA Response: The purpose of the rule language in § 60.2(a) is to give the FAA a legal means by which it could charge a nonsponsor with violations of the safety rules if that person inappropriately used or caused the use of an FSTD for the purpose of meeting an airmen certification or training requirement under the Federal Aviation Regulations. The FAA believes that a safety issue could be raised if a non-sponsor uses or allows the use of an FSTD because the quality of the device could be called into question. Therefore, the FAA believes that the prohibition on non-sponsor use of a device is a safety rule and did not adopt changes to this section other than changing the term ''FSD'' to FSTD.''

The FAA does not consider the term ''causes'' in paragraph (a) to be too general. The FAA does not consider someone who merely turns on the hydraulic motion pump to be the person who ''causes'' the use of the FSTD. An example of ''causing'' the use of the device would be someone fraudulently holding themselves out as a sponsor, thereby ''causing'' an unqualified device to be used in an FAA approved training program.

Comments Regarding Quality Management System (§ 60.5)

JAA notes with appreciation that the FAA is introducing a mandatory QAP. JAA suggests making the QAP into a full Quality System (QS) and adding the components that are found in the required JAA QS.

CAE supports the requirement that each sponsor implement a QAP, but believes that the sponsor should be allowed to use its own quality assurance processes to meet the NSP standards. CAE states, ''It would be inefficient and costly to force all sponsors to adopt quality assurance measures based on a specific, FAA-selected QAP as described in Section 60.5. Companies must be given the flexibility to implement a QAP that is consistent with their operations and business practices and plans.''

FAA Response: To harmonize with ICAO, the FAA changed the title of § 60.5 Quality Assurance Program to Quality Management System (QMS). The new title is not just a name change, but is in fact a complete revision of the quality assurance program that is significantly less costly and onerous than what the FAA originally proposed. The specific requirements for the QMS are outlined in a new appendix to the QPS requirements entitled Appendix E, Quality Management Systems for Flight

Simulation Training Devices. This new appendix does not add new requirements outside the scope of the requirements proposed in the NPRM, but expands on the rule language of § 60.5, Quality Management System.

The requirements contained in appendix E have been carefully designed to allow each FSTD sponsor the capability of using its own QMS process to meet the described standards.

Justification for Quality Programs

ATA does not oppose the concept of a QAP, but states that the FAA has not offered any evidence that there currently exists a quality control problem in the way part 121 operators maintain their FSDs. For example, an analysis of nine years of FAA evaluations at one major carrier yielded a discrepancy rate of 2.8 discrepancies per evaluation. ATA believes the other regulations would allow the NSPM to take action against an operator that does not meet minimum quality levels. ATA and FedEx believe the incremental benefit of creating and administering a QAP will not be worth the cost of doing so. NLX makes a similar comment, citing the present state of the airline industry.

FAA Response: The FAA did not propose to incorporate a quality assurance program, which differs from a traditional ''quality control'' program, to rectify bad or deteriorating maintenance practices for individual FSTDs or at specific FSTD sponsor locations. As described in the original NPRM, the basic precept of the program is for the sponsor ''to say what it does; to do what it says; and to keep good records.'' The QMS program will require each sponsor to develop a working knowledge of the requirements of part 60 and the relevant QPS document. This knowledge will be demonstrated to the NSPM through a written description of how, how often, when, where, and with what resources the sponsor's organization plans to comply with the requirements of part 60.

By having this written description, the NSPM and the sponsor will be able to compare what is actually done with what the sponsor says is done regarding FSTD repair, modification, regular maintenance, and daily readiness. The FAA has determined that the standardization required for such satisfactory comparisons will add to the already existing efficiency and effectiveness of the FSTD—regardless of the level of that existing efficiency and effectiveness. Through the added reliability of the maintenance and the daily readiness provided by a sound QMS program, any flight crewmember training, evaluation, and flight experience should be able to be accomplished with less interruption, more accuracy and more reliability. The QMS program will help provide consistency in the current training and the availability of repetitive practice in the desirable environment of accurate and realistic simulation. The FAA continues to believe that under such circumstances the students will more easily retain the knowledge and skills learned through such an increase in reliability and through such uninterrupted training.

There are three areas of significance in this regard:

The first, in two parts. Part one is an already existing precedence for the regulatory requirement for a QMS program found in the regulations covering air carrier aircraft maintenance. Part two is that several air carriers currently participate in voluntary quality programs (involving FFSs and FTDs) due to their participation in the FAA's Air Transportation Oversight System (ATOS).

The second area is that of existing FSTD sponsors already obtaining advantages from either developing an FSTD QMS program or contemplating doing so. One major airline, in comments made to this NPRM, stated that while reviewing the proposed QMS program requirements they recognized that ''the proposed (QMS) did provide a vehicle for developing a more efficient management tool for simulator maintenance and control.''

The third area is one of international perspective. The FAA has not noticed that many of the world's regulatory authorities are beginning to embrace QMS programs or quality management systems as a means of conducting their regulatory responsibilities. Example of such regulatory authorities include the individual regulatory authorities in Europe, under the auspices of the European Aviation Safety Authority (EASA) and several regulatory authorities in the Pacific Rim (the Australian CAA and the Singapore CAAC are two examples), who are aiming to pattern their systems after that of the JAA. Additionally, if FAA requirements are to be truly ''harmonized'' with the JAA, then it must be noted that the JAA's JAR–STD–1A document, *Aeroplane Flight Simulators*, requires an FSTD operator to have, and operate under, a quality management program, which is far more demanding than the QMS that we adopted under part 60.

Cost Consequences of Quality Programs

RAA requests the removal of the proposed QAP requirement from the final rule. RAA states that the FAA has made no effort to evaluate the necessity or effectiveness of the proposed QAP. RAA believes the QAP would require airline operators to maintain technical staff on site, which would be particularly cost prohibitive for regional airline operators who often buy time on simulators at distant and even foreign locations. TechniFlite makes a similar comment. If the FAA retains the requirement, RAA suggests allowing the owner-operator to designate a simulator evaluator or to outsource QAP duties.

FAA Response: Neither the original NPRM nor the revised wording in the final rule would require an airline to maintain their own technical employees at the FSTD site, if that airline is using another sponsor's FSTD, for QMS issues any more than the current practice of arranging with another party to provide for maintenance, upkeep, modification, evaluation, evaluation scheduling of an FSTD it sponsors. In either case, the sponsor would be the responsible party concerning issues with the FSTD that relate to technical aspects or to the QMS program.

Six Month Time Limit

UPS objects to the 6 month time limit for submission and approval of a QAP, stating that the NSPM would have an influx of approximately 66 proposals from sponsors to review, comment and approve within that timeframe. Also UPS states that 6 months is an insufficient amount of time for UPS to develop and implement a program that would meet the requirements. UPS recommends an 18 month timeframe, 6 months to submit a proposed program, 6 months for the FAA to review and approve, and 6 months for the sponsor to implement the program. American makes a similar comment. ATA suggests a longer timeframe, one year for submitting a proposal, 6 months for the FAA to review and approve, and one year to implement and audit the QAP.

FAA Response: The FAA has revised this time frame to 24 months. The FAA has determined that this is a sufficient amount of time to implement the QMS.

Dry Lease of Simulators

FSI suggests a problem with the concept of a sponsor for operators who dry lease flight simulators that are used by several air carrier certificate holders. FSI states, ''Under the proposed concept, quality would be assured for only one (sponsor) user, but not for other users.'' FSI believes that the

purpose of a QAP should be to ensure that any training provider (*i.e.*, not just the sponsor) is capable of providing FSDs that continually meet the training, testing, checking, and experience requirements of its client's FAA-approved flight training programs. FSB makes a similar comment, stating, ''Particularly in a part 142 operation, this would result in each device within a single facility being subject to a different Sponsor's QA program.'' In this situation FSB believes the owner/certificate holder should qualify as the sponsor, even if they don't otherwise meet the sponsorship qualifications, because they have ultimate responsibility for the devices under the QAP.
regarding sponsor qualification requirements to address the concerns and recommendations raised by commenters. The QMS program assures that any given FSTD continually meets the training, testing, checking, and experience requirements of the respective FAA-approved flight training program in which it is used.

Conflict With Other Quality Programs

ATA and United comment that inclusion of this quality program places airlines under two dissimilar quality programs; that required by § 60.5 and the Air Transport Oversight System (ATOS) item 4.2.8, Simulators/Training Devices. Since the goal of these two quality requirements are the same—system safety—ATA and United suggest that these two quality program requirements should be appropriately harmonized so that a sponsor now subject to part 60 and ATOS will be required to meet the standards of only one FSD quality program.

FAA Response: The FAA has revised the ATOS inspection checklists and eliminated the Airworthiness SAI/EPI components for an FSS or an FTD inspection to avoid different quality management programs for aircraft simulators. The changes to the ATOS program checklists will become effective at the same time as this final rule.

Conflict Between NPRM Preamble and Rule

Several commenters address an inconsistency between the preamble discussion of proposed § 60.5 and the rule text itself. Paragraphs (b) and (d), as described in the preamble, do not appear in the rule text.

FAA Response: The FAA recognizes that an error occurred with the original publication of the NPRM. We removed paragraph (d) that appeared in the NPRM and incorporated the requirements of that paragraph into § 60.9 in the final rule. The FAA has reinserted as § 60.5(d) the correct paragraph (d) that was described in the NPRM preamble. This paragraph reads the same as a similar paragraph published in the NPRM under § 60.29(b).

Location of Simulator

ATA comments that the paragraph described in the preamble that addressed the location of the simulator would be impossible to comply with. ATA cites as an example, an operator who sponsors a foreign owned simulator located in an area of the world where it bases pilots. It is cost-effective to use that simulator rather than bring pilots back to the U.S. for training. ATA states the paragraph would require operators to impose a QAP on the foreign simulator owner, which would be impossible for the FAA to enforce. Similarly, FedEx believes the requirement should not appear in the final rule or should be modified to facilitate the use of foreign simulators.

FAA Response: Prior to the use of any FSTD, regardless of its location (domestic or foreign), the certificate holder is responsible for determining that the FSTD meets the appropriate training program requirements and that supplemental ''differences'' training is accomplished to accommodate any differences that may exist. Similarly, the certificate holder is responsible for ensuring that the current maintenance and operational status of the FSTD is such that the planned activities can be successfully accomplished or other arrangements are suitably made. This level of familiarity with the FSTD and this level of interaction with the owner/operator of the FSTD should certainly support the QMS program requirements. The FAA has revised the requirements so that when a sponsor includes a ''foreign simulator'' (*i.e.*, one maintained by a non-U.S. certificate holder) under its sponsorship, the sponsor will continue to be responsible for the QMS program for that simulator; however, if that foreign simulator is maintained under a QMS program accepted by that foreign regulatory authority and that authority and the NSPM have agreed to accept each other's QMS programs (*e.g.*, QMS programs approved by the Joint Aviation Authorities of Europe), no additional requirements must be met. Alternatively, if that foreign simulator is not maintained under a QMS program accepted by that foreign regulatory authority or that authority and the NSPM have not agreed to accept each other's QMS programs, the sponsor then will be required to reach an agreement with the NSPM regarding those aspects of the sponsor's QMS program that may be met by the sponsor in regard to this specific FSTD.

Appeal Process and Determination of Emergency

ATA believes the final rule should include another paragraph described in the preamble, but not included in the proposed rule, which addressed an appeal process for sponsors who disagree with an FAA requirement to modify a QAP. Boeing, CAE, and FSI make similar comments. FSI requests more specific statements on how the determination of an emergency would be made and whether any sanctions would apply to just one FSD or all FSDs operated by the sponsor.

FAA Response: As stated earlier, the FAA has now included the material that was referenced in the original NPRM preamble language but which was inadvertently omitted in the originally proposed rule language. The FAA is reluctant to provide a list of what might constitute an ''emergency'' in that all such possibilities simply cannot be accurately listed. The purpose of this rule is to provide for FSTDs that meet the established criteria to allow flight crewmembers to acquire proper and complete training, testing, checking, and experience for the particular aircraft for which they will be or are type rated. While it is true that the FAA may have the authority to take certificate action or seek monetary penalties for violations of the rules, or seek to remove the qualification of an FSTD, or disqualify an FSTD sponsor from sponsoring FSTDs, these types of actions are a last resort taken only when absolutely necessary. When, how, to what, and to whom any such sanctions might apply would be governed by the circumstance, and therefore, the FAA is unable to provide specifics for such possibilities.

Quality Program Guidance

ATA comments that neither the rule nor the QPS provide information on how the QAP should be set up and administered. ATA also comments that there is no reference to the current guidance documents that appear on the NSP Web site. ATA suggests that the FAA reorganize the QAP requirements by combining proposed § 60.5(b), (c), and (d) with the QAP requirements in appendix A, section 5, and moving them to a new appendix E, which would be a QPS for a QAP. ATA recommends that the new appendix contain appropriate

components of the current guidance and sample of an acceptable SQAP.

FAA Response: The FAA has reorganized the QMS requirements in the QPS appendices and established one QMS appendix, appendix E, to provide greater clarity and avoid redundancy.

Identification of Deficiencies

CAE believes the language of proposed § 60.5(b) is too vague and that the FAA should specify the level of detail required in the documentation for correcting deficiencies in the QAP. CAE suggests changing the words ''deficiency in the program'' to ''an issue that has a direct impact on the quality.'' American states that it is unclear whether the deficiencies being identified are in the QAP or in the FSD maintenance program. ATA states that if the deficiency being identified is in the QAP, then the FAA process should specify how it is to be changed.

FAA Response: The FAA has made clarifications to § 60.5. The language of § 60.5, Quality Management System, was chosen to allow for future revisions to the QMS program, as described in appendix E. One of the major precepts of any quality management system is that of continual improvement—improvement as defined by the organization utilizing the quality management system that can be recognized by an outside observer. An improvement might manifest itself in the improved maintenance or the reliability of the FSTD; it might manifest itself in an increased efficiency in being able to track some aspect of the on-going maintenance functions; or it might manifest itself in a more detailed description of a job function or more clearly defined documentation or a better way to ensure that management is involved in decisions regarding the QMS program or the quality management system.

Grace Period for Required Changes

ATA suggests that § 60.5(c) provide a 12 month time limit within which the sponsor must make the required changes to the QAP, so that it is not immediately in violation after being notified of the required change. CAE makes a similar comment. ATA and United request clarification of whether paragraph (c) addresses the pre-approval process or the process when program deficiencies are discovered during an audit.

FAA Response: The FAA made minor clarifications to § 60.5(c). The FAA did not adopt specific time limits as recommended by commenters, because such revisions are outside the scope of the NPRM. However, in future changes to the QPS requirements, the FAA will consider adding specific timeframes as recommended by commenters. Such changes would be subject to notice and comment. In addition, the FAA notes that § 60.5(d) allows sponsors to appeal to the Director of Flight Standards (Director) if the sponsor disagrees with the NSPM's deficiency notice. The filing of an appeal stays the NSPM's notice pending the Director's decision. Thus, a sponsor can appeal to the Director if it believes that the NSPM has not allowed adequate time to resolve a deficiency.

Management Representative

FSI comments that identifying an employee of the sponsor to be the management representative, under proposed paragraph (d), may result in delayed or confused communication if that person is someone other than the training center's designee. American Trans Air asks whether the management representative under this section could be the same person as the liaison with the manufacturer designated under § 60.9(b)(3).

FAA Response: As previously mentioned, the FAA moved proposed paragraph (d) to § 60.9(c) in the final rule. (See the discussion in § 60.9 for additional responsibilities of the sponsor). In the NPRM, the FAA proposed that a sponsor maintain liaison with the aircraft manufacturer or the holder of the type certificate if the manufacturer was out of business. The FAA notes that maintaining a liaison with the aircraft manufacturer does not mean that the sponsor must designate a specific person to serve as a ''liaison.'' The Management Representative (MR) may perform this duty if necessary. There is no requirement that the MR be the training center designee. The only requirement is that the person so designated as the MR by the sponsor have the responsibility and authority to accomplish duties outlined in § 60.9(c).

Comments Regarding Sponsor Qualification Requirements (§ 60.7)

Many commenters are concerned about the concept of FSD sponsorship as proposed in § 60.7(a) and (b). Some commenters request the FAA delete, change, or clarify the sponsorship requirements.

RAA states that § 60.7 proposes to have individuals such as pilots, instructors, and check airmen be sponsors rather than a part 121 or part 135 (*i.e.*, part 119) certificate holder. RAA agrees that such individuals fit the criteria sought by this proposal, but believes that a collective body of ''individuals'' that comprise an air carrier also fit the criteria. RAA states, ''It makes no sense to make a distinction between a person and a certificate holder, particularly since both are subject to loss of their certificate by the FAA.'' RAA requests that the concept of ''sponsor'' be eliminated from the proposed rule.

FAA Response: The FAA has revised and clarified the sponsorship requirements of § 60.7.

The FAA defines the term ''person'' in 14 CFR part 1 as ''an individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.'' In § 60.7, the FAA uses ''person'' in accordance with the part 1 definition. Additionally, as used in this particular situation, the ''person'' being referred to would hold or be an applicant for a certificate under part 119, 141, or 142, or have a course of training approved under appendix C of part 63. A ''person'' whether corporate or individual, can hold a certificate issued under part 119, 141, or 142. However, an individual person who holds only an airman certificate (*e.g.*, issued under part 61), would not qualify to be an FSTD sponsor.

The National Simulator Program has operated under the concept of ''sponsor'' for over two decades. However, the National Simulator Program has never been specific regarding the definition of the term, nor has the agency been diligent in ensuring that all of the precepts of FSTD utilization were scrupulously followed. The FAA believes that it is time that this concept is completely understood by everyone in the industry.

Sponsorship Qualification Requirements

FSB believes that the proposed sponsorship qualification criteria will seriously affect third party operations and that the NPRM, if adopted without major changes, could potentially eliminate part 142 certificate holders as providers of U.S. certified FSDs. Examples of situations that FSB believes would no longer be allowed are cases where the FSD is owned by a part 142 certificate holder but is used principally by other certificate holders. If neither the owner nor any of the other users met the specified minimum threshold of hours under their approved training programs, none of these users would meet the sponsorship standards, even though the FSD might serve many U.S. certificated operators. Also, the owner might be forced to change the sponsorship of some FSDs from time to time in order to continue to have a sponsor who meets the conditions of

sponsorship. FSB recommends that if the owner is a U.S. certificate holder, that the responsible certificate holder should be the sponsor of the FSD, without having to meet all the requirements in this section.

Further, FSB comments that there are circumstances in part 142 operations where FSD certification is necessary, but there is no plan by the FSD owner to conduct training. FSB states, ''This proposal is a case where a prerequisite for Sponsorship is based on intended use of the device. It is the opinion of FSB that the proposed regulation should focus on the quality and functionality of the device and that approvals for how the device will be used should be left [to] the Principle Operations Inspector (POI), or the Training Center Program Manager (TCPM), or other appropriate approval authority.'' FSB recommends that § 60.7(a)(2) be deleted.

FSI objects to the NPRM preamble statements that the sponsorship and approval process proposed is similar to the current practice. FSI states, ''Currently, there are no 'sponsors' of simulation. The FAA has never defined the term; there has never been a requirement to have or to be a sponsor. The term, concept, and obligation is proposed in this Notice of Proposed Rulemaking for the first time. The implication that sponsors exist now and have been required tends to minimize the operational and economic impact of the current proposal.'' Further, FSI comments, ''The process outlined in the proposed part 60 is not at all similar to current practice in one of the major features of the proposed rule. That is, the current practice, (and practice for the past many years), has been for the FAA to evaluate, qualify, and then approve for use FSDs for a certificate holder having an approved training program. Now the FAA would add the major step of approving a person, not necessarily the developer, owner, or custodian of an FSD as a sponsor. This is a major departure from current practice.'' FSI recommends that the FAA delete any requirement for a sponsor to be a certificate holder and specify that a training center may continue to fulfill all proposed roles of a sponsor and the term sponsor be eliminated.

ATA states that proposed § 60.7 does not explain or provide a process for gaining sponsorship approval. ATA recommends that the sponsorship qualifications and systems and processes needed to manage the new requirements be established in a pre-defined order over a certain period as part 60 goes into effect.

In regard to proposed § 60.7(b), FSI asks for clarification of the relationship between the four conditions in this paragraph, *i.e.*, whether the sponsor must meet any or all of the four conditions. ATA identifies an inconsistency between proposed § 60.5(a), which allows a sponsor 6 months to develop a QAP after the final rule is effective, and § 60.7(b)(3), which states that a sponsor must have an approved QAP. ATA recommends a long period of phase-in for the final rule and an automatic qualification for items that were in good standing before the effective date. ATA also comments that proposed § 60.7(b)(4) gives the NSPM full veto power over a candidate sponsorship, with no definitions of how the NSPM will evaluate the candidate sponsor's acceptability to the NSPM.

FAA Response: The changes to the sponsorship requirements discussed previously adequately address the issues raised by the commenters. In the final rule, the FAA eliminated the proposed requirement that a sponsor use the device for 600 hours per year. We are now requiring that at least one FSTD is used at least once per year within the sponsor's FAA-approved flight training program. Also, the final rule permits the sponsor to sponsor additional FSTDs, beyond the first FSTD, without having a ''use'' requirement. If a sponsor sponsors an additional FSTD that is not used within its approved training program then one of the following conditions must be met:

(1) The FSTD must be used in another FAA-approved flight training program.

(2) The sponsor must provide the FAA with a written statement from a qualified pilot having flown the airplane that is simulated at least once during the previous 12 months. The statement must indicate that the configuration, performance, and handling of the FSTD are appropriately representative of those features of the airplane being simulated.

Additionally, while it is true that the FAA does not currently use the specific term ''sponsor,'' the agency, under its existing practices, does assign someone to ''oversee'' each qualified FSTD. Thus, the requirements in § 60.7 are simply a codification of the agency's current policies.

The rule language is clear about what is necessary for a person to become an FSTD sponsor and what requirements of part 60 will apply to existing FSTDs. With limited exceptions, the continuing qualification requirements for existing FSTDs will not change.

Role of TPAA

Eclipse states that the proposed rule puts the sponsor in a precarious position between the NSPM and the sponsor's specific TPAA. Eclipse Aviation would like to see a better delineation of duties and a more formalized coordination process within the FAA between these two bodies.

FAA Response: The FAA has modified its processes regarding coordination and communication with Principal Operations Inspectors (POI) and Training Center Program Managers (TCPM). The NSPM will provide a Statement of Qualification directly to the sponsor (copying the POI/TCPM) and will receive materials directly from the sponsor (provided parallel communication is maintained with the POI/TCPM).

Part 61 Flight Schools

Fidelity states that the proposed rule does not allow a part 61 flight school to sponsor an FSD or FTD. Fidelity believes if an organization is capable of maintaining the quality control program specified by part 60, and if the local POI, FSDO, or TPAA is satisfied, then the FAA should allow part 61 schools to sponsor an FSD. Fidelity cites specific sections in part 61 that allow for FSD usage.

FAA Response: FSTD sponsorship is a very unique responsibility and one that is irrevocably linked to an FAA-approved flight training program along with other equally unique requirements. As a result, the FAA has determined it would be inappropriate to allow a part 61 operator, with no requirement for FAA-approved training programs or other required FAA oversight, to sponsor an FSTD.

Sponsor Responsibility

UPS states that it may not be feasible to place responsibility for the qualification of an FSD owned, operated, and maintained by another business entity on the sponsor because the sponsor would have no direct control of that entity's operation. UPS believes this requirement would further constrain the business of flight simulator training and should be deleted.

In regard to proposed § 60.7(a)(2), DHL agrees with the apparent intent of the rule to give the users who hold vested interest in the simulators (the carriers) the responsibility and motivation to guarantee quality assurance of the simulators. Further, DHL states, ''It is also apparent that the FAA is shifting the responsibility from the National Simulator Program Team (AFS–205) to other entities (the sponsors) and allowing AFS–205 to provide oversight. It is unclear, however, if this is a cost savings

measure for the Federal Government, which would place a financial burden on the sponsors.''

FAA Response: The FAA is not shifting any responsibility with this section of the rule, but is simply clarifying that to be a sponsor, one would have to have an FSTD qualified and used as part of their own FAA-approved training program.

Sponsors with Multiple Certificates

United comments that it holds certificates under both parts 119 and 142, offering contract training for aircraft currently flown by United and aircraft no longer flown by United. United requests that the FAA clarify the wording to allow a sponsor who operates FSDs under multiple certificates to be the sole sponsor of those FSDs with only one quality program and one management representative.

FAA Response: The FAA has added information to appendix E. The QMS requirements should not be read to preclude a given QMS program from being applicable to more than one certificate holder (*e.g.*, part 119 and part 142 or two part 119 certificate holders). It should also not be read to preclude an individual from being a Management Representative (MR) for more than one certificate holder (*e.g.*, part 119 and part 142 or two part 119 certificate holders) as long as the other QMS program requirements and the other MR requirements are met for each certificate holder.

Use of Qualified FSDs

TechniFlite states that limiting the use of a qualified FSD to an approved course unduly limits the use of the FSD. TechniFlite states, ''A Designated Pilot Examiner (DPE) should be allowed to use a qualified FSD for all or part of a check ride in accordance with the practical test standards. * * *'' If a pilot applicant has the experience and has otherwise received the appropriate training outside of a 142 training program, that pilot or his employer should not be required to pay for the expense of the 142 program. Many corporate flight departments have excellent in-house training programs. If a qualified FSD is available, the Designated Pilot Examiner should be allowed to utilize the device.'' TechniFlite believes part 61 training should not be denied access to FSDs.

FAA Response: There may have been a misunderstanding of the proposal. Part 60 does not impose any limitations or prohibitions regarding the use of a qualified FSTD for any appropriate, authorized usage. A DPE certificated under part 61 may use an FSTD for any authorized purpose, but a DPE may not sponsor an FSTD.

Minimum of 600 Hours

Most of the commenters on this section object to the proposed requirement in § 60.7(c)(1) that an FSD be used a minimum of 600 hours per year in the sponsor's training program. Commenters state that the proposed minimum hour requirement is arbitrary, unfair, financially burdensome, and creates an unfair financial advantage for large training centers.

FAA Response: As discussed previously, the FAA eliminated the 600-hour requirement. Instead, the sponsor must use at least one FSTD at least once per year in an FAA approved training program. Any additional FSTD sponsored by the sponsor must be used in another FAA-approved flight training program or the sponsor must provide the FAA with a written statement from a qualified pilot having flown the airplane being simulated at least once during the previous 12 months. The statement must indicate that the configuration, performance, and handling of the FSTD is appropriately representative of those features of the airplane being simulated. The revised rule language resolves the concerns raised by commenters.

Sponsorship Under Parts 125 or 137

FSI suggests including parts 125 and 137 in the definition of ''Certificate Holder'' in § 60.3 and in § 60.7(c)(2) to allow for future use of simulation under those parts.

FAA Response: As stated previously, only those persons required to have an FAA approved flight training program are eligible to sponsor an FSTD. The FAA has established an Aviation Rulemaking Committee to review part 125. The FAA will review the recommendations of this Aviation Rulemaking Committee when they are received to determine if an FAA approved training program will be required under the new rules. The FAA will initiate formal rulemaking at that time if warranted by the recommendations. Also, operations conducted under part 137 (Agricultural Aircraft Operations) require the use of pilots with either commercial or airline transport pilot certificates and a rating for the aircraft that is to be used in the agricultural operation. There is no requirement, however, for a part 137 operator to have an FAA approved flight training program. Therefore, it is not appropriate for those operators to sponsor an FSTD.

Dequalified Simulators

In regard to proposed § 60.7(c)(3)(ii), CAE believes that someone else may apply to sponsor the dequalified simulator immediately, since only the current sponsor cannot reapply. American states that this paragraph has the potential for significant impact on sponsors of foreign simulators. American further states that if a valid training requirement for a device exists, the FAA should not be in a position of impacting business decisions. Similarly, ATA opposes any attempt to require that an FSD remain out of service for any enforced period of time. ATA suggests removing the sponsor's qualification, not the FSDs. United and Delta make similar comments.

FAA Response: As discussed previously, the FAA has rewritten the sponsor qualification requirements, specifically the use requirements. Therefore it is highly unlikely that sponsorship will be taken away for non-use of an FSTD. The revisions to § 60.7 adequately address the concerns raised in this area. The FAA has modified § 60.7(c) to remove the statement ''The FSD is not qualified.''

Comments Regarding Additional Responsibilities of the Sponsor (§ 60.9)

Several commenters object to the proposal in § 60.9(a) that sponsors must allow ''immediate'' inspection of the FSD, citing the disruption and extra cost if training is interrupted without notice. The amount of notice requested by commenters ranges from 24 hours to seven days. ATA provides proposed revised rule language, allowing 48 hours notice. Several commenters state the NPRM does not provide any rationale for the change in approach from the current language in §§ 142.29 and 142.73, which provides for inspection of facilities, equipment, and records ''at a reasonable time.'' ATA and United state that if the FAA needs authority to conduct ''emergency'' no-notice inspections, it should add a paragraph containing guidelines for when such emergency inspection might be required.

FAA Response: The FAA has revised the rule language to require that sponsors allow the NSPM upon request to inspect the FSTD ''as soon as practicable.'' In addition, the FAA has clarified in the Information section of the QPS that the phrase ''as soon as practicable'' means without unnecessarily disrupting or delaying beyond a reasonable time the training, evaluation, or experience being conducted in the FSTD. These revisions should address the commenters'

concerns. The FAA did not intend for proposed § 60.9 to imply that the FAA would have the right to conduct ''emergency'' no-notice inspections.

Comments Regarding Foreign Devices

FedEx and ATA state that paragraph § 60.9(a) should be applicable to FSDs that are directly under the sponsor's control, and not applicable to those FSDs where the sponsor is not the operator of the FSD.

FAA Response: The FAA appreciates those situations where a sponsor is sponsoring an FSTD owned and operated by a foreign airline or foreign training center located outside of the United States. It is not the FAA's intent to conduct inspections on these FSTDs outside of those times when such an FSTD is being used by the sponsor or another U.S. certificate holder.

Collecting Comments on the FSD

Several commenters state that the proposed requirements in § 60.9(b)(1) and (2) to collect and take action on comments on the FSD and its operation would duplicate the maintenance and discrepancy log requirements elsewhere in part 60 and should be removed. Commenters fear that this paragraph would create the potential for irrelevant, non-factual, personal or pejorative comments, which would be difficult to examine, classify, and take action on, resulting in unnecessary expenditure of time and resources. Commenters particularly state that flight crewmembers might offer comments that reflect the trainee's difficulty and not the performance of the simulator. Such comments should be provided to the instructor or evaluator and not be a requirement under this section.

FAA Response: The FAA adopted revisions to the comment collection provisions in this section. The intent of this requirement is to provide a mechanism for comments to be provided and for the sponsor to be able to review those comments and take whatever action it deems appropriate. The FAA did not specify the method used to collect this information. However, a maintenance log or an addendum to a maintenance log would suffice to meet this requirement. It was the FAA's intent not only to allow, but to encourage comments. If a sponsor determines that a particular comment is motivated by the trainee's difficulty and not the performance of the FSTD, then the sponsor should indicate that fact. Providing a source for comments such as these is logical and has merit.

Liaison with Aircraft Manufacturer

DHL and FSI state that the proposed requirement in § 60.9(b)(3) to maintain a liaison with the aircraft manufacturer would be difficult when the manufacturer is out of business or when the aircraft is no longer being manufactured. FSI points out that the manufacturers would also incur a cost from this requirement and would probably prefer to maintain a liaison only with the FSD manufacturer, and not with every sponsor for a particular FSD. ATA states that the relationship the air carriers and their training departments maintain with the manufacturers should be sufficient and for independent training centers, there should be more specific direction on what constitutes liaison.

FAA Response: The FAA has revised this section of the rule by eliminating the language that was referenced in these comments. However, the FAA has included the following language in the applicable QPS appendices, in the QPS Requirements section addressing § 60.13: The FSTD ''sponsor must maintain a liaison with the manufacturer of the aircraft being simulated (or with the holder of the aircraft type certificate for the aircraft being simulated if the manufacturer is no longer in business), and/or, if appropriate, with the person having supplied the aircraft data package for the'' FSTD ''in order to facilitate the notification described in this paragraph.''

Posting of Statement of Qualification

ATA, FedEx, and United request that the FAA allow for electronic posting of the document.

FAA Response: The FAA has determined that electronic posting would be helpful to the sponsor and the user. Therefore, we have modified § 60.9 to allow for the electronic posting of the Statement of Qualification. In addition, as a result of other changes to this section we have moved the requirements in proposed § 60.9(b)(4) to § 60.9(b)(2).

Comments Regarding FSD use (§ 60.11)

Delta Air Lines (Delta) suggests that § 60.11(a) be reworded to make the sponsor's responsibility limited to not knowingly allowing the FSD to be misused. Delta states that a sponsor cannot ensure that, for example, a rental crew is not using an FSD for training for a system for which the FSD is not approved. Delta also suggests that the preamble statement providing that other persons or certificate holders may arrange to use a sponsor's FSD without an additional qualification process be added to § 60.11(a).

FAA Response: The requirements of this section of the rule do not require that a sponsor keep a lessee from improperly using the FSTD. Rather, this section is to require that the sponsor will not use the FSTD or allow the FSTD to be used unless it: 1) Is properly sponsored (paragraph (a)); 2) is qualified as described in the Statement of Qualification (paragraph (b)); 3) remains qualified (paragraph (c)); 4) is used with the original or properly modified programming (paragraph (d)); and 5) is used in accordance with missing, malfunctioning, and inoperative component requirements of § 60.25 (paragraph (e)). The standard briefing provided to those who ''dry lease'' an FSTD is sufficient to address the concerns raised here.

Confusion About ''Type, Make, Model, and Series''

FSI states that the language of paragraph (b) is a significant departure from current § 142.59(a)(1), because that section does not require that an FSD represent a specific ''configuration'' or even ''variant within type.'' FSI states, ''The intermingling of type, make, model, and series, and ''configuration'' is confusing, contradictory, and not consistent with the FAA's own aircraft nomenclature system. It would preclude using a simulator representing a type of aircraft, for training or testing for another of a common type rating, and then using the FAA's own differences training scheme to address differences.'' FSI states that FAA has not justified the change in the proposed section and has not evaluated the cost of the impact. FSB makes a similar comment, stating that, ''Many aircraft have multiple configurations, which could potentially create the need for multiple Statements of Qualification.''

FAA Response: The FAA has removed the terms ''make, model, and series of aircraft or set of aircraft'' from the rule language in paragraph (b). In the final rule, we only reference the Statement of Qualification. However, the use of these terms is not a departure from the current requirement in § 142.59(a)(1) where the requirement is that approval for use of an FSTD be based on ''each maneuver and procedure for the make, model, and series of aircraft, set of aircraft, or aircraft type simulated, as applicable.'' These requirements are completely compatible and not interdependent. There is nothing in any part 60 requirement, including the particular section referenced, that would preclude the use of an FSTD representing a type of aircraft for training or testing for a

common type rating, and then using an FAA-approved differences training program to address any differences that may exist. The FAA reiterates that the requirement is for the qualification of the FSTD. While it is certainly true that many aircraft types have many different configurations, it is also true that each FSTD will reflect a single aircraft type (make, model, and series) and reflect one configuration. There are provisions for ''convertible'' FSTDs and each configuration to which the FSTD is convertible will be annotated on the configuration list as part of the Statement of Qualification. Indeed, some convertible FSTDs are so different they warrant a separate FAA Identification number and a different series of evaluations. The requirement here is that each FSTD meet the requirements stated in part 60, including the applicable QPS appendix, to be qualified. How that FSTD is authorized for use has, and will continue to, come under the jurisdiction of the TPAA.

Required Features

Regarding paragraph (b)(2), Delta states that an FSD should not be required to have all features—just those for which training credits are desired. Delta suggests that paragraph (b)(2) be changed to ''For all tasks and configurations approved in the sponsor's or user's FAA approved Flight Training Program.''

FAA Response: The FAA has removed paragraph (b)(2). There is no requirement that any FSTD be configured to match all possible configurations of a single aircraft type nor that it be able to be used for training, testing or checking for all the tasks that the simulated airplane type may be able to accomplish.

Changes in Software

ATA objects to proposed § 60.11(d), stating that,

> It will be impossible for the FSD to operate with the ''same software and active programming'' that was evaluated by the NSPM. After the initial eval and each recurrent eval, the operator continues to make software changes to improve the utility of the training device (adding malfunctions and features), to fix faults, to improve reliability and maintainability, and to keep the simulator current with the aircraft. Other sections in this Part 60 deal with how changes are to be evaluated and monitored by the NSPM. These are sufficient and do not need to be duplicated in this clause * * *. As worded, this paragraph implies that the FSD software and active programming must remain static between NSPM evaluations. One could also infer that the NSPM must evaluate every combination of engine and avionic software variation available in the FSD prior to that software being used for training * * *. This clause should be deleted.

United, FedEx, Delta, FSI, Fidelity, and CAE make similar comments. FSI states that changes might be the result of the requirements in § 60.19(c) or § 60.23 and that most modern simulators require the modification of software parameters to control the simulator mechanics. CAE states that the clause potentially removes the capability of allowing different users to emphasize specific aspects of the training, for example the sponsor may have introduced one effect that is unacceptable to another user who requires a different implementation of cues. United, FSI, and CAE provide suggested language to modify paragraph (d).

FSI questions the meaning of the terms ''active programming'' and ''regular flight crewmember'' in the preamble discussion of § 60.11(d).

FAA Response: The reference to ''regular flight crewmember training'' was used in the original part 60 preamble language to refer to the normally conducted, or routine training of flight crewmembers. However, the FAA has modified this section of the rule language such that the FSTD would have to be operated ''with the software and hardware that was evaluated as satisfactory by the NSPM and, if modified, modified only in accordance with the provisions of this part'' (§ 60.11(d)). This change addresses the concerns raised by commenters.

Comments Regarding FSTD Objective Data Requirements (§ 60.13)

ATA comments that the requirement in proposed § 60.13(a) for aircraft manufacturers' flight test data and all data developed after the type certificate was issued is too broad, impractical, and likely impossible to satisfy. ATA comments that the sponsor has no control over the data product and states, ''The aircraft manufacturer does not provide 'all data' as part of a data package; rather, they only provide certain cases and sets of data. The flight test data package can consist of numerous volumes (particularly for older airplanes), only a portion of which are included in the Qualification Test Guide (QTG). The data the sponsor *does* have is available for review during the initial evaluation if a case is questionable; however, the logistics of submitting the entire flight test package to the NSPM are prohibitive.'' ATA suggests the data referred to in this section should be limited to those data that are sufficient to validate the performance, handling qualities, or other characteristics of the aircraft, including data related to any relevant changes occurring after type certification. Further, according to ATA, other than paragraph (b), the sponsor should have no role in this section. It must be the responsibility of the aircraft manufacturer or other data provider to supply the appropriate validation data for use by the sponsor in the QTG. Finally, ATA concludes, as a minimum, the NSPM should pre-approve the airplane manufacturer's or data provider's validation data roadmap (see the ICAO document, *Manual of Criteria for the Qualification of Flight Simulators*, 2nd edition, Attachment D) prior to allowing the data to be used for validation of a FSD.

NLX, Delta, American, and CAE make similar comments. ATA believes the burden of responsibility for providing these data should be upon the aircraft manufacturer or data provider, for use by the sponsor/operator in the QTG or as additional reference data. (ATA provides suggested new rule text for the entire section.)

FAA Response: The FAA, revised the language of this section to say the following: ''The data made available to the NSPM (the validation data package) must include the aircraft manufacturer's flight test data and all relevant data developed after the type certificate was issued (*e.g.*, data developed in response to an airworthiness directive) if such data results from a change in performance, handling qualities, functions, or other characteristics of the aircraft that must be considered for flight crewmember training, evaluation, or for meeting experience requirements of this chapter.''

The FAA understands the position described by NLX, Delta, American, and CAE regarding the burden of responsibility for providing aircraft data; however, at this juncture, the scope of this rule does not permit the FAA to levy simulation data requirements on those not falling under the regulatory jurisdiction of part 60 (such as aircraft manufacturers). As a result, the organizations that do fall directly under the provisions of part 60 are the sponsors—and it makes sense to levy these requirements on them. The FAA acknowledges that close coordination must exist between the sponsor and the data provider (aircraft manufacturer, simulator manufacturer, or other data supplier) to ensure that the set of data ultimately made available for FSTD evaluation will meet the part 60 requirements as indicated. However, the FAA may task the ARC to consider alternative approaches to this issue and

make recommendations. The FAA may consider these recommendations for inclusion a future NPRM.

Validation Data

TWA states that the rule should require that a manufacturer receive NSPM approval for the aerodynamic, engine and proof of match data on all new aircraft types. This would provide for commonality between the performances of various simulators and reduce the time required by National Simulator Program engineers to review the data because for each new type of aircraft they would need to review only one data package. TWA says that the sponsors of new type aircraft would then know they are working with approved data and could proceed accordingly.

United comments that this proposal continues to place the sponsor between the FAA and the FSD data provider, thereby codifying the FAA's ability to *withhold* FSD qualification because of poor data from the data provider.

CAE believes this paragraph is geared to commercial operators and not to business jet airplane manufacturers. CAE recommends revising the text of § 60.13(a) to read: ''Except as noted in paragraphs (b) and (c) of this section, for the purposes of validating FSD performance during evaluation for qualification, the sponsor must submit to the NSPM the flight test data used to define the performance standards of the FSD.''

FAA Response: The FAA adopted revisions to the ''exception'' phrase to clarify that the wording in this section is geared to sponsors and not to commercial operators, airplane manufacturers or individual persons receiving training in a FSTD. The FAA recognizes that the new rule places the sponsor between the FAA and the FSTD data provider, thereby codifying the FAA's ability to withhold qualification of the device if the data provided is inadequate. The FAA notes, however, that it has no authority to compel information from a data provider, which in most cases is proprietary information used, produced, and marketed under exclusive legal right of the airplane manufacturer or other data provider. The FAA expects that sponsors will be able to obtain necessary data through the dictates of the marketplace, similar to the current practices for the acquisition of other types of proprietary information such as the technical requirements for a Supplemental Type Certificate. Sponsors and data suppliers have a mutual interest in ensuring that the FAA has the data it needs to qualify a FSTD, and the agency encourages both parties to work together to achieve that end.

Data Related to Modifications

FSB comments that once a FSD is qualified under initial certification test data, only the additional data related to modifications need be submitted to NSPM. FSB believes this data must fully support the proposed modification and must include appropriate manufacturers' flight test data that relates to performance, handling qualities, functions and aircraft characteristics required for flight crewmember training, evaluation, or experience requirements.

FAA Response: The FAA has modified § 60.13(a) to include language indicating that ''all relevant data developed after the type certificate was issued'' will be required. An example of such data is data developed in response to an airworthiness directive.

Previously Approved Data

Thales Training and Simulation comments that the requirement for prior submission of data to the NSPM for approval does not allow the use of data previously approved by the NSPM by way of the Validation Data Roadmap.

FAA Response: The term ''Validation Data Roadmap'' is used in the Information Section of the QPS to describe the document that contains the plan for acquiring the validation data and the data sources. The Information Sections are advisory and provide general guidance to the user. The Validation Data Roadmap will assist the user in meeting the regulatory requirements.

Use of Flight Test Data

FSI comments that instead of using aircraft certification data, aircraft manufacturers should work with simulator manufacturers to produce flight test data specifically for the development of accurate simulation and math models. FSI believes aircraft certification data are generally incomplete for modeling purposes, that aircraft certification and simulator development have different and specific data requirements, and data developed for one purpose should not be considered acceptable for the other.

Regarding proposed § 60.13(e), ATA comments that this paragraph, as written, could be used to place the sponsor in a position to require the aircraft manufacturer to provide additional flight test data. This has been the case in the recent past and has resulted in sponsors continuing to carry data discrepancies that are years old. ATA believes that, if the NSPM requires additional flight testing, that should be strictly between the NSPM and the data provider. In addition, this paragraph could subject the sponsor to large costs to obtain data as required by the NSPM. This requirement seems inappropriate and too broad, according to ATA. American and CAE make similar comments and request that the FAA provide additional guidance on when additional flight test data might be required.

FAA Response: While the data acquisition processes specifically designed for simulation modeling and subsequent validation would be highly desirable, the FAA acknowledges that the existing practices were developed to minimize the cost of flight testing and to take maximum advantage of the flight testing already required as a function of aircraft certification. Additionally, while flight testing limited strictly to simulation purposes has never been discouraged, the FAA recognizes that a shift in requirements as suggested here might have an unwanted and perhaps unnecessary impact on the cost versus quality of the data as presently acquired and accepted for simulation purposes.

The FAA is interested in having each FSTD mimic as closely as possible the performance and handling of the simulated aircraft. As such, when new generation aircraft are designed, built, and placed into service, it is possible that the existing set of data requirements or the methods used to acquire those data may be found to be inadequate in some way. ATA is correct that certain situations have resulted in some sponsors carrying data discrepancies for much longer than the FAA would desire. The NSPM, the aircraft manufacturer, and other interested parties (*e.g.,* foreign regulatory authorities with the same or similar concerns, and other sponsors) continue to research the best and most acceptable way of addressing the shortcomings. As solutions to these data discrepancies are developed, the FAA may make appropriate changes to the QPS appendices. These changes would be subject to notice and comment.

Use of Flight Operations Quality Assurance (FOQA) Data

In regard to proposed § 60.13(b), ATA comments that some sponsors have on rare occasion used de-identified flight recorder data available from the aircraft onboard FOQA data recorder. These data, usually an averaging of many flights within certain specified parameters, have been used to verify the handling qualities and performance of the FSTD simulation where there is not a good match between the simulation

and the manufacturer-supplied objective data in the MQTG. ATA states that this paragraph, as written, makes no allowances for such data, limiting data types to engineering or flight test data.

FAA Response: The FAA recognizes this limited but potentially important source of simulation data. We have made an appropriate adjustment in the alternative data source allowances by adding language that addresses on-board FOQA recorder data into QPS Appendix A, ''Qualification Performance Standards for Airplane Full Flight Simulators.''

Engineering Simulation Data

Boeing suggests adding ''engineering simulation data'' to proposed § 60.13(c) because it believes engineering data are an important source of alternative data. Also, Boeing states that engineering simulation data are not necessarily ''predicted'' data if they are produced by a well-validated engineering simulation, and should not be grouped under the heading ''predicted data.''

FAA Response: The FAA recognizes that engineering simulation data is a valid source of data. Therefore, the FAA revised the rule language to allow for the appropriate use of this type of data.

Form and Manner of Providing Data

ATA states that the form and manner that is acceptable to the NSPM under proposed § 60.13(d) should be defined. ATA states that the sponsor has no direct control over the form and manner of data provided and that the requirement should be placed on the aircraft manufacturer or the STC holder.

FAA Response: The ''form and manner'' acceptable to the NSPM is described in detail in the applicable QPS appendix and resolves the issues raised by the commenter. For example, the QPS appendix states that the information must be in a manner that is clearly readable and annotated correctly and completely with resolution sufficient to determine compliance with the applicable tolerances.

Notification Process

ATA states that if each sponsor follows the requirement in proposed § 60.13(f), the NSPM will receive many notifications from all the various sponsors whenever a common change occurs, such as flight data, avionics data, 28-day navigational ''Jepp'' data updates, visual system database updates. American makes a similar comment. ATA believes this paragraph should clearly identify the scope of data covered by this notification process. Delta suggests limiting the requirement to data ''relevant to flight or ground dynamics, performance or handling characteristics or additional aircraft appliances.'' Boeing believes it should be the responsibility of the aircraft manufacturer or data provider to provide the notification, to avoid redundant notifications from multiple sponsors. However, FSI states that the aircraft manufacturer is not required to provide such data to the sponsors and in many cases would not even know who the sponsor or sponsors operating FSDs representing its aircraft are. Therefore FSI thinks this provision is unenforceable.

Delta and FSI object to the requirement for ''immediate'' notification. Delta suggests allowing at least 30 days to provide the sponsor time to determine if the change will affect the FSTD in the context of § 60.13(a).

FAA Response: The commenters raise two main issues with respect to notifying the FAA of new data. The first issue is that the commenters were worried that we were requiring a notification every time they receive any kind of new data. The second issue is that the commenters were concerned that they would need to make a determination about how the data affected the FSTD before submitting the notification. This second issue was a concern for the commenters because of the proposed requirement that the notification to the FAA be ''immediate.'' They were concerned that they could not provide ''immediate'' notice to the FAA regarding how the data would impact the use of the simulators in their training programs.

In response to the first issue, the FAA has revised paragraph (f) to clarify the type of data we are requesting. The data providers need only provide notice for data related to the handling and performance of the FSTD. The FAA has also added language to the applicable QPS appendices to help clarify the type of data we are requesting. The language states ''[t]he data referred to in this sub-section are those data that are used to validate the performance, handling qualities, or other characteristics of the aircraft, including data related to any relevant changes occurring after the type certification is issued.''

With respect to the second issue, the FAA has also clarified that we are not asking data providers to make a determination about the effect of the new data before sending the notice to the FAA. The final rule only requires that the sponsors give the FAA notice that new data exists that ''may relate to FSTD performance or handling characteristics.'' The applicable QPS appendices provide more information about the type of dialogue the sponsors should have with the NSPM regarding the determinations to be made about the effect of the new data on FSTDs. In addition the FAA has removed the word ''immediately'' from paragraph (f) and provided the timeframe in the applicable QPS appendices. Instead of ''immediately'' the FAA is requiring that the sponsor notify the FAA within 10 working days of receiving notice of the new data.

Comments Regarding Special Equipment and Personnel Requirements for Qualification of the FSTD (§ 60.14)

Flight Safety Boeing (FSB) states that this section places a burden on the sponsor that really should be a burden on the entity that owns and maintains the FSD.

FAA Response: A sponsor may contract with another person for services such as maintenance and scheduling. However, the sponsor still retains the responsibility of ensuring that all of the actions are completed as required. This responsibility extends to initial and recurrent evaluation of the FSTD, including any special equipment and/or personnel.

24 Hour Notice Requirement

Commenters are concerned about the amount of notice before a sponsor must make special equipment and personnel available under § 60.14, stating that the 24 hours notice mentioned in the NPRM preamble and in the QPS is impractical. ATA and Fidelity recommend at least 7 days notice, while FSI recommends at least 10 calendar days notice to prepare special test equipment, such as sound, motion, or control measurement equipment and make operating personnel available. NBAA, CAE, and an individual make similar comments.

FAA Response: The FAA recognizes it takes time for a sponsor to arrange for special equipment and personnel to be made available to the FAA. Therefore, the FAA has modified the language in the applicable QPS appendices to state that ''the NSPM will make every attempt to notify the sponsor at least one (1) week, but in no case less than 72 hours, in advance of the evaluation.''

Specifically Trained Persons

FSI questions whether the requirement for specifically trained persons is not required for recurring evaluations and recommends that the FAA state if there is a requirement for a person current and qualified in the type of aircraft simulated to be present and a part of the subjective testing and declarations for recurrent evaluations.

FAA Response: The FAA has removed the word ''specifically'' in reference to qualified personnel. Qualified personnel are those persons qualified to install or use any special equipment when its use is required. The major focus of this section is on equipment not necessarily used on a regular basis for recurring evaluations of the FSTD. Language in the Information section in the applicable QPS appendices for this section includes examples of special equipment (*e.g.*, spot photometers, flight control measurement devices, sound analyzer).

Special Evaluation

NBAA asks what would constitute a special evaluation.

FAA Response: A special evaluation is an evaluation other than a regularly scheduled initial or continuing (recurrent) evaluation or an evaluation that is considered to be a regular no-notice (or limited notice) evaluation. Special evaluations are conducted where it is determined that a question exists regarding an FSTD's qualification and the answer is not immediately available through any means other than an on-site evaluation. The depth and duration of a special evaluation will depend on the question that exists and the detail that must be acquired to adequately address that question. This term is described in the § 60.14 discussion in appendices A, B, C, and D, and is defined in appendix F.

Comments Regarding Initial Qualification Requirements (§ 60.15)

RAA, FSB, and United disagree with the proposal in § 60.15(a) that a request for initial FSD evaluation be submitted first to the TPAA. These commenters believe TPAA inspectors do not have the expertise to review a QTG and that the application should be made directly to the NSPM, with a copy sent to the TPAA. United suggests that the TPAA be asked to send a concurring letter to the NSPM.

FAA Response: The FAA revised this section to require the sponsor to send the request directly to the NSPM and simultaneously request the TPAA to forward a concurring letter to the NSPM. This clarifies the process for initial qualification of the FSTD.

Request for Initial Qualification

ATA comments that the requirements of proposed § 60.15(b) are unnecessarily burdensome. For example, ATA states that paragraph (b)(2) requires a description of a procedure that should have already been accepted under the QAP. Delta and CAE make similar comments. ATA suggests limiting the requirement to the ''statement'' outlined in paragraph (b)(1).

NLX states that paragraph (b) does not appear to allow for a sponsor to request an initial evaluation until the FSD or FTD is completely tested, all items functional and all tests passing. NLX states that with the lengthy time required to get an initial evaluation scheduled, it is not practical to get an FSD or FTD completely finished and then wait for the evaluation. Within reason, the FAA must allow for some items to not be completed when the request for an initial evaluation is submitted with the understanding that they will be before the evaluation starts, according to NLX. Similarly, CAE requests clarification of the timeline for the activities in paragraph (b) and references the ''Sample Request for Initial Evaluation Date'' letter in the appendix.

In regard to proposed § 60.15(b)(2), FSI states that the maintenance required by proposed § 60.19(c) may also require changes to the configuration of the software or hardware present during the evaluation, in addition to modifications performed under proposed § 60.23.

FAA Response: The FAA has revised paragraph (b)(2) to delete the requirement concerning procedures. Instead, the FAA is requiring a statement from the Management Representative (MR) that is focused on the operation of the FSTD (performance and handling qualities) assessed by a pilot meeting the requirements of part 60. The QMS must contain the procedure that the MR will use to generate this statement.

In response to the points raised regarding timing of the testing and of the statement being sent, the FAA has slightly modified the proposed language and has added language in the applicable QPS appendices. This additional language provides that the statement may contain a confirmation that the sponsor will forward to the NSPM (either by traditional or electronic means) the complete statement described in § 60.15(b) in such time as to be received no later than 5 business days prior to the scheduled evaluation. The language also describes what must be communicated when or if required maintenance results in modification to hardware or software that was present and functioning at the time of the initial evaluation.

Pilot Statement

FSI states that pilots, particularly those of dry lease customers, may be reluctant to sign the statement required by proposed § 60.15(b)(3) because of perceived potential liability. FSI suggests that this provision be made advisory and moved to the QPS or that an appropriately qualified FAA official should sign such statements. Similarly, ATA comments that the terms used in paragraphs (b)(3)(i)–(iii) (''function equivalently,'' ''are equivalent to,'' and ''conforms to'') require pilots to make assertions in writing that they cannot realistically support. ATA states, ''This is particularly true in the case where pilots are required to make these assertions for aircraft types not yet issued a type certificate, a situation addressed in paragraph (d). Also, there are many operations tasks that pilots have never experienced in the aircraft, like a takeoff with an engine malfunction or a windshear encounter during approach.'' ATA suggests using the phrase ''adequately represents'' instead of a form of ''equivalent'' or ''conforms.'' ATA provides suggested rule text and sample Letter of Request text, using the suggested terms. Delta makes a similar comment.

FSB states that, regarding proposed § 60.15(b)(3), it needs to have the flexibility to have both a primary designated evaluation pilot and an alternate, either of whom are certified by the FAA to conduct the evaluation. FSB recommends changing § 60.15(b)(3) to permit any designated pilot to perform the subjective tests and sign the statement that the listed requirements have been met.

FAA Response: In the final rule, the FAA requires that an appropriately qualified pilot must make the comparisons as described. The FAA also adopted revisions to this section to require the appropriately qualified pilot to comment on the performance and handling qualities of the FSTD with respect to the aircraft (or set of aircraft) simulated but only within the normal operating envelope of the aircraft. The pilot making this determination must have flown all of the operational tasks listed in the Table of Functions and Subjective Tests set out in the FSTD subjective tests attachment to the applicable QPS appendix relevant to the qualification level of the FSTD. Additionally, the FAA has modified the requirement to note if any exceptions are necessary.

The FAA is not prescribing the individuals who must perform the required subjective testing, other than to require that the pilot be appropriately qualified and that he/she has actually flown the subject aircraft within the previous 12 month period. It would be a safety concern to have a pilot attest to the correct performance and handling of the subject FSTD if that pilot is not familiar with the performance and

handling qualities of the aircraft being simulated.

Tasks Not Tested

ATA comments that the requirements outlined in § 60.15(b)(4) would prevent an operator from requesting an initial evaluation until all of the referenced tasks, systems, and tests are complete and functional. This would result in project schedules being extended by several months, adding a significant financial burden to every certification project. ATA requests the operator be permitted to list under this paragraph any item that, for whatever reason, cannot be tested at the time of the submittal.

Also, ATA and United cite numerous specific problems with this paragraph and state that the concept of requiring such a list is fraught with problems, such as mixing tasks with systems and maneuvers. ATA recommends that the requirement for the table of Qualified/Non-qualified tasks be deleted.

FAA Response: The FAA has revised and reorganized § 60.15 to accommodate the large portion of the recommendations originally made by commenters. As rewritten, the sponsor makes the request for initial evaluation after an appropriately qualified pilot has flown all of the Operations Tasks listed in the applicable QPS appendix relevant to the qualification level of the FSTD. If the sponsor does not subjectively test a task, it must note that in its request for initial evaluation. The FAA also revised this section to separate operational piloting tasks from systems and cockpit configuration determinations and to allow for pilots and for persons other than pilots to make these determinations.

Qualification Test Guide

TechniFlite comments that the NSPM should provide specific guidance on the outline and format of the QTG required by proposed § 60.15(b)(5), stating that the acceptance of the QTG often appears to be subjective and the sponsor is not provided a clear understanding of what is required for compliance. TechniFlite further suggests that the NSPM should be required to respond to the submission of a QTG within 30 days and be required to complete the qualification process within 90 days.

In regard to proposed § 60.15(b)(5)(iv), ATA comments that this list will define the equipment that must be kept calibrated in accordance with appendix A. According to ATA, most new FSDs have internal test equipment built into them; this internal test equipment would have to be removed to be calibrated in the traditional sense. ATA recommends allowing the sponsor to develop repeatability tests with tolerances as part of a quality system. Also ATA recommends changing ''description'' of the equipment to ''list'' of the equipment.

FAA Response: The FAA removed the QTG language that was in proposed § 60.15(b)(5) and placed specific guidance regarding the format and content of the QTG in the applicable QPS appendix. Regarding the NSPM response time for scheduling a QTG evaluation, the FAA notes that typically, the NSPM responds to a scheduling request within days and very rarely exceeds a week. Thus, under current practice, the NSPM response time is well under the 30 days recommended by the commenter. The FAA intends to continue this timely response. The commenter also suggested that the NSPM be required to complete the QTG evaluation within 90 days. The current practice consists of the sponsor being able to request an evaluation up to 180 days in advance and provide an ''essentially complete'' QTG not later than 45 days prior to that proposed evaluation date. The submission of the QTG at this point allows the QTG to be assembled with data and tests that more likely reflect the device's final form and provides adequate time for the NSPM to review the document for compliance with the appropriate standards and advise the sponsor if questions arise regarding either the quality or quantity of data or the justifications used for comparisons. This timing allows the sponsor to make necessary corrections, re-run tests, provide additional data, and then provide a response with sufficient time for the NSPM to evaluate this additional information for clarity and completeness. This 180-day process provides the best timing and allocation of resources for the sponsor and the FAA personnel. Various processes have been tested over the past 20 years, and the 180 day timeframe has yielded the best results.

New or Changed Standards

In response to proposed § 60.15(c)(1), CAE and ATA question what the effect of new standards would be on FSTDs that have been ordered, but not yet delivered to the sponsor. They suggest that the NSPM be required to notify all sponsors when a change to an existing standard or a new standard is published. The sponsor should then be given more time, *e.g.*, 60 or 90 days, to determine whether the FSTD should comply with the new standards or the standards that were in effect when the FSTD was ordered.

FAA Response: If the FAA changes the standards for initial qualification, a sponsor may request that the NSPM apply the standards that were in effect when the FSTD was ordered for delivery or apply the changed standards. The FAA recognizes that the sponsor needs time to evaluate the changes to determine the standards under which the device should be evaluated. Therefore, the FAA has revised the rule language to give the sponsor 90 days to notify the NSPM which standards to apply.

In the NPRM, proposed § 60.15(c)(1)(iii) included the phrase ''unless circumstances beyond the control of the sponsor prevent the evaluation from occurring within that time.'' In the final rule, the FAA has removed this phrase. The intent of the language was to prevent the sponsor from being penalized for extraordinary circumstances that were beyond its control such as a labor dispute, natural disasters, or NSPM scheduling conflicts. The FAA has determined that it is more appropriate to resolve these extraordinary cases through the exemption process rather than to include a blanket authorization in the regulation.

Evaluation Pilots

Several commenters have questions and concerns about the evaluation pilot requirements in proposed § 60.15(d).

ALPA is concerned about the provision in proposed § 60.15(d) that allows the testing pilot to be an employee of the sponsor, but does not require that the pilot be a line pilot.

CAE does not understand the process and criteria for obtaining approval from the TPAA. Further, CAE believes the other requirements adequately cover the qualification requirements for the evaluation pilot. CAE recommends removing this requirement.

ATA and United believe the requirement is too restrictive because it would be expensive to maintain line pilots with current qualifications on staff. United says that its experience has shown that a non-qualified pilot with a background in flight test is significantly more effective than a qualified pilot with no such background. Delta states the proposal would make it difficult to use retired or contract personnel for simulator requirements testing. American makes a similar comment. Also ATA and United object to what amounts to the TPAA's veto power over selection of a simulator test pilot.

United believes that the only legitimate requirement for a pilot who is current in the airplane is to evaluate the subjective performance and handling

qualities tests. United states that requiring that this pilot sign an overarching statement attesting to the accuracy of other than the subjective tests would be problematic, given the threat to his license contained in § 60.33(b)(2), and prohibitively expensive. United comments that elsewhere in this part, the NSPM requires the sponsor designate an MR to be the primary point of contact with the NSPM. United suggests that the MR should be required to sign this statement.

FAA Response: The FAA removed the requirement that the pilot be approved by the TPAA. Thus, the concern raised by ATA and United is now moot. The FAA did not adopt ALPA's suggestion to have a line-qualified pilot provide the information required by this section. The FAA understands the concern raised by ALPA and others, but the reason for the pilot assistance is to ensure that the FSTD does, in fact, perform and handle as the simulated aircraft performs and handles. If the sponsor is able to supply an appropriately qualified pilot (whether or not that pilot flies ''the line'') who is able to make those determinations, the NSPM is satisfied that the FSTD will be adequately evaluated.

The FAA has revised the rule language to require that the confirmation statement reflect the performance and handling qualities of the FSTD within the aircraft's (or set of aircraft) normal operating envelope. This determination will be made after the pilot has flown all of the operations tasks listed in the Table of Functions and Subjective Tests set out in the FSTD subjective tests attachment to the applicable QPS appendix relevant to the qualification level of the FSTD.

Statement of Qualification

FSI objects to the requirement in proposed § 60.15(g) that specific details for FSDs (make, model, series of aircraft, configuration, *e.g.*, engine model or models, flight instruments, navigation or other systems) be identified on the Statement of Qualification. FSI states, ''these specific details for FSDs are unprecedented, not justified, and not even addressed in this proposal. The clear implication, if not actual statement, would make each qualification so specific that no other variation in type, or differences in cockpit configuration could be accommodated.'' FSI recommends that FAA continue to allow variants within type and cockpit configuration and specifically to allow the use of a differences training program.

JAA asks why the Statement of Qualification in proposed § 60.15(g) contains the topics for which an FSTD is *not* qualified, instead of all topics for which the FSTD *is* qualified. Delta suggests deleting the requirement for ''all equipment and appliances'' in proposed § 60.35 and instead use the Statement of Qualification to list the equipment and appliances that are not installed and therefore cannot be used for training. Delta also requests clarification as to whether the updated QTG needs to be completed prior to the issuance of the Statement of Qualification.

FAA Response: The FAA has made changes to the language describing the content of the Statement of Qualification (SOQ). The FAA has concluded that listing the tasks for which the FSTD is qualified would likely be an extensive list and redundant from FSTD to FSTD. A shorter and more easily read and understood listing as part of each FSTD SOQ would include the tasks for which that specific FSTD is not qualified. Also, there is nothing in any part 60 requirement, including § 60.15(g) that precludes the use of an FSTD representing a type of aircraft for training or testing for a common type rating, and then using an FAA-approved differences training program to address any differences that may exist.

The FAA reiterates that the requirement is for the qualification of the FSTD. While it is certainly true that many aircraft types have many different configurations, it is also true that each FSTD will reflect a single aircraft type (make, model, and series) and reflect one configuration. As previously explained, there are provisions for ''convertible'' FSTDs and each configuration to which the FSTD is convertible, will be annotated on the configuration list as part of the SOQ. The TPAA will determine the authorized use of the FSTD.

With respect to Delta's question whether the QTG needs to be updated prior to the issuance of the SOQ, the answer is no. The FAA recognizes that there will be times when the SOQ will be issued prior to the actual update of the QTG to the Master QTG. However, the FAA will not issue an SOQ until the NSPM completes all required testing and has found the test results to be acceptable.

Comments Regarding Additional Qualifications for a Currently Qualified FSD (§ 60.16)

Table of Qualified/Non-qualified Tasks

United comments that this entire section seems to exist to only support the requirement for the sponsor to maintain the table of Qualified/Non-Qualified Tasks as required by proposed § 60.15(b)(4). United believes that, if the FAA were to return to the ICAO- and JAA-accepted practice of linking functions and subjective tests to the FSD qualification level, then this section should be used only by those sponsors wishing to remove a previously issued exemption from the requirements of the Table of Functions and Subjective Tests and should be clearly titled as such.

FAA Response: The FAA has moved the contents of the original § 60.15(b)(4) to a new § 60.15(g) and made minor clarifications. The FAA is familiar with the ICAO and JAA practice of linking the functions and subjective tests to the FSTD qualification level, but also notes that not all tasks may be classified as a function of the level of FSTD involved. For example, one Level D FSTD may be qualified for circling approaches, while another Level D FSTD may not be qualified for circling approaches. Therefore, simply stating that a particular FSTD is qualified at Level D, without listing specific tasks, does not indicate which tasks can be accomplished in that particular device.

Statement of Qualification

ATA comments that paragraph (a) implies that any additional training, evaluation, or flight experience requirements not listed on the FSTD SOQ will require that an extensive amount of paperwork be submitted to the NSPM in order to generate a new SOQ even if this new training, evaluation, or flight experience requirement is valid within the initial qualification level of the FSTD and approved by the POI. ATA believes this could present a significant delay in implementing a new or updated training program.

FAA Response: The SOQ is not intended to be and will not be a repository for training, evaluation, or flight experience requirements. The SOQ is merely a convenient place to provide FSTD users with information about whether or not the device is qualified to be used to accomplish certain tasks (*e.g.*, windshear training, circling approaches). Should the sponsor wish to add ''circling approaches,'' for example, to the list of qualified tasks for a given FSTD, the amount of paperwork involved would

be a single letter and may be accomplished after a verbal request. The FAA would accomplish the evaluation as soon as practical after receiving the request. This would include a special visit to the FSTD if is necessary, as is done under current practice.

Grandfathering Provisions

Delta suggests that the FAA add language to this section clearly stating that additional qualifications will continue to be qualified under grandfather provisions, and will not require meeting the new part 60 requirements, as long as the original qualification was completed prior to issuance of part 60.

FAA Response: Under the final rule, FSTDs qualified prior to the effective date of part 60 will continue to be qualified in accordance with the original MQTG that was issued at the time of qualification. The FAA did not revise § 60.16 to add language stating that new tasks would be qualified under the grandfather provisions. If the sponsor wants the FSTD qualified for a new task, the NSPM will conduct the initial qualification of the new task in accordance with the part 60 standards for that task. The part 60 standards for the new task will be incorporated into the existing MQTG. For example, a sponsor has a currently qualified FSTD and desires to have the FSTD qualified for windshear training. The sponsor will notify the NSPM of the modifications, additions, or software or hardware changes that will need to be added to the FSTD in order to have it qualified for windshear training. The NSPM will then assess the FSTD to determine if it meets the part 60 standards for windshear training. Once that determination is made, the MQTG will be updated to include the windshear training task. Nothing else in the MQTG will change from the original qualification basis. The FAA does point out that NSPM qualification of additional tasks does not constitute authorization for the sponsor, or any other user of the FSTD, to use the device for credit in any manner other than that approved by the appropriate TPAA.

Responsibility of NSPM vs. TPAA

TechniFlite states that the issue of whether the FSTD faithfully replicates the actual aircraft should be the responsibility of the NSPM, while how the FSTD is used should be the responsibility of the training organization and the TPAA (POI or TCPM) as appropriate.

FAA Response: The NSPM is not involved in the approval of a training program for a sponsor or any other user of an FSTD. Instead, the NSPM qualifies the device while the TPAA approves the use of the device in a particular training program. The qualification of a given FSTD may or may not include qualification for a specific task. For example, if the NSPM does not evaluate and qualify the FSTD for windshear training, a TPAA may not approve that FSTD for use in meeting windshear training tasks required by regulation.

Comments Regarding Previously Qualified FSDs (§ 60.17)

Delta requests clarification of ''other applicable provisions'' in paragraph (a), and several commenters state that paragraph (a) and (b) of proposed § 60.17 appear to be at odds with each other. For example, ATA states that in § 60.17(a), the FAA appears to be allowing for grandfathering along the terms that have been used by the industry and the FAA for the past 20 or 30 years. However, in § 60.17(b), requiring the SOQ implies that the grandfathering is only good for the 6 year period, *i.e.*, that the FAA would require the FSTD to meet the new QPS standards. ATA strongly opposes removing grandfather rights for previously qualified FSTDs, stating that 6 years is an insufficient time and will be cost prohibitive. Similarly, RAA states that for operators who use older aircraft, it is important that they not lose their ability to access simulators that may not meet current standards. TWA, American, and FSB make similar comments.

FSI states that if the FAA's intent was not to remove the grandfathering, but instead to unilaterally issue a new SOQ to every currently qualified FSTD, the language of the final rule should make that intention clear. ATA and Delta ask why the FAA would allow 6 years, if the intention was merely to issue new paperwork. Delta further requests clarification of ''Configuration List'' in paragraph (b). CAE makes a similar comment.

FAA Response: In response to Delta's question regarding ''other applicable provisions,'' the FAA notes that certain requirements in part 60 apply to all FSTDs. For example, all FSTDs must have an official sponsor that meets the requirements of this part, and all sponsors must develop and implement a QMS. The FAA added language to the applicable QPS requirements to clarify this issue.

The FAA does not intend to eliminate the practice of grandfathering. All FSTDs qualified prior to the effective date of part 60 will retain their qualification as long as they continue to meet the standards under which they were originally qualified. Although the FAA is not eliminating grandfathering, the FAA is requiring all sponsors to obtain an SOQ for each FSTD. The purpose of the SOQ is to provide a complete picture of the simulator inventory regulated by the FAA, including the configuration list and the limitations to authorizations. The issuance of the SOQ will not require any additional evaluation or require any adjustment to the qualification basis for the simulator. The FAA added information in the applicable QPS appendices to clarify this requirement. Under the final rule, sponsors have 6 years to obtain an SOQ. This allows the sponsors sufficient time to meet the § 60.17(b) requirements and reduces the sponsor's costs of implementing part 60.

Simulators Not Requalified Within 2 Years

Several commenters object to the requirement in proposed § 60.17(c) that a simulator that has lost its qualification and is not requalified within 2 years, would have to meet the standards in effect at the time of application for requalification. DHL states that if one of its simulators became disqualified and then had to requalify under the new standards, the simulator would have to be shut down, even if it has provided effective training for decades. DHL states that the disqualification of older simulators would severely cripple their fleet. TechniFlite CAE, American, ATA, and FSI make similar comments.

FAA Response: The requirements contained in this section do not significantly differ from the FAA's policy on out of service simulators. For over 22 years, the FAA's policy has been that if an FSTD is taken out of service for an ''extended period of time,'' it must under go an evaluation prior to being returned to service. Current practice is that if this ''out of service time'' is in excess of 12 months, the NSPM will review the qualification basis and may require the evaluation to be in accordance with the standards in existence at the time of requalification. The part 60 rule doubles the ''out of service time'' that would likely result in evaluation in accordance with the current standards at the time of requalification. The FAA recognizes that there may be situations where a sponsor of a device that has been unqualified for 2 or more years would desire requalification under the standards that were previously in effect. However, these are rare and extraordinary situations that are best resolved by the exemption process.

Downgraded FSTDs

ATA and TWA comment that proposed § 60.17(e) does not address the process for a downgraded FSTD to regain its previous qualification level. ATA and TWA believe the FSTD should be evaluated using the same qualification standards under which it was originally qualified.

FAA Response: The FAA wishes to clarify the distinction between a downgraded FSTD and an FSTD that is unable to function at its qualification level due to missing, malfunctioning or inoperative parts. A downgraded FSTD is a device that has had a permanent change of qualification level. On the other hand, an FSTD may not be able to function at its qualification level because of missing, malfunctioning or inoperative parts. For example, if the daylight visual system is inoperative on a level D FSTD, the FSTD may only be able to function as a level C device. In this situation, the NSPM would temporarily restrict the tasks that can be accomplished in the device, and impose other requirements in accordance with § 60.25. However, this temporary restriction is not a ''downgrade'' of the device. Instead, it is a limitation that can and is removed when the device is repaired and able to function as originally qualified.

Finally, the FAA wishes to clarify what it means to upgrade an FSTD. An upgraded FSTD is a device that was originally qualified at one level and is being upgraded to a higher level, *i.e.*, Level C to Level D. An upgraded FSTD is required to undergo an evaluation in accordance with the standards in existence at the time of the upgrade.

Comments Regarding Inspection, Recurrent Evaluation, and Maintenance Requirements (§ 60.19)

Streamlining the Process

TechniFlite comments that the § 60.19 process is a burden and an undue expense. TechniFlite suggests that a panel outside of the NSPM should be formed to overhaul the entire process, for example, a streamlined process could include automated tests that the NSPM could access as required online.

FAA Response: The FAA did not adopt changes to this section as recommended by the commenter. The FAA has been conducting at least annual inspections of each FSTD and a review of the quarterly tests accomplished by the sponsor. This practice has been successful for over 20 years and should not present a significant new burden or increase in expense for the sponsor. The NSPM is considering the feasibility of ''on-line''-testing and review of FSTDs. If the FAA determines ''on-line'' testing has immediate or long term applicability, it would be incorporated into the regulations in accordance with notice and comment rulemaking procedures.

Level of Reliability

An individual suggests that to ensure good, uninterrupted training the FAA should require a minimum average level of reliability as evidenced by Mean Time Between Failures, Mean Time Between Unscheduled Maintenance, or some other objective, definable criteria.

FAA Response: The FAA has determined that each individual sponsor should have some flexibility to ensure satisfactory FSTD reliability on its own. This flexibility, together with a viable QMS, will provide each sponsor with a clearer picture of what is actually happening and allow the sponsor (and the FAA) to determine whether or not the sponsor has an acceptable level of reliability.

Performance Demonstrations

ATA, CAE, and FSI state that it is unclear which ''performance demonstrations'' in Attachment 1 are being referred to in § 60.19(a)(1). Commenters also state that breaking up the tests into four evenly spaced inspections would increase costs and lose training time for the sponsors. ATA cites the example of sound tests that are normally all done in one quarter since it requires a complex test setup using special equipment. TWA suggests allowing sponsors to group tests that require complex test setups or special equipment. Similarly, American states that the order in which the tests are performed should not require NSPM approval. ATA states that the NSPM should not have approval rights, only review rights and that the exact timing of the inspections should be left up to the sponsor. Similarly, Delta states that since the FAA has already approved the QAP process, there is no need for a separate approval of the quarterly checks.

FAA Response: The FAA has removed the reference to ''Attachment 1 performance demonstrations'' and ''Attachment 2'' from paragraph (a)(1). The intent of paragraph (a)(1) is to address only objective tests. Performance demonstrations have been renamed as objective tests or subjective tests and placed in the applicable QPS attachments. During quarterly inspections the sponsor is only required to perform objective tests. The FAA has also removed the requirement that the NSPM approve the objective test sequence and content of each quarterly inspection for each sponsor. Instead, the requirement is that the sponsor develops the objective test sequence and content of each quarterly inspection, which must be acceptable to the NSPM. We changed the term from ''approved'' to ''acceptable'' to clarify that the sponsor can perform the quarterly inspections without prior FAA review and approval. If after review of the objective test sequence and content of the inspections the FAA finds something not acceptable, the FAA will notify the sponsor of the deficiency and require the sponsor to make appropriate changes.

Inspections for Mobile Simulators

Professional Instrument Courses describes its maintenance and repair process for its ATC 610J simulators, which are moved around the country routinely, for reasons such as the location of instructors or maintenance needs. PIC states that inspecting and testing each simulator quarterly would be impossible due to the mobile nature of its instrument training service.

FAA Response: All FSTDs are required to undergo the quarterly inspections. However, the FAA removed the requirement that the quarterly inspection plan for each sponsor be approved by the NSPM. Instead, the sponsor must develop a quarterly inspection plan that is acceptable to the NSPM.

Preflight Test

FSI states that the requirement in proposed § 60.19(a)(2) for a functional preflight test before the first FSTD use each calendar day would be a burden for training operators using simulators that operate close to 24 hours a day, because the simulator would need to be shut down until a technician could complete the work. If the sponsor could conduct one check in each calendar day the sponsor could spread the simulator technicians' work across the entire day, thereby saving labor costs. FSB and Embry-Riddle make similar comments. Embry-Riddle asks whether the preflight could be conducted by the instructor pilot and whether there are special training requirements for the person conducting the preflight. United requests that it be allowed to use an ''operational'' day instead of a ''calendar'' day, since it schedules training between 0600 and 0200 the following morning.

ATA, United, Delta, NBAA, and American state that the preflight check is sufficient if the FSTD hasn't been checked in the previous 24 hours. These commenters also state that the 7-day functional check requirement in

proposed § 60.19(a)(3) would be difficult to track and makes no provision for an FSTD that is being modified, overhauled, or is not being used for some other reason. DHL states that this provision should be expanded to allow periods of down time that would not disqualify the simulator. Since DHL does more revenue flying in November and December, it plans its pilot training to occur from January through October. Paragraph (a)(3) would require needless checks during periods when its instructors are needed for line operations and the simulators are not being used, according to DHL. United makes a similar suggestion.

FAA Response: The FAA adopted several changes to the time requirements in this section so that use of the FSTD will now require the completion of a ''functional preflight inspection'' within the previous 24 hours. In addition, the FAA has determined that the 24-hour functional preflight inspection is sufficient, and therefore has not included the proposed 7-day functional check.

Recurrent Evaluations

In regard to proposed § 60.19(b), JAA questions why the term ''recurrent evaluation'' is used here, when ''continuing evaluation'' is used elsewhere.

ATA believes that requiring the sponsor to initiate the scheduling for recurrent evaluations, as required in paragraph (b)(2), is not logical because the NSPM will still be required to maintain resources and an internal process for managing the scheduling. ATA recommends continuing the current practice of the sponsor submitting a letter to the NSPM with requested evaluation dates.

ATA comments that paragraph (b)(3) has no restriction on the amount of FSTD time the NSPM can use for the recurrent evaluations. ATA knows of no historical evidence that the traditional 1 day of FSD availability is in any way insufficient. ATA suggests retaining the current practice of specifying that the testing period will be 1 day, unless otherwise agreed to by the evaluator and sponsor. American states that the QPS doubles the amount of time that the simulator must be available for the recurrent evaluations. American suggests that the NSPM provide a list of those tests required to be run so that they can be accomplished before the start of the evaluation.

FSB believes the specification of time of day and day of week in paragraph (b)(3) is not appropriate for a regulatory document and should be deleted. FSI comments that the FAA limits its availability to the work week under this paragraph, but requires the industry to be available seven days a week, under § 60.9(a).

ATA and Delta object to the NSPM having full power over how often it wishes to impose recurrent testing, through its approval of the MQTG. Since the FAA switched from a biannual evaluation to an annual evaluation for FSDs two years ago and the average number of FAA discrepancies has not increased, ATA and Delta believe the FAA should retain the practice of a 12-month recurrent evaluation period. CAE recommends changing ''MQTG'' in this paragraph to ''QAP.''

ATA recommends adding ''or within the timeframe mentioned in (b)(5)'' to paragraph (b)(6) so that training can continue during the grace period.

ATA comments that it appears that a significant number of the FSTD maintenance and reporting requirements in the proposed rule are designed for a Sponsor who operates their FSTDs at a slower pace than a large carrier, which operates around the clock in excess of 360 days each year. ATA states the NSPM must allow for a high volume user to operate unencumbered by artificially tight timelines and record keeping requirements. If some of the requirements remain unchanged, ATA believes the NSPM would have to staff its office around the clock or immediately move to grant Designee authority to large select high-volume Sponsors. ATA also comments that the section title is confusing by including the word ''inspection,'' implying preventive maintenance, when the section really addresses required recurrent tests. ATA suggests using ''Required QPS testing'' in the section heading instead.

FAA Response: The FAA has replaced references to ''recurrent'' evaluations with ''continuing'' evaluations. The FAA has removed the references to time of day and day of week and has added ''or within the grace period as described in paragraph (b)(5) of this section'' to § 60.19(b)(6). Additionally, the FAA has included language in the QPS appendices that specifically sets out the normal time and testing requirements for such evaluations. In this final rule the FAA continues the existing practice of having the sponsor and NSPM coordinate the best times to conduct the required evaluations.

The final rule codifies the existing authority to impose continuing testing through approval of the MQTG; therefore the FAA has not revised the language regarding this issue. The FAA has retained the reference to ''MQTG'' in paragraph (b)(4) instead of changing the reference to ''QMS'' (formerly QAP in the NPRM), because the MQTG is the FAA approved test guide, whereas the QMS is for quality assurance purposes.

Also the FAA has retained the term ''inspection'' in the title because a continuing qualification evaluation includes not only an evaluation of the device, but also an inspection of records pertinent to the FSTD.

Continuing Corrective and Preventive Maintenance

Delta requests a clarification of the reference to proposed § 60.15(b) in paragraph (c), citing a possible interpretation that a qualified pilot would be required to sign off on each recurrent evaluation and on each change made to the FSTD. ATA suggests changing ''requirements of § 60.15'' to ''requirements of all applicable provisions of appropriate QPS.'' Delta believes the pilot's input should not be required unless a change is made that affects handling qualities. FSB states that this paragraph places a burden on the sponsor that should really be a burden on the entity that owns and maintains the FSD.

FAA Response: The FAA reorganized § 60.19 for greater clarity and ease of understanding. The FAA revised this section to clarify that the sponsor is responsible for continuing corrective and preventive maintenance on the FSTD to ensure that it continues to meet the requirements of this part and the applicable QPS appendix. The FAA also removed the reference to § 60.15(b). In addition, the FAA has clarified when a sponsor may use, allow the use of, or offer the use of an FSTD for flight crewmember training, evaluation, or flight experience. The FAA notes that part 60 is geared toward the sponsor. The sponsor may contract out maintenance, but it still remains responsible for meeting the requirements in this part no matter who owns or maintains the FSTD.

Discrepancy List

In regard to proposed § 60.19(a)(4) and (a)(5), ATA requests that the FAA define specifically what constitutes a discrepancy that must be maintained on a list in or immediately adjacent to the FSD and states that historically, most FSD departments have posted all discrepancies that have the possibility of impacting training or checking. ATA states that if the intent is for every discrepancy written by the flightcrew, preflight checker, or observer to be included on the list, the list would be unnecessarily long. Furthermore, ATA

states that almost all of the new documentation required under part 60 evolved or was taken directly from the Simulation Quality Assurance Program for 2000 (SQAP 2000) and asks which parts, if any, of SQAP 2000 will continue to be in effect.

ATA also comments that the wording of paragraph (a)(5)(i) can be construed to mean that discrepancies older than 30 days should specifically not be in the log. ATA suggests changing the wording to ''until at least 30 days.''

ATA suggests that the entry required under paragraph (a)(5)(ii) should also include the name of the individual doing the corrective action. Pan Am states that there is nothing to be gained by maintaining the record of the corrective action for 30 days and suggests reducing the time period to no more than 10 days.

ATA states that the requirement in paragraph (a)(5)(iii) to keep the discrepancy log in a ''form and manner acceptable to the Administrator'' gives the NSPM full veto power over a sponsor's log system, with no definition of what constitutes an acceptable system.

FAA Response: The FAA has changed the time requirements so that discrepant items will remain in the log book until corrected, instead of including a specific length of time. The requirements regarding the recording and correction of discrepancies are now found in § 60.19(c)(2)(i) through (iii). The FAA has revised § 60.19(c)(2)(ii) (formerly § 60.19(a)(5)(ii)) to include the name of the individual doing the corrective action. Also the FAA has modified § 60.19(c)(2)(iii) to permit electronic record keeping.

For clarification the FAA has added a definition of the term ''discrepancy'' in appendix F. Discrepancy means ''an aspect of the FSTD that is not correct with respect to the aircraft being simulated.'' The use of a discrepancy log is not new. Sponsors have been documenting the discrepancies found during the operation of an FSTD for decades. The only difference here is that this process is now coming under a regulatory requirement rather than just being consistent with FAA guidance and good operating practice.

SQAP 2000 is a voluntary QMS program. Under the final rule, the QMS is mandatory and must meet the requirements of appendix E of this part.

The phrase ''form and manner acceptable to the Administrator'' is intended to be permissive rather than restrictive. However, an acceptable discrepancy log will have at least the following characteristics: (1) Be easily maintained by the sponsor; (2) be easily audited; and (3) entries may not be easily altered or removed. Although the FAA is not requiring a specific format, the FAA may request additional information to clarify entries on the discrepancy log if necessary.

Comments Regarding Logging FSD Discrepancies (§ 60.20)

Delta comments that this section should only require discrepancy log write-ups for items that would adversely affect training or which indicate a conflict with the Statement of Qualification. According to Delta, this section could be interpreted to mean that equipment or appliances not simulated would have to be written up every time. An individual comments that this section does not appear to allow maintaining a separate maintenance-only discrepancy log. The commenter states that if discrepancy reports unrelated to the operation of the simulator or simulated aircraft are included (such as shop type supplies, touchup paint, and seat covers), a user might overlook a discrepancy report that might be of significance to their training. Also the commenter asks if the log could be computerized with a terminal at or near the simulator. FSI questions the phrase ''flight experience for flightcrew member certification or qualification,'' stating that its use in this section is inconsistent with the definition of the term in § 60.3. FSI recommends changing ''training or evaluation, or observing flight experience'' to ''training, testing, or checking'' to be consistent with the other rules.

FAA Response: The requirement in § 60.20 does not preclude an FSTD sponsor from maintaining a separate log of items that are in need of repair or replacement, the contents of which do not affect the operation of the FSTD and do not affect the purposes for which the FSTD may be used. However, the FAA does require that all discrepancies are recorded in a log. The FAA has removed the phrase ''for flightcrew member certification or qualification'' to be more clear. Additionally, the phrase ''conducting training, evaluation, or flight experience'' is consistent with other rules in this part. The term ''evaluation'' is defined for use in part 60 as follows: ''with respect to an individual, the checking, testing, or review associated with flight crewmember qualification, training, and certification under parts 61, 63, 121, or 135 of this chapter.'' Also, the FAA modified § 60.19(c)(2)(iii) to permit keeping the discrepancy log in an electronic format.

Comments Regarding Interim Qualification of FSDs for New Aircraft Types or Models (§ 60.21)

Boeing states that the phrase ''even though the flight test data used has not received final approval by the aircraft manufacturer'' in paragraph (a) should be changed to ''even though the aircraft manufacturer's flight test data may be considered preliminary'' because this data has been approved. CAE suggests changing ''aircraft manufacturer'' with ''approved data supplier'' to allow other reliable sources to produce data for this interim level of qualification. CAE states that other sources are often used to produce data for business jet aircraft.

Boeing suggests revising paragraph (a)(1) to more accurately describe the type of data that would be acceptable for an interim qualification.

FAA Response: In the final rule, the FAA has revised § 60.21 to allow a sponsor to apply for and the NSPM to issue an interim qualification level for an FSTD for a new type or model of aircraft, even though the aircraft manufacturer's aircraft data package is preliminary. The additional safeguards in the final rule regarding the use of preliminary data are sufficient to ensure safety until the final data package is released.

The FAA recognizes that in some instances there may be other ''data providers'' who will become involved with development of data, data packages, or the development of simulation models. The FAA did not change the term ''aircraft manufacturer.'' The FAA recognizes that some of the data used might come from prediction or other methodologies developed by another ''data provider'' that would allow for the ''interim'' classification without having full flight test data. However, all such non-flight test data would be dependent on at least some flight test data from the airplane manufacturer. In these cases, the FAA would want not only the aircraft manufacturer's preliminary data, but also the other data and the justification for that other data supplied by whoever supplies that data.

In addition, the FAA revised paragraph (a)(1) to more clarify the type of data that would be acceptable for an interim qualification.

Limit for Interim Qualification

Several commenters object to the one-year limit for interim qualification in paragraphs (b) and (c). ATA states, ''The number of factors that affect a new aircraft type or model is sufficiently complex and unpredictable that there should not be a simple 1-year death

penalty on the interim qualification. This issue needs to remain as flexible as possible in order to facilitate new aircraft types and models, because to do otherwise will delay training to the point that too much training will be needed in too little time, resulting in decreased air safety, not increased.'' FSI, Delta, TWA, and Boeing make similar comments. TWA suggests the interim qualification should last six months after the release of the final flight test data package, unless specific conditions warrant a longer period as approved by the NSPM. Boeing states that ''six months after release of final flight data'' is typically at least 18 months after the end of the flight test program and is much later than one year after the issuance of the interim qualification status. Boeing suggests using language equivalent to paragraph 1.6 of Attachment A of the 2nd Edition to the ICAO *Manual of Criteria for the Qualification of Flight Simulators.*

FAA Response: The FAA has revised paragraph (c) to increase the time frame to obtain final qualification. The FAA has reworded the requirement to allow 12 months from the release of the final aircraft data package by the aircraft manufacturer, but no later than 2 years after the issuance of the interim qualification status, for the sponsor to incorporate the final aircraft data package and have the NSPM conduct an evaluation of the FSTD with the new data to remove the ''interim'' status of the FSTD qualification. The FAA considers 2 years to be an adequate amount of time for the sponsor to incorporate the final aircraft data package.

Comments Regarding Modifications to FSTDs (§ 60.23)

ATA, Continental, FSI, Delta, United, and several other commenters ask for a more specific definition of the term modification in proposed § 60.23, stating that the term is subject to a wide range of interpretation and judgment. Commenters believe that as proposed, § 60.23 would place a severe burden on both the FAA and all FSTD sponsors if the FAA does not provide greater clarification.

Boeing and FSI question how the FAA will determine when a modification impacts safety of flight. Also FSI asks that the FAA clearly define the circumstances under which it would produce an FSTD Directive and whether the FSTD manufacturer or FSTD user has any recourse.

FAA Response: The FAA revised this section to address commenters' concerns about the definition of modification and the cost implications if the term is defined too broadly. The FAA clarified the definition of modification and reorganized this section. While the content of the section has essentially remained the same, the rewrite has reduced the length of the section and included sub-headings that should help the reader understand how the main paragraphs and subparagraphs are related. The rewrite has significantly clarified the original intent of this section.

The FAA has not revised the words ''safety of flight'' in § 60.23(b) as requested by commenters. An FSTD Directive would only be issued if safety of flight was at issue and the effect of the FSTD Directive would be to amend the qualification basis for the FSTD. As stated in the NPRM (67 FR 60284, 60286) an FSTD Directive would only be issued in response to a recognized safety-of-flight issue. For example, the FAA may issue an FSTD Directive if a manufacturer or the FAA discovers that the existing data for an aircraft is not accurate and consequently would adversely affect FSTD performance and handling. The FAA will publish each FSTD Directive in the **Federal Register** and will comply with the Administrative Procedure Act requirements.

Comments regarding Operation with Missing, Malfunctioning, or Inoperative Components (§ 60.25)

Many commenters object to the requirement in proposed § 60.25(b) that each missing, malfunctioning, or inoperative component must be repaired or replaced within 7 calendar days. UPS believes this would be an unreasonable burden on both the sponsor and the FAA. UPS predicts that FAA will be burdened with a daily onslaught of routine requests to deviate from this provision. ATA recommends the rule should be written such that if no response to a request to authorize deviation from the rule is received within 2 hours, then it is granted. Also, the commenters note that many simulator-specific parts cannot be obtained within a seven-day timeframe. Further, if the problem is not a malfunctioning part, but rather a computer programming fault, then research, data, or other contractor assistance may be required. American Trans Air makes a similar comment. American states that if the NSPM or TPAA are not available, unnecessary training down time could result.

DHL states that the proposal would, in many cases, be more restrictive than a Minimum Equipment List (MEL) for an actual aircraft. DHL notes there are no safety of flight issues in an FSD. DHL suggests counting only ''training days'' so that the FSD would not need to be repaired during periods of inactivity or when the training facility was not open. CAE provides the example of an unserviceable third VHF radio: The real aircraft can dispatch in this situation, while the simulator would be grounded under this paragraph.

Several commenters believe the FAA would be burdened by an obligation to provide an inspector 24 hours a day, 7 days a week. TWA believes that the sponsors would not wait to find out if they will receive the parts until the seventh day. Rather they would notify the NSPM early, resulting in thousands of notifications, which would unnecessarily burden the NSPM.

Delta, Eclipse, Evans and Sutherland, ATA, Fidelity, and FSI state that the proposed rule allows only seven days for repairing or replacing missing, malfunctioning, or inoperative components, while the appendix states 30 days is allowed. These commenters say the 30 day period is more realistic.

RAA believes the rule should be written in a form similar to the MMEL requirements for an airplane, where specific time requirements are not referenced in the rule itself.

United suggests allowing the sponsor to develop a discrepancy prioritizing system, with the time allowed for replacement or repair dependent on the priority.

FAA Response: In the final rule the FAA will require missing, malfunctioning, or inoperative components to be repaired or replaced within 30 calendar days (instead of the originally required 7 days), while maintaining the original ''unless otherwise required or authorized by the NSPM'' phrasing. Additionally, as stated in the QPS, the FAA will consider a discrepancy prioritizing system where the length of time authorized to repair or replace any given missing, malfunctioning, or inoperative component is based on the level of impact on the capability of the simulator to provide the required training, evaluation, or flight experience, with the larger impact on this capability associated with a higher priority for repair or replacement.

The rewrite of this section provides adequate requirements without getting into the specifics of individual components. This is not an airworthiness issue, but is rather a training efficacy issue that is adequately accommodated with the revisions indicated.

Discrepancies that Directly Affect Training

Eclipse also believes the proposed requirement is too stringent. Eclipse believes this issue should be left to the discretion of the sponsor or the sponsor in coordination with the TPAA for equipment discrepancies that directly affect training. CAE and FSB make similar suggestions.

NBAA states that the provision makes no allowance for components that may be inoperable but are not required for training. NBAA recommends that training be allowed to continue for components that are not training critical. ATA suggests a reference to equipment required in the current training scenario. Delta makes a similar comment.

FAA Response: The purpose of this section is to allow for the operation of the FSTD with missing, malfunctioning, or inoperative components. If a missing, malfunctioning, or inoperative component is not required to be present and correctly operating for the satisfactory completion of a specific maneuver, procedure, or task being performed during the training, the FSTD can be used for that maneuver, procedure or task.

Simulator MEL

FSI states that both appendix H of part 121 and § 142.59 provide a simulator minimum equipment list and that handbook guidance issued to FAA inspectors gives lengthy guidance. FSI recommends that FAA withdraw appendix H and make a conforming change to § 142.59.

FAA Response: In this final rule, the FAA is modifying existing part 121, appendix H, to eliminate all technical requirements regarding FSTDs, including the requirement for a ''simulator MEL.'' The language of this section is not in conflict with and does not require any modification to § 142.59. Additionally, with the provisions of this section, the FAA Handbook guidance issued to FAA inspectors regarding operation of FFSs and FTDs with missing, malfunctioning, or inoperative components will be withdrawn.

Placarding

ATA comments that proposed paragraph (c) would require a maintenance technician to be at the ready (to perform the placarding) when each FSD period is scheduled to begin, adding an enormous financial burden for no perceived gain in training value. ATA and United suggest that the requirement in paragraph (c) to have a list of missing, malfunctioning, or inoperative components available should suffice for daily operations. ATA adds that the placard system is very time consuming and adds nothing to the training, if the item is already in the discrepancy log, which is read before each training session starts.

Pan Am comments that the requirement to placard items in the FSD that do not work should only apply to those items that are missing or malfunctioning, and not to items which are not simulated by design. Systems or controls that are non-functional will be indicated on the qualified or not qualified list in the FSD Statement or Qualification.

FAA Response: The FAA has removed the placarding requirement. Having the list of missing, malfunctioning, and inoperative equipment available for users of the FSTD is sufficient.

Comments Regarding Automatic Loss of Qualification and Procedures for Restoration of Qualification (§ 60.27)

Continental states that the requirement to get NSPM approval prior to putting a FSD back into service following any work that makes the device ''unusable'' has the potential to place severe restrictions on the airline's ability to schedule and use the device for training. It would also mandate that the NSPM be available 24/7 to provide this approval in a timely manner.

FAA Response: The FAA has clarified the requirements that must be met prior to returning an FSTD to qualified service. The revisions include § 60.27(b)(2), which provides that the NSPM may authorize the FSTD to return to service without completing an evaluation.

Qualified Use of FSTDs

ATA and FSB believe that the cross reference to § 60.9(b)(4) in proposed § 60.27(a)(1) is in error, because that paragraph refers to posting the Statement of Qualification, not to the sponsor's training program. TechniFlite and Fidelity object to paragraph (a)(1) because it implies that FSDs used for part 61 training, for personal practice, or even for another certificate holder's training program are not qualified.

FAA Response: The FAA has reviewed cross references and has corrected them. A person is eligible to be a sponsor if the person holds, or is an applicant for, a certificate under part 119, 141, or 142; or holds, or is an applicant for, an approved flight engineer course in accordance with part 63. Therefore, a part 61 Fixed Base Operator (FBO) that conducts training in accordance with part 61 may not *sponsor* an FSTD, but the regulations do not restrict anyone from *using* a qualified FSTD in accordance with that FSTD's authorizations. Also, an FSTD may be used for training in another certificate holder's training program as approved by the TPAA.

Moved or Disassembled FSTDs

Several commenters disagree with the proposed language of § 60.27(a)(3) and (a)(4), stating that it is not necessary to disqualify an FSTD in all cases when it is moved or disassembled. Fidelity states that lower level FTDs can be moved without affecting their capabilities. CAE believes that if a simulator is moved but has been maintained in accordance with the approved SQAP, then requalification should be conducted under the existing qualification basis of the simulator. United and TechniFlite state they have moved simulators with no adverse impact on their integrity. United proposes that the requirement only apply if a simulator needs to be reinstalled, *e.g.*, if the wiring is disconnected and reconnected.

Eclipse states that simple regular maintenance on the FSTD would result in ''disassemble for repair'' and thus require the sponsor to contact the TPAA or NSPM on an almost daily basis. CAE requests clarification or removal of this provision, since whenever maintenance is done, the FSTD is not able to be used for training at that time. ATA states that once an FSTD is reassembled, obtaining FAA approval for returning the device to training will place a major burden on both the sponsor and the FAA. United comments that the requirement should be rewritten to allow normal FSTD maintenance activities. Delta, American, FSB, and FSI make similar comments.

FAA Response: The FAA has revised § 60.27(a) to address those FSTDs that have been moved and reinstalled in a different location. When an FSTD, regardless of level, is moved and reinstalled in a different location, it must be re-evaluated by the NSPM to be sure that it continues to meet the requirements for its original qualification. This is true even in the example of an FSTD that was originally mounted in a transportable conveyance.

The final rule lists four specific situations that result in *automatic* loss of qualification. Disassembly is not one of them. The proposed language about disassembly does not appear in the final rule. For information on modifications, see § 60.23. Although ''disassembly'' does not appear in § 60.27 of the final rule, the FAA recognizes that disassembly may occur in the course of routine or non-routine repairs and maintenance. We want to emphasize

that the sponsor is responsible to ensure that the FSTD continues to meet the requirements of this part and the applicable QPS appendix at the completion of *any* repair or maintenance in accordance with § 60.19(c).

Restoration of Qualification

ATA states that proposed § 60.27(b)(1)(i) would eliminate grandfather rights for older FSDs any time they are moved, repaired, or modified. ATA recommends changing the requirement so that the initial requalification is in accordance with the standards that the FSD was most recently qualified under. ATA suggests including the provisions of § 60.17(c), which provides up to two years before requiring requalification based on current standards. CAE makes a similar comment.

FAA Response: There is nothing in the language that would indicate that moving an FSTD would necessarily require re-evaluation in accordance with newer standards. The FAA notes, however, that when an FSTD is taken out of service, this does not automatically guarantee that reevaluation for qualification will be against the original qualification basis. The NSPM will conduct a review to determine the care and under what circumstances the FSTD has been maintained before determinations of qualification basis may be made. Moreover, if the FSTD was out of service for 2 or more years, the FAA would require a reevaluation under current standards that may be different than the standards under which the FSTD was originally qualified.

Authority to Waive Evaluation

ATA and United request that the FAA clarify the lines of authority in proposed § 60.27(b)(2). United suggests removing the reference to the TPAA and allowing only the NSPM the authority to waive the evaluation requirement.

FAA Response: The FAA has clarified the lines of authority by removing the TPAA from exercising authority to waive the evaluation requirement.

Requalification Criteria

ATA and United believe the FAA should develop objective criteria for proposed § 60.27(c). For example, how would the FAA assess the ''care that had been taken of the device since the last evaluation?'' United suggests the FAA specify the number of normally scheduled evaluations that can be missed and the performance of the particular FSD against the sponsor's quality measurements in its QAP.

FAA Response: The FAA has added language to the Information section of the QPS indicating that one of the factors the FAA uses to determine what amount of testing will be required for requalification is how the simulator is maintained during its out-of-service period (*e.g.*, periodic exercise of mechanical, hydraulic, and electrical systems; routine replacement of hydraulic fluid; and control of the environmental factors in which the simulator is to be maintained).

Comments Regarding Other Losses of Qualification and Procedures for Restoration of Qualification (§ 60.29)

ATA and United comment that this section blurs the lines of authority between the NSPM and the TPAA. The commenters believe only the NSPM should have jurisdiction over the qualification of any FSD covered by this part and only the TPAA should have jurisdiction over the use of a qualified FSD in an FAA-approved training program. United suggests removing all references to the TPAA from this section. ATA recommends adding a paragraph (d) to include the procedures for restoring the qualification lost under this section since this issue is not addressed in the proposed rule language.

In regard to the process for handling emergencies under paragraph (c), FSI comments that no emergency in simulation is so dangerous that there is no time to consult with the TPAA. FSI states that the NSPM should not be allowed to suspend the use of an FSD in an approved training program without agreement from the TPAA.

Delta suggests changing ''7 days'' in paragraph (a)(2) to ''30 days'' to be consistent with other references to 30 days in this section.

FAA Response: The FAA has removed all references to the TPPA in § 60.29. Additionally, the FAA inadvertently left out of the NPRM the sub-paragraph addressing procedures for restoring the qualification lost under this section as described by the commenter. The FAA has added such a paragraph in the final rule.

The FAA did not adopt the suggestion to replace ''7 days'' with ''30 days'' in § 60.29(a)(2). The final rule provides time for the sponsor to object to the notification that the FSTD no longer meets some or all of its qualification standards. The 7-day period was originally selected to provide the NSPM up to 23 days between the receipt of the sponsor's objections and justifications and the effective date of any action regarding the FSTD. This provides the most benefit to all affected parties.

Comments Regarding Recordkeeping and Reporting (§ 60.31)

Regarding paragraph (a), ATA states that there will be an additional administrative and storage location overhead cost to maintain previous copies of the MQTG, each of which may be over 10 volumes. Also, ATA suggests changing the wording to require that the sponsor have a system to trace the current version of the simulator back to the original qualification software/hardware and deleting the requirement for maintaining the actual copy of the programming. United and Delta make similar comments. Also, ATA requests that the FAA clarify that, for currently qualified simulators, only records made after the effective date of the rule would be required. Similarly, FSI states that the FAA appears to have little concept of the magnitude and cost of proposed paragraph (a)(2). FSI suggests that instead, the NSPM track changes to the FSD via the modification requirement in § 60.23(e). ATA and United suggest shortening the required time period proposed in § 60.31(a)(3)(iv) to 18 months and Delta suggests deleting paragraph (a)(3)(iv).

ATA suggests that proposed § 60.31(a)(4) also require that sponsors keep the name of the person who determines that a discrepancy is corrected.

Delta suggests rewording proposed § 60.31(a)(5) to say ''initial or upgrade qualification'' to cover upgrade situations that are in effect new ''initial'' qualifications. ATA suggests that ''FSD hardware configurations'' in paragraph (a)(5) should be changed to ''FSD hardware configurations, restricted to ground or flight dynamics or performance and handling or aircraft system function.''

FAA Response: In the NPRM, § 60.31(a)(2) proposed to require the sponsor to maintain a copy of the programming used during the evaluations for initial and upgrade qualifications and a copy of all programming changes made since the evaluation for initial qualification. Revised § 60.31(a)(2) requires the sponsor to maintain a record of all FSTD modifications affected under § 60.23 since the issuance of the original Statement of Qualification. The revision to § 60.31(a)(2) captures the software and hardware changes required in proposed § 60.31(a)(2) and (a)(5). We have therefore deleted § 60.31(a)(5). Also, the FAA has modified § 60.31(a)(4) to require that sponsors keep the name of the person who determines that a discrepancy is corrected.

Record of FSD Users

ATA and United state that proposed § 60.31(b) places an unnecessary burden on the FSD sponsor. Instead they believe the burden should be placed on the user in coordination with their respective TPAA. ATA and United suggest deleting this requirement or requiring that sponsors have 7 days to provide the report upon request of the NSPM. FSB and CAE suggest that such a list of certificate holders may be considered proprietary business information. FSB states that ''This is another instance where the ongoing use of the FSD has been proposed as within the purview of the NSPM as opposed to the operational responsibility remaining with the certificate holder sponsor with the approval of either the TCPM or POI under existing regulations.''

FAA Response: The FAA has eliminated the requirement to maintain the records of users of the FSTD. If the FAA needs such records, it would acquire them through normal FAA oversight channels.

Form of Records

In regard to proposed § 60.31(c), ATA and United state that most airlines have record systems that have proven effective and accurate in actual use. ATA and United state that the NSPM's approval of these systems should be immediate and that the rule language should be changed to add ''information, with appropriate security or controls to prevent the illegal or inappropriate alteration of such records after the fact.''

FAA Response: The FAA added language in the QPS appendix that provides for the preservation and retrieval of this information with appropriate security or controls to prevent the illegal or inappropriate alteration of such records after the fact.

Annual Report

ATA, UPS, Delta, United, FSI, American, Eclipse, American Trans Air, and CAE object to proposed § 60.31(d), stating that the annual report would be redundant.

FAA Response: The FAA has eliminated the requirement for an annual report that was in proposed § 60.31(d). The other requirements of part 60, including the discrepancy log, the recurring inspections, the modification notification and approval, and the QMS are sufficient to ensure that FSTDs are operating at their qualification level.

Comments Regarding Applications, Logbooks, Reports, and Records: Fraud, Falsification, or Incorrect Statements (§ 60.33)

ATA is concerned that the language contained in this section does not provide a clearly defined method for complying with requirements like the quality assurance program, log books, reports, and requests. ATA comments that paragraph (c) provides the authority to remove qualification simply on the basis of an incorrect statement, which could be made by any individual at any level of the organization. According to ATA, while the NSPM has always maintained a cooperative relationship with the industry, others, such as ATOS inspectors, only apply the strict interpretation of requirements and often apply rules without the benefit of the required knowledge of the flight training device industry. ATA further states that, ''This section threatens not only our qualifications but also our personal livelihood. A simple misstatement, mistake, or omission without a clearly demonstrated intent to mislead should not be a basis for action. It should be applied to the intent of the operator and/or sponsor not the individual.'' ATA suggests changing ''No person may make'' to ''No sponsor may knowingly make'' and deleting paragraph (c).

Similarly DHL states that the omission of recording malfunctions or inaccurate statements in logbook entries is very subjective. DHL is concerned that honest mistakes and oversights could lead to the revocation of an airman's ATP, and states ''Such perceived liability could cause the ranks of qualified instructors to dwindle.'' Fidelity, FSI, CAE, and Delta make similar comments.

FAA Response: This section is not intended to address a simple misstatement, mistake, or omission as suggested might occur. The language is included to provide notice to those who are involved with or use FSTDs that the records and reports that are kept, made, or used to show compliance with this part, or to exercise any privileges with respect to FSTD upon which the FAA relies or could rely, is a serious matter and that fraudulent practices will carry consequences. The elements for a charge of making a false statement are: (1) A knowing, (2) misrepresentation, (3) of a material fact. The elements for a fraudulent statement are the same as for a false statement, plus: (4) made with the intent to deceive, and (5) detrimentally relied upon. *See FAA* v. *Bell,* NTSB Order No. 4764 (May 11, 1999). Thus, for either charge, the FAA must have evidence that it was a knowing misstatement and that the misstatement was material (*i.e.,* about an important matter). *See FAA* v. *Twomey,* 821 F.2d 63 (1st Cir. 1987). We have added the word ''material'' to the phrase ''known omission'' to clarify that only important, known omissions will constitute a violation and this will put the violation on par with the fraud and intentionally false statement violation.

Comments Regarding Specific Full Flight Simulator Compliance Requirements (§ 60.35)

Many commenters address the impact of proposed § 60.35 on Level A simulators. The ATA strongly opposes degrading the qualification of all level A simulators after a 2 year period. ATA believes that as long as there are valid training objectives that can be accomplished in a level A simulator it should be the sponsor's business decision as to when the device is no longer viable and not determined by the NSPM. Pan Am states that elimination of the Level A qualification would create specific issues for those aircraft that are no longer manufactured, but continue to operate. Pan Am states, ''These simulators are typically not cost effective to upgrade to current technology standards but have demonstrated and been used for many years as effective training devices * *. We believe these simulators and the training permitted in them should be grand-fathered in any new rule.'' Pan Am, FSI and Aerospace Aviation are also concerned that this provision would result in a return to using aircraft for training, which would have a negative impact on both the training, safety, and pollution.

FSI addresses the impact on certain aircraft, stating, ''The bottom line would be that users of many aircraft, such as the older King Air, Turbo Commander, Lear 25, Gulfstream I, Jetstar, etc., would have no simulation device at all available to them. The time-tested safety-driven need for these simulators will be there as long as the aircraft they represent are flying. It is obvious that new simulators, Level B through D, will not be developed for these older aircraft, so the withdrawal option is to withdraw all simulation safety advantage from this segment of the aviation population.'' In addition, FSI states that to convert the Level A simulators to Level 6 FTDs ''would be to lose the advantage of motion, which the FAA, in particular the NSPM, has strongly favored and embraced for realism in training and testing, as opposed to simulation with visual cues only. Continuing to maintain a motion system for a Level 6 FTD, for no credit in addition to that

afforded a Level 6 FTD, would represent a huge cost with no benefit to offset it.'' FSI further comments, ''Just as the FAA would not propose that all operators of those aircraft abandon their aircraft, it should not propose that Training Centers abandon the representative simulators.''

Similarly, TWA states, ''This paragraph puts an undue burden on the sponsors of older flight simulators. The cost to make all aircraft appliances functional whenever they upgrade an older simulator will effectively eliminate all upgrades. This would severely limit modernization and improvements to these simulators. There is no reason for devices in an FSD to be functional if they are never to be used by the approved training program.'' ATA makes a similar comment.

Several commenters question to what extent the FAA expects the entire cockpit to be simulated, under paragraph (a). Boeing states that for some aircraft there is not enough room in the simulator to simulate the entire area directly behind the Captain and First Officer. ATA and United comment that sponsors with no captive fleet would not have a specific cockpit against which to match an FSD and sponsors with their own fleet would have differences between cockpits of like aircraft. Delta and CAE make similar comments.

DHL states that the language requiring the FSD to simulate the operation of all equipment or devices intended to simulate aircraft appliances is too rigid. DHL states, ''This language would require such devices such as radar and TCAS systems to be fully functional. These devices are often trained in such devices as FTDs or Computer Based Training (CBT) programs. The FAA requires TCAS to be trained in a flight simulator or CBT environment. DHL argues that some devices are better trained in other environments such as CBT. This requirement also usurps the intent of the Advanced Qualification Program that would apply Instructional Systems Design principles to conduct training in lower level devices that may not only be more cost effective but also yield a higher level of learning.''

UPS comments that paragraph (a) would require that equipment not related to flight training be installed at considerable expense. UPS cites examples such as ''equipment used by maintenance personnel, *e.g.,* BIT type diagnostic systems, or equipment used by flight crew but not deemed essential to flight training by the operator or its TPAA, *e.g.,* ACARS.'' Evans and Sutherland ask whether visual terrain and obstacle correlation over the entire visual scene must be provided, *e.g.,* for future additions to the cockpit, such as the Moving Map Display, or for aircraft fitted with EGPWS or TWAS? Also, for weather radar, must all 3D clouds, storms, etc., on the visual scene correlate with a dynamic radar sweep?

FSI states that proposed paragraph (a) seems to say that 18 months after the final rule is issued *all* simulators must simulate everything in the aircraft they represent. FSI asks, ''Would this mean that a Level B simulator must have color weather radar simulated if the aircraft is outfitted with color weather radar, etc.?'' FSI states that proposed QPS requirements for FTD levels 4, 5, and 6, as well as for simulator Levels A, B, and C do not include simulating the operation of all equipment and appliances installed on the airplane (aircraft) being simulated. FTDs could fit the definition of a ''simulator'' and therefore would not be compliant. FSI recommends that FAA strike the all encompassing term ''all equipment or devices'' and clarify the intent of this proposed section to include the equipment simulation requirements for each level of ''flight simulator'' as well as specifically refer to FSD levels A–D and clarify the definition of a ''flight simulator'' to refer to FSD levels A–D. ATA recommends that paragraph (b) be changed to apply to ''any level A simulator'' instead of to ''any flight simulator.''

Delta suggests that § 60.35(b) or the QPS should define the performance criteria that will be used under paragraph (b) and state that a Level A simulator can be downgraded to a level 6 FTD without having to undergo an additional evaluation.

FAA Response: The FAA adopted several changes to this section that are less restrictive than proposed and codify existing practices. The revisions include the following: Level A simulators will not be eliminated as was proposed; the requirement for Level C and Level D simulators in § 60.35(a) will include the equipment and appliances installed and operating to the extent necessary for the issuance of an airman certificate or rating; the requirement for Level A and Level B simulators in § 60.35(b) will include the equipment and appliances installed and operating to the extent necessary for the training, testing, and checking that comprise the simulation portion of the requirements for issuance of an airman certificate or rating. The FAA has been careful to define FTD levels and FSS levels and to use the appropriate term in the appropriate setting. This should eliminate any confusion regarding qualification level and required equipment.

Comments in Response to ARC Recommendation

In order to give the public an opportunity to comment on the recommendations received from the ARC, on February 10, 2004, the FAA reopened the comment period for 30 days (69 FR 6216). The comment period closed March 11, 2004. The FAA received approximately 30 comments during the reopened comment period. However, instead of addressing the ARC proposal, many of the commenters addressed issues from the original NPRM. These comments are similar to comments that were previously submitted. Other comments included suggestions for minor editorial changes from CAE Inc. and a question from the Co-Chairman of the Air Transport Association Simulator Technical Issues Group asking if part 60 provides for self disclosure of possible non-compliance with part 60 requirements.

FAA Response: The FAA reviewed the ARC recommendation and the comments received in response to the ARC recommendation. In response to the comment regarding part 60 self-disclosure programs, the FAA considers the correct vehicle for such self-disclosures to be Advisory Circular (AC) 00–58, Voluntary Disclosure Reporting Program. The FAA recognizes that the AC, as presently written, is applicable only to certificate holders, but believes sponsors qualified under part 60 could develop a similar program based on the available guidance in the advisory material.

Delegation of Authority for Standards Documents

The FAA has delegated in a separate document, final authority to review and issue amendments to appendices A–F to part 60 from the Administrator to the Director, Flight Standards Service. Specifically, these appendices are the Qualification Performance Standards (QPS) documents for: Airplane Full Flight Simulators; Airplane Flight Training Devices; Helicopter Full Flight Simulators; Helicopter Flight Training Devices; Quality Management Systems for FSTDs; and Definitions and Abbreviations for FSTDs.

The FAA anticipates that these documents will require routine changes for a variety of reasons, *e.g.,* increased knowledge about human factors, analysis of incident/accident data, and changes in aircraft or simulation technology. Because these standards will be regulatory in nature, current FAA policy provides for the

Administrator to review changes before final action on them is complete. This process involves significant levels of participation in the review process by individuals at all levels of the agency.

The FAA expects that most future changes to the QPS documents will be published in the **Federal Register** as NPRMs for public comment, just as they are published as part of this NPRM. This will be true unless ''good cause'' exists under the Administrative Procedure Act (APA), which would warrant the FAA publishing a change to a QPS document without following the standard notice and comment procedures. Under the APA, in order for the FAA to issue a rule without following notice and comment procedures, the FAA would have to make a good cause finding that following notice and comment procedures would be impracticable, unnecessary, or contrary to the public interest.

The FAA does not expect that many changes to the QPS documents will justify the expenditure of time and resources at the highest levels of the agency that the standard procedures for final review of rulemakings require. Therefore, consistent with good government, the FAA is streamlining the process for making technical changes to the QPS documents by delegating authority for final review and issuance from the Administrator to the Director, Flight Standards Service. The FAA believes that the delegation will result in more timely responses to incident and accident data and advances in aircraft or simulation technology.

Consistent with similar delegations of authority, this authority will be exercised with the concurrence of the Office of the Chief Counsel. If, at any time during the amendment process the Administrator or the Director, Flight Standards Service, determines that a proposed amendment would not be appropriate for this streamlined process, the rulemaking project would proceed in accordance with the agency's normal rulemaking procedures.

Paperwork Reduction Act

Information collection requirements associated with this final rule have been approved previously by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), and have been assigned OMB Control Number 2120–0680. This final rule adds the OMB control number to the table of OMB control numbers in 14 CFR 11.201(b). An agency may not collect or sponsor the collection of information, nor may it impose an information collection requirement unless it displays a currently valid Office of Management and Budget (OMB) control number.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has reviewed the corresponding ICAO Standards and Recommended Practices and has determined that additional modifications to certain QPS sections need to be made before the final rule becomes effective. The FAA has not included these QPS modifications in this final rule because they are beyond the scope of the NPRM. The FAA will make these modifications before this final rule becomes effective to comply with ICAO Standards and Recommended Practices to the maximum extent practicable.

Regulatory Evaluation Summary

This final rule establishes 14 CFR part 60, which contains requirements for the evaluation, qualification, and maintenance of FSTDs.

Total Costs and Benefits of This Rulemaking

The FAA has determined that the total cost of implementing the new part 60 from 2006 to 2015 will be approximately $1.3 million ($1.0 million, discounted). Nearly all of the $1.3 million over the 10-year period will be imposed on the industry. The FAA 10-year cost is estimated at $42,000.

The benefit of this rule is that it will ensure that flight crewmembers using FSTDs receive training in a device that closely matches the performance and handling characteristics of the aircraft being simulated.

Who Is Potentially Affected by This Rulemaking?

Sponsors of FSTDs, which includes training centers and certain airlines, are affected by this rulemaking.

Our Cost Assumptions and Sources of Information

Discount rate: 7%.

Period of Analysis: 2006–2015.

Monetary Values expressed in 2004 dollars.

Costs per individual action vary depending on whether the sponsor is small, medium, or large.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the business, organizations, and governmental jurisdictions subject to regulation.'' To achieve that principle, the Act requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The Act covers a wide-range of small entities, including small businesses, not-for-profit organizations and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the determination is that it will, the agency must prepare a regulatory flexibility analysis as described in the Act.

However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the 1980 act provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

The Small Business Administration (SBA) recommends 1,500 or fewer employees as the ''small'' size standard that applies to Scheduled Passenger Air Transportation (NAICS code 481111). We believe that this size standard also applies to simulator sponsors, which include air carriers and simulator training centers. For part 60, the FAA identified a total of 11 simulator sponsors that meet this size standard. For each of these sponsors, the FAA attempted to retrieve their annual revenues and to calculate their annualized costs. Annual revenue data was only available for 5 out of the 11 sponsors. After calculating the prorated annualized costs using the same assumptions that were used in the cost section, the FAA then compared annualized costs with annualized revenues (see Table 14 for details).

TABLE 14.—SUMMARY OF RFA DETERMINATION OF ECONOMIC IMPACT

Sponsor	Number of employees	Annual revenues			Annualized cost of compliance [1]	Compliance as percentage of annual revenues			Significant economic impact? y/n		
		2000	2001	2002		2000	2001	2002	2000	2001	2002
1	973	n.a.	$150,712,673	n.a.	$1,828	n.a.	0.00	n.a.	n.a.	N	n.a.
2	116	$63,902,519	53,065,814	$43,396,103	474	0.00	0.00	0.00	N	N	N
3	563	274,420,131	111,560,208	4,350,617	474	0.00	0.00	0.01	N	N	N
4	134	48,765,676	49,320,778	66,015,229	474	0.00	0.00	0.00	N	N	N
5	410	224,249,551	96,951,552	92,035,880	474	0.00	0.00	0.00	N	N	N

Source: U.S. Dept. of Trans., FAA, APO 310.
Notes: 1) Annualized using a capital recovery factor of 0.14238, over 10 years, using a 7 percent rate of interest.

For the 5 sponsors shown in Table 14, annualized costs of the rule will be considerably less than one-tenth of one percent of their annual revenues. The FAA contends that these costs will not have a significant economic impact on these small entities.

Accordingly, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Federal Aviation Administration certifies that this rule will not have a significant economic impact on a substantial number of small entities.

International Trade Impact Assessment

The Trade Agreements Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and where appropriate, that they be the basis for U.S. standards.

In accordance with the above statute, the FAA has assessed the potential effect of this final rule and has determined that it will have the same impact on foreign sponsors as on domestic sponsors and, therefore, creates no obstacles to the foreign commerce of the United States.

Unfunded Mandates Assessment

The Unfunded Mandates Reform Act of 1995 (the Act) is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and tribal governments. Title II of the Act requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $128.1 million in lieu of $100 million.

This final rule does not contain an Unfunded Mandate. The requirements of Title II do not apply.

Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. We determined that this action will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, we determined that this final rule will not have federalism implications.

Environmental Analysis

FAA Order 1050.1E identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in paragraph 312f and involves no extraordinary circumstances.

Regulations that Significantly Affect Energy Supply, Distribution, or Use

The FAA has analyzed this final rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). We have determined that it is not a ''significant energy action'' under the executive order because it is not a ''significant regulatory action'' under Executive Order 12866, and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

List of Subjects

14 CFR Part 1

Air transportation.

14 CFR Part 11

Administrative practice and procedure, Reporting and recordkeeping requirements.

14 CFR Part 60

Airmen, Aviation safety, Reporting and recordkeeping requirements.

14 CFR Part 121

Air carriers, Aircraft, Airmen, Alcohol abuse, Aviation safety, Charter flights, Drug abuse, Drug testing, Reporting and recordkeeping requirements, Safety, Transportation.

The Amendment

■ The Federal Aviation Administration amends Title 14, Chapter I of the Code of Federal Regulations as follows:

PART 1—DEFINITIONS AND ABBREVIATIONS

■ 1. The authority citation for part 1 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

■ 2. Section 1.1 is amended by adding new definitions in alphabetical order to read as follows:

§ 1.1 General definitions.

* * * * *

Flight simulation training device (FSTD) means a flight simulator or a flight training device.

* * * * *

Flight training device (FTD) means a replica of aircraft instruments, equipment, panels, and controls in an open flight deck area or an enclosed aircraft cockpit replica. It includes the equipment and computer programs necessary to represent aircraft (or set of aircraft) operations in ground and flight conditions having the full range of capabilities of the systems installed in the device as described in part 60 of this chapter and the qualification performance standard (QPS) for a specific FTD qualification level.

* * * * *

Full flight simulator (FFS) means a replica of a specific type; or make,

model, and series aircraft cockpit. It includes the assemblage of equipment and computer programs necessary to represent aircraft operations in ground and flight conditions, a visual system providing an out-of-the-cockpit view, a system that provides cues at least equivalent to those of a three-degree-of-freedom motion system, and has the full range of capabilities of the systems installed in the device as described in part 60 of this chapter and the qualification performance standards (QPS) for a specific FFS qualification level.

* * * * *

■ 3. Section 1.2 is amended by adding new abbreviations in alphabetical order to read as follows:

§ 1.2 Abbreviations and symbols.

* * * * *

FFS means full flight simulator.

* * * * *

FSTD means flight simulation training device.

FTD means flight training device.

* * * * *

PART 11—GENERAL RULEMAKING PROCEDURES

■ 4. The authority citation for part 11 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40101, 40103, 40105, 40109, 40113, 44110, 44502, 44701–44702, 44711, and 46102.

■ 5. Amend the table in § 11.201(b) by adding an entry for part 60 to read as follows:

§ 11.201 Office of Management and Budget (OMB) control numbers assigned under the Paperwork Reduction Act.

* * * * *

(b) * * *

14 CFR part or section identified and described	Current OMB control number
* * * * *	
Part 60	2120–0680
* * * * *	

■ 6. Part 60 is added to subchapter D to read as follows:

PART 60—FLIGHT SIMULATION TRAINING DEVICE INITIAL AND CONTINUING QUALIFICATION AND USE

Sec.

60.1 Applicability.
60.2 Applicability of sponsor rules to persons who are not sponsors and who are engaged in certain unauthorized activities.
60.3 Definitions.
60.4 Qualification Performance Standards.
60.5 Quality management system.
60.7 Sponsor qualification requirements.
60.9 Additional responsibilities of the sponsor.
60.11 FSTD use.
60.13 FSTD objective data requirements.
60.14 Special equipment and personnel requirements for qualification of the FSTD.
60.15 Initial qualification requirements.
60.16 Additional qualifications for a currently qualified FSTD.
60.17 Previously qualified FSTDs.
60.19 Inspection, continuing qualification evaluation, and maintenance requirements.
60.20 Logging FSTD discrepancies.
60.21 Interim qualification of FSTDs for new aircraft types or models.
60.23 Modifications to FSTDs.
60.25 Operation with missing, malfunctioning, or inoperative components.
60.27 Automatic loss of qualification and procedures for restoration of qualification.
60.29 Other losses of qualification and procedures for restoration of qualification.
60.31 Recordkeeping and reporting.
60.33 Applications, logbooks, reports, and records: Fraud, falsification, or incorrect statements.
60.35 Specific full flight simulator compliance requirements.
60.37 FSTD qualification on the basis of a Bilateral Aviation Safety Agreement (BASA).
Appendix A to Part 60—Qualification Performance Standards for Airplane Full Flight Simulators
Appendix B to Part 60—Qualification Performance Standards for Airplane Flight Training Devices
Appendix C to Part 60—Qualification Performance Standards for Helicopter Full Flight Simulators
Appendix D to Part 60—Qualification Performance Standards for Helicopter Flight Training Devices
Appendix E to Part 60—Quality Management Systems for Flight Simulation Training Devices
Appendix F to Part 60—Definitions and Abbreviations for Flight Simulation Training Devices

Authority: 49 U.S.C. 106(g), 40113, and 44701.

§ 60.1 Applicability.

(a) This part prescribes the rules governing the initial and continuing qualification and use of all aircraft flight simulation training devices (FSTD) used for meeting training, evaluation, or flight experience requirements of this chapter for flight crewmember certification or qualification.

(b) The rules of this part apply to each person using or applying to use an FSTD to meet any requirement of this chapter.

(c) The requirements of § 60.33 regarding falsification of applications, records, or reports also apply to each person who uses an FSTD for training, evaluation, or obtaining flight experience required for flight crewmember certification or qualification under this chapter.

§ 60.2 Applicability of sponsor rules to persons who are not sponsors and who are engaged in certain unauthorized activities.

(a) The rules of this part that are directed to a sponsor of an FSTD also apply to any person who uses or causes the use of an FSTD when—

(1) That person knows that the FSTD does not have an FAA-approved sponsor; and

(2) The use of the FSTD by that person is nonetheless claimed for purposes of meeting any requirement of this chapter or that person knows or should have known that the person's acts or omissions would cause another person to mistakenly credit use of the FSTD for purposes of meeting any requirement of this chapter.

(b) A situation in which paragraph (a) of this section would not apply to a person would be when each of the following conditions are met:

(1) The person sold or leased the FSTD and merely represented to the purchaser or lessee that the FSTD is in a condition in which it should be able to obtain FAA approval and qualification under this part;

(2) The person does not falsely claim to be the FAA-approved sponsor for the FSTD;

(3) The person does not falsely make representations that someone else is the FAA-approved sponsor of the FSTD at a time when that other person is not the FAA-approved sponsor of the FSTD; and

(4) The person's acts or omissions do not cause another person to detrimentally rely on such acts or omissions for the mistaken conclusion that the FSTD is FAA-approved and qualified under this part at the time the FSTD is sold or leased.

§ 60.3 Definitions.

In addition to the definitions in part 1 of this chapter, other terms and definitions applicable to this part are found in appendix F of this part.

§ 60.4 Qualification Performance Standards.

The Qualification Performance Standards (QPS) are published in appendices to this part as follows:

(a) Appendix A contains the QPS for Airplane Flight Simulators.

(b) Appendix B contains the QPS for Airplane Flight Training Devices.

(c) Appendix C contains the QPS for Helicopter Flight Simulators.

(d) Appendix D contains the QPS for Helicopter Flight Training Devices.

(e) Appendix E contains the QPS for Quality Management Systems for FSTDs.

(f) Appendix F contains the QPS for Definitions and Abbreviations for FSTDs.

§ 60.5 Quality management system.

(a) After October 30, 2009, no sponsor may use or allow the use of or offer the use of an FSTD for flight crewmember training or evaluation or for obtaining flight experience to meet any requirement of this chapter unless the sponsor has established and follows a quality management system (QMS), currently approved by the National Simulator Program Manager (NSPM), for the continuing surveillance and analysis of the sponsor's performance and effectiveness in providing a satisfactory FSTD for use on a regular basis as described in QPS appendix E of this part.

(b) The QMS program must provide a process for identifying deficiencies in the program and for documenting how the program will be changed to address these deficiencies.

(c) Whenever the NSPM finds that the QMS program does not adequately address the procedures necessary to meet the requirements of this part, the sponsor must, after notification by the NSPM, change the program so the procedures meet the requirements of this part. Each such change must be approved by the NSPM prior to implementation.

(d) Within 30 days after the sponsor receives a notice described in paragraph (c) of this section, the sponsor may file a petition with the Director of Flight Standards Service (the Director) for reconsideration of the NSPM finding. The sponsor must address its petition to the Director, Flight Standards Service, AFS–1, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591. The filing of such a petition to reconsider stays the notice pending a decision by the Director. However, if the Director finds that there is a situation that requires immediate action in the interest of safety in air commerce, he may, upon a statement of the reasons, require a change effective without stay.

§ 60.7 Sponsor qualification requirements.

(a) A person is eligible to apply to be a sponsor of an FSTD if the following conditions are met:

(1) The person holds, or is an applicant for, a certificate under part 119, 141, or 142 of this chapter; or holds, or is an applicant for, an approved flight engineer course in accordance with part 63 of this chapter.

(2) The FSTD will be used, or will be offered for use, in the sponsor's FAA-approved flight training program for the aircraft being simulated as evidenced in a request for evaluation submitted to the NSPM.

(b) A person is a sponsor if the following conditions are met:

(1) The person is a certificate holder under part 119, 141, or 142 of this chapter or has an approved flight engineer course in accordance with part 63 of this chapter.

(2) The person has—

(i) Operations specifications authorizing the use of the specific aircraft or set of aircraft and has an FAA-approved training program under which at least one FSTD, simulating the aircraft or set of aircraft and for which the person is the sponsor, is used by the sponsor as described in paragraphs (b)(5) or (b)(6) of this section; or

(ii) Training specifications or an FAA-approved course of training under which at least one FSTD, simulating that aircraft or set of aircraft and for which the person is the sponsor, is used by the sponsor as described in paragraphs (b)(5) or (b)(6) of this section.

(3) The person has a quality management system currently approved by the NSPM in accordance with § 60.5.

(4) The NSPM has accepted the person as the sponsor of the FSTD and that acceptance has not been withdrawn by the FAA.

(5) At least one FSTD (as referenced in paragraph (b)(2)(i) or (b)(2)(ii) of this section) that is initially qualified on or after October 30, 2007, is used within the sponsor's FAA-approved flight training program for the aircraft or set of aircraft at least once within the 12-month period following the initial/upgrade evaluation, and at least once within each subsequent 12-month period thereafter.

(6) At least one FSTD (as referenced in paragraph (b)(2)(i) or (b)(2)(ii) of this section) that was qualified before October 30, 2007, is used within the sponsor's FAA-approved flight training program for the aircraft or set of aircraft at least once within the 12-month period following the first continuing qualification evaluation conducted by the NSPM after October 30, 2007 and at least once within each subsequent 12-month period thereafter.

(c) If the use requirements of paragraphs (b)(2) and either (b)(5) or (b)(6) of this section are not met, the person will forfeit the right to sponsor that FSTD and that person will not be eligible to apply to sponsor that FSTD for at least 12 calendar months following the expiration of the qualification status.

(d) In addition to the FSTD described in paragraph (b) of this section, an FSTD sponsor may sponsor any number of other FSTDs regardless of specific aircraft or set of aircraft provided either—

(1) During the preceding 12-month period, all of the other FSTDs are used within the sponsor's or another certificate holder's FAA-approved flight training program for the aircraft or set of aircraft simulated; or

(2) The sponsor obtains a written statement at least annually from a qualified pilot who has flown the aircraft or set of aircraft (as appropriate) during the preceding 12-month period stating that the subject FSTD's performance and handling qualities, within the normal operating envelope, represent the aircraft or set of aircraft described in the FAA Type Certificate and the type data sheet, if appropriate. The sponsor must retain the two most current written statements for review by the NSPM.

§ 60.9 Additional responsibilities of the sponsor.

(a) The sponsor must allow the NSPM upon request to inspect the FSTD as soon as practicable. This inspection may include all records and documents relating to the FSTD, to determine its compliance with this part.

(b) The sponsor must do the following for each FSTD:

(1) Establish a mechanism to receive written comments regarding the FSTD and its operation in accordance with the QPS appendix E of this part.

(2) Post in or adjacent to the FSTD the Statement of Qualification issued by the NSPM. An electronic copy of the Statement of Qualification that may be accessed by an appropriate terminal or display in or adjacent to the FSTD is satisfactory.

(c) Each sponsor of an FSTD must identify to the NSPM by name, one individual to be the management representative (MR).

(1) One person may serve as an MR for more than one FSTD, but one FSTD must not have more than one person serving in this capacity.

(2) Each MR must be an employee of the sponsor with the responsibility and authority to—

(i) Monitor the on-going qualification of assigned FSTDs to ensure that all matters regarding FSTD qualification are being carried out as provided for in this part;

(ii) Ensure that the QMS is properly established, implemented, and maintained by overseeing the structure (and modifying where necessary) of the QMS policies, practices, and procedures; and

(iii) Regularly brief sponsor's management on the status of the on-going FSTD qualification program and the effectiveness and efficiency of the QMS.

(3) The MR serves as the primary contact point for all matters between the sponsor and the NSPM regarding the qualification of that FSTD as provided for in this part.

(4) The MR may delegate the duties described in paragraph (c)(2) and (c)(3) of this section to an individual at each of the sponsor's locations.

§ 60.11 FSTD use.

No person may use or allow the use of or offer the use of an FSTD for flight crewmember training or evaluation or for obtaining flight experience to meet any of the requirements under this chapter unless, in accordance with the QPS for the specific device, the FSTD meets all of the following:

(a) Has a single sponsor who is qualified under § 60.7. The sponsor may arrange with another person for services of document preparation and presentation, as well as FSTD inspection, maintenance, repair, and servicing; however, the sponsor remains responsible for ensuring that these functions are conducted in a manner and with a result of continually meeting the requirements of this part.

(b) Is qualified as described in the Statement of Qualification.

(c) Remains qualified, through satisfactory inspection, continuing qualification evaluations, appropriate maintenance, and use requirements in accordance with this part and the applicable QPS.

(d) Functions during day-to-day training, evaluation, or flight experience activities with the software and hardware that was evaluated as satisfactory by the NSPM and, if modified, modified only in accordance with the provisions of this part. However, this section does not apply to routine software or hardware changes that do not fall under the requirements of § 60.23.

(e) Is operated in accordance with the provisions and limitations of § 60.25.

§ 60.13 FSTD objective data requirements.

(a) Except as provided in paragraph (b) and (c) of this section, for the purposes of validating FSTD performance and handling qualities during evaluation for qualification, the data made available to the NSPM (the validation data package) must include the aircraft manufacturer's flight test data and all relevant data developed after the type certificate was issued (*e.g.*, data developed in response to an airworthiness directive) if such data results from a change in performance, handling qualities, functions, or other characteristics of the aircraft that must be considered for flight crewmember training, evaluation, or for meeting experience requirements of this chapter.

(b) The validation data package may contain flight test data from a source in addition to or independent of the aircraft manufacturer's data in support of an FSTD qualification, but only if this data is gathered and developed by that source in accordance with flight test methods, including a flight test plan, as described in the applicable QPS.

(c) The validation data package may also contain predicted data, engineering simulation data, data from pilot owner or pilot operating manuals, or data from public domain sources, provided this data is acceptable to the NSPM. If found acceptable the data may then be used in particular applications for FSTD qualification.

(d) Data or other material or elements must be submitted in a form and manner acceptable to the NSPM.

(e) The NSPM may require additional objective data, which may include flight testing if necessary, if the validation data package does not support FSTD qualification requirements as described in this part and the applicable QPS appendix.

(f) When an FSTD sponsor learns, or is advised by an aircraft manufacturer or other data provider, that an addition to, an amendment to, or a revision of data that may relate to FSTD performance or handling characteristics is available, the sponsor must notify the NSPM as described in the applicable QPS.

§ 60.14 Special equipment and personnel requirements for qualification of the FSTD.

When notified by the NSPM, the sponsor must make available all special equipment and qualified personnel needed to accomplish or assist in the accomplishment of tests during initial qualification, continuing qualification, or special evaluations.

§ 60.15 Initial qualification requirements.

(a) For each FSTD, the sponsor must submit a request to the NSPM to evaluate the FSTD for initial qualification at a specific level and simultaneously request the Training Program Approval Authority (TPAA) forward a concurring letter to the NSPM. The request must be submitted in the form and manner described in the applicable QPS.

(b) The management representative described in § 60.9(c) must sign a statement (electronic signature is acceptable for electronic transmissions) after confirming the following:

(1) The performance and handling qualities of the FSTD represent those of the aircraft or set of aircraft within the normal operating envelope. This determination must be made by a pilot(s) meeting the requirements of paragraph (d) of this section after having flown all of the Operations Tasks listed in the applicable QPS appendix relevant to the qualification level of the FSTD. Exceptions, if any, must be noted. The name of the person(s) making this determination must be available to the NSPM upon request.

(2) The FSTD systems and sub-systems (including the simulated aircraft systems) functionally represent those in the aircraft or set of aircraft. This determination must be made by the pilot(s) described in paragraph (b)(1) of this section, or by a person(s) trained on simulator systems/sub-systems and trained on the operation of the simulated aircraft systems, after having exercised the operation of the FSTD and the pertinent functions available through the Instructor Operating Station(s). Exceptions, if any, must be noted. The name of the person(s) making this determination must be available to the NSPM upon request.

(3) The cockpit represents the configuration of the specific type; or aircraft make, model, and series aircraft being simulated, as appropriate. This determination must be made by the pilot(s) described in paragraph (b)(1) of this section, or by a person(s) trained on the configuration and operation of the aircraft simulated. Exceptions, if any, must be noted. The name of the person(s) making this determination must be available to the NSPM upon request.

(c) Except for those FSTDs previously qualified and described in § 60.17, each FSTD evaluated for initial qualification must meet the standard that is in effect at the time of the evaluation. However—

(1) If the FAA publishes a change to the existing standard or publishes a new standard for the evaluation for initial qualification, a sponsor may request that the NSPM apply the standard that was in effect when an FSTD was ordered for delivery if the sponsor—

(i) Within 30 days of the publication of the change to the existing standard or publication of the new standard, notifies the NSPM that an FSTD has been ordered;

(ii) Within 90 days of the NSPM notification described in paragraph (c)(1)(i) of this section, requests that the standard in effect at the time the order was placed be used for the evaluation for initial qualification; and

(iii) The evaluation is conducted within 24 months following the publication of the change to the existing standard or publication of the new standard.

(2) This notification must include a description of the FSTD; the anticipated qualification level of the FSTD; the make, model, and series of aircraft simulated; and any other pertinent information.

(3) Any tests, tolerances, or other requirements that are current at the time of the evaluation may be used during the initial evaluation, at the request of the sponsor, if the sponsor provides acceptable updates to the required qualification test guide.

(4) The standards used for the evaluation for initial qualification will be used for all subsequent evaluations of the FSTD.

(d) The pilot(s) who contributes to the confirmation statement required by paragraph (b) of this section must—

(1) Be designated by the sponsor; and

(2) Be qualified in—

(i) The aircraft or set of aircraft being simulated; or

(ii) For aircraft not yet issued a type certificate, or aircraft not previously operated by the sponsor or not having previous FAA-approved training programs conducted by the sponsor, an aircraft similar in size and configuration.

(e) The subjective tests that form the basis for the statements described in paragraph (b) of this section and the objective tests referenced in paragraph (f) of this section must be accomplished at the sponsor's training facility, except as provided for in the applicable QPS.

(f) The person seeking to qualify the FSTD must provide the NSPM access to the FSTD for the length of time necessary for the NSPM to complete the required evaluation of the FSTD for initial qualification, which includes the conduct and evaluation of objective and subjective tests, including general FSTD requirements, as described in the applicable QPS, to determine that the FSTD meets the standards in that QPS.

(g) When the FSTD passes an evaluation for initial qualification, the NSPM issues a Statement of Qualification that includes all of the following:

(1) Identification of the sponsor.

(2) Identification of the make, model, and series of the aircraft or set of aircraft being simulated.

(3) Identification of the configuration of the aircraft or set of aircraft being simulated (*e.g.*, engine model or models, flight instruments, or navigation or other systems).

(4) A statement that the FSTD is qualified as either a full flight simulator or a flight training device.

(5) Identification of the qualification level of the FSTD.

(6) A statement that (with the exception of the noted exclusions for which the FSTD has not been subjectively tested by the sponsor or the NSPM and for which qualification is not sought) the qualification of the FSTD includes the tasks set out in the applicable QPS appendix relevant to the qualification level of the FSTD.

(h) After the NSPM completes the evaluation for initial qualification, the sponsor must update the Qualification Test Guide (QTG), with the results of the FAA-witnessed tests together with the results of all the objective tests described in the applicable QPS.

(i) Upon issuance of the Statement of Qualification the updated QTG becomes the Master Qualification Test Guide (MQTG). The MQTG must be made available to the NSPM upon request.

§ 60.16 Additional qualifications for a currently qualified FSTD.

(a) A currently qualified FSTD is required to undergo an additional qualification process if a user intends to use the FSTD for meeting training, evaluation, or flight experience requirements of this chapter beyond the qualification issued for that FSTD. This process consists of the following:

(1) The sponsor:

(i) Must submit to the NSPM all modifications to the MQTG that are required to support the additional qualification.

(ii) Must describe to the NSPM all modifications to the FSTD that are required to support the additional qualification.

(iii) Must submit to the NSPM a confirmation statement as described in § 60.15(c) that a pilot, designated by the sponsor in accordance with § 60.15(d), has subjectively evaluated the FSTD in those areas not previously evaluated.

(2) The FSTD must successfully pass an evaluation—

(i) Consisting of all the elements of an initial evaluation for qualification in those circumstances where the NSPM has determined that all the elements of an initial evaluation for qualification is necessary; or

(ii) Consisting of those elements of an initial evaluation for qualification designated as necessary by the NSPM.

(b) In making the determinations described in paragraph (a)(2) of this section, the NSPM considers factors including the existing qualification of the FSTD, any modifications to the FSTD hardware or software that are involved, and any additions or modifications to the MQTG.

(c) The FSTD is qualified for the additional uses when the NSPM issues an amended Statement of Qualification in accordance with § 60.15(h).

(d) The sponsor may not modify the FSTD except as described in § 60.23.

§ 60.17 Previously qualified FSTDs.

(a) Unless otherwise specified by an FSTD Directive, further referenced in the applicable QPS, or as specified in paragraph (e) of this section, an FSTD qualified before October 30, 2007 will retain its qualification basis as long as it continues to meet the standards, including the objective test results recorded in the MQTG and subjective tests, under which it was originally evaluated, regardless of sponsor. The sponsor of such an FSTD must comply with the other applicable provisions of this part.

(b) For each FSTD qualified before October 30, 2007, no sponsor may use or allow the use of or offer the use of such an FSTD after October 30, 2013 for flight crewmember training, evaluation or flight experience to meet any of the requirements of this chapter, unless that FSTD has been issued a Statement of Qualification, including the Configuration List and the List of Qualified Tasks in accordance with the procedures set out in the applicable QPS.

(c) If the FSTD qualification is lost under § 60.27 and—

(i) Restored under § 60.27 in less than (2) years, then the qualification basis (in terms of objective tests and subjective tests) for the re-qualification will be those against which the FSTD was originally evaluated and qualified.

(ii) Not restored under § 60.27 for two (2) years or more, then the qualification basis (in terms of objective tests and subjective tests) for the re-qualification will be those standards in effect and current at the time of re-qualification application.

(d) Except as provided in paragraph (e) of this section, any change in FSTD qualification level initiated on or after October 30, 2007 requires an evaluation for initial qualification in accordance with this part.

(e) A sponsor may request that an FSTD be permanently downgraded. In such a case, the NSPM may downgrade a qualified FSTD without requiring and without conducting an initial evaluation for the new qualification level. Subsequent continuing qualification

evaluations will use the existing MQTG, modified as necessary to reflect the new qualification level.

(f) When the sponsor has appropriate validation data available and receives approval from the NSPM, the sponsor may adopt tests and associated tolerances described in the current qualification standards as the tests and tolerances applicable for the continuing qualification of a previously qualified FSTD. The updated test(s) and tolerance(s) must be made a permanent part of the MQTG.

§ 60.19 Inspection, continuing qualification evaluation, and maintenance requirements.

(a) *Inspection.* No sponsor may use or allow the use of or offer the use of an FSTD for flight crewmember training, evaluation, or flight experience to meet any of the requirements of this chapter unless the sponsor does the following:

(1) Accomplishes all appropriate objective tests each year as specified in the applicable QPS.

(2) Completes a functional preflight check within the preceding 24 hours.

(b) *Continuing qualification evaluation.*

(1) This evaluation consists of objective tests, and subjective tests, including general FSTD requirements, as described in the applicable QPS or as may be amended by an FSTD Directive.

(2) The sponsor must contact the NSPM to schedule the FSTD for continuing qualification evaluations not later than 60 days before the evaluation is due.

(3) The sponsor must provide the NSPM access to the objective test results in the MQTG and access to the FSTD for the length of time necessary for the NSPM to complete the required continuing qualification evaluations.

(4) The frequency of NSPM-conducted continuing qualification evaluations for each FSTD will be established by the NSPM and specified in the MQTG.

(5) Continuing qualification evaluations conducted in the calendar month before or after the calendar month in which these continuing qualification evaluations are required will be considered to have been conducted in the calendar month in which they were required.

(6) No sponsor may use or allow the use of or offer the use of an FSTD for flight crewmember training or evaluation or for obtaining flight experience for the flight crewmember to meet any requirement of this chapter unless the FSTD has passed an NSPM-conducted continuing qualification evaluation within the time frame specified in the MQTG or within the grace period as described in paragraph (b)(5) of this section.

(c) *Maintenance.* The sponsor is responsible for continuing corrective and preventive maintenance on the FSTD to ensure that it continues to meet the requirements of this part and the applicable QPS appendix. No sponsor may use or allow the use of or offer the use of an FSTD for flight crewmember training, evaluation, or flight experience to meet any of the requirements of this chapter unless the sponsor does the following:

(1) Maintains a discrepancy log.

(2) Ensures that, when a discrepancy is discovered, the following requirements are met:

(i) A description of each discrepancy is entered in the log and remains in the log until the discrepancy is corrected as specified in § 60.25(b).

(ii) A description of the corrective action taken for each discrepancy, the identity of the individual taking the action, and the date that action is taken is entered in the log.

(iii) The discrepancy log is kept in a form and manner acceptable to the Administrator and is kept in or adjacent to the FSTD. An electronic log that may be accessed by an appropriate terminal or display in or adjacent to the FSTD is satisfactory.

§ 60.20 Logging FSTD discrepancies.

Each instructor, check airman, or representative of the Administrator conducting training, evaluation, or flight experience, and each person conducting the preflight inspection who discovers a discrepancy, including any missing, malfunctioning, or inoperative components in the FSTD, must write or cause to be written a description of that discrepancy into the discrepancy log at the end of the FSTD preflight or FSTD use session.

§ 60.21 Interim qualification of FSTDs for new aircraft types or models.

(a) A sponsor may apply for and the NSPM may issue an interim qualification level for an FSTD for a new type or model of aircraft, even though the aircraft manufacturer's aircraft data package is preliminary, if the sponsor provides the following to the satisfaction of the NSPM—

(1) The aircraft manufacturer's data, which consists of at least predicted data, validated by a limited set of flight test data;

(2) The aircraft manufacturer's description of the prediction methodology used to develop the predicted data; and

(3) The QTG test results.

(b) An FSTD that has been issued interim qualification is deemed to have been issued initial qualification unless the NSPM rescinds the qualification. Interim qualification terminates two years after its issuance, unless the NSPM determines that specific conditions warrant otherwise.

(c) Within twelve months of the release of the final aircraft data package by the aircraft manufacturer, but no later than two years after the issuance of the interim qualification status, the sponsor must apply for initial qualification in accordance with § 60.15 based on the final aircraft data package approved by the aircraft manufacturer, unless the NSPM determines that specific conditions warrant otherwise.

(d) An FSTD with interim qualification may be modified only in accordance with § 60.23.

§ 60.23 Modifications to FSTDs.

(a) *Description of a modification.* For the purposes of this part, an FSTD is said to have been modified when:

(1) Equipment or devices intended to simulate aircraft appliances are added to or removed from FSTD, which change the Statement of Qualification or the MQTG; or

(2) Changes are made to either software or hardware that are intended to impact flight or ground dynamics; changes are made that impact performance or handling characteristics of the FSTD (including motion, visual, control loading, or sound systems for those FSTD levels requiring sound tests and measurements); or changes are made to the MQTG.

(b) *FSTD Directive.* When the FAA determines that FSTD modification is necessary for safety of flight reasons, the sponsor of each affected FSTD must ensure that the FSTD is modified according to the FSTD Directive regardless of the original qualification standards applicable to any specific FSTD.

(c) *Using the modified FSTD.* The sponsor may not use, or allow the use of, or offer the use of, the FSTD with the proposed modification for flight crewmember training or evaluation or for obtaining flight experience for the flight crewmember to meet any requirement of this chapter unless:

(1) The sponsor has notified the NSPM and the TPAA of their intent to incorporate the proposed modification, and one of the following has occurred;

(i) Twenty-one days have passed since the sponsor notified the NSPM and the TPAA of the proposed modification and the sponsor has not received any response from either the NSPM or the TPAA;

(ii) Twenty-one days have passed since the sponsor notified the NSPM

and the TPAA of the proposed modification and one has approved the proposed modification and the other has not responded;

(iii) Fewer than twenty-one days have passed since the sponsor notified the NSPM and the TPAA of the proposed modification and the NSPM and TPAA both approve the proposed modification;

(iv) The sponsor has successfully completed any evaluation the NSPM may require in accordance with the standards for an evaluation for initial qualification or any part thereof before the modified FSTD is placed in service.

(2) The notification is submitted with the content as, and in a form and manner as, specified in the applicable QPS.

(d) *User notification.* When a modification is made to an FSTD that affects the Statement of Qualification, the sponsor must post an addendum to the Statement of Qualification until such time as a permanent, updated statement is posted.

(e) *MQTG update.* The MQTG must be updated with current objective test results in accordance with § 60.15(h) and (i) and appropriate objective data in accordance with § 60.13, each time an FSTD is modified and an objective test or other MQTG section is affected by the modification. If an FSTD Directive is the cause of this update, the direction to make the modification and the record of the modification completion must be filed in the MQTG.

§ 60.25 Operation with missing, malfunctioning, or inoperative components.

(a) No person may knowingly use or allow the use of or misrepresent the capability of an FSTD for any maneuver, procedure, or task that is to be accomplished to meet training, evaluation, or flight experience requirements of this chapter for flight crewmember certification or qualification when there is a missing, malfunctioning, or inoperative (MMI) component that is required to be present and correctly operate for the satisfactory completion of that maneuver, procedure, or task.

(b) Each MMI component as described in paragraph (a) of this section, or any MMI component installed and required to operate correctly to meet the current Statement of Qualification, must be repaired or replaced within 30 calendar days, unless otherwise required or authorized by the NSPM.

(c) A list of the current MMI components must be readily available in or adjacent to the FSTD for review by users of the device. Electronic access to this list via an appropriate terminal or display in or adjacent to the FSTD is satisfactory. The discrepancy log may be used to satisfy this requirement provided each currently MMI component is listed in the discrepancy log.

§ 60.27 Automatic loss of qualification and procedures for restoration of qualification.

(a) An FSTD qualification is automatically lost when any of the following occurs:

(1) The FSTD is not used in the sponsor's FAA-approved flight training program in accordance with § 60.7(b)(5) or (b)(6) and the sponsor does not obtain and maintain the written statement as described in § 60.7(d)(2).

(2) The FSTD is not inspected in accordance with § 60.19.

(3) The FSTD is physically moved from one location and installed in a different location, regardless of distance.

(4) The MQTG is missing or otherwise not available and a replacement is not made within 30 days.

(b) If FSTD qualification is lost under paragraph (a) of this section, qualification is restored when either of the following provisions is met:

(1) The FSTD successfully passes an evaluation:

(i) For initial qualification, in accordance with §§ 60.15 and 60.17(c) in those circumstances where the NSPM has determined that a full evaluation for initial qualification is necessary; or

(ii) For those elements of an evaluation for initial qualification, in accordance with §§ 60.15 and 60.17(c), as determined to be necessary by the NSPM.

(2) The NSPM advises the sponsor that an evaluation is not necessary.

(c) In making the determinations described in paragraph (b) of this section, the NSPM considers factors including the number of continuing qualification evaluations missed, the number of sponsor-conducted quarterly inspections missed, and the care that had been taken of the device since the last evaluation.

§ 60.29 Other losses of qualification and procedures for restoration of qualification.

(a) Except as provided in paragraph (c) of this section, when the NSPM determines that the FSTD no longer meets qualification standards, the following procedure applies:

(1) The NSPM notifies the sponsor in writing that the FSTD no longer meets some or all of its qualification standards.

(2) The NSPM sets a reasonable period (but not less than 7 days) within which the sponsor may submit written information, views, and arguments on the FSTD qualification.

(3) After considering all material presented, the NSPM notifies the sponsor about the determination with regard to the qualification of the FSTD.

(4) When the NSPM notifies the sponsor that some or all of the FSTD is no longer qualified, the action described in the notification becomes effective not less than 30 days after the sponsor receives that notice unless—

(i) The NSPM finds under paragraph (c) of this section that there is an emergency requiring immediate action with respect to safety in air commerce; or

(ii) The sponsor petitions the Director of Flight Standards Service for reconsideration of the NSPM finding under paragraph (b) of this section.

(b) When a sponsor seeks reconsideration of a decision from the NSPM concerning the FSTD qualification, the following procedure applies:

(1) The sponsor must petition for reconsideration of that decision within 30 days of the date that the sponsor receives a notice that some or all of the FSTD is no longer qualified.

(2) The sponsor must address its petition to the Director, Flight Standards Service, AFS–1, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591.

(3) A petition for reconsideration, if filed within the 30-day period, suspends the effectiveness of the determination by the NSPM that the FSTD is no longer qualified unless the NSPM has found, under paragraph (c) of this section, that an emergency exists requiring immediate action with respect to safety in air commerce.

(c) If the NSPM find that an emergency exists requiring immediate action with respect to safety in air commerce that makes the procedures set out in this section impracticable or contrary to the public interest:

(1) The NSPM withdraws qualification of some or all of the FSTD and makes the withdrawal of qualification effective on the day the sponsor receives notice of it.

(2) In the notice to the sponsor, the NSPM articulates the reasons for its finding that an emergency exists requiring immediate action with respect to safety in air transportation or air commerce or that makes it impracticable or contrary to the public interest to stay the effectiveness of the finding.

(d) FSTD qualification lost under paragraph (a) or (c) of this section may be restored when either of the following provisions are met:

(1) The FSTD successfully passes an evaluation for initial qualification, in accordance with §§ 60.15 and 60.17(c)

in those circumstances where the NSPM has determined that a full evaluation for initial qualification is necessary; or

(2) The FSTD successfully passes an evaluation for those elements of an initial qualification evaluation, in accordance with §§ 60.15 and 60.17(c), as determined to be necessary by the NSPM.

(e) In making the determinations described in paragraph (d) of this section, the NSPM considers factors including the reason for the loss of qualification, any repairs or replacements that may have to have been completed, the number of continuing qualification evaluations missed, the number of sponsor-conducted quarterly inspections missed, and the care that had been taken of the device since the loss of qualification.

§ 60.31 Recordkeeping and reporting.

(a) The FSTD sponsor must maintain the following records for each FSTD it sponsors:

(1) The MQTG and each amendment thereto.

(2) A record of all FSTD modifications affected under § 60.23 since the issuance of the original Statement of Qualification.

(3) A copy of all of the following:

(i) Results of the qualification evaluations (initial and each upgrade) since the issuance of the original Statement of Qualification.

(ii) Results of the objective tests conducted in accordance with § 60.19(a) for a period of 2 years.

(iii) Results of the previous three continuing qualification evaluations, or the continuing qualification evaluations from the previous 2 years, whichever covers a longer period.

(iv) Comments obtained in accordance with § 60.9(b) for a period of at least 90 days.

(4) A record of all discrepancies entered in the discrepancy log over the previous 2 years, including the following:

(i) A list of the components or equipment that were or are missing, malfunctioning, or inoperative.

(ii) The action taken to correct the discrepancy.

(iii) The date the corrective action was taken.

(iv) The identity of the person determining that the discrepancy has been corrected.

(b) The records specified in this section must be maintained in plain language form or in coded form if the coded form provides for the preservation and retrieval of information in a manner acceptable to the NSPM.

§ 60.33 Applications, logbooks, reports, and records: Fraud, falsification, or incorrect statements.

(a) No person may make, or cause to be made, any of the following:

(1) A fraudulent or intentionally false statement in any application or any amendment thereto, or any other report or test result required by this part.

(2) A fraudulent or intentionally false statement in or a known omission from any record or report that is kept, made, or used to show compliance with this part, or to exercise any privileges under this chapter.

(3) Any reproduction or alteration, for fraudulent purpose, of any report, record, or test result required under this part.

(b) The commission by any person of any act prohibited under paragraph (a) of this section is a basis for any one or any combination of the following:

(1) A civil penalty.

(2) Suspension or revocation of any certificate held by that person that was issued under this chapter.

(3) The removal of FSTD qualification and approval for use in a training program.

(c) The following may serve as a basis for removal of qualification of an FSTD including the withdrawal of approval for use of an FSTD; or denying an application for a qualification:

(1) An incorrect statement, upon which the FAA relied or could have relied, made in support of an application for a qualification or a request for approval for use.

(2) An incorrect entry, upon which the FAA relied or could have relied, made in any logbook, record, or report that is kept, made, or used to show compliance with any requirement for an FSTD qualification or an approval for use.

§ 60.35 Specific full flight simulator compliance requirements.

(a) No device will be eligible for initial or upgrade qualification to a FFS at Level C or Level D under this part unless it includes the equipment and appliances installed and operating to the extent necessary for the issuance of an airman certificate or rating.

(b) No device will be eligible for initial or upgrade qualification to a FFS at Level A or Level B under this part unless it includes the equipment and appliances installed and operating to the extent necessary for the training, testing, and/or checking that comprise the simulation portion of the requirements for issuance of an airman certificate or rating.

§ 60.37 FSTD qualification on the basis of a Bilateral Aviation Safety Agreement (BASA).

(a) The evaluation and qualification of an FSTD by a contracting State to the Convention on International Civil Aviation for the sponsor of an FSTD located in that contracting State may be used as the basis for issuing a U.S. statement of qualification (see applicable QPS, attachment 4, figure 4) by the NSPM to the sponsor of that FSTD in accordance with—

(1) A BASA between the United States and the Contracting State that issued the original qualification; and

(2) A Simulator Implementation Procedure (SIP) established under the BASA.

(b) The SIP must contain any conditions and limitations on validation and issuance of such qualification by the U.S.

Appendix A to Part 60—Qualification Performance Standards for Airplane Full Flight Simulators

Begin Information

This appendix establishes the standards for Airplane Full Flight Simulator (FFS) evaluation and qualification. The Flight Standards Service, National Simulator Program Manager (NSPM), is responsible for the development, application, and implementation of the standards contained within this appendix. The procedures and criteria specified in this appendix will be used by the NSPM, or a person assigned by the NSPM, when conducting airplane FFS evaluations.

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12. Additional Qualifications for a Currently Qualified Simulator (§ 60.16).
13. Previously Qualified Simulators (§ 60.17).
14. Inspection, Continuing Qualification Evaluation, and Maintenance Requirements (§ 60.19).
15. Logging Simulator Discrepancies (§ 60.20).
16. Interim Qualification of Simulators for New Airplane Types or Models (§ 60.21).
17. Modifications to Simulators (§ 60.23).

18. Operations with Missing, Malfunctioning, or Inoperative Components (§ 60.25).
19. Automatic Loss of Qualification and Procedures for Restoration of Qualification (§ 60.27).
20. Other Losses of Qualification and Procedures for Restoration of Qualification (§ 60.29).
21. Record keeping and Reporting (§ 60.31).
22. Applications, Logbooks, Reports, and Records: Fraud, Falsification, or Incorrect Statements (§ 60.33).
23. Specific Full Flight Simulator Compliance Requirements (§ 60.35).
24. [Reserved]
25. FSTD Qualification on the Basis of a Bilateral Aviation Safety Agreement (BASA) (§ 60.37).

Attachment 1 to Appendix A to Part 60—General Simulator Requirements.
Attachment 2 to Appendix A to Part 60—Full Flight Simulator (FFS) Objective Test.
Attachment 3 to Appendix A to Part 60—Simulator Subjective Evaluation.
Attachment 4 to Appendix A to Part 60—Sample Documents.
Attachment 5 to Appendix A to Part 60—Simulator Qualification Requirements for Windshear Training Program Use.

End Information

1. Introduction

Begin Information

a. This appendix contains background information as well as regulatory and informative material as described later in this section. To assist the reader in determining what areas are required and what areas are permissive, the text in this appendix is divided into two sections: ''QPS Requirements'' and ''Information.'' The QPS Requirements sections contain details regarding compliance with the part 60 rule language. These details are regulatory, but are found only in this appendix. The Information sections contain material that is advisory in nature, and designed to give the user general information about the regulation.

b. Related Reading References.
(1) 14 CFR part 60.
(2) 14 CFR part 61.
(3) 14 CFR part 63.
(4) 14 CFR part 119.
(5) 14 CFR part 121.
(6) 14 CFR part 125.
(7) 14 CFR part 135.
(8) 14 CFR part 141.
(9) 14 CFR part 142.
(10) Advisory Circular (AC) 120–28C, Criteria for Approval of Category III Landing Weather Minima.
(11) AC 120–29, Criteria for Approving Category I and Category II Landing Minima for part 121 operators.
(12) AC 120–35B, Line Operational Simulations: Line-Oriented Flight Training, Special Purpose Operational Training, Line Operational Evaluation.
(13) AC 120–41, Criteria for Operational Approval of Airborne Wind Shear Alerting and Flight Guidance Systems.
(14) AC 120–57A, Surface Movement Guidance and Control System (SMGS).
(15) AC 150/5300–13, Airport Design.
(16) AC 150/5340–1G, Standards for Airport Markings.
(17) AC 150/5340–4C, Installation Details for Runway Centerline Touchdown Zone Lighting Systems.
(18) AC 150/5340–19, Taxiway Centerline Lighting System.
(19) AC 150/5340–24, Runway and Taxiway Edge Lighting System.
(20) AC 150/5345–28D, Precision Approach Path Indicator (PAPI) Systems
(21) International Air Transport Association document, ''Flight Simulator Design and Performance Data Requirements,'' as amended.
(22) AC 25–7, as amended, Flight Test Guide for Certification of Transport Category Airplanes.
(23) AC 23–8A, as amended, Flight Test Guide for Certification of Part 23 Airplanes.
(24) International Civil Aviation Organization (ICAO) Manual of Criteria for the Qualification of Flight Simulators, as amended.
(25) Airplane Flight Simulator Evaluation Handbook, Volume I, as amended and Volume II, as amended, The Royal Aeronautical Society, London, UK.
(26) FAA Publication FAA–S–8081 series (Practical Test Standards for Airline Transport Pilot Certificate, Type Ratings, Commercial Pilot, and Instrument Ratings).
(27) The FAA Aeronautical Information Manual (AIM). An electronic version of the AIM is on the internet at *http://www.faa.gov/atpubs.*

End Information

2. Applicability (§§ 60.1 & 60.2)

Begin Information

There is no additional regulatory or informational material that applies to § 60.1, Applicability, or to § 60.2, Applicability of sponsor rules to persons who are not sponsors and who are engaged in certain unauthorized activities.

End Information

3. Definitions (§ 60.3)

Begin Information

See appendix F for a list of definitions and abbreviations from part 1 and part 60, including the appropriate appendices of part 60.

End Information

4. Qualification Performance Standards (§ 60.4)

Begin Information

There is no additional regulatory or informational material that applies to § 60.4, Qualification Performance Standards.

End Information

5. Quality Management System (§ 60.5)

Begin Information

See appendix E for additional regulatory and informational material regarding Quality Management Systems.

End Information

6. Sponsor Qualification Requirements (§ 60.7)

Begin Information

a. The intent of the language in § 60.7(b) is to have a specific FFS, identified by the sponsor, used at least once in an FAA-approved flight training program for the airplane simulated during the 12-month period described. The identification of the specific FFS may change from one 12-month period to the next 12-month period as long as that sponsor sponsors and uses at least one FFS at least once during the prescribed period. There is no minimum number of hours or minimum FFS periods required.

b. The following examples describe acceptable operational practices:

(1) Example One.

(a) A sponsor is sponsoring a single, specific FFS for its own use, in its own facility or elsewhere—this single FFS forms the basis for the sponsorship. The sponsor uses that FFS at least once in each 12-month period in that sponsor's FAA-approved flight training program for the airplane simulated. This 12-month period is established according to the following schedule:

(i) If the FFS was qualified prior to October 30, 2007 the 12-month period begins on the date of the first continuing qualification evaluation conducted in accordance with § 60.19 after October 30, 2007 and continues for each subsequent 12-month period;

(ii) A device qualified on or after October 30, 2007 will be required to undergo an initial or upgrade evaluation in accordance with § 60.15. Once the initial or upgrade evaluation is complete, the first continuing qualification evaluation will be conducted within 6 months. The 12 month continuing qualification evaluation cycle begins on that date and continues for each subsequent 12-month period.

(b) There is no minimum number of hours of FFS use required.

(c) The identification of the specific FFS may change from one 12-month period to the next 12-month period as long as that sponsor sponsors and uses at least one FFS at least once during the prescribed period.

(2) Example Two.

(a) A sponsor sponsors an additional number of FFSs, in its facility or elsewhere. Each additionally sponsored FFS must be—

(i) Used by the sponsor in the sponsor's FAA-approved flight training program for the airplane simulated (as described in § 60.7(d)(1));

OR

(ii) Used by another FAA certificate holder in that other certificate holder's FAA-

approved flight training program for the airplane simulated (as described in § 60.7(d)(1)). This 12-month period is established in the same manner as in example one.

OR

(iii) Provided a statement each year from a qualified pilot, (after having flown the airplane, not the subject FFS or another FFS, during the preceding 12-month period) stating that the subject FFSs performance and handling qualities represent the airplane (as described in § 60.7(d)(2)). This statement is provided at least once in each 12-month period established in the same manner as in example one.

(b) There is no minimum number of hours of FFS use required.

(3) Example Three.

(a) A sponsor in New York (in this example, a Part 142 certificate holder) establishes ''satellite'' training centers in Chicago and Moscow.

(b) The satellite function means that the Chicago and Moscow centers must operate under the New York center's certificate (in accordance with all of the New York center's practices, procedures, and policies; *e.g.*, instructor and/or technician training/checking requirements, record keeping, QMS program).

(c) All of the FFSs in the Chicago and Moscow centers could be dry-leased (i.e., the certificate holder does not have and use FAA-approved flight training programs for the FFSs in the Chicago and Moscow centers) because—

(i) Each FFS in the Chicago center and each FFS in the Moscow center is used at least once each 12-month period by another FAA certificate holder in that other certificate holder's FAA-approved flight training program for the airplane (as described in § 60.7(d)(1));

OR

(ii) A statement is obtained from a qualified pilot (having flown the airplane, not the subject FFS or another FFS during the preceding 12-month period) stating that the performance and handling qualities of each FFS in the Chicago and Moscow centers represents the airplane (as described in § 60.7(d)(2)).

End Information

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7. Additional Responsibilities of the Sponsor (§ 60.9)

Begin Information

The phrase ''as soon as practicable'' in § 60.9(a) means without unnecessarily disrupting or delaying beyond a reasonable time the training, evaluation, or experience being conducted in the FSTD.

End Information

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8. Simulator Use (§ 60.11)

Begin Information

There is no additional regulatory or informational material that applies to § 60.11, Simulator Use.

End Information

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9. Simulator Objective Data Requirements (§ 60.13)

Begin QPS Requirements

a. Flight test data used to validate FFS performance and handling qualities must have been gathered in accordance with a flight test program containing the following:

(1) A flight test plan consisting of:

(a) The maneuvers and procedures required for aircraft certification and simulation programming and validation

(b) For each maneuver or procedure—

(i) The procedures and control input the flight test pilot and/or engineer used.

(ii) The atmospheric and environmental conditions.

(iii) The initial flight conditions.

(iv) The airplane configuration, including weight and center of gravity.

(v) The data to be gathered.

(vi) All other information necessary to recreate the flight test conditions in the FFS.

(2) Appropriately qualified flight test personnel.

(3) An understanding of the accuracy of the data to be gathered using appropriate alternative data sources, procedures, and instrumentation that is traceable to a recognized standard as described in Attachment 2, Table A2D.

(4) Appropriate and sufficient data acquisition equipment or system(s), including appropriate data reduction and analysis methods and techniques, as would be acceptable to the FAA's Aircraft Certification Service.

b. The data, regardless of source, must be presented:

(1) In a format that supports the FFS validation process;

(2) In a manner that is clearly readable and annotated correctly and completely;

(3) With resolution sufficient to determine compliance with the tolerances set forth in Attachment 2, Table A2A of this appendix.

(4) With any necessary instructions or other details provided, such as yaw damper or throttle position; and

(5) Without alteration, adjustments, or bias; however the data may be re-scaled, digitized, or otherwise manipulated to fit the desired presentation.

c. After completion of any additional flight test, a flight test report must be submitted in support of the validation data. The report must contain sufficient data and rationale to support qualification of the FFS at the level requested.

d. As required by § 60.13(f), the sponsor must notify the NSPM when it becomes aware that an addition to, an amendment to, or a revision of data that may relate to FFS performance or handling characteristics is available. The data referred to in this paragraph are those data that are used to validate the performance, handling qualities, or other characteristics of the aircraft, including data related to any relevant changes occurring after the type certificate was issued. This notification must be made within 10 working days.

End QPS Requirements

Begin Information

e. The FFS sponsor is encouraged to maintain a liaison with the manufacturer of the aircraft being simulated (or with the holder of the aircraft type certificate for the aircraft being simulated if the manufacturer is no longer in business), and, if appropriate, with the person having supplied the aircraft data package for the FFS in order to facilitate the notification required by § 60.13(f).

f. It is the intent of the NSPM that for new aircraft entering service, at a point well in advance of preparation of the Qualification Test Guide (QTG), the sponsor should submit to the NSPM for approval, a descriptive document (a validation data roadmap) containing the plan for acquiring the validation data, including data sources. This document should clearly identify sources of data for all required tests, a description of the validity of these data for a specific engine type and thrust rating configuration, and the revision levels of all avionics affecting the performance or flying qualities of the aircraft. Additionally, this document should provide other information, such as the rationale or explanation for cases where data or data parameters are missing, instances where engineering simulation data are used or where flight test methods require further explanations. It should also provide a brief narrative describing the cause and effect of any deviation from data requirements. The aircraft manufacturer may provide this document.

g. There is no requirement for any flight test data supplier to submit a flight test plan or program prior to gathering flight test data. However, the NSPM notes that inexperienced data gatherers often provide data that is irrelevant, improperly marked, or lacking adequate justification for selection. Other problems include inadequate information regarding initial conditions or test maneuvers. The NSPM has been forced to refuse these data submissions as validation data for an FFS evaluation. It is for this reason that the NSPM recommends that any data supplier not previously experienced in this area review the data necessary for programming and for validating the performance of the FFS, and discuss the flight test plan anticipated for acquiring such data with the NSPM well in advance of commencing the flight tests.

h. In those cases where the objective test results authorize a ''snapshot test'' or a ''series of snapshot test'' results in lieu of a time-history result, Attachment 2 requires the sponsor or other data provider to ensure that a steady state condition exists at the instant of time captured by the ''snapshot.'' This is often verified by showing that a steady state condition existed from some period of time during which the snap shot is taken. The time period most frequently used is 5 seconds prior through 2 seconds following the instant of time captured by the snap shot. This paragraph is primarily addressing the source data and the method by which the data provider ensures that the steady state condition for the snap shot is representative.

i. The NSPM will consider, on a case-by-case basis, whether or not to approve

supplemental validation data derived from flight data recording systems such as a Quick Access Recorder or Flight Data Recorder.

End Information

10. Special Equipment and Personnel Requirements for Qualification of the Simulator (§ 60.14)

Begin Information

a. In the event that the NSPM determines that special equipment or specifically qualified persons will be required to conduct an evaluation, the NSPM will make every attempt to notify the sponsor at least one (1) week, but in no case less than 72 hours, in advance of the evaluation. Examples of special equipment include spot photometers, flight control measurement devices, and sound analyzers. Examples of specially qualified personnel include individuals specifically qualified to install or use any special equipment when its use is required.

b. Examples of a special evaluation include an evaluation conducted after an FFS is moved, at the request of the TPAA, or as a result of comments received from FFS that raise questions regarding the continued qualification or use of the FFS.

End Information

11. Initial (and Upgrade) Qualification Requirements (§ 60.15)

Begin QPS Requirements

a. In order to be qualified at a particular qualification level, the FFS must:

(1) Meet the general requirements listed in Attachment 1;

(2) Meet the objective testing requirements listed in Attachment 2; and

(3) Satisfactorily accomplish the subjective tests listed in Attachment 3.

b. The request described in § 60.15(a) must include all of the following:

(1) A statement that the FFS meets all of the applicable provisions of this part and all applicable provisions of the QPS.

(2) A confirmation that the sponsor will forward to the NSPM the statement described in § 60.15(b) in such time as to be received no later than 5 business days prior to the scheduled evaluation and may be forwarded to the NSPM via traditional or electronic means.

(3) A qualification test guide (QTG), acceptable to the NSPM, that includes all of the following:

(i) Objective data obtained from aircraft testing or another approved source.

(ii) Correlating objective test results obtained from the performance of the FFS as prescribed in the applicable QPS.

(iii) The result of FFS subjective tests prescribed in the applicable QPS.

(iv) A description of the equipment necessary to perform the evaluation for initial qualification and the continuing qualification evaluations.

c. The QTG described in paragraph (a)(3) of this section, must provide the documented proof of compliance with the simulator objective tests in Attachment 2, Table A2A of this appendix.

d. The QTG is prepared and submitted by the sponsor, or the sponsor's agent on behalf of the sponsor, to the NSPM for review and approval, and must include, for each objective test:

(1) Parameters, tolerances, and flight conditions;

(2) Pertinent and complete instructions for the conduct of automatic and manual tests;

(3) A means of comparing the FFS test results to the objective data;

(4) Any other information as necessary, to assist in the evaluation of the test results;

(5) Other information appropriate to the qualification level of the FFS.

e. The QTG described in paragraphs (a)(3) and (b) of this section, must include the following:

(1) A QTG cover page with sponsor and FAA approval signature blocks (see Attachment 4, Figure A4C, for a sample QTG cover page).

(2) A continuing qualification evaluation requirements page. This page will be used by the NSPM to establish and record the frequency with which continuing qualification evaluations must be conducted and any subsequent changes that may be determined by the NSPM in accordance with § 60.19. See Attachment 4, Figure A4G, for a sample Continuing Qualification Evaluation Requirements page.

(3) A FFS information page that provides the information listed in this paragraph (see Attachment 4, Figure A4B, for a sample FFS information page). For convertible FFSs, the sponsor must submit a separate page for each configuration of the FFS.

(a) The sponsor's FFS identification number or code.

(b) The airplane model and series being simulated.

(c) The aerodynamic data revision number or reference.

(d) The engine model(s) and its data revision number or reference.

(e) The flight control data revision number or reference.

(f) The flight management system identification and revision level.

(g) The FFS model and manufacturer.

(h) The date of FFS manufacture.

(i) The FFS computer identification.

(j) The visual system model and manufacturer, including display type.

(k) The motion system type and manufacturer, including degrees of freedom.

(4) A Table of Contents.

(5) A log of revisions and a list of effective pages.

(6) List of all relevant data references.

(7) A glossary of terms and symbols used (including sign conventions and units).

(8) Statements of compliance and capability (SOCs) with certain requirements. SOCs must provide references to the sources of information that show the capability of the FFS to comply with the requirements. SOCs must also provide a rationale explaining how the referenced material is used, the mathematical equations and parameter values used, and the conclusions reached. Refer to the ''Additional Details'' column in Attachment 1, Table A1A, ''Simulator Standards,'' or in the ''Test Details'' column in Attachment 2, Table A2A, ''Simulator Objective Tests,'' to see when SOCs are required.

(9) Recording procedures or equipment required to accomplish the objective tests.

(10) The following information for each objective test designated in Attachment 2, Table A2A, as applicable to the qualification level sought:

(a) Name of the test.

(b) Objective of the test.

(c) Initial conditions.

(d) Manual test procedures.

(e) Automatic test procedures (if applicable).

(f) Method for evaluating FFS objective test results.

(g) List of all relevant parameters driven or constrained during the automatically conducted test(s).

(h) List of all relevant parameters driven or constrained during the manually conducted test(s).

(i) Tolerances for relevant parameters.

(j) Source of Validation Data (document and page number).

(k) Copy of the Validation Data (if located in a separate binder, a cross reference for the identification and page number for pertinent data location must be provided).

(l) Simulator Objective Test Results as obtained by the sponsor. Each test result must reflect the date completed and must be clearly labeled as a product of the device being tested.

f. A convertible FFS is addressed as a separate FFS for each model and series airplane to which it will be converted and for the FAA qualification level sought. If a sponsor seeks qualification for two or more models of an airplane type using a convertible FFS, the sponsor must submit a QTG for each airplane model, or a supplemented QTG for each airplane model. The NSPM will conduct evaluations for each airplane model.

g. Form and manner of presentation of objective test results in the QTG:

(1) The sponsor's FFS test results must be recorded in a manner acceptable to the NSPM, that allows easy comparison of the FFS test results to the validation data (*e.g.*, use of a multi-channel recorder, line printer, cross plotting, overlays, transparencies).

(2) FFS results must be labeled using terminology common to airplane parameters as opposed to computer software identifications.

(3) Validation data documents included in a QTG may be photographically reduced only if such reduction will not alter the graphic scaling or cause difficulties in scale interpretation or resolution.

(4) Scaling on graphical presentations must provide the resolution necessary to evaluate the parameters shown in Attachment 2, Table A2A of this appendix.

(5) Tests involving time histories, data sheets (or transparencies thereof) and FFS test results must be clearly marked with appropriate reference points to ensure an accurate comparison between the FFS and the airplane with respect to time. Time histories recorded via a line printer are to be

clearly identified for cross plotting on the airplane data. Over-plots must not obscure the reference data.

h. The sponsor may elect to complete the QTG objective and subjective tests at the manufacturer's facility or at the sponsor's training facility. If the tests are conducted at the manufacturer's facility, the sponsor must repeat at least one-third of the tests at the sponsor's training facility in order to substantiate FFS performance. The QTG must be clearly annotated to indicate when and where each test was accomplished. Tests conducted at the manufacturer's facility and at the sponsor's training facility must be conducted after the FFS is assembled with systems and sub-systems functional and operating in an interactive manner. The test results must be submitted to the NSPM.

i. The sponsor must maintain a copy of the MQTG at the FFS location.

j. All FFSs for which the initial qualification is conducted after October 30, 2013 must have an electronic MQTG (eMQTG) including all objective data obtained from airplane testing, or another approved source (reformatted or digitized), together with correlating objective test results obtained from the performance of the FFS (reformatted or digitized) as prescribed in this appendix. The eMQTG must also contain the general FFS performance or demonstration results (reformatted or digitized) prescribed in this appendix, and a description of the equipment necessary to perform the initial qualification evaluation and the continuing qualification evaluations. The eMQTG must include the original validation data used to validate FFS performance and handling qualities in either the original digitized format from the data supplier or an electronic scan of the original time-history plots that were provided by the data supplier. A copy of the eMQTG must be provided to the NSPM.

k. All other FFSs not covered in subparagraph ''j'' must have an electronic copy of the MQTG by October 30, 2013. A copy of the eMQTG must be provided to the NSPM. This may be provided by an electronic scan presented in a Portable Document File (PDF), or similar format acceptable to the NSPM.

End QPS Requirements

Begin Information

l. Only those FFSs that are sponsored by a certificate holder as defined in appendix F will be evaluated by the NSPM. However, other FFS evaluations may be conducted on a case-by-case basis as the Administrator deems appropriate, but only in accordance with applicable agreements.

m. The NSPM will conduct an evaluation for each configuration, and each FFS must be evaluated as completely as possible. To ensure a thorough and uniform evaluation, each FFS is subjected to the general simulator requirements in Attachment 1, the objective tests listed in Attachment 2, and the subjective tests listed in Attachment 3 of this appendix. The evaluations described herein will include, but not necessarily be limited to the following:

(1) Airplane responses, including longitudinal and lateral-directional control responses (see Attachment 2 of this appendix);

(2) Performance in authorized portions of the simulated airplane's operating envelope, to include tasks evaluated by the NSPM in the areas of surface operations, takeoff, climb, cruise, descent, approach, and landing as well as abnormal and emergency operations (see Attachment 2 of this appendix);

(3) Control checks (see Attachment 1 and Attachment 2 of this appendix);

(4) Cockpit configuration (see Attachment 1 of this appendix);

(5) Pilot, flight engineer, and instructor station functions checks (see Attachment 1 and Attachment 3 of this appendix);

(6) Airplane systems and sub-systems (as appropriate) as compared to the airplane simulated (see Attachment 1 and Attachment 3 of this appendix);

(7) FFS systems and sub-systems, including force cueing (motion), visual, and aural (sound) systems, as appropriate (see Attachment 1 and Attachment 2 of this appendix); and

(8) Certain additional requirements, depending upon the qualification level sought, including equipment or circumstances that may become hazardous to the occupants. The sponsor may be subject to Occupational Safety and Health Administration requirements.

n. The NSPM administers the objective and subjective tests, which includes an examination of functions. The tests include a qualitative assessment of the FFS by an NSP pilot. The NSP evaluation team leader may assign other qualified personnel to assist in accomplishing the functions examination and/or the objective and subjective tests performed during an evaluation when required.

(1) Objective tests provide a basis for measuring and evaluating FFS performance and determining compliance with the requirements of this part.

(2) Subjective tests provide a basis for:

(a) Evaluating the capability of the FFS to perform over a typical utilization period;

(b) Determining that the FFS satisfactorily simulates each required task;

(c) Verifying correct operation of the FFS controls, instruments, and systems; and

(d) Demonstrating compliance with the requirements of this part.

o. The tolerances for the test parameters listed in Attachment 2 of this appendix reflect the range of tolerances acceptable to the NSPM for FFS validation and are not to be confused with design tolerances specified for FFS manufacture. In making decisions regarding tests and test results, the NSPM relies on the use of operational and engineering judgment in the application of data (including consideration of the way in which the flight test was flown and way the data was gathered and applied) data presentations, and the applicable tolerances for each test.

p. In addition to the scheduled continuing qualification evaluation, each FFS is subject to evaluations conducted by the NSPM at any time without prior notification to the sponsor. Such evaluations would be accomplished in a normal manner (i.e., requiring exclusive use of the FFS for the conduct of objective and subjective tests and an examination of functions) if the FFS is not being used for flight crewmember training, testing, or checking. However, if the FFS were being used, the evaluation would be conducted in a non-exclusive manner. This non-exclusive evaluation will be conducted by the FFS evaluator accompanying the check airman, instructor, Aircrew Program Designee (APD), or FAA inspector aboard the FFS along with the student(s) and observing the operation of the FFS during the training, testing, or checking activities.

q. Problems with objective test results are handled as follows:

(1) If a problem with an objective test result is detected by the NSP evaluation team during an evaluation, the test may be repeated or the QTG may be amended.

(2) If it is determined that the results of an objective test do not support the level requested but do support a lower level, the NSPM may qualify the FFS at that lower level. For example, if a Level D evaluation is requested and the FFS fails to meet sound test tolerances, it could be qualified at Level C.

r. After an FFS is successfully evaluated, the NSPM issues a statement of qualification (SOQ) to the sponsor. The NSPM recommends the FFS to the TPAA, who will approve the FFS for use in a flight training program. The SOQ will be issued at the satisfactory conclusion of the initial or continuing qualification. However, it is the sponsor's responsibility to obtain TPAA approval prior to using the FSTD in an FAA-approved flight training program.

s. Under normal circumstances, the NSPM establishes a date for the initial or upgrade evaluation within ten (10) working days after determining that a complete QTG is acceptable. Unusual circumstances may warrant establishing an evaluation date before this determination is made. A sponsor may schedule an evaluation date as early as 6 months in advance. However, there may be a delay of 45 days or more in rescheduling and completing the evaluation if the sponsor is unable to meet the scheduled date. See Attachment 4, Figure A4A, Sample Request for Initial, Upgrade, or Reinstatement Evaluation.

t. The numbering system used for objective test results in the QTG should closely follow the numbering system set out in Attachment 2, FFS Objective Tests, Table A2A.

u. Contact the NSPM or visit the NSPM Web site for additional information regarding the preferred qualifications of pilots used to meet the requirements of § 60.15(d).

v. Examples of the exclusions for which the FFS might not have been subjectively tested by the sponsor or the NSPM and for which qualification might not be sought or granted, as described in § 60.15(g)(6), include windshear training and circling approaches.

End Information

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12. Additional Qualifications for a Currently Qualified Simulator (§ 60.16)

There is no additional regulatory or informational material that applies to § 60.16,

Additional Qualifications for a Currently Qualified FFS.

13. Previously Qualified Simulators (§ 60.17)

Begin QPS Requirements

a. In instances where a sponsor plans to remove a FFS from active status for a period of less than two years, the following procedures apply:

(1) The NSPM must be notified in writing and the notification must include an estimate of the period that the FFS will be inactive;

(2) Continuing Qualification evaluations will not be scheduled during the inactive period;

(3) The NSPM will remove the FFS from the list of qualified FSTDs on a mutually established date not later than the date on which the first missed continuing qualification evaluation would have been scheduled;

(4) Before the FFS is restored to qualified status, it must be evaluated by the NSPM. The evaluation content and the time required to accomplish the evaluation is based on the number of continuing qualification evaluations and sponsor-conducted quarterly inspections missed during the period of inactivity.

(5) The sponsor must notify the NSPM of any changes to the original scheduled time out of service;

b. Simulators qualified prior to October 30, 2007, are not required to meet the general simulation requirements, the objective test requirements, and the subjective test requirements of attachments 1, 2, and 3, respectively, of this appendix.

c. [Reserved]

End QPS Requirements

Begin Information

d. Other certificate holders or persons desiring to use an FFS may contract with FFS sponsors to use FFSs previously qualified at a particular level for an airplane type and approved for use within an FAA-approved flight training program. Such FFSs are not required to undergo an additional qualification process, except as described in § 60.16.

e. Each FFS user must obtain approval from the appropriate TPAA to use any FFS in an FAA-approved flight training program.

f. The intent of the requirement listed in § 60.17(b), for each FFS to have a Statement of Qualification within 6 years, is to have the availability of that statement (including the configuration list and the limitations to authorizations) to provide a complete picture of the FFS inventory regulated by the FAA. The issuance of the statement will not require any additional evaluation or require any adjustment to the evaluation basis for the FFS.

g. Downgrading of an FFS is a permanent change in qualification level and will necessitate the issuance of a revised Statement of Qualification to reflect the revised qualification level, as appropriate. If a temporary restriction is placed on an FFS because of a missing, malfunctioning, or inoperative component or on-going repairs, the restriction is not a permanent change in qualification level. Instead, the restriction is temporary and is removed when the reason for the restriction has been resolved.

h. It is not the intent of the NSPM to discourage the improvement of existing simulation (*e.g.,* the ''updating'' of a visual system to a newer model, or the replacement of the IOS with a more capable unit) by requiring the ''updated'' device to meet the qualification standards current at the time of the update. Depending on the extent of the update, the NSPM may require that the updated device be evaluated and may require that an evaluation include all or a portion of the elements of an initial evaluation. However, the standards against which the device would be evaluated are those that are found in the MQTG for that device.

i. The NSPM will determine the evaluation criteria for an FSTD that has been removed from active status. The criteria will be based on the number of continuing qualification evaluations and quarterly inspections missed during the period of inactivity. For example, if the FFS were out of service for a 1 year period, it would be necessary to complete the entire QTG, since all of the quarterly evaluations would have been missed. The NSPM will also consider how the FFS was stored, whether parts were removed from the FFS and whether the FFS was disassembled.

j. The FFS will normally be requalified using the FAA-approved MQTG and the criteria that was in effect prior to its removal from qualification. However, inactive periods of 2 years or more will require requalification under the standards in effect and current at the time of requalification.

End Information

14. Inspection, Continuing Qualification Evaluation, and Maintenance Requirements (§ 60.19)

Begin QPS Requirements

a. The sponsor must conduct a minimum of four evenly spaced inspections throughout the year. The objective test sequence and content of each inspection must be developed by the sponsor and must be acceptable to the NSPM.

b. The description of the functional preflight inspection must be contained in the sponsor's QMS.

c. Record ''functional preflight'' in the FFS discrepancy log book or other acceptable location, including any item found to be missing, malfunctioning, or inoperative.

End QPS Requirements

Begin Information

d. The sponsor's test sequence and the content of each quarterly inspection required in § 60.19(a)(1) should include a balance and a mix from the objective test requirement areas listed as follows:

(1) Performance.

(2) Handling qualities.

(3) Motion system (where appropriate).

(4) Visual system (where appropriate).

(5) Sound system (where appropriate).

(6) Other FFS systems.

e. If the NSP evaluator plans to accomplish specific tests during a normal continuing qualification evaluation that requires the use of special equipment or technicians, the sponsor will be notified as far in advance of the evaluation as practical; but not less than 72 hours. Examples of such tests include latencies, control dynamics, sounds and vibrations, motion, and/or some visual system tests.

f. The continuing qualification evaluations, described in § 60.19(b), will normally require 4 hours of FFS time. However, flexibility is necessary to address abnormal situations or situations involving aircraft with additional levels of complexity (*e.g.,* computer controlled aircraft). The sponsor should anticipate that some tests may require additional time. The continuing qualification evaluations will consist of the following:

(1) Review of the results of the quarterly inspections conducted by the sponsor since the last scheduled continuing qualification evaluation.

(2) A selection of approximately 8 to 15 objective tests from the MQTG that provide an adequate opportunity to evaluate the performance of the FFS. The tests chosen will be performed either automatically or manually and should be able to be conducted within approximately one-third (⅓) of the allotted FFS time.

(3) A subjective evaluation of the FFS to perform a representative sampling of the tasks set out in attachment 3 of this appendix. This portion of the evaluation should take approximately two-thirds (⅔) of the allotted FFS time.

(4) An examination of the functions of the FFS may include the motion system, visual system, sound system, instructor operating station, and the normal functions and simulated malfunctions of the airplane systems. This examination is normally accomplished simultaneously with the subjective evaluation requirements.

g. The requirement established in § 60.19(b)(4) regarding the frequency of NSPM-conducted continuing qualification evaluations for each FFS is typically 12 months. However, the establishment and satisfactory implementation of an approved QMS for a sponsor will provide a basis for adjusting the frequency of evaluations to exceed 12-month intervals.

End Information

15. Logging Simulator Discrepancies (§ 60.20)

There is no additional regulatory or informational material that applies to § 60.20. Logging FFS Discrepancies.

16. Interim Qualification of Simulators for New Airplane Types or Models (§ 60.21)

There is no additional regulatory or informational material that applies to § 60.21, Interim Qualification of FFSs for New Airplane Types or Models.

17. Modifications to Simulators (§ 60.23)

Begin QPS Requirements

a. The notification described in § 60.23(c)(2) must include a complete description of the planned modification, with a description of the operational and engineering effect the proposed modification will have on the operation of the FFS and the results that are expected with the modification incorporated.

b. Prior to using the modified FFS:

(1) All the applicable objective tests completed with the modification incorporated, including any necessary updates to the MQTG (*e.g.*, accomplishment of FSTD Directives) must be acceptable to the NSPM; and

(2) The sponsor must provide the NSPM with a statement signed by the MR that the factors listed in § 60.15(b) are addressed by the appropriate personnel as described in that section.

End QPS Requirements

Begin Information

FSTD Directives are considered modifications of an FFS. See Attachment 4 for a sample index of effective FSTD Directives.

End Information

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18. Operation With Missing, Malfunctioning, or Inoperative Components (§ 60.25)

Begin Information

a. The sponsor's responsibility with respect to § 60.25(a) is satisfied when the sponsor fairly and accurately advises the user of the current status of an FFS, including any missing, malfunctioning, or inoperative (MMI) component(s).

b. If the 29th or 30th day of the 30-day period described in § 60.25(b) is on a Saturday, a Sunday, or a holiday, the FAA will extend the deadline until the next business day.

c. In accordance with the authorization described in § 60.25(b), the sponsor may develop a discrepancy prioritizing system to accomplish repairs based on the level of impact on the capability of the FFS. Repairs having a larger impact on FFS capability to provide the required training, evaluation, or flight experience will have a higher priority for repair or replacement.

End Information

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19. Automatic Loss of Qualification and Procedures for Restoration of Qualification (§ 60.27)

Begin Information

If the sponsor provides a plan for how the FFS will be maintained during its out-of-service period (*e.g.*, periodic exercise of mechanical, hydraulic, and electrical systems; routine replacement of hydraulic fluid; control of the environmental factors in which the FFS is to be maintained) there is a greater likelihood that the NSPM will be able to determine the amount of testing required for requalification.

End Information

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20. Other Losses of Qualification and Procedures for Restoration of Qualification (§ 60.29)

Begin Information

If the sponsor provides a plan for how the FFS will be maintained during its out-of-service period (*e.g.*, periodic exercise of mechanical, hydraulic, and electrical systems; routine replacement of hydraulic fluid; control of the environmental factors in which the FFS is to be maintained) there is a greater likelihood that the NSPM will be able to determine the amount of testing required for requalification.

End Information

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21. Recordkeeping and Reporting (§ 60.31)

Begin QPS Requirements

a. FSTD modifications can include hardware or software changes. For FSTD modifications involving software programming changes, the record required by § 60.31(a)(2) must consist of the name of the aircraft system software, aerodynamic model, or engine model change, the date of the change, a summary of the change, and the reason for the change.

b. If a coded form for record keeping is used, it must provide for the preservation and retrieval of information with appropriate security or controls to prevent the inappropriate alteration of such records after the fact.

End QPS Requirements

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22. Applications, Logbooks, Reports, and Records: Fraud, Falsification, or Incorrect Statements (§ 60.33)

There are no additional QPS requirements or informational material that apply to § 60.33, Applications, Logbooks, Reports, and Records: Fraud, Falsification, or Incorrect Statements.

23. Specific Full Flight Simulator Compliance Requirements (§ 60.35)

There are no additional QPS requirements or informational material that apply to § 60.35, Specific FFS Compliance Requirements.

24. [Reserved]

25. FSTD Qualification on the Basis of a Bilateral Aviation Safety Agreement (BASA) (§ 60.37)

There are no additional QPS requirements or informational material that apply to § 60.37, FSTD Qualification on the Basis of a Bilateral Aviation Safety Agreement (BASA).

Attachment 1 to Appendix A to Part 60—General Simulator Requirements

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Begin QPS Requirements

1. Requirements

a. Certain requirements included in this appendix must be supported with a Statement of Compliance and Capability (SOC), which may include objective and subjective tests. The SOC will confirm that the requirement was satisfied, and describe how the requirement was met, such as gear modeling approach or coefficient of friction sources. The requirements for SOCs and tests are indicated in the ''General Simulator Requirements'' column in Table A1A of this appendix.

b. Table A1A describes the requirements for the indicated level of FFS. Many devices include operational systems or functions that exceed the requirements outlined in this section. However, all systems will be tested and evaluated in accordance with this appendix to ensure proper operation.

End QPS Requirements

Begin Information

2. Discussion

a. This attachment describes the general simulator requirements for qualifying an airplane FFS. The sponsor should also consult the objective tests in attachment 2 and the examination of functions and subjective tests listed in attachment 3 to determine the complete requirements for a specific level simulator.

b. The material contained in this attachment is divided into the following categories:

(1) General cockpit configuration.

(2) Simulator programming.

(3) Equipment operation.

(4) Equipment and facilities for instructor/evaluator functions.

(5) Motion system.

(6) Visual system.

(7) Sound system.

c. Table A1A provides the standards for the General Simulator Requirements.

End Information

TABLE A1A.—MINIMUM SIMULATOR REQUIREMENTS

<<<QPS requirements>>>		Simulator levels				<Information>
No.	General simulator requirements	A	B	C	D	notes
1. General Cockpit Configuration						
1.a	The simulator must have a cockpit that is a replica of the airplane simulated with controls, equipment, observable cockpit indicators, circuit breakers, and bulkheads properly located, functionally accurate and replicating the airplane. The direction of movement of controls and switches must be identical to the airplane. Pilot seats must allow the occupant to achieve the design ''eye position'' established for the airplane being simulated. Equipment for the operation of the cockpit windows must be included, but the actual windows need not be operable. Additional equipment such as fire axes, extinguishers, and spare light bulbs must be available in the FFS but may be relocated to a suitable location as near as practical to the original position. Fire axes, landing gear pins, and any similar purpose instruments need only be represented in silhouette. An SOC is required.	X	X	X	X	For simulator purposes, the cockpit consists of all that space forward of a cross section of the flight deck at the most extreme aft setting of the pilots' seats, including additional required crewmember duty stations and those required bulkheads aft of the pilot seats. For clarification, bulkheads containing only items such as landing gear pin storage compartments, fire axes or extinguishers, spare light bulbs, and aircraft document pouches are not considered essential and may be omitted.
1.b	Those circuit breakers that affect procedures or result in observable cockpit indications must be properly located and functionally accurate. An SOC is required.	X	X	X	X	
2. Programming						
2.a	A flight dynamics model that accounts for various combinations of drag and thrust normally encountered in flight must correspond to actual flight conditions, including the effect of change in airplane attitude, thrust, drag, altitude, temperature, gross weight, moments of inertia, center of gravity location, and configuration.	X	X	X	X	
2.b	The simulator must have the computer capacity, accuracy, resolution, and dynamic response needed to meet the qualification level sought. An SOC is required.	X	X	X	X	
2.c	Surface operations must be represented to the extent that allows turns within the confines of the runway and adequate controls on the landing and roll-out from a crosswind approach to a landing.	X				
	A subjective test is required.					
2.d	Ground handling and aerodynamic programming must include the following: An SOC is required.					
2.d.1	Ground effect		X	X	X	Ground effect includes modeling that accounts for roundout, flare, touchdown, lift, drag, pitching moment, trim, and power while in ground effect.
2.d.2	Ground reaction		X	X	X	Ground reaction includes modeling that accounts for strut deflections, tire friction, and side forces. This is the reaction of the airplane upon contact with the runway during landing, and may differ with changes in factors such as gross weight, airspeed, or rate of descent on touchdown.
2.d.3	Ground handling characteristics, including aerodynamic and ground reaction modeling including steering inputs, operations with crosswind, braking, thrust reversing, deceleration, and turning radius.		X	X	X	

TABLE A1A.—MINIMUM SIMULATOR REQUIREMENTS—Continued

<<<QPS requirements>>>		Simulator levels				<Information>
No.	General simulator requirements	A	B	C	D	notes
2.e	The simulator must employ windshear models that provide training for recognition of windshear phenomena and the execution of recovery procedures. Models must be available to the instructor/evaluator for the following critical phases of flight: (1) Prior to takeoff rotation. (2) At liftoff. (3) During initial climb. (4) On final approach, below 500 ft AGL. The QTG must reference the FAA Windshear Training Aid or present alternate airplane related data, including the implementation method(s) used. If the alternate method is selected, wind models from the Royal Windshear Training Aerospace Establishment (RAE), the Joint Airport Weather Studies (JAWS) Project and other recognized sources may be implemented, but must be supported and properly referenced in the QTG. Only those simulators meeting these requirements may be used to satisfy the training requirements of part 121 pertaining to a certificate holder's approved low-altitude windshear flight training program as described in § 121.409. Objective tests are required for qualification; see Attachment 2 and Attachment 5 of this appendix.			X	X	If desired, Level A and B simulators may qualify for windshear training by meeting these standards; see Attachment 5 of this appendix. Windshear models may consist of independent variable winds in multiple simultaneous components. The FAA Windshear Training Aid presents one acceptable means of compliance with simulator wind model requirements.
2.f	The simulator must provide for automatic testing of simulator hardware and software programming to determine compliance with simulator objective tests as prescribed in Attachment 2. An SOC is required.			X	X	Automatic "flagging" of out-of-tolerance situations is encouraged.
2.g	Relative responses of the motion system, visual system, and cockpit instruments, measured by latency tests or transport delay tests. Motion onset should occur before the start of the visual scene change (the start of the scan of the first video field containing different information) but must occur before the end of the scan of that video field. Instrument response may not occur prior to motion onset. Test results must be within the following limits:					The intent is to verify that the simulator provides instrument, motion, and visual cues that are, within the stated time delays, like the airplane responses. For airplane response, acceleration in the appropriate, corresponding rotational axis is preferred.
2.g.1	300 milliseconds of the airplane response ..... Objective Tests are required.	X	X			
2.g.2	150 milliseconds of the airplane response ..... Objective Tests are required.			X	X	
2.h	The simulator must accurately reproduce the following runway conditions: (1) Dry. (2) Wet. (3) Icy. (4) Patchy Wet. (5) Patchy Icy. (6) Wet on Rubber Residue in Touchdown Zone. An SOC is required. Objective tests are required only for dry, wet, and icy runway conditions; see Attachment 2.			X	X	
2.i	The simulator must simulate: (1) brake and tire failure dynamics, including anti-skid failure. (2) decreased brake efficiency due to high brake temperatures, if applicable. An SOC is required.			X	X	Simulator pitch, side loading, and directional control characteristics should be representative of the airplane.
2.j	The simulator must replicate the effects of airframe icing. A Subjective Test is required.			X	X	

TABLE A1A.—MINIMUM SIMULATOR REQUIREMENTS—Continued

<<<QPS requirements>>>		Simulator levels				<Information>
No.	General simulator requirements	A	B	C	D	notes
2.k	The aerodynamic modeling in the simulator must include: (1) Low-altitude level-flight ground effect; (2) Mach effect at high altitude; (3) Normal and reverse dynamic thrust effect on control surfaces; (4) Aeroelastic representations; and (5) Nonlinearities due to sideslip. An SOC is required and must include references to computations of aeroelastic representations and of nonlinearities due to sideslip.				X	See Attachment 2, paragraph 4, for further information on ground effect.
2.l	The simulator must have aerodynamic and ground reaction modeling for the effects of reverse thrust on directional control, if applicable. An SOC is required.		X	X	X	
3. Equipment Operation						
3.a	All relevant instrument indications involved in the simulation of the airplane must automatically respond to control movement or external disturbances to the simulated airplane; e.g., turbulence or windshear. Numerical values must be presented in the appropriate units. A subjective test is required.	X	X	X	X	
3.b	Communications, navigation, caution, and warning equipment must be installed and operate within the tolerances applicable for the airplane. A subjective test is required.	X	X	X	X	See Attachment 3 for further information regarding long-range navigation equipment.
3.c	Simulator systems must operate as the airplane systems operate under normal, abnormal, and emergency operating conditions on the ground and in flight. A subjective test is required.	X	X	X	X	
3.d	The simulator must provide pilot controls with control forces and control travel that correspond to the simulated airplane. The simulator must also react in the same manner as in the airplane under the same flight conditions. A objective test is required.	X	X	X	X	
4. Instructor or Evaluator Facilities						
4.a	In addition to the flight crewmember stations, the simulator must have at least two suitable seats for the instructor/check airman and FAA inspector. These seats must provide adequate vision to the pilot's panel and forward windows. All seats other than flight crew seats need not represent those found in the airplane, but must be adequately secured to the floor and equipped with similar positive restraint devices. A subjective test is required.	X	X	X	X	The NSPM will consider alternatives to this standard for additional seats based on unique cockpit configurations.
4.b	The simulator must have controls that enable the instructor/evaluator to control all required system variables and insert all abnormal or emergency conditions into the simulated airplane systems as described in the sponsor's FAA-approved training program; or as described in the relevant operating manual as appropriate. A subjective test is required.	X	X	X	X	
4.c	The simulator must have instructor controls for environmental conditions including wind speed and direction. A subjective test is required.	X	X	X	X	

TABLE A1A.—MINIMUM SIMULATOR REQUIREMENTS—Continued

<<<QPS requirements>>>		Simulator levels				<Information>
No.	General simulator requirements	A	B	C	D	notes
4.d	The simulator must provide the instructor or evaluator the ability to present ground and air hazards. A subjective test is required.			X	X	For example, another airplane crossing the active runway or converging airborne traffic.
5. Motion System						
5.a	The simulator must have motion (force) cues perceptible to the pilot that are representative of the motion in an airplane. A subjective test is required.	X	X	X	X	For example, touchdown cues should be a function of the rate of descent (RoD) of the simulated airplane.
5.b	The simulator must have a motion (force cueing) system with a minimum of three degrees of freedom (at least pitch, roll, and heave). An SOC is required.	X	X			
5.c	The simulator must have a motion (force cueing) system that produces cues at least equivalent to those of a six-degrees-of-freedom, synergistic platform motion system (i.e., pitch, roll, yaw, heave, sway, and surge). An SOC is required.			X	X	
5.d	The simulator must provide for the recording of the motion system response time. An SOC is required.	X	X	X	X	
5.e	The simulator must provide motion effects programming to include: (1) Thrust effect with brakes set. (2) Runway rumble, oleo deflections, effects of ground speed, uneven runway, centerline lights, and taxiway characteristics. (3) Buffets on the ground due to spoiler/speedbrake extension and thrust reversal. (4) Bumps associated with the landing gear. (5) Buffet during extension and retraction of landing gear. (6) Buffet in the air due to flap and spoiler/speedbrake extension. (7) Approach-to-Stall buffet. (8) Representative touchdown cues for main and nose gear. (9) Nosewheel scuffing, if applicable. (10) Mach and maneuver buffet. A subjective test is required.		X	X	X	
5.f	The simulator must provide characteristic motion vibrations that result from operation of the airplane if the vibration marks an event or airplane state that can be sensed in the cockpit. A objective test is required.				X	The simulator should be programmed and instrumented in such a manner that the characteristic buffet modes can be measured and compared to airplane data.
6. Visual System						
6.a	The simulator must have a visual system providing an out-of-the-cockpit view. A subjective test is required.	X	X	X	X	
6.b	The simulator must have operational landing lights for night scenes. Where used, dusk (or twilight) scenes require operational landing lights. A subjective test is required.	X	X	X	X	
6.c	The simulator must have instructor controls for the following: (1) Cloudbase. (2) Visibility in statute miles (km) and runway visual range (RVR) in ft. (m). (3) Airport selection. (4) Airport lighting.	X	X	X	X	

TABLE A1A.—MINIMUM SIMULATOR REQUIREMENTS—Continued

<<<QPS requirements>>>		Simulator levels				<Information>
No.	General simulator requirements	A	B	C	D	notes
	A subjective test is required.					
6.d	Each airport scene displayed must include the following: (1) Airport runways and taxiways. (2) Runway definition. (i) Runway surface and markings. (ii) Lighting for the runway in use, including runway threshold, edge, centerline, touchdown zone, VASI or PAPI, and approach lighting of appropriate colors, as appropriate. (iii) Taxiway lights. A subjective test is required.	X	X	X	X	
6.e	The distances at which runway features are visible, as measured from runway threshold to an airplane aligned with the runway on an extended 3° glide slope must not be less than listed below: (1) Runway definition, strobe lights, approach lights, runway edge white lights VASI or PAPI system lights from 5 statute miles (8 kilometers (km)) of the runway threshold. (2) Runway centerline lights and taxiway definition from 3 statute miles (4.8 km). (3) Threshold lights and touchdown zone lights from 2 statute miles (3.2 km). (4) Runway markings within range of landing lights for night scenes and as required by three (3) arc-minutes resolution on day scenes. A subjective test is required.	X	X	X	X	
6.f	The simulator must provide visual system compatibility with dynamic response programming. A subjective test is required.	X	X	X	X	
6.g	The simulator must show that the segment of the ground visible from the simulator flight deck is the same as from the airplane flight deck (within established tolerances) when at the correct airspeed, in the landing configuration, at a main wheel height of 100 feet (30 meters) above the touchdown zone, and with visibility of 1,200 ft (350 m) RVR. An SOC is required. An objective test is required.	X	X	X	X	This will show the modeling accuracy of RVR, glideslope, and localizer for a given weight, configuration, and speed within the airplane's operational envelope for a normal approach and landing.
6.h	The simulator must provide visual cues necessary to assess sink rates (provide depth perception) during takeoffs and landings, to include: (1) Surface on runways, taxiways, and ramps. (2) Terrain features. A subjective test is required.		X	X	X	
6.i	The simulator must provide for accurate portrayal of the visual environment relating to the simulator attitude. A subjective test is required.	X	X	X	X	Visual attitude vs. simulator attitude is a comparison of pitch and roll of the horizon as displayed in the visual scene compared to the display on the attitude indicator.
6.j	The simulator must provide for quick confirmation of visual system color, RVR, focus, and intensity. An SOC is required. A subjective test is required.			X	X	
6.k	The simulator must provide a minimum of three airport scenes including: (1) Surfaces on runways, taxiways, and ramps. (2) Lighting of appropriate color for all runways, including runway threshold, edge, centerline, VASI or PAPI, and approach lighting for the runway in use. (3) Airport taxiway lighting.			X	X	

TABLE A1A.—MINIMUM SIMULATOR REQUIREMENTS—Continued

<<<QPS requirements>>>		Simulator levels				<Information>
No.	General simulator requirements	A	B	C	D	notes
	(4) Ramps and buildings that correspond to the sponsor's Line Oriented scenarios, as appropriate. A subjective test is required.					
6.l	The simulator must be capable of producing at least 10 levels of occulting. A subjective test is required.			X	X	
6.m	Night Visual Scenes. When used in training, testing, or checking activities, the simulator must provide night visual scenes with sufficient scene content to recognize the airport, the terrain, and major landmarks around the airport. The scene content must allow a pilot to successfully accomplish a visual landing. Scenes must include a definable horizon and typical terrain characteristics such as fields, roads and bodies of water and surfaces illuminated by airplane landing lights.	X	X	X	X	
6.n	Dusk (or Twilight) Visual Scenes. When used in training, testing, or checking activities, the simulator must provide dusk (or twilight) visual scenes with sufficient scene content to recognize the airport, the terrain, and major landmarks around the airport. The scene content must allow a pilot to successfully accomplish a visual landing. Scenes must include a definable horizon and typical terrain characteristics such as fields, roads and bodies of water and surfaces illuminated by airplane landing lights. An SOC is required. A subjective test is required.			X	X	
6.o	Daylight Visual Scenes. The simulator must have night dusk (twilight), and daylight visual scenes with sufficient scene content to recognize the airport, the terrain, and major landmarks around the airport. The scene content must allow a pilot to successfully accomplish a visual landing. Any ambient lighting must not "washout" the displayed visual scene. Note: These requirements are applicable to any level of simulator equipped with a "daylight" visual system. An SOC is required. A subjective test is required.				X	Brightness capability may be demonstrated with a test pattern of white light using a spot photometer. Daylight visual system is defined as a visual system capable of producing, at a minimum, full color presentations, scene content comparable in detail to that produced by 4,000 edges or 1,000 surfaces for daylight and 4,000 lightpoints for night and dusk scenes, 6 foot-lamberts (20 cd/m^2) of light measured at the pilot's eye position (highlight brightness) and a display which is free of apparent quantization and other distracting visual effects while the simulator is in motion.
6.p	The simulator must provide operational visual scenes that portray physical relationships known to cause landing illusions to pilots. A subjective test is required.				X	For example: short runways, landing approaches over water, uphill or downhill runways, rising terrain on the approach path, unique topographic features.
6.q	The simulator must provide special weather representations of light, medium, and heavy precipitation near a thunderstorm on takeoff and during approach and landing. Representations need only be presented at and below an altitude of 2,000 ft. (610 m) above the airport surface and within 10 miles (16 km) of the airport. A subjective test is required.				X	
6.r	The simulator must present visual scenes of wet and snow-covered runways, including runway lighting reflections for wet conditions, partially obscured lights for snow conditions, or suitable alternative effects. A subjective test is required.				X	
6.s	The simulator must present realistic color and directionality of all airport lighting. A subjective test is required.				X	

TABLE A1A.—MINIMUM SIMULATOR REQUIREMENTS—Continued

<<<QPS requirements>>>		Simulator levels				<Information>
No.	General simulator requirements	A	B	C	D	notes
7. Sound System						
7.a	The simulator must provide cockpit sounds that result from pilot actions that correspond to those that occur in the airplane.	X	X	X	X	
7.b	The simulator must accurately simulate the sound of precipitation, windshield wipers, and other significant airplane noises perceptible to the pilot during normal operations, and include the sound of a crash (when the simulator is landed in an unusual attitude or in excess of the structural gear limitations); normal engine and thrust reversal sounds; and the sounds of flap, gear, and spoiler extension and retraction. An SOC is required. A subjective test is required.			X	X	
7.c	The simulator must provide realistic amplitude and frequency of cockpit noises and sounds. Simulator performance must be recorded, compared to amplitude and frequency of the same sounds recorded in the airplane, and be made a part of the QTG. Objective tests are required.				X	

Table A1B—[Reserved]

Attachment 2 to Appendix A to Part 60—Full Flight Simulator (FFS) Objective Test

Begin Information

1. For the purposes of this attachment, the flight conditions specified in the Flight Conditions Column of Table A2A, are defined as follows:

(a) Ground—on ground, independent of airplane configuration;

(b) Take-off—gear down with flaps/slats in any certified takeoff position;

(c) First segment climb— gear down with flaps/slats in any certified takeoff position (normally not above 50 ft AGL);

(d) Second segment climb—gear up with flaps/slats in any certified takeoff position (normally between 50 ft and 400 ft AGL);

(e) Clean—flaps/slats retracted and gear up;

(f) Cruise—clean configuration at cruise altitude and airspeed;

(g) Approach—gear up or down with flaps/slats at any normal approach position as recommended by the airplane manufacturer; and

(h) Landing—gear down with flaps/slats in any certified landing position.

2. The format for numbering the objective tests in appendix A, Attachment 2, Table A2A, and the objective tests in appendix B, Attachment 2, Table B2A, is identical. However, each test required for FFSs is not necessarily required for FTDs. Also, each test required for FTDs is not necessarily required for FFSs. Therefore, when a test number (or series of numbers) is not required, the term ''Reserved'' is used in the table at that location. Following this numbering format provides a degree of commonality between the two tables and substantially reduces the potential for confusion when referring to objective test numbers for either FFSs or FTDs.

3. The QPS Requirements section imposes a duty on the sponsor or other data provider to ensure that a steady state condition exists at the instant of time captured by the ''snapshot'' for cases where the objective test results authorize a ''snapshot test'' or a ''series of snapshot tests'' results in lieu of a time-history. This is often verified by showing that a steady state condition existed from some period prior to, through some period following, the snap shot. The time period most frequently used is from 5 seconds prior through 2 seconds following the instant of time captured by the snap shot. Other time periods may be acceptable as authorized by the NSPM.

4. The reader is encouraged to review the Airplane Flight Simulator Evaluation Handbook, Volumes I and II, published by the Royal Aeronautical Society, London, UK, and FAA Advisory Circulars (AC) 25–7, as may be amended, Flight Test Guide for Certification of Transport Category Airplanes, and (AC) 23–8, as may be amended, Flight Test Guide for Certification of Part 23 Airplanes, for references and examples regarding flight testing requirements and techniques.

5. If relevant winds are present in the objective data, the wind vector should be clearly noted as part of the data presentation, expressed in conventional terminology, and related to the runway being used for the test.

End Information

Begin QPS Requirements

1. Test Requirements

a. The ground and flight tests required for qualification are listed in Table of A2A, FFS Objective Tests. Computer generated simulator test results must be provided for each test except where an alternative test is specifically authorized by the NSPM. If a flight condition or operating condition is required for the test but does not apply to the airplane being simulated or to the qualification level sought, it may be disregarded (*e.g.*, an engine out missed approach for a single-engine airplane or a maneuver using reverse thrust for an airplane without reverse thrust capability). Each test result is compared against the validation data described in § 60.13 and in this appendix. Although use of a driver program designed to automatically accomplish the tests is encouraged for all simulators and required for Level C and Level D simulators, it must be possible to conduct each test manually while recording all appropriate parameters. The results must be produced on an appropriate recording device acceptable to the NSPM and must include simulator number, date, time, conditions, tolerances, and appropriate dependent variables portrayed in comparison to the validation data. Time histories are required unless otherwise indicated in Table A2A. All results must be labeled using the tolerances and units given.

b. Table A2A in this attachment sets out the test results required, including the parameters, tolerances, and flight conditions for simulator validation. Tolerances are provided for the listed tests because mathematical modeling and acquisition and development of reference data are often inexact. All tolerances listed in the following tables are applied to simulator performance. When two tolerance values are given for a parameter, the less restrictive may be used unless otherwise indicated.

c. Certain tests included in this attachment must be supported with a Statement of Compliance and Capability (SOC). In Table

A2A, requirements for SOCs are indicated in the ''Test Details'' column.

d. When operational or engineering judgment is used in making assessments for flight test data applications for simulator validity, such judgment must not be limited to a single parameter. For example, data that exhibit rapid variations of the measured parameters may require interpolations or a ''best fit'' data selection. All relevant parameters related to a given maneuver or flight condition must be provided to allow overall interpretation. When it is difficult or impossible to match simulator to airplane data throughout a time history, differences must be justified by providing a comparison of other related variables for the condition being assessed.

e. It is not acceptable to program the FFS so that the mathematical modeling is correct only at the validation test points. Unless otherwise noted, simulator tests must represent airplane performance and handling qualities at operating weights and centers of gravity (CG) typical of normal operation. If a test is supported by airplane data at one extreme weight or CG, another test supported by airplane data at mid-conditions or as close as possible to the other extreme must be included, except as may be authorized by the NSPM. Certain tests that are relevant only at one extreme CG or weight condition need not be repeated at the other extreme. Tests of handling qualities must include validation of augmentation devices.

f. When comparing the parameters listed to those of the airplane, sufficient data must also be provided to verify the correct flight condition and airplane configuration changes. For example, to show that control force is within the parameters for a static stability test, data to show the correct airspeed, power, thrust or torque, airplane configuration, altitude, and other appropriate datum identification parameters must also be given. If comparing short period dynamics, normal acceleration may be used to establish a match to the airplane, but airspeed, altitude, control input, airplane configuration, and other appropriate data must also be given. If comparing landing gear change dynamics, pitch, airspeed, and altitude may be used to establish a match to the airplane, but landing gear position must also be provided. All airspeed values must be properly annotated (*e.g.*, indicated versus calibrated). In addition, the same variables must be used for comparison (*e.g.*, compare inches to inches rather than inches to centimeters).

g. The QTG provided by the sponsor must clearly describe how the simulator will be set up and operated for each test. Each simulator subsystem may be tested independently, but overall integrated testing of the simulator must be accomplished to assure that the total simulator system meets the prescribed standards. A manual test procedure with explicit and detailed steps for completing each test must also be provided.

h. In those cases where the objective test results authorize a ''snapshot test'' or ''a series of snapshot test'' results in lieu of a time-history result, the sponsor or other data provider must ensure that a steady state condition exists at the instant of time captured by the ''snapshot.''

i. For previously qualified simulators, the tests and tolerances of this attachment may be used in subsequent continuing qualification evaluations for any given test if the sponsor has submitted a proposed MQTG revision to the NSPM and has received NSPM approval.

j. Simulators are evaluated and qualified with an engine model simulating the airplane data supplier's flight test engine. For qualification of alternative engine models (either variations of the flight test engines or other manufacturer's engines) additional tests with the alternative engine models may be required. This Attachment contains guidelines for alternative engines.

k. For testing Computer Controlled Airplane (CCA) simulators, or other highly augmented airplane simulators, flight test data is required for the Normal (N) and/or Non-normal (NN) control states, as indicated in this Attachment. Where test results are independent of control state, Normal or Non-normal control data may be used. All tests in Table A2A require test results in the Normal control state unless specifically noted otherwise in the Test Details section following the CCA designation. The NSPM will determine what tests are appropriate for airplane simulation data. When making this determination, the NSPM may require other levels of control state degradation for specific airplane tests. Where Non-normal control states are required, test data must be provided for one or more Non-normal control states, and must include the least augmented state. Where applicable, flight test data must record Normal and Non-normal states for:

(1) Pilot controller deflections or electronically generated inputs, including location of input; and

(2) Flight control surface positions unless test results are not affected by, or are independent of, surface positions.

l. Tests of handling qualities must include validation of augmentation devices. FFSs for highly augmented airplanes will be validated both in the unaugmented configuration (or failure state with the maximum permitted degradation in handling qualities) and the augmented configuration. Where various levels of handling qualities result from failure states, validation of the effect of the failure is necessary. Requirements for testing will be mutually agreed to between the sponsor and the NSPM on a case-by-case basis.

m. Some tests will not be required for airplanes using airplane hardware in the simulator cockpit (*e.g.*, ''side stick controller''). These exceptions are noted in Section 2 ''Handling Qualities'' in Table A2A of this attachment. However, in these cases, the sponsor must provide a statement that the airplane hardware meets the appropriate manufacturer's specifications and the sponsor must have supporting information to that fact available for NSPM review.

n. For objective test purposes, ''Near maximum'' gross weight is a weight chosen by the sponsor or data provider that is not less than the basic operating weight (BOW) of the airplane being simulated plus 80% of the difference between the maximum certificated gross weight (either takeoff weight or landing weight, as appropriate for the test) and the BOW. ''Light'' gross weight is a weight chosen by the sponsor or data provider that is not more than 120% of the BOW of the airplane being simulated or as limited by the minimum practical operating weight of the test airplane. ''Medium'' gross weight is a weight chosen by the sponsor or data provider that is approximately ±10% of the average of the numerical values of the BOW and the maximum certificated gross weight. (**Note:** BOW is the empty weight of the aircraft plus the weight of the following: normal oil quantity; lavatory servicing fluid; potable water; required crewmembers and their baggage; and emergency equipment. (References: Advisory Circular 120–27, ''Aircraft Weight and Balance;'' and FAA–H–8083–1, ''Aircraft Weight and Balance Handbook.'').

End QPS Requirements

TABLE A2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS

<<<QPS REQUIREMENTS>>>									Information notes
Test		Tolerance	Flight Conditions	Test details	Simulator Level				
No.	Title				A	B	C	D	
1. Performance									
1.a.	**Taxi**								

TABLE A2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS REQUIREMENTS>>>									Information notes
Test		Tolerance	Flight Conditions	Test details	Simulator Level				
No.	Title				A	B	C	D	
1.a.1	Minimum Radius Turn	±3 ft (0.9 m) or 20% of airplane turn radius.	Ground	Record both Main and Nose gear turning radius. This test is to be accomplished without the use of brakes and only minimum thrust, except for airplanes requiring asymmetric thrust or braking to turn.		X	X	X	
1.a.2	Rate of Turn vs. Nosewheel Steering Angle (NWA).	±10% or ±2% sec. turn rate	Ground	Record a minimum of two speeds, greater than minimum turning radius speed, with a spread of at least 5 knots groundspeed.		X	X	X	
1.b	Takeoff			All commonly used takeoff flap settings are to be demonstrated at least once in the tests for minimum unstick (1.b.3.), normal takeoff (1.b.4.), critical engine failure on takeoff (1.b.5.), or crosswind takeoff (1.b.6.).					
1.b.1	Ground Acceleration Time andDistance.	±5% time and distance or ±5% time and ±200 ft (61 m) of distance.	Takeoff	Record acceleration time and distance for a minimum of 80% of the time from brake release to V_R. Preliminary aircraft certification data may be used.	X	X	X	X	May be combined with normal takeoff (1.b.4.) or rejected takeoff (1.b.7.). Plotted data should be shown using appropriate scales for each portion of the maneuver.
1.b.2	Minimum Control Speed—ground (V_{mcg}) using aerodynamic controls only (per applicable airworthiness standard or alternative) or engine inoperative test to demonstrate ground control characteristics.	±25% of maximum airplane lateral deviation or ±5 ft (1.5 m). Additionally, for those simulators of airplanes with reversible flight control systems: Rudder pedal force; ±10% or ±5 lb (2.2 daN).	Takeoff	Engine failure speed must be within ±1 knot of airplane engine failure speed. Engine thrust decay must be that resulting from the mathematical model for the engine variant applicable to the full flight simulator under test. If the modeled engine is not the same as the airplane manufacturer's flight test engine, a further test may be run with the same initial conditions using the thrust from the flight test data as the driving parameter.	X	X	X	X	If a V_{mcg} test is not available an acceptable alternative is a flight test snap engine deceleration to idle at a speed between $V_1$1 and V_1—10 knots, followed by control of heading using aerodynamic control only. Recovery should be achieved with the main gear on the ground. To ensure only aerodynamic control is used, nosewheel steering should be disabled (i.e., castored) or the nosewheel held slightly off the ground.

TABLE A2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS REQUIREMENTS>>>									Information notes
Test		Tolerance	Flight Conditions	Test details	Simulator Level				
No.	Title				A	B	C	D	
1.b.3	Minimum Unstick Speed (V_{mu}) or equivalent test to demonstrate early rotation takeoff characteristics.	±3 kts airspeed, ±1.5° pitch angle.	Takeoff	Record main landing gear strut compression or equivalent air/ground signal. Record from 10 kt before start of rotation until at least 5 seconds after the occurrence of main gear lift-off.	X	X	X	X	V_{mu} is defined as the minimum speed at which the last main landing gear leaves the ground. Main landing gear strut compression or equivalent air/ground signal should be recorded. If a V_{mu} test is not available, alternative acceptable flight tests are a constant high-attitude take-off run through main gear lift-off of an early rotation take-off.
1.b.4	Normal Takeoff	±3 kts airspeed, ±1.5° pitch angle, ±1.5° angle of attack, ±20 ft (6 m) height. Additionally, for those simulators of airplanes with reversible flight control systems: Stick/Column Force; ±10% or ± 5 lb (2.2 daN).	Takeoff	Record takeoff profile from brake release to at least 200 ft (61 m) above ground level (AGL). If the airplane has more than one certificated takeoff configuration, a different configuration must be used for each weight. Data are required for a takeoff weight at near maximum takeoff weight with a mid-center of gravity and for a light takeoff weight with an aft center of gravity, as defined in appendix F.	X	X	X	X	This test may be used for ground acceleration time and distance (1.b.1.). Plotted data should be shown using appropriate scales for each portion of the maneuver.
1.b.5	Critical Engine Failure on Takeoff.	±3 kts airspeed, ±1.5° pitch angle, ±1.5° angle of attack, ±20 ft (6 m) height, ±3° heading angle, ±2° bank angle, ±2° sideslip angle. Additionally, for those simulators of airplanes with reversible flight control systems: Stick/Column Force; ±10% or ±5 lb (2.2 daN); Wheel Force; ±10% or ±3 lb (1.3 daN); and Rudder Pedal Force; ±10% or ±5 lb (2.2 daN).	Takeoff	Record takeoff profile at near maximum takeoff weight from prior to engine failure to at least 200 ft (61 m) AGL. Engine failure speed must be within ±3 kts of airplane data.	X	X	X	X	
1.b.6	Crosswind Takeoff	±3 kts airspeed, ±1.5° pitch angle, ±1.5° angle of attack, ±20 ft (6 m) height, ±2° bank angle, ±2° sideslip angle; ±3° heading angle. Additionally, for those simulators of airplanes with reversible flight control systems: Stick/Column Force; ±10% or ±5 lb (2.2 daN) stick/column force, ±10% or ±3 lb (1.3 daN) wheel force, ±10% or ±5 lb (2.2 daN) rudder pedal force.	Takeoff	Record takeoff profile from brake release to at least 200 ft (61 m) AGL. Requires test data, including information on wind profile for a crosswind component of at least 60% of the maximum described in the Airplane Flight Manual (AFM), as measured at 33 ft (10 m) above the runway.	X	X	X	X	In those situations where a maximum crosswind or a maximum demonstrated crosswind is not included in the AFM, contact the NSPM.

TABLE A2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS REQUIREMENTS>>>									Information notes
Test		Tolerance	Flight Conditions	Test details	Simulator Level				
No.	Title				A	B	C	D	
1.b.7	Rejected Takeoff	±5% time or ±1.5 sec, ±7.5% distance or ±250 ft (±76 m).	Takeoff	Record time and distance from brake release to full stop. Speed for initiation of the reject must be at least 80% of V_1 speed. The airplane must be at or near the maximum takeoff gross weight. Use maximum braking effort, auto or manual.	X	X	X	X	Autobrakes will be used where applicable.
1.b.8	Dynamic Engine Failure After Takeoff.	±20% or ±2°/sec body angular rates.	Takeoff	Engine failure speed must be within ±3 kts of airplane data. Record Hands Off from 5 secs. before to at least 5 secs. after engine failure or 30° Bank, whichever occurs first. Engine failure may be a snap deceleration to idle. (**CCA:** Test in Normal and Non-normal control state.).			X	X	For safety considerations, airplane flight test may be performed out of ground effect at a safe altitude, but with correct airplane configuration and airspeed.
1.c.	Climb								
1.c.1	Normal Climb, all engines operating.	±3 kts airspeed, ±5% or ±100 FPM (0.5 m/Sec.) climb rate.	Clean	Flight test data is preferred, however, airplane performance manual data is an acceptable alternative. Record at nominal climb speed and mid-initial climb altitude. Flight simulator performance must be recorded over an interval of at least 1,000 ft. (300m).	X	X	X	X	
1.c.2	One engine Inoperative ...	±3 kts airspeed, ±5% or ±100 FPM (0.5 m/Sec.) climb rate, but not less than the FAA-Approved Airplane Flight Manual (AFM) values.	For part 23 airplanes, in accordance with part 23. For part 25 airplanes, Second Segment Climb.	Flight test data is preferred, however, airplane performance manual data is an acceptable alternative. Test at weight, altitude, or temperature limiting conditions. Record at nominal climb speed. Flight simulator performance must be recorded over an interval of at least 1,000 ft. (300m).	X	X	X	X	
1.c.3	One Engine Inoperative En route Climb.	±10% time, ±10% distance, ±10% fuel used.	Clean	Record results for at least a 5000 ft (1550 m) climb segment. Flight test data or airplane performance manual data may be used.			X	X	

TABLE A2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS REQUIREMENTS>>>									Information notes
Test		Tolerance	Flight Conditions	Test details	Simulator Level				
No.	Title				A	B	C	D	
1.c.4	One Engine Inoperative Approach Climb (if the approved AFM requires specific performance in icing conditions).	±3 kts airspeed, ±5% or ±100 FPM (0.5 m/Sec.) climb rate, but not less than the climb gradient requirements of 14 CFR parts 23 or 25 climb gradient, as appropriate.	Approach	Record results at near maximum gross landing weight as defined in appendix F. Flight test data or airplane performance manual data may be used. Flight simulator performance must be recorded over an interval of at least 1,000 ft. (300m).	X	X	X	X	The airplane should be configured with all anti-ice and de-ice systems operating normally, with the gear up and go-around flaps set. All icing accountability considerations should be applied in accordance with the AFM for an approach in icing conditions.
1.d	Cruise/Descent								
1.d.1	Level flight acceleration ...	±5% Time	Cruise	Record results for a minimum of 50 kts speed increase using maximum continuous thrust rating or equivalent.	X	X	X	X	
1.d.2	Level flight deceleration ..	±5% Time	Cruise	Record results for a minimum of 50 kts speed decrease using idle power.	X	X	X	X	
1.d.3	Cruise performance	±0.05 EPR or ±5% of N_1, or ±5% of Torque, ±5% of fuel flow.	Cruise	May be a single snapshot showing instantaneous fuel flow or a minimum of 2 consecutive snapshots with a spread of at least 3 minutes in steady flight.			X	X	
1.e	Stopping								
1.e.1	Stopping time and distance, using manual application of wheel brakes and no reverse thrust on a dry runway.	±5% of time. For distance up to 4000 ft (1220 m): ±200 ft (61 m) or ±10%, whichever is smaller. For distance greater than 4000 ft (1220 m): ±5% of distance.	Landing	Record time and distance for at least 80% of the total time from touch down to full stop. Data is required for weights at medium and near maximum landing weights. Data for brake system pressure and position of ground spoilers (including method of deployment, if used) must be provided. Engineering data may be used for the medium gross weight condition.	X	X	X	X	

TABLE A2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS REQUIREMENTS>>>									Information notes
Test		Tolerance	Flight Conditions	Test details	Simulator Level				
No.	Title				A	B	C	D	
1.e.2	Stopping time and distance, using reverse thrust and no wheel brakes on a dry runway.	±5% time and the smaller of ±10% or ±200 ft (61 m) of distance.	Landing	Record time and distance for at least 80% of the total time from initiation of reverse thrust to the minimum operating speed with full reverse thrust. Data is required for medium and near maximum landing gross weights. Data on the position of ground spoilers, (including method of deployment, if used) must be provided. Engineering data may be used for the medium gross weight condition.	X	X	X	X	
1.e.3	Stopping distance, using wheel brakes and no reverse thrust on a wet runway.	±10% of distance or ±200 ft (61 m).	Landing	Either flight test data or manufacturer's performance manual data must be used where available. Engineering data based on dry runway flight test stopping distance modified by the effects of contaminated runway braking coefficients are an acceptable alternative.			X	X	
1.e.4	Stopping distance, using wheel brakes and no reverse thrust on an icy runway.	±10% of distance or ±200 ft (61 m).	Landing	Either flight test or manufacturer's performance manual data must be used, where available. Engineering data based on dry runway flight test stopping distance modified by the effects of contaminated runway braking coefficients are an acceptable alternative.			X	X	
1.f	Engines								
1.f.1	Acceleration	±10% T_t and ±10% T_i, or ±0.25 sec.	Approach or landing	Record engine power (N_1, N_2, EPR, Torque) from flight idle to go-around power for a rapid (slam) throttle movement.	X	X	X	X	T_I is the total time from initial throttle movement until reaching a 10% response of engine power. T_t is the total time from initial throttle movement to reaching 90% of go around power.

TABLE A2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS REQUIREMENTS>>>									Information notes
Test		Tolerance	Flight Conditions	Test details	Simulator Level				
No.	Title				A	B	C	D	
1.f.2	Deceleration	±10% T_t and ±10% T_i, or ±0.25 sec.	Ground	Record engine power (N_1, N_2, EPR, Torque) from Max T/O power to 90% decay of Max T/O power for a rapid (slam) throttle movement.					T_i is the total time from initial throttle movement until reaching a 10% response of engine power. T_t is the total time from initial throttle movement to reaching 90% decay of maximum takeoff power.
2. Handling Qualities									
	For simulators requiring Static or Dynamic tests at the controls (i.e., column, wheel, rudder pedal), special test fixtures will not be required during initial or upgrade evaluations if the sponsor's QTG/MQTG shows both text fixture results *and* the results of an alternative approach, such as computer plots produced concurrently, that provide satisfactory agreement. Repeat of the alternative method during the initial or upgrade evaluation would then satisfy this test requirement. For initial and upgrade evaluations, the control dynamic characteristics must be measured at and recorded directly from the cockpit controls, and must be accomplished in takeoff, cruise, and landing flight conditions and configurations. Testing of position versus force is not applicable if forces are generated solely by use of airplane hardware in the full flight simulator								Contact the NSPM for clarification of any issue regarding airplanes with reversible controls.
2.a	Static Control Tests								
2.a.1.a	Pitch Controller Position vs. Force and Surface Position Calibration.	±2 lb (0.9 daN) breakout, ±10% or ±5 lb (2.2 daN) force, ±2° elevator.	Ground	Record results for an uninterrupted control sweep to the stops.	X	X	X	X	Test results should be validated (where possible) with in-flight data from tests such as longitudinal static stability or stalls. Static and dynamic flight control tests should be accomplished at the same feel or impact pressures.
2.a.1.b	(Reserved)								
2.a.2.a	Roll Controller Position vs. Force Surface Position Calibration.	±2 lb (0.9 daN) breakout, ±10% or ±3 lb (1.3 daN) force, ±2° aileron, ±3° spoiler angle.	Ground	Record results for an uninterrupted control sweep to the stops.	X	X	X	X	Test results should be validated with in-flight data from tests such as engine out trims, steady state or sideslips. Static and dynamic flight control tests should be accomplished at the same feel or impact pressures.
2.a.2.b. ...	(Reserved).								
2.a.3.a. ...	Rudder Pedal Position vs. Force and Surface Position Calibration.	±5 lb (2.2 daN) breakout, ±10% or ±5 lb (2.2 daN) force, ±2½ rudder angle.	Ground	Record results for an uninterrupted control sweep to the stops.	X	X	X	X	Test results should be validated with in-flight data from tests such as engine out trims, steady state or sideslips. Static and dynamic flight control tests should be accomplished at the same feel or impact pressures.
2.a.3.b. ...	(Reserved).								
2.a.4	Nosewheel Steering Controller Force & Position Calibration.	±2 lb (0.9 daN) breakout, ±10% or ±3 lb (1.3 daN) force, ±2½ nosewheel angle.	Ground	Record results for an uninterrupted control sweep to the stops.	X	X	X	X	

TABLE A2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS REQUIREMENTS>>>									Information notes
Test		Tolerance	Flight Conditions	Test details	Simulator Level				
No.	Title				A	B	C	D	
2.a.5	Rudder Pedal Steering Calibration.	±°nosewheel angle	Ground	Record results for an uninterrupted control sweep to the stops.	X	X	X	X	
2.a.6	Pitch Trim Indicator vs. Surface Position Calibration.	±0.5° of computed trim surface angle.	Ground	.....	X	X	X	X	The purpose of the test is to compare full flight simulator against design data or equivalent
2.a.7	(Reserved)	.							
2.a.8	Alignment of Cockpit Throttle Lever vs. Selected Engine Parameter.	±5° of throttle lever angle, or ±3% N1 or ±03 EPR, or ± torque. For propeller-driven airplanes where the propeller control levers do not have angular travel, a tolerance of ±0.8 inch (±2 cm.) applies.	Ground	Requires simultaneous recording for all engines. The tolerances apply against airplane data and between engines. In the case of propeller powered airplanes, if a propeller lever is present, it must also be checked. For airplanes with throttle ''detents,'' all detents must be presented. May be a series of snapshot test results..	X	X	X	X	
2.a.9	Brake Pedal Position vs. Force and Brake System Pressure Calibation.	±5 lb (2.2 daN) or 10% force, ±150 psi (1.0 MPa) or ±10% brake system pressure.	Ground	Hydraulic system pressure must be related to pedal position through a ground static test.	X	X	X	X	Full flight simulator computer output results may be used to show compliance.
2.b	Dynamic Control Tests.								
	(3) Tests 2.b.1., 2.b.2., and 2.b.3 are not applicable if dynamic response is generated solely by use of airplane hardware in the full flight simulator. Power setting is that required for level flight unless otherwise specified.								
2.b.1	Pitch Control	For underdamped systems ±10% of time from 90% of initial displacement (0.9 A_d) to first zero crossing and ±10 (n+1)% of period thereafter ±10% amplitude of first overshoot applied to all overshoots greater than 5% of initial displacement (.05 A_d). ±1 overshoot (first significant overshoot must be matched). For overdamped systems: ±10% of time from 90% of initial displacement (0.9 A_d) to 10% of initial displacement (0.1 A_d)	Takeoff, Cruise, and Landing.	Data must show normal control displacement in both directions. Tolerances apply against the absolute values of each period (considered independently). Normal control displacement for this test is 25% to 50% of the maximum allowable pitch controller deflection for flight conditions limited by the maneuvering load envelope.			X	X	''n'' is the sequential period of a full cycle of oscillation. Refer to paragraph 3 of this attachment for more information. Static and dynamic flight control tests should be accomplished at the same feel or impact pressures. For the alternate method (see paragraph 3 of this attachment). The slow sweep is the equivalent to the static test 2.a.1. For the moderate and rapid sweeps: ±2 lb (0.9 daN) or ±10% dynamic increment above the static force.

TABLE A2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS REQUIREMENTS>>>									Information notes
Test		Tolerance	Flight Conditions	Test details	Simulator Level				
No.	Title				A	B	C	D	
2.b.2	Roll Control	For underdamped systems: ±10% of time from 90% of initial displacement (0.9 A_d) to first zero crossing, and ±10 (n+1)% of period thereafter. ±10% amplitude of first overshoot, applied to all overshoots greater than 5% of initial displacement (.05 A_d), ±1 overshoot (first significant overshoot must be matched) For overdamped systems: ±10% of time from 90% of initial displacement (0.9 A_d) to 10% of initial displacement (0.1 A_d)	Takeoff, Cruise, and Landing.	Data must show normal control displacement in both directions. Tolerances apply against the absolute values of each period (considered independently). Normal control displacement for this test is 25% to 50% of maximum allowable roll controller deflection for flight conditions limited by the maneuvering load envelope.			X	X	"n" is the sequential period of a full cycle of oscillation. Refer to paragraph 3 of this attachment for more information. Static and dynamic flight control tests should be accomplished at the same feel or impact pressures. For the alternate method (see paragraph 3 of this attachment). The slow sweep is the equivalent to the static test 2.a.2. For the moderate and rapid sweeps: ±2 lb (0.9 daN) or ±10% dynamic increment above the static force.
2.b.3	Yaw Control	For underdamped systems: ±10% of time from 90% of initial displacement (0.9 A_d) to first zero crossing, and ±10 (n+1)% of period thereafter ±10% amplitude of first overshoot, applied to all overshoots greater than 5% of initial displacement (.05 A_d), ±1 overshoot (first significant overshoot must be matched). For overdamped systems: ±10% of time from 90% of initial displacement (0.9 A_d) to 10% of initial displacement (0.1 A_d)	Takeoff, Cruise, and Landing.	Data must show normal control displacement in both directions. Tolerances apply against the absolute values of each period (considered independently). Normal control displacement for this test is 25% to 50% of full throw.			X	X	"n" is the sequential period of a full cycle of oscillation. Refer to paragraph 3 of this attachment for more information. Static and dynamic flight control tests should be accomplished at the same feel or impact pressures. For the alternate method (see paragraph 3 of this attachment). The slow sweep is the equivalent to the static test 2.a.3. For the moderate and rapid sweeps: ±2 lb (0.9 daN) or ±10% dynamic increment above the static force.
2.b.4	Small Control Inputs—Pitch.	±0.15°/sec body pitch rate or ±20% of peak body pitch rate applied throughout the time history.	Approach or Landing	Control inputs must be typical of minor corrections made while established on an ILS approach course (approximately 0.5°/sec to 2°/sec pitch rate). The test must be in both directions, showing time history data from 5 seconds before until at least 5 seconds after initiation of control input. CCA: Test in normal and non-normal control states.			X	X	

TABLE A2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS REQUIREMENTS>>>									Information notes
Test		Tolerance	Flight Conditions	Test details	Simulator Level				
No.	Title				A	B	C	D	
2.b.5	Small Control Inputs—Roll.	±0.15°/sec body roll rate or ±20% of peak body roll rate applied throughout the time history.	Approach or landing	Control inputs must be typical of minor corrections made while established on an ILS approach course (approximately 0.5°/sec to 2°/sec roll rate). The test must be run in only one direction; however, for airplanes that exhibit non-symmetrical behavior, the test must include both directions. Time history data must be recorded from 5 seconds before until at least 5 seconds after initiation of control input. CCA: Test in normal and non-normal control states.			X	X	
2.b.6	Small Control Inputs—Yaw.	±0.15°/sec body yaw rate or ±20% of peak body yaw rate applied throughout the time history.	Approach or landing	Control inputs must be typical of minor corrections made while established on an ILS approach course (approximately 0.5°/sec to 2°/sec yaw rate). The test must be run in only one direction; however, for airplanes that exhibit non-symmetrical behavior, the test must include both directions. Time history data must be recorded from 5 seconds before until at least 5 seconds after initiation of control input. CCA: Test in normal and non-normal control states.			X	X	
2.c	Longitudinal Control Tests								
	Power setting is that required for level flight unless otherwise specified								

TABLE A2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS REQUIREMENTS>>>									Information notes
Test		Tolerance	Flight Conditions	Test details	Simulator Level				
No.	Title				A	B	C	D	
2.c.1	Power Change Dynamics	±3 kt airspeed, ±100 ft (30 m) altitude, ±20% or ±1.5° pitch angle.	Approach	Power is changed from the thrust setting required for approach or level flight to maximum continuous thrust or go-around power setting. Record the uncontrolled free response from at least 5 seconds before the power change is initiated to 15 seconds after the power change is completed. CCA: Test in normal and non-normal control states.	X	X	X	X	
2.c.2	Flap/Slat Change Dynamics.	±3 kt airspeed, ±100 ft (30 m) altitude, ±20% or ±1.5° angle.	Takeoff through initial flap retraction, and approach to landing.	Record the uncontrolled free response from at least 5 seconds before the configuration change is initiated to 15 seconds after the configuration change is completed. CCA: Test in normal and non-normal control states.	X	X	X	X	
2.c.3	Spoiler/Speedb rake Change Dynamics.	±3 kt airspeed, ±100 ft (30 m) altitude, ±20% or ±1.5° pitch angle.	Cruise	Record the uncontrolled free response from at least 5 seconds before the configuration change is initiated to 15 seconds after the configuration change is completed. Record results for both extension and retraction. CCA: Test in normal and non-normal control states.	X	X	X	X	
2.c.4	Gear Change Dynamics ..	±3 kt airspeed, ±100 ft (30 m) altitude, ±20% or ±1.5° pitch angle.	Takeoff (retraction), and Approach (extension).	Record the time history of uncontrolled free response for a time increment from at least 5 seconds before the configuration change is initiated to 15 seconds after the configuration change is completed. CCA: Test in normal and non-normal control states.	X	X	X	X	

TABLE A2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS REQUIREMENTS>>>									Information notes
Test		Tolerance	Flight Conditions	Test details	Simulator Level				
No.	Title				A	B	C	D	
2.c.5	Longitudinal Trim	±0.5° stabilizer, ±1° elevator, ±1° pitch angle, ±5% net thrust or equivalent.	Cruise, Approach, and Landing.	Record steady-state condition with wings level and thrust set for level flight. May be a series of snapshot tests. CCA: Test in normal and non-normal control states.	X	X	X	X	
2.c.6	Longitudinal Maneuvering Stability (Stick Force/g).	±5 lb (±2.2 daN) or ±10% pitch controller force.. Alternative method: ±1° or ±10% change of elevator	Cruise, Approach, and Landing.	Continuous time history data or a series of snapshot tests may be used. Record results up to approximately 30° of bank for approach and landing configurations. Record results for up to approximately 45° of bank for the cruise configuration. The force tolerance is not applicable if forces are generated solely by the use of airplane hardware in the full flight simulator. The alternative method applies to airplanes that do not exhibit ''stick-force-per-g'' characteristics. CCA: Test in normal and non-normal control states.	X	X	X	X	
2.c.7	Longitudinal	±5 lb (±2.2 daN) or ±10% pitch controller force.. Alternative method: ±1° or ±10% change of elevator.	Approach	Record results for at least 2 speeds above and 2 speeds below trim speed. May be a series of snapshot test results. The force tolerance is not applicable if forces are generated solely by the use of airplane hardware in the full flight simulator. The alternative method applies to airplanes that do not exhibit speed stability characteristics. CCA: Test in normal and non-normal control states.	X	X	X	X	

TABLE A2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS REQUIREMENTS>>>									Information notes
Test		Tolerance	Flight Conditions	Test details	Simulator Level				
No.	Title				A	B	C	D	
2.c.8	Stall Characteristics	±3 kt airspeed for initial buffet, stall warning, and stall speeds. Additionally, for those simulators with reversible flight control systems: ±10% or ±5 lb (2.2 daN)) Stick/Column force (prior to ''g break'' only).	Second Segment Climb, and Approach or Landing.	The stall maneuver must be entered with thrust at or near idle power and wings level (1g). Record the stall warning signal and initial buffet, if applicable. Time history data must be recorded for full staff and initiation of recovery. The stall warning signal must occur in the proper relation to buffet/stall. Full flight simulators of airplanes exhibiting a sudden pitch attitude change or ''g break'' must demonstrate this characteristic. CCA: Test in normal and non-normal control states.	X	X	X	X	
2.c.9	Phugoid Dynamics	±10% period, ±10% of time to ½ or double amplitude or ±.02 of damping ratio.	Cruise	The test must include whichever is less of the following: Three full cycles (six overshoots after the input is completed), or the number of cycles sufficient to determine time to ½ or double amplitude. CCA: Test in Non-normal and non-normal control states.	X	X	X	X	
2.c.10	Short Period Dynamics ...	±1.5° pitch angle or ±2°/sec pitch rate, ±0.10g acceleration.	Cruise	CCA: Test in Normal and Non-normal control states.		X	X		
2.c.11	(Reserved)	.....	.....	.....					
2.d	Lateral Directional Tests								
	Power setting is that required for level flight unless otherwise specified								
2.d.1	Minimum Control Speed, Air (V_{mca} or V_{mci}), per Applicable Airworthiness Standard or Low Speed Engine Inoperative Handling Characteristics in the Air.	±3 kt airspeed	Takeoff or Landing (whichever is most critical in the airplane).	Takeoff thrust must be used on the operating engine(s). A time history or a series of snapshot tests may be used. CCA: Test in Normal and Non-normal control states.	X	X	X	X	Low Speed Engine Inoperative Handling may be governed by a performance or control limit that prevents demonstration of V_{mca} in the conventional manner.

TABLE A2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS REQUIREMENTS>>>									Information notes
Test		Tolerance	Flight Conditions	Test details	Simulator Level				
No.	Title				A	B	C	D	
2.d.2	Roll Response (Rate)	±10% or ±2°/sec roll rate. Additionally, for those simulators of airplanes with reversible flight control systems: ±10% or ±3lb (1.3 daN) wheel force.	Cruise, and Approach or Landing.	Record results for normal roll controller deflection (about one-third of maximum roll controller travel). May be combined with step input of flight deck roll controller test (2.d.3).	X	X	X	X	
2.d.3	Roll Response to Cockpit Roll Controller Step Input.	±10% or ±2° bank angle	Approach or Landing	Record from initiation of roll through 10 seconds after control is returned to neutral and released. May be combined with roll response (rate) test (2.d.2). CCA: Test in Normal and Non-normal control states.	X	X	X	X	With wings level, apply a step roll control input using approximately one-third of the roll controller travel. When reaching approximately 20° to 30° of bank, abruptly return the roll controller to neutral and allow approximately 10 seconds of airplane free response.
2.d.4	Spiral Stability	Correct trend and ±2° or ±10% bank angle in 20 seconds. Alternate test requires correct trend and ±2° aileron.	Cruise	Record results for both directions. Airplane data averaged from multiple tests may be used. As an alternate test, demonstrate the lateral control required to maintain a steady turn with a bank angle of approximately 30° CCA: Test in Normal and Non-normal control states.	X	X	X	X	
2.d.5	Engine Inoperative Trim ..	±1° rudder angle or ±1° tab angle or equivalent pedal, ±2° sideslip angle.	Second Segment Climb, and Approach or Landing.	May be a series of snapshot tests.	X	X	X	X	The test should be performed in a manner similar to that for which a pilot is trained to trim an engine failure condition. Second segment climb test should be at takeoff thrust. Approach or landing test should be at thrust for level flight.
2.d.6	Rudder Response	±2°/sec or ±10% yaw rate	Approach or Landing	Record results for stability augmentation system ON and OFF. A rudder step input of 20%–30% rudder pedal throw is used. CCA: Test in Normal and Non-normal control states.	X	X	X	X	

TABLE A2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS REQUIREMENTS>>>									Information notes
Test		Tolerance	Flight Conditions	Test details	Simulator Level				
No.	Title				A	B	C	D	
2.d.7	Dutch Roll (Yaw Damper OFF).	±0.5 sec or ±10% of period, ±10% of time to ½ or double amplitude or ±.02 of damping ratio. ±20% or ±1 sec of time difference between peaks of bank and sideslip.	Cruise, and Approach or Landing.	Record results for at least 6 complete cycles with stability augmentation OFF. CCA: Test in Normal and Non-normal control states.		X	X	X	
2.d.8	Steady State Sideslip	For given rudder position, ±2° bank angle, ±1° sideslip angle, ±10% or ±2° aileron, ±10% or ±5° spoiler or equivalent roll, controller position or force. Additionally, for those simulators of airplanes with reversible flight control systems: ±10% or ±3 lb (1.3 daN) wheel force ±10% or ±5 lb (2.2 daN) rudder pedal force.	Approach or Landing	May be a series of snapshot test results using at least two rudder positions. Propeller driven airplanes must test in each direction.	X	X	X	X	
2.e	Landings								
2.e.1	Normal Landing	±3 kt airspeed, ±1.5° pitch angle, ±1.5° angle of attack, ±10% or ±10 ft (3 m) height. Additionally, for those simulators of airplanes with reversible flight control systems: ±10% or ±5 lbs (±2.2 daN) stick/column force.	Landing	Record results from a minimum of 200 ft (61 m) AGL to nose-wheel touchdown.. CCA: Test in Normal and Non-normal control states		X	X	X	Tests should be conducted with two normal landing flap settings (if applicable). One should be at or near maximum certificated landing weight. The other should be at light or medium landing weight.
2.e.2	Miminum Flap Landing	±3 kt airspeed, ±1.5° pitch angle, ±1.5° angle of attack, ±10% or ±10 ft (3 m) height. Additionally, for those simulators of airplanes with reversible flight control systems: ±10% or ±5 lbs (2.2 daN) stick/column force.	Minimum Certified Landing Flap Configuration.	Record results from a minimum of 200 ft (61 m) AGL to nosewheel touchdown with airplane at near Maximum Landing Weight.			X	X	
2.e.3	Crosswind Landing	±3 kt airspeed, ±1.5° pitch angle, ±1.5° angle of attack, ±10% or ±10 ft (3 m) height ±2° bank angle, ±2° sideslip angle, ±3° heading angle. Additionally, for those simulators of airplanes with reversible flight control systems: ±10% or ±3 lbs (1.3 daN) wheel force ±10% or ±5 lb (2.2 daN) rudder pedal force.	Landing	Record results from a minimum of 200 ft (61 m) AGL, through nosewheel touchdown, to 50% decrease in main landing gear touchdown speed.		X	X	X	Test data should include information on wind profile, for a crosswind component of 60% of the maximum described in the AFM as measured at 33 ft (10m) above the runway.
2.e.4	One Engine Inoperative Landing.	±3 kt airspeed, ±1.5° pitch angle, ±1.5° angle of attack, ±10% height or ±10 ft (3 m); ±2° bank angle, ±2° sideslip angle, ±3° heading.	Landing	Record results from a minimum of 200 ft (61 m) AGL, through nosewheel touchdown, to 50% decrease in main landing gear touchdown speed or less.		X	X	X	
2.e.5	Autopilot landing (if applicable).	±5 ft (1.5m) flare height, ±0.5 sec T_f, ±140 ft/min (.7 m/sec) rate of descent at touchdown. ±10 ft (3 m) lateral deviation during rollout.	Landing	If autopilot provides rollout guidance, record lateral deviation from touchdown to a 50% decrease in main landing gear touchdown speed or less. Time of autopilot flare mode engage and main gear touchdown must be noted.		X	X	X	T_f = duration of flare

TABLE A2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS REQUIREMENTS>>>									Information notes
Test		Tolerance	Flight Conditions	Test details	Simulator Level				
No.	Title				A	B	C	D	
2.e.6	All engines operating, autopilot, go around.	±3 kt airspeed, ±1.5° pitch angle, ±1.5° angle of attack.	As per AFM	Normal, all-engines-operating, Go Around with the autopilot engaged (if applicable) at medium landing weight. CCA: Test in Normal and Non-normal control states		X	X	X	
2.e.7	One engine inoperative go around.	±3 kt airspeed, ±1.5° pitch angle, ±1.5° angle of attack, ±2° bank angle, ±2° slideslip angle.	As per AFM	The one engine inoperative go around is required at near maximum certificated landing weight with the critical engine inoperative using manual controls. If applicable, an additional engine inoperative go around test must be accomplished with the autopilot engaged. CCA: Test in Normal and Non-normal control states		X	X	X	
2.e.8	Directional control (rudder effectiveness) with symmetric reverse thrust.	±2°/sec yaw rate, ±5 kts airspeed.	Landing	Record results starting from a speed approximating touchdown speed to the minimum thrust reverser operation speed. With full reverse thrust, apply yaw control in both directions until reaching minimum thrust reverser operation speed.		X	X	X	
2.e.9	Directional control (rudder effectiveness) with symmetric reverse thrust.	±5 kt airspeed, ±3° heading angle.	Landing	Maintain heading with yaw control with full reverse thrust on the operating engine(s). Record results starting from a speed approximating touchdown speed to a speed at which control of yaw cannot be maintained or until reaching minimum thrust reverser operation speed, whichever is higher. The tolerance applies to the low speed end of the data recording.		X	X	X	
2.f	Ground Effect.								

TABLE A2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS REQUIREMENTS>>>									Information notes
Test		Tolerance	Flight Conditions	Test details	Simulator Level				
No.	Title				A	B	C	D	
	Test to demonstrate Ground Effect.	±1° elevator or stabilizer angle, ±5% net thrust or equivalent, ±1° angle of attack, ±10% height or ±5 ft (1.5 m), ±3 kt airspeed, ±1° pitch angle.	Landing	The Ground Effect model must be validated by the test selected and a rationale must be provided for selecting the particular test.		X	X	X	See paragraph 4, Ground Effect, in this attachment for additional information.
2.g	Windshear								
	Four tests, two takeoff and two landing, with one of each conducted in still air and the other with windshear active to demonstrate windshear models.	See Attachment 5	Takeoff and Landing	Requires windshear models that provide training in the specific skills needed to recognize windshear phenomena and to execute recovery procedures. See Attachment 5 for tests, tolerances, and procedures.			X	X	See Attachment 5 for information related to Level A and B simulators.
2.h	Flight Maneuver and Envelope Protection Functions								
	The requirements of tests h(1) through (6) of this attachment are applicable to computer controlled airplanes only. Time history results are required for simulator response to control inputs during entry into envelope protection limits including both normal and degraded control states if the function is different. See thrust as required to reach the envelope protection function								
2.h.1	Overspeed	±5 kt airspeed	Cruise			X	X	X	
2.h.2	Minimum Speed	±3 kt airspeed	Takeoff, Cruise, and Approach or Landing.			X	X	X	
2.h.3	Load Factor	±0.1g normal load factor	Takeoff, Cruise			X	X	X	
2.h.4	Pitch Angle	±1.5° pitch angle	Cruise, Approach			X	X	X	
2.h.5	Bank Angle	±2° or ±10% bank angle	Approach			X	X	X	
2.h.6	Angle of Attack	±1.5° angle of attack	Second Segment Climb, and Approach or Landing.			X	X	X	
3. Motion System									
3.a	Frequency response.								
		Based on Simulator Capability	N/A	The test must demonstrate frequency response of the motion system.	X	X	X	X	This test is not required as part of continuing qualification evaluations, and should be part of the MQTG.
3.b	(Reserved)								
3.c	(Reserved)								
3.d	Motion system repeatability								

TABLE A2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS REQUIREMENTS>>>									Information notes
Test		Tolerance	Flight Conditions	Test details	Simulator Level				
No.	Title				A	B	C	D	
		±0.05g actual platform linear acceleration.	None	A demonstration is required and must be made part of the MQTG. The assessment procedures must be designed to ensure that the motion system hardware and software (in normal flight simulator operating mode) continue to perform as originally qualified.	X	X	X	X	
3.e	(Reserved)								
3.f	(Reserved)								
4. Visual System									
4.a	Visual System Response Time: Relative responses of the motion system, visual system, and cockpit instruments must be coupled closely to provide integrated sensory cues. Visual change may start before motion response, but motion acceleration must be initiated before completion of the visual scan of the first video field containing different information								See paragraph 14 of this attachment for additional information.
4.a.1	Latency								
	These systems must respond to abrupt input at the pilot's position.	The response must not be prior to that time when the airplane responds and may respond 300 ms (or less) after the airplane responds under the same conditions.	N/A	Simultaneously record: 1) the output from the pilot's controller(s); 2) the output from an accelerometer attached to the motion system platform located at an acceptable location near the pilots' seats; 3) the output signal to the visual system display (including visual system analog delays); and 4) the output signal to the pilot's attitude indicator or an equivalent test approved by the Administrator.	X	X			The intent is to verify that the simulator provides instrument, motion, and visual cues that are, within the stated time delays, like the airplane responses. For airplane response, acceleration in the appropriate, corresponding rotational axis is preferred. Simulator Latency is measured from the start of a control input to the appropriate perceivable change in flight instrument indication; visual system response; or motion system response (this does not include airplane response time as per the manufacturer's data).

TABLE A2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS REQUIREMENTS>>>									Information notes
Test		Tolerance	Flight Conditions	Test details	Simulator Level				
No.	Title				A	B	C	D	
		The response must not be prior to that time when the airplane responds and may respond 150 ms (or less) after the airplane responds under the same conditions.	N/A	Simultaneously record: 1) the output from the pilot's controller(s); 2) the output from an accelerometer attached to the motion system platform located at an acceptable location near the pilots' seats; 3) the output signal to the visual system display (including visual system analog delays); and 4) the output signal to the pilot's attitude indicator or an equivalent test approved by the Administrator.			X	X	The transport delay is the time between the control input and the individual hardware (i.e., instruments, motion system, visual system) responses. If Transport Delay is the chosen method to demonstrate relative responses, it is expected that, when reviewing those existing tests where latency can be identified (*e.g.*, short period, roll response, rudder response) the sponsor and the NSPM will apply additional scrutiny to ensure proper simulator response.
4.a.2	Transport Delay								
	As an alternative to the Latency requirement a transport delay objective test may be used to demonstrate that the simulator system does not exceed the specified limit. The sponsor must measure all the delay encountered by a step signal migrating from the pilot's control through the control loading electronics and interfacing through all the simulation software modules in the correct order, using a handshaking protocol, finally through the normal output interfaces to the instrument displays, the motion system, and the visual system An SOC is required.			A recordable start time for the test must be provided with the pilot flight control input. The migration of the signal must permit normal computation time to be consumed and must not alter the flow of information through the hardware/software system.					The transport delay is the time between the control input and the individual hardware (*i.e.*, instruments, motion system, visual system) responses. If Transport Delay is the chosen method to demonstrate relative responses, it is expected that, when reviewing those existing tests where latency can be identified (*e.g.*, short period, roll response, rudder response) the sponsor and the NSPM will apply additional scrutiny to ensure proper simulator response.
		The response must not be prior to that time when the airplane responds and may respond 300 ms (or less) after controller movement.	N/A	.....	X	X			
		The response must not be prior to that time when the airplane responds and may respond 150 ms (or less) after controller movement.	N/A	.....			X	X	
	.....	The response must not be prior to that time when the airplane responds and may respond 150 ms (or less) after controller movement.	N/A	.....			X	X	response, rudder response) the sponsor and the NSPM will apply additional scrutiny to ensure proper simulator response.
4.b	Field of View								

TABLE A2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS REQUIREMENTS>>>									Information notes
Test		Tolerance	Flight Conditions	Test details	Simulator Level				
No.	Title				A	B	C	D	
4.b.1	Continuous collimated visual field of view.	Minimum continuous collimated field of view providing 45° horizontal and 30° vertical field of view for each pilot seat. Both pilot seat visual systems must be operable simultaneously.	N/A	Required as part of MQTG but not required as part of continuing evaluations.	X	X			A vertical field of view of 30° may be insufficient to meet visual ground segment requirements.
4.b.2.	(Reserved)								
4.b.3.	(Reserved)								
4.c.	(Reserved)								
4.d.	Surface contrast ratio								
		Not less than 5:1	N/A	The ratio is calculated by dividing the brightness level of the center, bright square (providing at least 2 foot-lamberts or 7 cd/m^2) by the brightness level of any adjacent dark square. This requirement is applicable to any level of simulator equipped with a daylight visual system.			X	X	Measurements should be made using a 1° spot photometer and a raster drawn test pattern filling the entire visual scene (all channels) with a test pattern of black and white squares, 5° per square, with a white square in the center of each channel. During contrast ratio testing, simulator aft-cab and flight deck ambient light levels should be zero.
4.e.	Highlight brightness								
		Not less than six (6) foot-lamberts (20 cd/m^2).	N/A	Measure the brightness of a white square while superimposing a highlight on that white square. The use of calligraphic capabilities to enhance the raster brightness is acceptable; however, measuring lightpoints is not acceptable. This requirement is applicable to any level of simulator equipped with a daylight visual system.			X	X	Measurements should be made using a 1° spot photometer and a raster drawn test pattern filling the entire visual scene (all channels) with a test pattern of black and white squares, 5° per square, with a white square in the center of each channel.
4.f	Surface resolution								
		Not greater than three (3) arc minutes.	N/A	An SOC is required and must include the relevant calculations and an explanation of those calculations. This requirement is applicable to any level of simulator equipped with a daylight visual system.			X	X	The eye will subtend two arc minutes when positioned on a 3° glide slope, 6,876 ft slant range from the centrally located threshold of a black runway surface painted with white threshold bars that are 16 ft wide with 4-foot gaps between the bars.

TABLE A2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS REQUIREMENTS>>>									Information notes
Test		Tolerance	Flight Conditions	Test details	Simulator Level				
No.	Title				A	B	C	D	
4.g.	Light point size								
	.....	Not greater than six (6) arc-minutes.	N/A	An SOC is required and must include the relevant calculations and an explanation of those calculations. This requirement is applicable to any level of simulator equipped with a daylight visual system.			X	X	Light point size should be measured using a test pattern consisting of a centrally located single row of light points reduced in length until modulation is just discernible in each visual channel. A row of 48 lights will form a 4° angle or less.
4.h. ..... 4.h.1. ..... 4.h.2	Light point contrast ratio (Reserved) For Level C and D simulators.	Not less than 25:1.	N/A	An SOC is required and must include the relevant calculations.			X	X	A 1° spot photometer is used to measure a square of at least 1° filled with light points (where light point modulation is just discernible) and compare the results to the measured adjacent background. During contrast ratio testing, simulator aft-cab and flight deck ambient light levels should be zero.
4.i	Visual ground segment								
		The QTG must contain appropriate calculations and a drawing showing the pertinent data used to establish the airplane location and the segment of the ground that is visible considering design eyepoint, the airplane attitude, cockpit cut-off angle, and a visibility of 1200 ft (350 m) RVR. Simulator performance must be measured against the QTG calculations. Sponsors must provide this data for each simulator (regardless of previous qualification standards) to qualify the simulator for all instrument approaches. The data submitted must include at least the following:. (1) Static airplane dimensions as follows: (i) Horizontal and vertical distance from main landing gear (MLG) to glideslope reception antenna. (ii) Horizontal and vertical distance from MLG to pilot's eyepoint. (iii) Static cockpit cutoff angle. (2) Approach data as follows: (i) Identification of runway. (ii) Horizontal distance from runway threshold to glideslope intercept with runway.	.....	The simulator must be verified for visual ground segment and visual scene content for the airplane in landing configuration and a main wheel height of 100 ft (30m) above the touchdown zone, on glide slope with an RVR value set at 1,200 ft (350m).	X	X	X	X	Pre-position for this test is encouraged but may be achieved via manual or autopilot control to the desired position.

TABLE A2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS REQUIREMENTS>>>									Information notes
Test		Tolerance	Flight Conditions	Test details	Simulator Level				
No.	Title				A	B	C	D	
	.....	(iii) Glideslope angle. (iv) Airplane pitch angle on approach. (3) Airplane data for manual testing: (i) Gross weight. (ii) airplane configuration. (iii) Approach airspeed.							

5. (Reserved)

Begin Information

2. General

a. If relevant winds are present in the objective data, the wind vector should be clearly noted as part of the data presentation, expressed in conventional terminology, and related to the runway being used for test near the ground.

b. The reader is encouraged to review the Airplane Flight Simulator Evaluation Handbook, Volumes I and II, published by the Royal Aeronautical Society, London, UK, and FAA Advisory Circulars (AC) 25–7, as may be amended, Flight Test Guide for Certification of Transport Category Airplanes, and (AC) 23–8, as may be amended, Flight Test Guide for Certification of Part 23 Airplanes, for references and examples regarding flight testing requirements and techniques.

End Information

Begin Information

3. Control Dynamics

a. General. The characteristics of an airplane flight control system have a major effect on handling qualities. A significant consideration in pilot acceptability of an airplane is the ''feel'' provided through the flight controls. Considerable effort is expended on airplane feel system design so that pilots will be comfortable and will consider the airplane desirable to fly. In order for a FFS to be representative, it should ''feel'' like the airplane being simulated. Compliance with this requirement is determined by comparing a recording of the control feel dynamics of the FFS to actual airplane measurements in the takeoff, cruise and landing configurations.

(1) Recordings such as free response to an impulse or step function are classically used to estimate the dynamic properties of electromechanical systems. In any case, it is only possible to estimate the dynamic properties as a result of only being able to estimate true inputs and responses. Therefore, it is imperative that the best possible data be collected since close matching of the FFS control loading system to the airplane system is essential. The required dynamic control tests are described in Table A2A of this attachment.

(2) For initial and upgrade evaluations, the QPS requires that control dynamics characteristics be measured and recorded directly from the flight controls (Handling Qualities—Table A2A). This procedure is usually accomplished by measuring the free response of the controls using a step or impulse input to excite the system. The procedure should be accomplished in the takeoff, cruise and landing flight conditions and configurations.

(3) For airplanes with irreversible control systems, measurements may be obtained on the ground if proper pitot-static inputs are provided to represent airspeeds typical of those encountered in flight. Likewise, it may be shown that for some airplanes, takeoff, cruise, and landing configurations have like effects. Thus, one may suffice for another. In either case, engineering validation or airplane manufacturer rationale should be submitted as justification for ground tests or for eliminating a configuration. For FFSs requiring static and dynamic tests at the controls, special test fixtures will not be required during initial and upgrade evaluations if the QTG shows both test fixture results and the results of an alternate approach (*e.g.*, computer plots that were produced concurrently and show satisfactory agreement). Repeat of the alternate method during the initial evaluation would satisfy this test requirement.

b. Control Dynamics Evaluation. The dynamic properties of control systems are often stated in terms of frequency, damping and a number of other classical measurements. In order to establish a consistent means of validating test results for FFS control loading, criteria are needed that will clearly define the measurement interpretation and the applied tolerances. Criteria are needed for underdamped, critically damped and overdamped systems. In the case of an underdamped system with very light damping, the system may be quantified in terms of frequency and damping. In critically damped or overdamped systems, the frequency and damping are not readily measured from a response time history. Therefore, the following suggested measurements may be used:

(1) For Level C and D simulators. Tests to verify that control feel dynamics represent the airplane should show that the dynamic damping cycles (free response of the controls) match those of the airplane within specified tolerances. The NSPM recognizes that several different testing methods may be used to verify the control feel dynamic response. The NSPM will consider the merits of testing methods based on reliability and consistency. One acceptable method of evaluating the response and the tolerance to be applied is described below for the underdamped and critically damped cases. A sponsor using this method to comply with the QPS requirements should perform the tests as follows:

(a) Underdamped response. Two measurements are required for the period, the time to first zero crossing (in case a rate limit is present) and the subsequent frequency of oscillation. It is necessary to measure cycles on an individual basis in case there are non-uniform periods in the response. Each period will be independently compared to the respective period of the airplane control system and, consequently, will enjoy the full tolerance specified for that period. The damping tolerance will be applied to overshoots on an individual basis. Care should be taken when applying the tolerance to small overshoots since the significance of such overshoots becomes questionable. Only those overshoots larger than 5 per cent of the total initial displacement should be considered. The residual band, labeled $T(A_d)$ on Figure A2A is ±5 percent of the initial displacement amplitude A_d from the steady state value of the oscillation. Only oscillations outside the residual band are considered significant. When comparing FFS data to airplane data, the process should begin by overlaying or aligning the FFS and airplane steady state values and then comparing amplitudes of oscillation peaks, the time of the first zero crossing and individual periods of oscillation. The FFS should show the same number of significant overshoots to within one when compared against the airplane data. The procedure for evaluating the response is illustrated in Figure A2A.

(b) Critically damped and overdamped response. Due to the nature of critically damped and overdamped responses (no overshoots), the time to reach 90 percent of the steady state (neutral point) value should be the same as the airplane within ±10 percent. Figure A2B illustrates the procedure.

(c) Special considerations. Control systems that exhibit characteristics other than

classical overdamped or underdamped responses should meet specified tolerances. In addition, special consideration should be given to ensure that significant trends are maintained.

(2) Tolerances.

(a) The following table summarizes the tolerances, T, for underdamped systems, and ''n'' is the sequential period of a full cycle of oscillation. See Figure A2A of this attachment for an illustration of the referenced measurements.

$T(P_0)$ ±10% of P_0
$T(P_1)$ ±20% of P_1
$T(P_2)$ ±30% of P_2
$T(P_n)$ ±10(n+1)% of P_n
$T(A_n)$ ±10% of A_1
$T(A_d)$ ±5% of A_d = residual band
Significant overshoots First overshoot and ±1 subsequent overshoots

(b) The following tolerance applies to critically damped and overdamped systems only. See Figure A2B for an illustration of the reference measurements:

$T(P_0)$ ±10% of P_0

c. Alternate method for Control Dynamics Evaluation. Another acceptable method of evaluating the response and the tolerance to be applied for airplanes with hydraulically powered flight controls and artificial feel systems is described below. Instead of free response measurements, the system is validated by measurements of control force and rate of movement. A sponsor using this alternate method to comply with the QPS requirements should perform the tests as follows:

(1) For each axis of pitch, roll and yaw, the control should be forced to its maximum extreme position for the following distinct rates. These tests would be conducted at typical taxi, takeoff, cruise and landing conditions.

(a) Static test. Slowly move the control such that approximately 100 seconds are required to achieve a full sweep. A full sweep is defined as movement of the controller from neutral to the stop (usually aft or right stop), then to the opposite stop, then to the neutral position.

(b) Slow dynamic test. Achieve a full sweep in approximately 10 seconds.

(c) Fast dynamic test. Achieve a full sweep in approximately 4 seconds.

(**Note:** Dynamic sweeps may be limited to forces not exceeding 100 lb (44.5 daN).

(2) *Tolerances.*

(a) Static test. Same as tests 2.a.1., 2.a.2., and 2.a.3. in Table A2A in this attachment.

(b) Dynamic test. ±2 lb (±0.9 daN)or ±10 per cent on dynamic increment above static test.

(c) The NSPM are open to alternative means such as the one described above. Such alternatives, however, would have to be justified and appropriate to the application. For example, the method described here may not apply to all manufacturers' systems and certainly not to airplanes with reversible control systems. Hence, each case shall be considered on its own merit on an ad hoc basis. If the NSPM finds that alternative methods do not result in satisfactory performance, then more conventionally accepted methods must be used.

End Information

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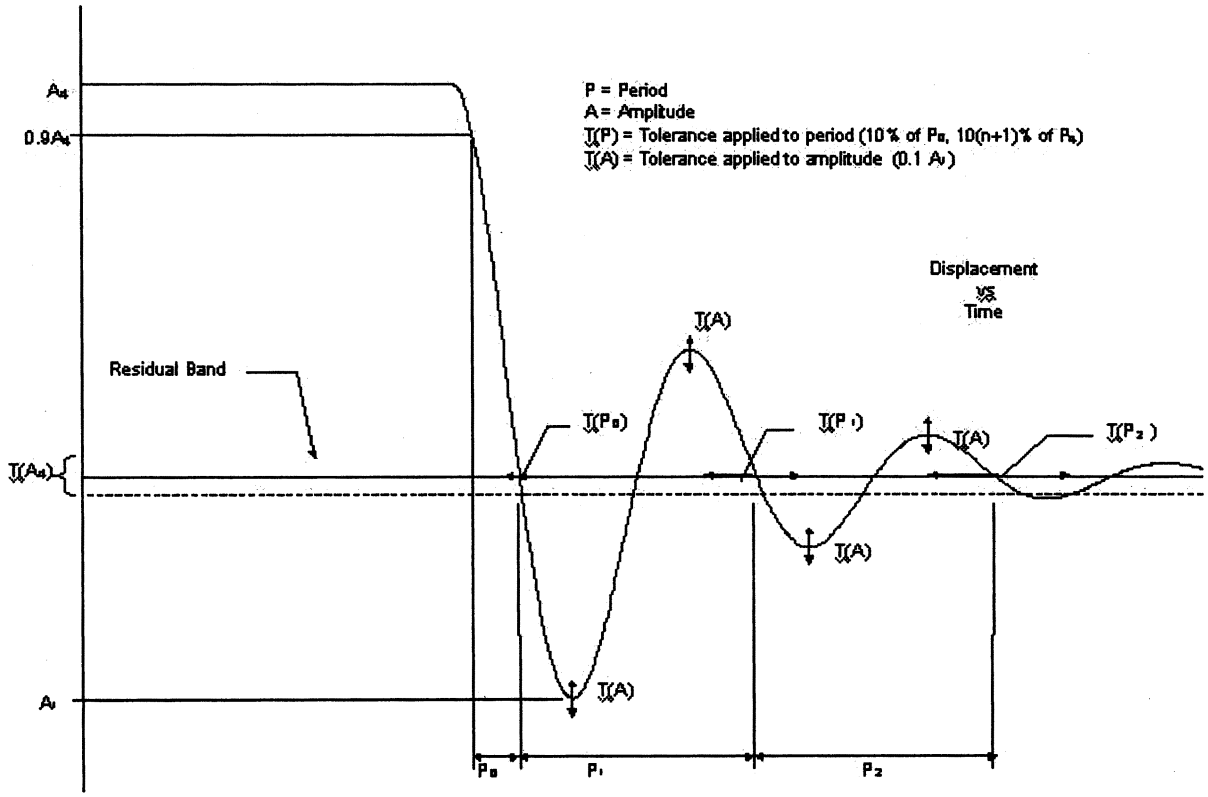


Figure A2A
Underdamped Step Response

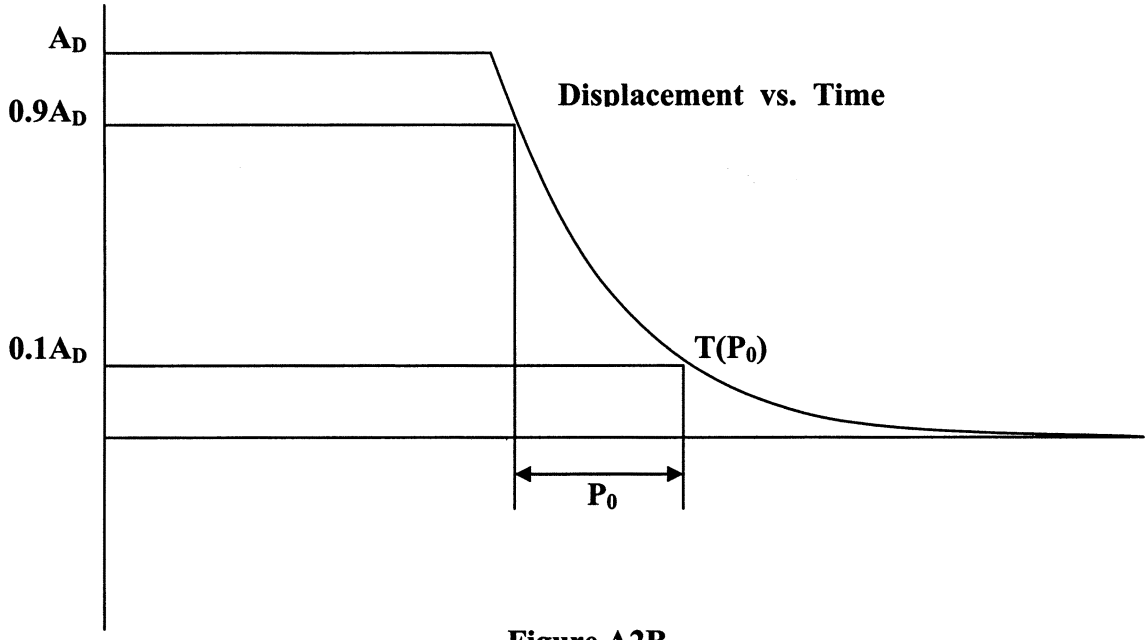


Figure A2B
Critically and Overdamped Step Response

Begin Information

4. Ground Effect

a. For an FFS to be used for take-off and landing (not applicable to Level A simulators in that the landing maneuver may not be credited in a Level A simulator) it should reproduce the aerodynamic changes that occur in ground effect. The parameters chosen for FFS validation should indicate these changes.

(1) A dedicated test should be provided that will validate the aerodynamic ground effect characteristics.

(2) The organization performing the flight tests may select appropriate test methods and procedures to validate ground effect. However, the flight tests should be performed with enough duration near the ground to sufficiently validate the ground-effect model.

b. The NSPM will consider the merits of testing methods based on reliability and consistency. Acceptable methods of validating ground effect are described below. If other methods are proposed, rationale should be provided to conclude that the tests performed validate the ground-effect model. A sponsor using the methods described below to comply with the QPS requirements should perform the tests as follows:

(1) Level fly-bys. The level fly-bys should be conducted at a minimum of three altitudes within the ground effect, including one at no more than 10% of the wingspan above the ground, one each at approximately 30% and 50% of the wingspan where height refers to main gear tire above the ground. In addition, one level-flight trim condition should be conducted out of ground effect (*e.g.*, at 150% of wingspan).

(2) Shallow approach landing. The shallow approach landing should be performed at a glide slope of approximately one degree with negligible pilot activity until flare.

c. The lateral-directional characteristics are also altered by ground effect. For example, because of changes in lift, roll damping is affected. The change in roll damping will affect other dynamic modes usually evaluated for FFS validation. In fact, Dutch roll dynamics, spiral stability, and roll-rate for a given lateral control input are altered by ground effect. Steady heading sideslips will also be affected. These effects should be accounted for in the FFS modeling. Several tests such as crosswind landing, one engine inoperative landing, and engine failure on take-off serve to validate lateral-directional ground effect since portions of these tests are accomplished as the aircraft is descending through heights above the runway at which ground effect is an important factor.

5. [Reserved]

6. [Reserved]

7. [Reserved]

8. [Reserved]

9. [Reserved]

10. [Reserved]

11. [Reserved]

12. [Reserved]

13. [Reserved]

14. [Reserved]

15. [Reserved]

End Information

Begin Information

16. Alternative Data Sources, Procedures, and Instrumentation: Level A and Level B Simulators Only

a. In recent years, considerable progress has been made in the improvement of aerodynamic modeling techniques. Additionally, those who have demonstrated success in combining these modeling techniques with minimal flight testing have incorporated the use of highly mature flight controls models and have had extensive experience in comparing the output of their effort with actual flight test data.

b. It has become standard practice for experienced simulator manufacturers to use modeling techniques to establish databases for new simulator configurations while awaiting the availability of actual flight test data. The data generated from the aerodynamic modeling techniques is then compared to the flight test data when it becomes available. The results of such comparisons have become increasingly consistent, indicating that these techniques, applied with the appropriate experience, are dependable and accurate for the development of aerodynamic models for use in Level A and Level B simulators.

c. Based on this history of successful comparisons, the NSPM has concluded that those who are experienced in the development of aerodynamic models may use modeling techniques to alter the method for acquiring flight test data for Level A or Level B simulators.

d. The information in Table A2E (Alternative Data Sources, Procedures, and Instrumentation) is presented to describe an acceptable alternative to data sources for simulator modeling and validation and an acceptable alternative to the procedures and instrumentation traditionally used to gather such modeling and validation data.

(1) Alternative data sources that may be used for part or all of a data requirement are the Airplane Maintenance Manual, the Airplane Flight Manual (AFM), Airplane Design Data, the Type Inspection Report (TIR), Certification Data or acceptable supplemental flight test data.

(2) The sponsor should coordinate with the NSPM prior to using alternative data sources in a flight test or data gathering effort.

e. The NSPM position regarding the use of these alternative data sources, procedures, and instrumentation is based on the following presumptions:

(1) Data gathered through the alternative means does not require angle of attack (AOA) measurements or control surface position measurements for any flight test. However, AOA can be sufficiently derived if the flight test program ensures the collection of acceptable level, unaccelerated, trimmed flight data. All of the simulator time history tests that begin in level, unaccelerated, and trimmed flight, including the three basic trim tests and ''fly-by'' trims, can be a successful validation of angle of attack by comparison with flight test pitch angle. (**Note:** Due to the criticality of angle of attack in the development of the ground effects model, particularly critical for normal landings and landings involving cross-control input applicable to Level B simulators, stable ''fly-by'' trim data will be the acceptable norm for normal and cross-control input landing objective data for these applications.)

(2) The use of a rigorously defined and fully mature simulation controls system model that includes accurate gearing and cable stretch characteristics (where applicable), determined from actual aircraft measurements. Such a model does not require control surface position measurements in the flight test objective data in these limited applications.

(3) The authorized uses of Level A and Level B simulators (as listed in the appropriate Commercial, Instrument, or Airline Transport Pilot and/or Type Rating Practical Test Standards) for ''initial,'' ''transition,'' or ''upgrade'' training, still requires additional flight training and/or flight testing/checking in the airplane or in a Level C or Level D simulator.

f. The sponsor is urged to contact the NSPM for clarification of any issue regarding airplanes with reversible control systems. Table A2E is not applicable to Computer Controlled Aircraft full flight simulators.

g. Utilization of these alternate data sources, procedures, and instrumentation does not relieve the sponsor from compliance with the balance of the information contained in this document relative to Level A or Level B FFSs.

h. The term ''inertial measurement system'' is used in the following table to include the use of a functional global positioning system (GPS).

End Information

TABLE A2E.—ALTERNATIVE DATA SOURCES, PROCEDURES, AND INSTRUMENTATION

Information				
Table of objective tests	Sim level		Alternative data sources, procedures, and instrumentation	Notes and reminders
Test reference number and title	A	B		
1.a.1. Performance. Taxi. Minimum Radius turn.	X	X	TIR, AFM, or Design data may be used.	
1.a.2. Performance. Taxi. Rate of Turn vs. Nosewheel Steering Angle.		X	Data may be acquired by using a constant tiller position, measured with a protractor or full rudder pedal application for steady state turn, and synchronized video of heading indicator. If less than full rudder pedal is used, pedal position must be recorded.	A single procedure may not be adequate for all airplane steering systems, therefore appropriate measurement procedures must be devised and proposed for NSPM concurrence.
1.b.1. Performance. Takeoff. Ground Acceleration Time and Distance.	X	X	Preliminary certification data may be used. Data may be acquired by using a stopwatch, calibrated airspeed, and runway markers during a takeoff with power set before brake release. Power settings may be hand recorded. If an inertial measurement system is installed, speed and distance may be derived from acceleration measurements.	
1.b.2. Performance. Takeoff. Minimum Control Speed—ground (V_{mcg}) using aerodynamic controls only (per applicable airworthiness standard) or low speed, engine inoperative ground control characteristics.	X	X	Data may be acquired by using an inertial measurement system and a synchronized video of: The calibrated airplane instruments and the force/position measurements of cockpit controls..	Rapid throttle reductions at speeds near V_{mcg} may be used while recording appropriate parameters. The nose wheel must be free to caster, or equivalently freed of sideforce generation.
1.b.3. Performance. Takeoff. Minimum Unstick Speed (V_{mu}) or equivalent test to demonstrate early rotation takeoff characteristics.	X	X	Data may be acquired by using an inertial measurement system and a synchronized video of: The calibrated airplane instruments and the force/position measurements of cockpit controls.	
1.b.4. Performance. Takeoff. Normal Takeoff.	X	X	Data may be acquired by using an inertial measurement system and a synchronized video of: The calibrated airplane instruments and the force/position measurements of cockpit controls. AOA can be calculated from pitch attitude and flight path.	

TABLE A2E.—ALTERNATIVE DATA SOURCES, PROCEDURES, AND INSTRUMENTATION—Continued

Information				
Table of objective tests	Sim level		Alternative data sources, procedures, and instrumentation	Notes and reminders
Test reference number and title	A	B		
1.b.5. Performance. Takeoff. Critical Engine Failure during Takeoff.	X	X	Data may be acquired by using an inertial measurement system and a synchronized video of: The calibrated airplane instruments and the force/position measurements of cockpit controls.	Record airplane dynamic response to engine failure and control inputs required to correct flight path.
1.b.6. Performance. Takeoff. Crosswind Takeoff.	X	X	Data may be acquired by using an inertial measurement system and a synchronized video of: The calibrated airplane instruments and the force/position measurements of cockpit controls.	The "1:7 law" to 100 feet (30 meters) is an acceptable wind profile.
1.b.7. Performance. Takeoff. Rejected Takeoff.	X	X	Data may be acquired with a synchronized video of: Calibrated airplane instruments, thrust lever position, engine parameters, and distance (e.g., runway markers). A stopwatch is required.	
1.b.8. Dynamic Engine Failure After Takeoff.	N/A	N/A	Applicable only to Level C or Level D FSTDs.	
1.c.1. Performance. Climb. Normal Climb all engines operating..	X	X	Data may be acquired with a synchronized video of: Calibrated airplane instruments and engine power throughout the climb range.	
1.c.2. Performance. Climb. One engine Inoperative Climb.	X	X	Data may be acquired with a synchronized video of: Calibrated airplane instruments and engine power throughout the climb range.	
1.c.3. One Engine Inoperative—Enroute Climb.	N/A	N/A	Applicable only to Level C or Level D FSTDs.	
1.c.4. Performance. Climb. One Engine Inoperative Approach Climb (if approved AFM requires specific performance in icing conditions).	X	X	Data may be acquired with a synchronized video of calibrated airplane instruments and engine power throughout the climb range.	
1.d.1. Cruise/Descent. Level flight acceleration..	X	X	Data may be acquired with a synchronized video of: calibrated airplane instruments, thrust lever position, engine parameters, and elapsed time.	
1.d.2. Cruise/Descent. Level flight deceleration.	X	X	Data may be acquired with a synchronized video of: Calibrated airplane instruments, thrust lever position, engine parameters, and elapsed time.	
1.d.3. Cruise Performance	N/A	N/A	Applicable only to Level C or Level D FSTDs.	
1.d.4. Cruise/Descent. Idle descent ..	X	X	Data may be acquired with a synchronized video of: calibrated airplane instruments, thrust lever position, engine parameters, and elapsed time.	
1.d.5. Cruise/Descent. Emergency Descent.	X	X	Data may be acquired with a synchronized video of: calibrated airplane instruments, thrust lever position, engine parameters, and elapsed time.	
1.e.1. Performance. Stopping. Deceleration time and distance, using manual application of wheel brakes and no reverse thrust on a dry runway.	X	X	Data may be acquired during landing tests using a stopwatch, runway markers, and a synchronized video of: Calibrated airplane instruments, thrust lever position and the pertinent parameters of engine power.	
1.e.2. Performance. Ground. Deceleration Time and Distance, using reverse thrust and no wheel brakes.	X	X	Data may be acquired during landing tests using a stop watch, runway markers, and a synchronized video of: Calibrated airplane instruments, thrust lever position and the pertinent parameters of engine power.	

TABLE A2E.—ALTERNATIVE DATA SOURCES, PROCEDURES, AND INSTRUMENTATION—Continued

Information				
Table of objective tests	Sim level		Alternative data sources, procedures, and instrumentation	Notes and reminders
Test reference number and title	A	B		
1.e.3. Stopping Distance—wheel brakes, and no reverse thrust on a wet runway.	N/A	N/A	Applicable only to Level C and Level D FSTDs.	
1.e.4. Stopping Distance—wheel brakes, and no reverse thrust on an icy runway.	N/A	N/A	Applicable only to Level C and Level D FSTDs.	
1.f.1. Performance. Engines. Acceleration.	X	X	Data may be acquired with a synchronized video recording of: engine instruments and throttle position.	
1.f.2. Performance. Engines. Deceleration.	X	X	Data may be acquired with a synchronized video recording of: Engine instruments and throttle position.	
2.a.1.a. Handling Qualities. Static Control Checks. Pitch Controller Position vs. Force and Surface Position Calibration.	X	X	Surface position data may be acquired from flight data recorder (FDR) sensor or, if no FDR sensor, at selected, significant column positions (encompassing significant column position data points), acceptable to the NSPM, using a control surface protractor on the ground (for airplanes with reversible control systems, this function should be accomplished with winds less than 5 kts.). Force data may be acquired by using a hand-held force gauge at the same column position data points.	
2.a.2.a. Handling Qualities. Static Control Checks. Roll Controller Position vs. Force and Surface Position Calibration.	X	X	Surface position data may be acquired from flight data recorder (FDR) sensor or, if no FDR sensor, at selected, significant wheel positions (encompassing significant wheel position data points), acceptable to the NSPM, using a control surface protractor on the ground (for airplanes with reversible control systems, this function should be accomplished with winds less than 5 kts.). Force data may be acquired by using a hand-held force gauge at the same wheel position data points.	
2.a.3.a. Handling Qualities. Static Control Checks. Rudder Pedal Position vs. Force and Surface Position Calibration.	X	X	Surface position data may be acquired from flight data recorder (FDR) sensor or, if no FDR sensor, at selected, significant rudder pedal positions (encompassing significant rudder pedal position data points), acceptable to the NSPM, using a control surface protractor on the ground (for airplanes with reversible control systems, this function should be accomplished with winds less than 5 kts.). Force data may be acquired by using a hand-held force gauge at the same rudder pedal position data points.	
2.a.4. Handling Qualities. Static Control Checks. Nosewheel Steering Controller Force & Position.	X	X	Breakout data may be acquired with a hand-held force gauge. The remainder of the force to the stops may be calculated if the force gauge and a protractor are used to measure force after breakout for at least 25% of the total displacement capability.	
2.a.5. Handling Qualities. Static Control Checks. Rudder Pedal Steering Calibration.	X	X	Data may be acquired through the use of force pads on the rudder pedals and a pedal position measurement device, together with design data for nose wheel position.	

TABLE A2E.—ALTERNATIVE DATA SOURCES, PROCEDURES, AND INSTRUMENTATION—Continued

Information				
Table of objective tests	Sim level		Alternative data sources, procedures, and instrumentation	Notes and reminders
Test reference number and title	A	B		
2.a.6. Handling Qualities. Static Control Checks. Pitch Trim Indicator vs. Surface Position Calibration.	X	X	Data may be acquired through calculations.	
2.a.7. Handling qualities. Static control tests. Pitch trim rate..	X	X	Data may be acquired by using a synchronized video of pitch trim indication and elapsed time through range of trim indication.	
2.a.8. Handling Qualities. Static Control tests. Alignment of Cockpit Throttle Lever Angle vs. Selected engine parameter.	X	X	Data may be acquired through the use of a temporary throttle quadrant scale to document throttle position. Use a synchronized video to record steady state instrument readings or hand-record steady state engine performance readings.	
2.a.9. Handling qualities. Static control tests. Brake pedal position vs. force and brake system pressure calibration.	X	X	Use of design or predicted data is acceptable. Data may be acquired by measuring deflection at ''zero'' and ''maximum'' and calculating deflections between the extremes using the airplane design data curve.	
2.c.1. Handling qualities. Longitudinal control tests. Power change dynamics.	X	X	Data may be acquired by using an inertial measurement system and a synchronized video of: The calibrated airplane instruments and throttle position.	
2.c.2. Handling qualities. Longitudinal control tests. Flap/slat change dynamics.	X	X	Data may be acquired by using an inertial measurement system and a synchronized video of: Calibrated airplane instruments and flap/slat position.	
2.c.3. Handling qualities. Longitudinal control tests. Spoiler/speedbrake change dynamics.	X	X	Data may be acquired by using an inertial measurement system and a synchronized video of: The calibrated airplane instruments and spoiler/speedbrake position.	
2.c.4. Handling qualities. Longitudinal control tests. Gear change dynamics.	X	X	Data may be acquired by using an inertial measurement system and a synchronized video of: The calibrated airplane instruments and gear position.	
2.c.5. Handling qualities. Longitudinal control tests. Longitudinal trim.	X	X	Data may be acquired through use of an inertial measurement system and a synchronized video of: The cockpit controls position (previously calibrated to show related surface position) and the engine instrument readings.	
2.c.6. Handling qualities. Longitudinal control tests. Longitudinal maneuvering stability (stick force/g).	X	X	Data may be acquired through the use of an inertial measurement system and a synchronized video of: The calibrated airplane instruments; a temporary, high resolution bank angle scale affixed to the attitude indicator; and a wheel and column force measurement indication.	
2.c.7. Handling qualities. Longitudinal control tests. Longitudinal static stability.	X	X	Data may be acquired through the use of a synchronized video of: the airplane flight instruments and a hand-held force gauge.	
2.c.8. Handling qualities. Longitudinal control tests. Stall characteristics.	X	X	Data may be acquired through a synchronized video recording of: A stopwatch and the calibrated airplane airspeed indicator. Hand-record the flight conditions and airplane configuration.	Airspeeds may be cross-checked with those in the TIR and AFM.

TABLE A2E.—ALTERNATIVE DATA SOURCES, PROCEDURES, AND INSTRUMENTATION—Continued

Information				
Table of objective tests	Sim level		Alternative data sources, procedures, and instrumentation	Notes and reminders
Test reference number and title	A	B		
2.c.9. Handling qualities. Longitudinal control tests. Phugoid dynamics.	X	X	Data may be acquired by using an inertial measurement system and a synchronized video of: The calibrated airplane instruments and the force/position measurements of cockpit controls.	
2.c.10. Handling qualities. Longitudinal control tests. Short period dynamics.		X	Data may be acquired by using an inertial measurement system and a synchronized video of: The calibrated airplane instruments and the force/position measurements of cockpit controls.	
2.d.1. Handling qualities. Lateral directional tests. Minimum control speed, air (V_{mca} or V_{mci}), per applicable airworthiness standard or Low speed engine inoperative handling characteristics in the air.	X	X	Data may be acquired by using an inertial measurement system and a synchronized video of: The calibrated airplane instruments and the force/position measurements of cockpit controls.	
2.d.2. Handling qualities. Lateral directional tests. Roll response (rate).	X	X	Data may be acquired by using an inertial measurement system and a synchronized video of: The calibrated airplane instruments and the force/position measurements of cockpit lateral controls.	May be combined with step input of cockpit roll controller test, 2.d.3
2.d.3. Handling qualities. Lateral directional tests. Roll response to cockpit roll controller step input.	X	X	Data may be acquired by using an inertial measurement system and a synchronized video of: The calibrated airplane instruments and the force/position measurements of cockpit lateral controls..	
2.d.4. Handling qualities. Lateral directional tests. Spiral stability.	X	X	Data may be acquired by using an inertial measurement system and a synchronized video of: The calibrated airplane instruments; the force/position measurements of cockpit controls; and a stopwatch.	
2.d.5. Handling qualities. Lateral directional tests. Engine inoperative trim.	X	X	Data may be hand recorded in-flight using high resolution scales affixed to trim controls that have been calibrated on the ground using protractors on the control/trim surfaces with winds less than 5 kts.. OR Data may be acquired during second segment climb (with proper pilot control input for an engine-out condition) by using a synchronized video of: The calibrated airplane instruments; and the force/position measurements of cockpit controls	Trimming during second segment climb is not a certification task and should not be conducted until a safe altitude is reached.
2.d.6. Handling qualities. Lateral directional tests. Rudder response.	X	X	Data may be acquired by using an inertial measurement system and a synchronized video of: The calibrated airplane instruments; the force/position measurements of rudder pedals.	
2.d.7. Handling qualities. Lateral directional tests. Dutch roll, (yaw damper OFF).	X	X	Data may be acquired by using an inertial measurement system and a synchronized video of: The calibrated airplane instruments; the force/position measurements of cockpit controls.	
2.d.8. Handling qualities. Lateral directional tests. Steady state sideslip.		X	Data may be acquired by using an inertial measurement system and a synchronized video of: The calibrated airplane instruments; the force/position measurements of cockpit controls. Ground track and wind corrected heading may be used for sideslip angle..	

TABLE A2E.—ALTERNATIVE DATA SOURCES, PROCEDURES, AND INSTRUMENTATION—Continued

Information				
Table of objective tests	Sim level		Alternative data sources, procedures, and instrumentation	Notes and reminders
Test reference number and title	A	B		
2.e.1. Handling qualities. Landings. Normal landing.		X	Data may be acquired by using an inertial measurement system and a synchronized video of: The calibrated airplane instruments; the force/position measurements of cockpit controls.	
2.e.3. Handling qualities. Landings. Crosswind landing.		X	Data may be acquired by using an inertial measurement system and a synchronized video of: The calibrated airplane instruments; the force/position measurements of cockpit controls.	
2.e.4. Handling qualities. Landings. One engine inoperative landing.		X	Data may be acquired by using an inertial measurement system and a synchronized video of: The calibrated airplane instruments; the force/position measurements of cockpit controls. Normal and lateral accelerations may be recorded in lieu of AOA and sideslip.	
2.e.5. Handling qualities. Landings. Autopilot landing (if applicable).		X	Data may be acquired by using an inertial measurement system and a synchronized video of: the calibrated airplane instruments; the force/position measurements of cockpit controls. Normal and lateral accelerations may be recorded in lieu of AOA and sideslip.	
2.e.6. Handling qualities. Landings. All engines operating, autopilot, go around.		X	Data may be acquired by using an inertial measurement system and a synchronized video of: The calibrated airplane instruments; the force/position measurements of cockpit controls. Normal and lateral accelerations may be recorded in lieu of AOA and sideslip.	
2.e.7. Handling qualities. Landings. One engine inoperative go around.		X	Data may be acquired by using an inertial measurement system and a synchronized video of: The calibrated airplane instruments; the force/position measurements of cockpit controls. Normal and lateral accelerations may be recorded in lieu of AOA and sideslip.	
2.e.8. Handling qualities. Landings. Directional control (rudder effectiveness with symmetric thrust).		X	Data may be acquired by using an inertial measurement system and a synchronized video of: The calibrated airplane instruments; the force/position measurements of cockpit controls. Normal and lateral accelerations may be recorded in lieu of AOA and sideslip.	
2.e.9. Handling qualities. Landings. Directional control (rudder effectiveness with asymmetric reverse thrust).			Data may be acquired by using an inertial measurement system and a synchronized video of: The calibrated airplane instruments; the force/position measurements of cockpit controls. Normal and lateral accelerations may be recorded in lieu of AOA and sideslip.	
2.f. Handling qualities. Ground effect. Test to demonstrate ground effect.		X	Data may be acquired by using calibrated airplane instruments, an inertial measurement system, and a synchronized video of: The calibrated airplane instruments; the force/position measurements of cockpit controls.	

Attachment 3 to Appendix A to Part 60—Simulator Subjective Evaluation

1. Discussion

Begin Information

a. The subjective tests provide a basis for evaluating the capability of the simulator to perform over a typical utilization period; determining that the simulator accurately simulates each required maneuver, procedure, or task; and verifying correct operation of the simulator controls, instruments, and systems. The items listed in the following Tables are for simulator evaluation purposes only. They must not be used to limit or exceed the authorizations for use of a given level of simulator as described on the Statement of Qualification or as may be approved by the TPAA.

b. The tests in Table A3A, Operations Tasks, in this attachment, address pilot functions, including maneuvers and procedures (called flight tasks), and is divided by flight phases. The performance of these tasks by the NSPM includes an operational examination of the visual system and special effects. There are flight tasks included to address some features of advanced technology airplanes and innovative training programs. For example, ''high angle-of-attack maneuvering'' is included to provide a required alternative to ''approach to stalls'' for airplanes employing flight envelope protection functions.

c. The tests in Table A3A, Operations Tasks, and Table A3G, Instructor Operating Station of this attachment, address the overall function and control of the simulator including the various simulated environmental conditions; simulated airplane system operations (normal, abnormal, and emergency); visual system displays; and special effects necessary to meet flight crew training, evaluation, or flight experience requirements.

d. All simulated airplane systems functions will be assessed for normal and, where appropriate, alternate operations. Normal, abnormal, and emergency operations associated with a flight phase will be assessed during the evaluation of flight tasks or events within that flight phase. Simulated airplane systems are listed separately under ''Any Flight Phase'' to ensure appropriate attention to systems checks. Operational navigation systems (including inertial navigation systems, global positioning systems, or other long-range systems) and the associated electronic display systems will be evaluated if installed. The NSP pilot will include in his report to the TPAA, the effect of the system operation and any system limitation.

e. Simulators demonstrating a satisfactory circling approach will be qualified for the circling approach maneuver and may be approved for such use by the TPAA in the sponsor's FAA-approved flight training program. To be considered satisfactory, the circling approach will be flown at maximum gross weight for landing, with minimum visibility for the airplane approach category, and must allow proper alignment with a landing runway at least 90° different from the instrument approach course while allowing the pilot to keep an identifiable portion of the airport in sight throughout the maneuver (reference—14 CFR 91.175(e)).

f. At the request of the TPAA, the NSPM may assess a device to determine if it is capable of simulating certain training activities in a sponsor's training program, such as a portion of a Line Oriented Flight Training (LOFT) scenario. Unless directly related to a requirement for the qualification level, the results of such an evaluation would not affect the qualification level of the simulator. However, if the NSPM determines that the simulator does not accurately simulate that training activity, the simulator would not be approved for that training activity.

g. Previously qualified simulators with certain early generation Computer Generated Image (CGI) visual systems, are limited by either the capability of the Image Generator or the display system used. These systems are:

(1) Early CGI visual systems that are excepted from the requirement of including runway numbers as a part of the specific runway marking requirements are:

(a) Link NVS and DNVS.

(b) Novoview 2500 and 6000.

(c) FlightSafety VITAL series up to, and including, VITAL III, but not beyond.

(d) Redifusion SP1, SP1T, and SP2.

(2) Some early CGI visual systems are excepted from the requirement of including runway numbers, unless the runways are used for LOFT training sessions. These LOFT airport models require runway numbers but only for the specific runway end (one direction) used in the LOFT session. The systems required to display runway numbers only for LOFT scenes are:

(a) FlightSafety VITAL IV.

(b) Redifusion SP3 and SP3T.

(c) Link-Miles Image II.

(3) The following list of previously qualified CGI and display systems are incapable of generating blue lights. These systems are not required to have accurate taxi-way edge lighting:

(a) Redifusion SP1.

(b) FlightSafety Vital IV.

(c) Link-Miles Image II and Image IIT.

(d) XKD displays (even though the XKD image generator is capable of generating blue colored lights, the display cannot accommodate that color).

The NSPM will evaluate each device to determine the appropriate qualification level based on the limitations of the visual system.

End Information

TABLE A3A.—FUNCTIONS AND SUBJECTIVE TESTS

<<< QPS requirements >>>

Item No.	Operations tasks	Simulator level			
		A	B	C	D
	Tasks in this table are subjecgt to evaluation if appropriate for the airplane simulated as indicated in the SOQ Configuration List and/or the level of simulator qualification involved. Items not installed or not functional on the simulator and, therefore, not appearing on the SOQ Configuration List, are not required to be listed as exceptions on the SOQ.				
1.	Preparation For Flight.				
	Preflight. Accomplish a functions check of all switches, indicators, systems, and equipment at all crewmembers' and instructors' stations and determine that the flight deck design and functions are identical to that of the airplane simulated.	X	X	X	X
2.	Surface Operations (Pre-Take-Off).				
2.a.	Engine Start.				
2.a.1.	Normal start	X	X	X	X
2.a.2.	Alternate start procedures	X	X	X	X
2.a.3.	Abnormal starts and shutdowns (e.g., hot/hung start, tail pipe fire)	X	X	X	X
2.b.	Pushback/Powerback		X	X	X
2.c.	Taxi.				
2.c.1.	Thrust response	X	X	X	X
2.c.2.	Power lever friction	X	X	X	X

TABLE A3A.—FUNCTIONS AND SUBJECTIVE TESTS—Continued

<<< QPS requirements >>>

Item No.	Operations tasks	Simulator level			
		A	B	C	D
2.c.3.	Ground handling	X	X	X	X
2.c.4.	Nose wheel scuffing			X	X
2.c.5.	Brake operation (normal and alternate/emergency)	X	X	X	X
2.c.6.	Brake fade (if applicable)	X	X	X	X
3.	Take-off.				
3.a.	Normal.				
3.a.1.	Airplane/engine parameter relationships	X	X	X	X
3.a.2.	Acceleration characteristics (motion)	X	X	X	X
3.a.3.	Nose wheel and rudder steering	X	X	X	X
3.a.4.	Crosswind (maximum demonstrated)	X	X	X	X
3.a.5.	Special performance (e.g., reduced V_1, max de-rate, short field operations)	X	X	X	X
3.a.6.	Low visibility take-off	X	X	X	X
3.a.7.	Landing gear, wing flap leading edge device operation	X	X	X	X
3.a.8.	Contaminated runway operation			X	X
3.b.	Abnormal/emergency				
3.b.1.	Rejected Take-off	X	X	X	X
3.b.2.	Rejected special performance (e.g., reduced V_1, max de-rate, short field operations)	X	X	X	X
3.b.3.	With failure of most critical engine at most critical point, continued take-off	X	X	X	X
3.b.4.	With wind shear	X	X	X	X
3.b.5.	Flight control system failures, reconfiguration modes, manual reversion and associated handling	X	X	X	X
3.b.6.	Rejected takeoff with brake fade			X	X
3.b.7.	Rejected, contaminated runway			X	X
	(i).				
4.	Climb.				
4.a.	Normal.	X	X	X	X
4.b.	One or more engines inoperative	X	X	X	X
5.	Cruise.				
5.a.	Performance characteristics (speed vs. power)	X	X	X	X
5.b.	High altitude handling	X	X	X	X
5.c.	High Mach number handling (Mach tuck, Mach buffet) and recovery (trim change)	X	X	X	X
5.d.	Overspeed warning (in excess of V_{mo} or M_{mo})	X	X	X	X
5.e.	High IAS handling	X	X	X	X
6.	Maneuvers.				
6.a.	High angle of attack, approach to stalls, stall warning, buffet, and g-break (take-off, cruise, approach, and landing configuration).	X	X	X	X
6.b.	Flight envelope protection (high angle of attack, bank limit, overspeed, etc)	X	X	X	X

TABLE A3A.—FUNCTIONS AND SUBJECTIVE TESTS—Continued

<<< QPS requirements >>>

Item No.	Operations tasks	Simulator level			
		A	B	C	D
6.c.	Turns with/without speedbrake/spoilers deployed	X	X	X	X
6.d.	Normal and steep turns	X	X	X	X
6.e.	In flight engine shutdown and restart (assisted and windmill)	X	X	X	X
6.f.	Maneuvering with one or more engines inoperative, as appropriate	X	X	X	X
6.g.	Specific flight characteristics (e.g., direct lift control)	X	X	X	X
6.h.	Flight control system failures, reconfiguration modes, manual reversion and associated handling	X	X	X	X
7.	Descent.				
7.a.	Normal	X	X	X	X
7.b.	Maximum rate (clean and with speedbrake, etc)	X	X	X	X
7.c.	With autopilot	X	X	X	X
7.d.	Flight control system failures, reconfiguration modes, manual reversion and associated handling	X	X	X	X
8.	Instrument Approaches and Landing.				
	Those instrument approach and landing tests relevant to the simulated airplane type are selected from the following list. Some tests are made with limiting wind velocities, under windshear conditions, and with relevant system failures, including the failure of the Flight Director. If Standard Operating Procedures allow use autopilot for non-precision approaches, evaluation of the autopilot will be included. Level A simulators are not authorized to credit the landing maneuver.				
8.a.	Precision.				
8.a.1.	PAR	X	X	X	X
8.a.2.	CAT I/GBAS (ILS/MLS) published approaches	X	X	X	X
	(i) Manual approach with/without flight director including landing	X	X	X	X
	(ii) Autopilot/autothrottle coupled approach and manual landing	X	X	X	X
	(iii) Manual approach to DH and go-around all engines.	X	X	X	X
	(iv) Manual one engine out approach to DH and go-around	X	X	X	X
	(v) Manual approach controlled with and without flight director to 30 m (100 ft) below CAT I minima.				
	A. With cross-wind (maximum demonstrated)	X	X	X	X
	B. With windshear	X	X	X	X
	(vi) Autopilot/autothrottle coupled approach, one engine out to DH and go-around approach, one engine out to DH and go-around.	X	X	X	X
	(vii) Approach and landing with minimum/standby electrical power	X	X	X	X
8.a.3.	CAT II/GBAS (ILS/MLS) published approaches.	X	X	X	X
	(i) Autopilot/autothrottle coupled approach to DH and landing	X	X	X	X
	(ii) Autopilot/autothrottle coupled approach to DH and go-around	X	X	X	X
	(iii) Autocoupled approach to DH and manual go-around	X	X	X	X
	(iv) Category II published approach (auto-coupled, autothrottle)	X	X	X	X
8.a.4.	CAT III/GBAS (ILS/MLS) published approaches	X	X	X	X
	(i) Autopilot/autothrottle coupled approach to land and rollout	X	X	X	X
	(ii) Autopilot/autothrottle coupled approach to DH/Alert Height and go-around	X	X	X	X

TABLE A3A.—FUNCTIONS AND SUBJECTIVE TESTS—Continued

<<< QPS requirements >>>

Item No.	Operations tasks	Simulator level			
		A	B	C	D
	(iii) Autopilot/autothrottle coupled approach to land and rollout with one engine out	X	X	X	X
	(iv) Autopilot/autothrottle coupled approach to DH/Alert Height and go-around with one engine out	X	X	X	X
	(v) Autopilot/autothrottle coupled approach (to land or to go around) A. With generator failure B. With 10 knot tail wind C. With 10 knot crosswind	X X X X X	X X X X X	X X X X X	X X X X X
8.b.	Non-precision.				
8.b.1.	NDB	X	X	X	X
8.b.2.	VOR, VOR/DME, VOR/TAC	X	X	X	X
8.b.3.	RNAV (GNSS/GPS)	X	X	X	X
8.b.4.	ILS LLZ (LOC), LLZ(LOC)/BC	X	X	X	X
8.b.5.	ILS offset localizer	X	X	X	X
8.b.6.	Direction finding facility (ADF/SDF)	X	X	X	X
8.b.7.	Airport surveillance radar (ASR)	X	X	X	X
9.	Visual Approaches (Visual Segment) And Landings				
	Flight simulators with visual systems, which permit completing a special approach procedure in accordance with applicable regulations, may be approved for that particular approach procedure				
9.a.	Maneuvering, normal approach and landing, all engines operating with and without visual approach aid guidance.	X	X	X	X
9.b.	Approach and landing with one or more engines inoperative	X	X	X	X
9.c.	Operation of landing gear, flap/slats and speedbrakes (normal and abnormal)	X	X	X	X
9.d.	Approach and landing with crosswind (max. demonstrated)	X	X	X	X
9.e.	Approach to land with windshear on approach	X	X	X	X
9.f.	Approach and landing with flight control system failures, reconfiguration modes, manual reversion and associated handling (most significant degradation which is probable).	X	X	X	X
9.g.	Approach and landing with trim malfunctions	X	X	X	X
9.g.1.	Longitudinal trim malfunction	X	X	X	X
9.g.2.	Lateral-directional trim malfunction	X	X	X	X
9.h.	Approach and landing with standby (minimum) electrical/hydraulic power	X	X	X	X
9.i.	Approach and landing from circling conditions (circling approach)	X	X	X	X
9.j.	Approach and landing from visual traffic pattern	X	X	X	X
9.k.	Approach and landing from non-precision approach	X	X	X	X
9.l.	Approach and landing from precision approach	X	X	X	X
9.m.	Approach procedures with vertical guidance (APV), e.g., SBAS.	X	X	X	X
10.	Missed Approach.				
10.a.	All engines	X	X	X	X
10.b.	One or more engine(s) out	X	X	X	X

TABLE A3A.—FUNCTIONS AND SUBJECTIVE TESTS—Continued

<<< QPS requirements >>>

Item No.	Operations tasks	Simulator level			
		A	B	C	D
10.c.	With flight control system failures, reconfiguration modes, manual reversion and associated handling	X	X	X	X
11.	Surface Operations (Landing roll and taxi).				
11.a.	Spoiler operation	X	X	X	X
11.b.	Reverse thrust operation	X	X	X	X
11.c.	Directional control and ground handling, both with and without reverse thrust		X	X	X
11.d.	Reduction of rudder effectiveness with increased reverse thrust (rear pod-mounted engines)		X	X	X
11.e.	Brake and anti-skid operation with dry, wet, and icy conditions			X	X
11.f.	Brake operation, to include auto-braking system where applicable	X	X	X	X
12.	Any Flight Phase.				
12.a.	Airplane and engine systems operation.				
12.a.1.	Air conditioning and pressurization (ECS)	X	X	X	X
12.a.2.	De-icing/anti-icing	X	X	X	X
12.a.3.	Auxiliary power unit (APU)	X	X	X	X
12.a.4.	Communications	X	X	X	X
12.a.5.	Electrical	X	X	X	X
12.a.6.	Fire and smoke detection and suppression	X	X	X	X
12.a.7.	Flight controls (primary and secondary)	X	X	X	X
12.a.8.	Fuel and oil, hydraulic and pneumatic	X	X	X	X
12.a.9.	Landing gear	X	X	X	X
12.a.10.	Oxygen	X	X	X	X
12.a.11.	Engine	X	X	X	X
12.a.12.	Airborne radar	X	X	X	X
12.a.13.	Autopilot and Flight Director	X	X	X	X
12.a.14.	Collision avoidance systems. (e.g., (E)GPWS, TCAS)	X	X	X	X
12.a.15.	Flight control computers including stability and control augmentation	X	X	X	X
12.a.16.	Flight display systems	X	X	X	X
12.a.17.	Flight management computers	X	X	X	X
12.a.18.	Head-up guidance, head-up displays	X	X	X	X
12.a.19.	Navigation systems	X	X	X	X
12.a.20.	Stall warning/avoidance	X	X	X	X
12.a.21.	Wind shear avoidance equipment	X	X	X	X
12.a.22.	Automatic landing aids	X	X	X	X
12.b.	Airborne procedures				
12.b.1.	Holding	X	X	X	X
12.b.2.	Air hazard avoidance (Traffic, Weather)			X	X

TABLE A3A.—FUNCTIONS AND SUBJECTIVE TESTS—Continued

Item No.	Operations tasks	Simulator level			
		A	B	C	D
12.b.3.	Windshear.			X	X
12.b.4.	Effects of airframe ice			X	X
12.c.	Engine shutdown and parking.				
12.c.1.	Engine and systems operation	X	X	X	X
12.c.2.	Parking brake operation	X	X	X	X

Table A3B [Reserved]
Table A3C [Reserved]
Table A3D [Reserved]
Table A3E [Reserved]
Table A3F [Reserved]

TABLE A3G.— FUNCTIONS AND SUBJECTIVE TESTS

Item number	Operations tasks	Simulator level			
		A	B	C	D
	Functions in this table are subject to evaluation only if appropriate for the airplane and/or the system is installed on the specific simular.				
1.	Simulator Power Switch(es)	X	X	X	X
2.	Airplane conditions.				
2.a.	Gross weight, center of gravity, fuel loading and allocation	X	X	X	X
2.b.	Airplane systems status	X	X	X	X
2.c.	Ground crew functions (e.g., ext. power, push back)	X	X	X	X
3.	Airports.				
3.a.	Number and selection	X	X	X	X
3.b.	Runway selection	X	X	X	X
3.c.	Runway surface condition (e.g., rough, smooth, icy, wet)			X	X
3.d.	Preset positions (e.g., ramp, gate, #1 for takeoff, takeoff position, over FAF)	X	X	X	X
3.e.	Lighting controls	X	X	X	X
4.	Environmental controls.				
4.a	Visibility (statute miles (kilometers))	X	X	X	X
4.b.	Runway visual range (in feet (meters))	X	X	X	X
4.c.	Temperature	X	X	X	X
4.d.	Climate conditions (e.g., ice, snow, rain)	X	X	X	X
4.e.	Wind speed and direction	X	X	X	X
4.f.	Windshear			X	X
4.g.	Clouds (base and tops)	X	X	X	X
5.	Airplane system malfunctions (Inserting and deleting malfunctions into the simulator)	X	X	X	X
6.	Locks, Freezes, and Repositioning				
6.a.	Problem (all) freeze / release	X	X	X	X

TABLE A3G.— FUNCTIONS AND SUBJECTIVE TESTS—Continued

Item number	Operations tasks	Simulator level			
		A	B	C	D
6.b.	Position (geographic) freeze/release	X	X	X	X
6.c.	Repositioning (locations, freezes, and releases).	X	X	X	X
6.d.	Ground speed control	X	X	X	X
7.	Remote IOS	X	X	X	X
8.	Sound Controls On/ off/ adjustment	X	X	X	X
9.	Motion / Control Loading System.				
9.a.	On / off / emergency stop	X	X	X	X
9.b.	Crosstalk (motion response in a given degree of freedom not perceptible in other degrees of freedom)	X	X	X	X
9.c.	Smoothness (no perceptible ''turn-around bump'' as the direction of motion reverses with the simulator being ''flown'' normally).	X	X	X	X
10.	Observer Seats / Stations. Position / Adjustment / Positive restraint system.	X	X	X	X

Begin Information

1. Introduction

a. The following is an example test schedule for an Initial/Upgrade evaluation that covers the majority of the requirements set out in the Functions and Subjective test requirements. It is not intended that the schedule be followed line by line, rather, the example should be used as a guide for preparing a schedule that is tailored to the airplane, sponsor, and training task.

b. Functions and subjective tests should be planned. This information has been organized as a reference document with the considerations, methods, and evaluation notes for each individual aspect of the simulator task presented as an individual item. In this way the evaluator can design their own test plan, using the appropriate sections to provide guidance on method and evaluation criteria. Two aspects should be present in any test plan structure:

(1) An evaluation of the simulator to determine that it replicates the aircraft and performs reliably for an uninterrupted period equivalent to the length of a typical training session.

(2) The simulator should be capable of operating reliably after the use of training device functions such as repositions or malfunctions.

c. A detailed understanding of the training task will naturally lead to a list of objectives that the simulator should meet. This list will form the basis of the test plan. Additionally, once the test plan has been formulated, the initial conditions and the evaluation criteria should be established. The evaluator should consider all factors that may have an influence on the characteristics observed during particular training tasks in order to make the test plan successful.

2. Events

a. Initial Conditions.
(1) Airport;
(2) QNH;
(3) Temperature;
(4) Wind/Crosswind;
(5) Zero Fuel Weight/Fuel/Gross Weight/ Center of Gravity

b. Initial Checks.
(1) Documentation of Simulator.
(a) Simulator Acceptance Test Manuals.
(b) Simulator Approval Test Guide.
(c) Technical Logbook Open Item List.
(d) Daily Functional Pre-flight Check.
(2) Documentation of User/Carrier Flight Logs.
(a) Simulator Operating/Instructor Manual.
(b) Difference List (Aircraft/Simulator).
(c) Flight Crew Operating Manuals.
(d) Performance Data for Different Fields.
(e) Crew Training Manual.
(f) Normal/Abnormal/Emergency Checklists.
(3) Simulator External Checks.
(a) Appearance and Cleanliness.
(b) Stairway/Access Bridge.
(c) Emergency Rope Ladders.
(d) ''Motion On''/''Flight in Progress'' Lights.
(4) Simulator Internal Checks.
(a) Cleaning/Disinfecting Towels (for cleaning oxygen masks).
(b) Cockpit Layout (compare with difference list).
(5) Equipment.
(a) Quick Donning Oxygen Masks.
(b) Head Sets.
(c) Smoke Goggles.
(d) Sun Visors.
(e) Escape Rope.
(f) Chart Holders.
(g) Flashlights.
(h) Fire Extinguisher (inspection date).
(i) Crash Axe.
(j) Gear Pins.

c. Power Supply and APU Start Checks.
(1) Batteries and Static Inverter.
(2) APU Start with Battery.
(3) APU Shutdown using Fire Handle.
(4) External Power Connection.
(5) APU Start with External Power.
(6) Abnormal APU Start/Operation.

d. Cockpit Checks.
(1) Cockpit Preparation Checks.
(2) FMC Programming.
(3) Communications and Navigational Aids Checks.

e. Engine Start.
(1) Before Start Checks.
(2) Battery Start with Ground Air Supply Unit.
(3) Engine Crossbleed Start.
(4) Normal Engine Start.
(5) Abnormal Engine Starts.
(6) Engine Idle Readings.
(7) After Start Checks.

f. Taxi Checks.
(1) Pushback/Powerback.
(2) Taxi Checks.
(3) Ground Handling Check:
(a) Power required to initiate ground roll.
(b) Thrust response.
(c) Nose Wheel and Pedal Steering.
(d) Nosewheel Scuffing.
(e) Perform 180 degree turns.
(f) Brakes Response and Differential Braking using Normal, Alternate and Emergency.
(g) Brake Systems.
(h) Eye height and fore/aft position.
(4) Runway Roughness.

g. Visual Scene—Ground Assessment.
(Select 3 different visual models and perform the following checks with Day, Dusk and Night selected, as appropriate):
(1) Visual Controls.
(a) Daylight, Dusk, Night Scene Controls.
(b) Cockpit ''Daylight'' ambient lighting.
(c) Environment Light Controls.
(d) Runway Light Controls.
(e) Taxiway Light Controls.
(2) Scene Content.

(a) Ramp area for buildings, gates, airbridges, maintenance ground equipment, parked aircraft.
(b) Daylight shadows, night time light pools.
(c) Taxiways for correct markings, taxiway/runway, marker boards, CAT I & II/III hold points, taxiway shape/grass areas, taxiway light (positions and colors).
(d) Runways for correct markings, lead-off lights, boards, runway slope, runway light positions, and colors, directionality of runway lights.
(e) Airport environment for correct terrain and, significant features.
(f) Visual scene aliasing, color, and occulting levels.
(3) Ground Traffic Selection.
(4) Environment Effects.
(a) Low cloud scene.
(i) Rain:
(A) Runway surface scene.
(B) Windshield wiper—operation and sound.
(ii) Hail:
(A) Runway surface scene.
(B) Windshield wiper—operation and sound.
(b) Lightning/thunder.
(c) Snow/ice runway surface scene.
(d) Fog.
h. Takeoff.
(Select one or several of the following test cases):
(1) T/O Configuration Warnings.
(2) Engine Takeoff Readings.
(3) Rejected Takeoff (Dry/Wet/Icy Runway) and check the following:
(a) Autobrake function.
(b) Anti-skid operation.
(c) Motion/visual effects during deceleration.
(d) Record stopping distance (use runway plot or runway lights remaining).
(Continue taxiing along the runway while applying brakes and check the following).
(e) Center line lights alternating red/white for 2000 feet/600 meters.
(f) Center line lights all red for 1000 feet/300 m.
(g) Runway end, red stop bars.
(h) Braking fade effect.
(i) Brake temperature indications.
(4) Engine Failure between VI and V2.
(5) Normal Takeoff:
(a) During ground roll check the following:
(i) Runway rumble.
(ii) Acceleration cues.
(iii) Groundspeed effects.
(iv) Engine sounds.
(v) Nosewheel and rudder pedal steering.
(b) During and after rotation, check the following:
(i) Rotation characteristics.
(ii) Column force during rotation.
(iii) Gear uplock sounds/bumps.
(iv) Effect of slat/flap retraction during climbout.
(6) Crosswind Takeoff (check the following):
(a) Tendency to turn into or out of the wind.
(b) Tendency to lift upwind wing as airspeed increases.
(7) Windshear during Takeoff (check the following):
(a) Controllable during windshear encounter.
(b) Performance adequate when using correct techniques.
(c) Windshear Indications satisfactory.
(d) Motion cues satisfactory (particularly turbulence).
(8) Normal Takeoff with Control Malfunction.
(9) Low Visibility T/O (check the following):
(a) Visual cues.
(b) Flying by reference to instruments.
(c) SID Guidance on LNAV.
i. Climb Performance.
Select one or several of the following test cases:
(1) Normal Climb—Climb while maintaining recommended speed profile and note fuel, distance and time.
(2) Single Engine Climb—Trim aircraft in a zero wheel climb at V2.

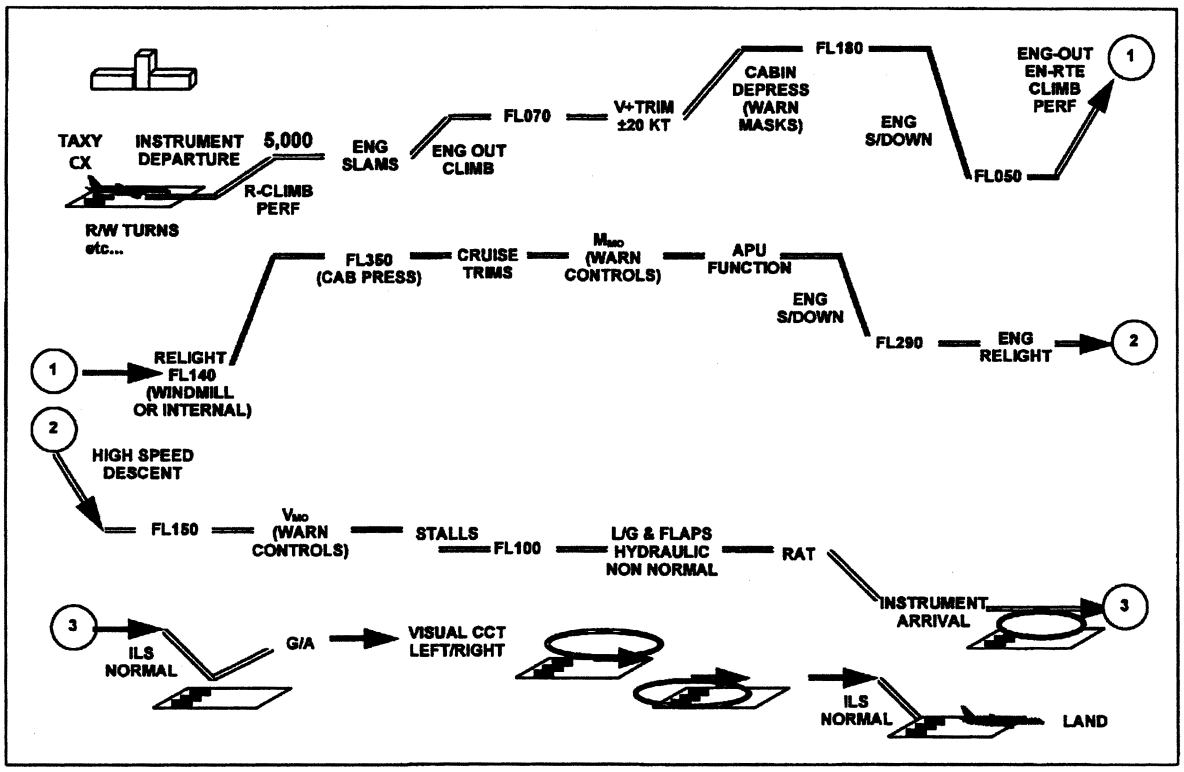
Note: Up to 5° bank towards the operating engine(s) is permissible. Climb for 3 minutes and note fuel, distance, and time. Increase speed toward en route climb speed and retract flaps. Climb for 3 minutes and note fuel, distance, and time.

j. Systems Operation During Climb.
Check normal operation and malfunctions as appropriate for the following systems:
(1) Air conditioning/Pressurization/Ventilation.
(2) Autoflight.
(3) Communications.
(4) Electrical.
(5) Fuel.
(6) Icing Systems.
(7) Indicating and Recording systems.
(8) Navigation/FMS.
(9) Pneumatics.
k. Cruise Checks.
(Select one or several of the following test cases):
(1) Cruise Performance.
(2) High Speed/High Altitude Handling (check the following):
(a) Overspeed warning.
(b) High Speed buffet.
(c) Aircraft control satisfactory.
(d) Envelope limiting functions on Computer Controlled Airplanes.
(Reduce airspeed to below level flight buffet onset speed, start a turn, and check the following:)
(e) High Speed buffet increases with G loading.
(Reduce throttles to idle and start descent, deploy the speedbrake, and check the following:)
(f) Speedbrake indications.
(g) Symmetrical deployment.
(h) Airframe buffet.
(i) Aircraft response hands off.
(3) Yaw Damper Operation.
(Switch off yaw dampers and autopilot. Initiate a Dutch roll and check the following:)
(a) Aircraft dynamics.
(b) Simulator motion effects.
(Switch on yaw dampers, re-initiate a Dutch roll and check the following:)
(c) Damped aircraft dynamics.
(4) APU Operation.
(5) Engine Gravity Feed.
(6) Engine Shutdown and Driftdown Check: FMC operation Aircraft performance.
(7) Engine Relight.
l. Descent.
Select one of the following test cases:
(1) Normal Descent Descend while maintaining recommended speed profile and note fuel, distance and time.
(2) Cabin Depressurization/Emergency Descent
m. Medium Altitude Checks.
(Select one or several of the following test cases)
(1) High Angle of Attack/Stall. Trim the aircraft at 1.4 Vs, establish 1 kt/sec^2 deceleration rate, and check the following—
(a) System displays/operation satisfactory.
(b) Handling characteristics satisfactory.
(c) Stall and Stick shaker speed.
(d) Buffet characteristics and onset speed.
(e) Envelope limiting functions on Computer Controlled Airplanes.
(Recover to straight and level flight and check the following:)
(f) Handling characteristics satisfactory.
(2) Turning Flight.
(Roll aircraft to left, establish a 30° to 45° bank angle, and check the following:)
(a) Stick force required, satisfactory.
(b) Wheel requirement to maintain bank angle.
(c) Slip ball response, satisfactory.
(d) Time to turn 180°.
(Roll aircraft from 45° bank one way to 45° bank the opposite direction while maintaining altitude and airspeed—check the following:)
(e) Controllability during maneuver.
(3) Degraded flight controls.
(4) Holding Procedure (check the following:)
(a) FMC operation.
(b) Auto pilot auto thrust performance.
(5) Storm Selection (check the following:)
(a) Weather radar controls.
(b) Weather radar operation.
(c) Visual scene corresponds with WXR pattern.
(Fly through storm center, and check the following:)
(d) Aircraft enters cloud.
(e) Aircraft encounters representative turbulence.
(f) Rain/hail sound effects evident.
(As aircraft leaves storm area, check the following:)
(g) Storm effects disappear.
(6) TCAS (check the following:)
(a) Traffic appears on visual display.
(b) Traffic appears on TCAS display(s).
(As conflicting traffic approaches, take relevant avoiding action, and check the following:)
(c) Visual and TCAS system displays.
n. Approach And Landing.
Select one or several of the following test cases while monitoring flight control and hydraulic systems for normal operation and with malfunctions selected:
(1) Flaps/Gear Normal Operation (Check the following:)
(a) Time for extension/retraction.
(b) Buffet characteristics.
(2) Normal Visual Approach and Landing.
Fly a normal visual approach and landing—check the following:
(a) Aircraft handling.
(b) Spoiler operation.

(c) Reverse thrust operation.
(d) Directional control on the ground.
(e) Touchdown cues for main and nose wheel.
(f) Visual cues.
(g) Motion cues.
(h) Sound cues.
(i) Brake and Anti-skid operation.
(3) Flaps/Gear Abnormal Operation or with hydraulic malfunctions.
(4) Abnormal Wing Flaps/Slats Landing.
(5) Manual Landing with Control Malfunction.
(a) Aircraft handling.
(b) Aircraft handling.
(c) Radio Aids and instruments.
(d) Visual scene content and cues.
(e) Motion cues.
(f) Sound cues.
(6) Non-precision Approach—All Engines Operating.
(a) Aircraft handling.
(b) Aircraft handling.
(c) Radio Aids and instruments.
(d) Visual scene content and cues.
(e) Motion cues.
(f) Sound cues.
(7) Circling Approach.
(a) Aircraft handling.
(b) Aircraft handling.
(c) Radio Aids and instruments.
(d) Visual scene content and cues.
(e) Motion cues.
(f) Sound cues.
(8) Non-precision Approach—One Engine Inoperative.
(a) Aircraft handling.
(b) Aircraft handling.
(c) Radio Aids and instruments.
(d) Visual scene content and cues.
(e) Motion cues.
(f) Sound cues.
(9) One Engine Inoperative Go-around.
(a) Aircraft handling.
(b) Aircraft handling.
(c) Radio Aids and instruments.
(d) Visual scene content and cues.
(e) Motion cues.
(f) Sound cues.
(10) CAT I Approach and Landing with raw-data ILS.
(a) Aircraft handling.
(b) Aircraft handling.
(c) Radio Aids and instruments.
(d) Visual scene content and cues.
(e) Motion cues.
(f) Sound cues.
(11) CAT I Approach and Landing with Limiting Crosswind.
(a) Aircraft handling.
(b) Aircraft handling.
(c) Radio Aids and instruments.
(d) Visual scene content and cues.
(e) Motion cues.
(f) Sound cues.
(12) CAT I Approach with Windshear. Check the following:
(a) Controllable during windshear encounter.
(b) Performance adequate when using correct techniques.
(c) Windshear indications/warnings.
(d) Motion cues (particularly turbulence).
(13) CAT II Approach and Automatic Go-Around.
(14) CAT III Approach and Landing—System Malfunctions.
(15) CAT III Approach and Landing—1 Engine Inoperative.
(16) GPWS evaluation.
o. Visual Scene—In-Flight Assessment.
Select three (3) different visual models and perform the following checks with ''day,'' ''dusk,'' and ''night'' (as appropriate) selected. Reposition the aircraft at or below 2000 feet within 10 nm of the airfield. Fly the aircraft around the airport environment and assess control of the visual system and evaluate the visual scene content as described below:
(1) Visual Controls.
(a) Daylight, Dusk, Night Scene Controls.
(b) Cockpit ambient lighting during ''daylight'' conditions.
(c) Environment Light Controls.
(d) Runway Light Controls.
(e) Taxiway Light Controls.
(f) Approach Light Controls.
(2) Scene Content.
(a) Airport environment for correct terrain and significant features.
(b) Runways for correct markings, runway slope, directionality of runway lights.
(c) Visual scene for aliasing, colour, and occulting.
Reposition the aircraft to a long, final approach for an ''ILS runway.'' Select flight freeze when the aircraft is 5-statute miles (sm)/8-kilometers (km) out and on the glide slope.
Check the following:
(3) Scene content.
(a) Airfield features.
(b) Approach lights.
(c) Runway definition.
(d) Runway definition.
(e) Runway edge lights and VASI lights.
(f) Strobe lights.
Release flight freeze. Continue flying the approach with NP engaged. Select flight freeze when aircraft is 3 sm/5 km out and on the glide slope. Check the following:
(4) Scene Content.
(a) Runway centerline light.
(b) Taxiway definition and lights.
Release flight freeze and continue flying the approach with A/P engaged. Select flight freeze when aircraft is 2 sm/3 km out and on the glide slope. Check the following:
(5) Scene content.
(a) Runway threshold lights.
(b) Touchdown zone lights. At 200 ft radio altitude and still on glide slope, select Flight Freeze. Check the following:
(6) Scene content.
(a) Runway markings.
Set the weather to Category I conditions and check the following:
(7) Scene content.
(a) Visual ground segment.
Set the weather to Category II conditions, release Flight Freeze, re-select Flight Freeze at 100 feet radio altitude, and check the following:
(8) Scene content.
(a) Visual ground segment.
Select night/dusk (twilight) conditions and check the following:
(9) Scene content.
(a) Runway markings visible within landing light lobes.
Set the weather to Category III conditions, release Flight Freeze, re-select Flight Freeze at 50 feet radio altitude and check the following:
(10) Scene content.
(a) Visual ground segment.
Set WX to ''missed approach'' conditions, release Flight Freeze, re-select Flight Freeze at 15 feet radio altitude, and check the following:
(11) Scene content.
(a) Visual ground segment.
When on the ground, stop the aircraft. Set 0 feet RVR, ensure strobe/beacon lights are switched on and check the following:
(12) Scene content.
(a) Visual effect of strobe and beacon.
Reposition to final approach, set weather to ''Clear,'' continue approach for an automatic landing, and check the following:
(13) Scene content.
(a) Visual cues during flare to assess sink rate.
(b) Visual cues during flare to assess Depth perception.
(c) Cockpit height above ground.
p. After Landing Operations.
(1) After Landing Checks.
(2) Taxi back to gate (Check the following:)
(a) Visual model satisfactory.
(b) Parking brake operation satisfactory.
(3) Shutdown Checks.
q. Crash Function.
(1) Gear-up Crash.
(2) Excessive rate of descent Crash.
(3) Excessive bank angle Crash.

BILLING CODE 491073–P

Typical Subjective Continuing Qualification Evaluation Profile (2 hours)



End Information

Attachment 4 to Appendix A to Part 60—Sample Documents

Table of Contents

Title of Sample

Figure A4A—Sample Letter, Request for Initial, Upgrade, or Reinstatement Evaluation

Figure A4B—Attachment: FSTD Information Form

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Figure A4D—Sample Statement of Qualification—Certificate

Figure A4E—Sample Statement of Qualification—Configuration List

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Figure A4H—Sample MQTG Index of Effective FSTD Directives

BILLING CODE 4910–73–P

ATTACHMENT 4 TO APPENDIX A TO PART 60—
Figure A4A – Sample Letter , Request for Initial, Upgrade, or Reinstatement Evaluation INFORMATION

Date _____

Edward D. Cook, Ph.D.
Manager, National Simulator Program
Federal Aviation Administration
100 Hartsfield Centre Parkway
Suite 400
Atlanta, GA 30354

Dear Dr. Cook:

RE: Request for Initial/Upgrade Evaluation Date

This is to advise you of our intent to request an (initial or upgrade) evaluation of our (FSTD Manufacturer), (Aircraft Type/Level) Flight Simulation Training Device (FSTD), (FAA ID Number, if previously qualified), located in (City, State) at the (Facility) on (Proposed Evaluation Date). (The proposed evaluation date shall not be more than 180 days following the date of this letter.) The FSTD will be sponsored by (Name of Training Center/Air Carrier), FAA Designator (4 Letter Code). The FSTD will be sponsored under the following options: (Select One)

☐ The FSTD will be used within the sponsor's FAA approved training program and placed on the sponsor's Training/Operations Specifications; or

☐ The FSTD will be used for dry lease only in accordance with Paragraph 3b, FSTD Guidance Bulletin 03-08.

We agree to provide the formal request for the evaluation (*Ref: Appendix 4, AC 120-40B*) to your staff as follows: (check one)

☐ For QTG tests run at the factory, not later, than 45 days prior to the proposed evaluation date with the additional "1/3 on-site" tests provided not later than 14 days prior to the proposed evaluation date.

☐ For QTG tests run on-site, not later than 30 days prior to the proposed evaluation date.

We understand that the formal request will contain the following documents:

1. Sponsor's Letter of Request (*Company Compliance Letter*).
2. Principal Operations Inspector (POI) or Training Center Program Manager's (TCPM) endorsement.
3. Complete QTG.

If we are unable to meet the above requirements, we understand this may result in a significant delay, perhaps 45 days or more, in rescheduling and completing the evaluation.

(The sponsor should add additional comments as necessary).

Please contact (Name Telephone and Fax Number of Sponsor's Contact) to confirm the date for this initial evaluation. We understand a member of your National Simulator Program staff will respond to this request within 14 days.

A copy of this letter of intent has been provided to (Name), the Principal Operations Inspector (POI) and/or Training Center Program Manager (TCPM).

Sincerely,

Attachment: FSTD Information Form
cc: POI/TCPM

ATTACHMENT 4 TO APPENDIX A TO PART 60—
Figure A4B – Sample Letter , Request for Initial, Upgrade, or Reinstatement Evaluation
Attachment: FSTD Information Form
INFORMATION

Date: _____			
Section 1. FSTD Information and Characteristics			
Sponsor Name:	_____	**FSTD Location:**	
Address:	_____ _____	**Physical Address:**	_____ _____
City:	_____	**City:**	_____
State:	_____	**State:**	_____
Country:	_____	**Country:**	_____
ZIP:	_____	**ZIP:**	_____
Manager	_____		
Sponsor ID No: *(Four Letter FAA Designator)*	_____	**Nearest Airport:** *(Airport Designator)*	_____

Type of Evaluation Requested:			☐ **Initial** ☐ **Upgrade** ☐ **Recurrent** ☐ **Special** ☐ **Reinstatement**		
Qualification Basis: _____	☐ **A**	☐ **B**	☐ **Interim C**	☐ **C**	☐ **D**
	☐ **6**	☐ **7**	☐ **Provisional Status**		
Initial Qualification: (If Applicable)	**Date:** _____ **Level** _____		**Manufacturer's Identification/Serial No:**	_____	
Upgrade Qualification: (If Applicable)	**Date:** _____ **Level** _____ MM/DD/YYYY		☐ **eQTG**		

Other Technical Information:			
FAA FSTD ID No: (If Applicable)	_____	**FSTD Manufacturer:**	_____
Convertible FSTD:	☐ **Yes:**	**Date of Manufacture:**	_____ MM/DD/YYYY
Related FAA ID No. (If Applicable)	_____ _____ _____	**Sponsor FSTD ID No:** _____	
Airplane model/series: _____		**Source of aerodynamic model:** _____	
Engine model(s) and data revision: _____		**Source of aerodynamic coefficient data:** _____	
FMS identification and revision level: _____		**Aerodynamic data revision number:** _____	
Visual system manufacturer/model: _____		**Visual system display:** _____	
Flight control data revision: _____		**FSTD computer(s) identification:** _____	
Motion system manufacturer/type: _____			

National Aviation Authority (NAA): (If Applicable)	_____		_____

ATTACHMENT 4 TO APPENDIX A TO PART 60—
Figure A4B – Sample Letter , Request for Initial, Upgrade, or Reinstatement Evaluation
Attachment: FSTD Information Form
INFORMATION

Visual System Manufacturer and Type:	_____	**Motion System Manufacturer and Type:**	_____
Aircraft Make/Model/Series:	_____	**FSTD Seats Available:**	_____

Aircraft Equipment	**ENGINE TYPE(S):** _____	**Flight Instrumentation:** ☐ **EFIS** ☐ **HUD** ☐ **HGS** ☐ **EFVS** ☐ **TCAS** ☐ **GPWS** ☐ **Plain View** ☐ **GPS** ☐ **FMS Type:** _____ ☐ **WX Radar** ☐ **Other:** _____	Engine Instrumentation: ☐ **EICAS** ☐ **FADEC** ☐ **Other:** _____

Airport Models:	3.6.1 _____ *Airport Designator*	3.6.2_____ *Airport Designator*	3.6.3 _____ *Airport Designator*
Circle to Land:	3. 7.1 _____ *Airport Designator*	3. 7.2_____ *Approach*	3. 7.3 _____ *Landing Runway*
Visual Ground Segment	3.8.1 _____ *Airport Designator*	3.8 .2_____ *Approach*	3. 8.3 _____ *Landing Runway*

Section 2. Supplementary Information

FAA Training Program Approval Authority:		☐ **POI** ☐ **TCPM** ☐ **Other:** _____	
Name:	_____	**Office:**	_____
Tel:	_____	**Fax:**	_____
Email:	_____		

FSTD Scheduling Person:			
Name:	_____		
Address 1:	_____	**Address 2**	_____
City:	_____	**State:**	_____
ZIP:	_____	**Email:**	_____
Tel:	_____	**Fax:**	_____

FSTD Technical Contact:			
Name:	_____		
Address 1:	_____	**Address 2**	_____
City:	_____	**State:**	_____
ZIP:	_____	**Email:**	_____
Tel:	_____	**Fax:**	_____

Section 3. Training, Testing and Checking Considerations

Area/Function/Maneuver	Requested	Remarks
Private Pilot - Training / Checks: (142)	☐	_____
Commercial Pilot - Training /Checks:(142)	☐	_____
Multi-Engine Rating - Training / Checks (142)	☐	_____
Instrument Rating -Training / Checks (142)	☐	_____
Type Rating - Training / Checks (135/121/142)	☐	_____
Proficiency Checks (135/121/142)	☐	_____

ATTACHMENT 4 TO APPENDIX A TO PART 60—

Figure A4B – Sample Letter , Request for Initial, Upgrade, or Reinstatement Evaluation

Attachment: FSTD Information Form

INFORMATION

Section 3. Training, Testing and Checking Considerations		
Area/Function/Maneuver	Requested	Remarks
Private Pilot - Training / Checks: (142)	☐	____
Commercial Pilot - Training /Checks:(142)	☐	____
Multi-Engine Rating - Training / Checks (142)	☐	____
Instrument Rating -Training / Checks (142)	☐	____
Type Rating - Training / Checks (135/121/142)	☐	____
Proficiency Checks (135/121/142)	☐	____
CAT I: (RVR 2400/1800 ft. DH200 ft)	☐	____
CAT II: (RVR 1200 ft. DH 100 ft)	☐	____
CAT III * (lowest minimum) _____ RVR _____ ft. ** State CAT III (≤ 700 ft.), CAT IIIb (≤ 150 ft.), or CAT IIIc (0 ft.)*	☐	____
Circling Approach	☐	____
Windshear Training: (FSTD GB 03-05)	☐	____
Windshear Training IAW 121.409d (121 Turbojets Only) (FSTD GB 03-05)	☐	____
Generic Unusual Attitudes and Recoveries within the Normal Flight Envelope (FSTD GB 04-03)	☐	____
Specific Unusual Attitudes Recoveries (HBAT 95-10) (FSTD GB 04-03)	☐	____
Auto-coupled Approach/Auto Go Around	☐	____
Auto-land / Roll Out Guidance	☐	____
TCAS/ACAS I / II	☐	____
WX-Radar	☐	____
HUD (FSTD GB 03-02)	☐	____
HGS (FSTD GB 03-02)	☐	
EFVS (FSTD GB 03-03)	☐	
Future Air Navigation Systems (HBAT 98-16A)	☐	____
GPWS / EGPWS	☐	____
ETOPS Capability	☐	____
GPS	☐	____
SMGCS	☐	____
Helicopter Slope Landings	☐	____
Helicopter External Load Operations	☐	____
Helicopter Pinnacle Approach to Landings	☐	____
Helicopter Night Vision Maneuvers	☐	____
Helicopter Category A Takeoffs	☐	____

ATTACHMENT 4 TO APPENDIX A TO PART 60—

Figure A4C – Sample Qualification Test Guide Cover Page

INFORMATION

SPONSOR NAME

SPONSOR ADDRESS

FAA QUALIFICATION TEST GUIDE

(SPECIFIC AIRPLANE MODEL)
for example
Stratos BA797-320A

(Type of Simulator)

(Simulator Identification Including Manufacturer, Serial Number, Visual System Used)

(Simulator Level)

(Qualification Performance Standard Used)

(Simulator Location)

FAA Initial Evaluation

Date: _____

_____ Date: _____
(Sponsor)

_____ Date: _____
Manager, National
Simulator Program, FAA

ATTACHMENT 4 TO APPENDIX A TO PART 60—

Figure A4D – Sample Statement of Qualification - Certificate

INFORMATION

Federal Aviation Administration
National Simulator Program

Statement of Qualification

This is to certify that representatives of the National Simulator Program Completed an evaluation of the

Go-Fast Airlines
Farnsworth Z-100 Full Flight Simulator
FAA Identification Number 999

And found it to meet the standards set forth in
AC 120-40B

The Master Qualification Test Guide and the attached Configuration List and Restrictions List Provide the Qualification Basis for this device to operate at

Level D

Until January 31, 2009

Unless sooner rescinded or extended by the National Simulator Program Manager

December 15, 2007	*I. B. Checkin, Jr.*
(date)	(for the NSPM)

ATTACHMENT 4 TO APPENDIX A TO PART 60—

Figure A4E – Sample Statement of Qualification; Configuration List

INFORMATION

STATEMENT of QUALIFICATION
CONFIGURATION LIST

Date: _____			
Section 1. FSTD Information and Characteristics			
Sponsor Name:	_____	**FSTD Location:**	
Address:	_____ _____	**Physical Address:**	_____ _____
City:	_____	**City:**	_____
State:	_____	**State:**	_____
Country:	_____	**Country:**	_____
ZIP:	_____	**ZIP:**	_____
Manager	_____		
Sponsor ID No: *(Four Letter FAA Designator)*	_____	**Nearest Airport:** *(Airport Designator)*	_____

Type of Evaluation Requested:		☐ **Initial** ☐ **Upgrade** ☐ **Recurrent** ☐ **Special** ☐ **Reinstatement**		
Qualification Basis: _____	☐ **A**	☐ **B**	☐ **Interim C**	☐ **C**	☐ **D**
	☐ **6**	☐ **7**	☐ **Provisional Status**	

Initial Qualification: (If Applicable)	**Date:** _____ **Level** _____	**Manufacturer's Identification/Serial No:**	_____
Upgrade Qualification: (If Applicable)	**Date:** _____ **Level** _____ MM/DD/YYYY	☐ **eQTG**	

Other Technical Information:			
FAA FSTD ID No: (If Applicable)	_____	**FSTD Manufacturer:**	_____
Convertible FSTD:	☐ **Yes:**	**Date of Manufacture:**	_____ MM/DD/YYYY
Related FAA ID No. (If Applicable)	_____ _____ _____	**Sponsor FSTD ID No:** _____	
Aircraft model/series: _____		**Source of aerodynamic model:** _____	
Engine model(s) and data revision: _____		**Source of aerodynamic coefficient data:** _____	
FMS identification and revision level: _____		**Aerodynamic data revision number:** _____	
Visual system manufacturer/model: _____		**Visual system display:** _____	
Flight control data revision: _____		**FSTD computer(s) identification:** _____	
Motion system manufacturer/type: _____			

ATTACHMENT 4 TO APPENDIX A TO PART 60—

Figure A4E – Sample Statement of Qualification; Configuration List

INFORMATION

NAA Qualification Basis:	____		
Visual System Manufacturer and Type:	____	**Motion System Manufacturer and Type:**	____
Aircraft Make/Model/Series:	____	**FSTD Seats Available:**	____

Aircraft Equipment	**ENGINE TYPE(S):** ____	**Flight Instrumentation:** ☐ **EFIS** ☐ **HUD** ☐ **HGS** ☐ **EFVS** ☐ **TCAS** ☐ **GPWS** ☐ **Plain View** ☐ **GPS** ☐ **FMS Type:** ____ ☐ **WX Radar** ☐ **Other:** ____	Engine Instrumentation: ☐ **EICAS** ☐ **FADEC** ☐ **Other:**

Airport Models:	3.6.1 ____ *Airport Designator*	3.6.2____ *Airport Designator*	3.6.3 ____ *Airport Designator*
Circle to Land:	3. 7.1 ____ *Airport Designator*	3. 7.2____ *Approach*	3. 7.3 ____ *Landing Runway*
Visual Ground Segment	3.8.1 ____ *Airport Designator*	3.8 .2____ *Approach*	3. 8.3 ____ *Landing Runway*

Section 2. Supplementary Information

FAA Training Program Approval Authority:		☐ **POI** ☐ **TCPM** ☐ **Other:** ____	
Name:	____	**Office:**	____
Tel:	____	**Fax:**	____
Email:	____		
FSTD Scheduling Person:			
Name:	____		
Address 1:	____	**Address 2**	____
City:	____	**State:**	____
ZIP:	____	**Email:**	____
Tel:	____	**Fax:**	____
FSTD Technical Contact:			
Name:	____		
Address 1:	____	**Address 2**	____
City:	____	**State:**	____
ZIP:	____	**Email:**	____
Tel:	____	**Fax:**	____

Section 3. Training, Testing and Checking Considerations

Area/Function/Maneuver	Requested	Remarks
Private Pilot - Training / Checks: (142)	☐	____
Commercial Pilot - Training /Checks:(142)	☐	____
Multi-Engine Rating - Training / Checks (142)	☐	____
Instrument Rating -Training / Checks (142)	☐	____
Type Rating - Training / Checks (135/121/142)	☐	____

ATTACHMENT 4 TO APPENDIX A TO PART 60—
Figure A4E – Sample Statement of Qualification; Configuration List

INFORMATION

ZIP:	____	**Email:**	____
Tel:	____	**Fax:**	____

Section 3. Training, Testing and Checking Considerations

Area/Function/Maneuver	Requested	Remarks
Private Pilot - Training / Checks: (142)	☐	____
Commercial Pilot - Training /Checks:(142)	☐	____
Multi-Engine Rating - Training / Checks (142)	☐	____
Instrument Rating -Training / Checks (142)	☐	____
Type Rating - Training / Checks (135/121/142)	☐	____
Proficiency Checks (135/121/142)	☐	____
CAT I: (RVR 2400/1800 ft. DH200 ft)	☐	____
CAT II: (RVR 1200 ft. DH 100 ft)	☐	____
CAT III * (lowest minimum) _____ RVR _____ ft. * *State CAT III (≤ 700 ft.), CAT IIIb (≤ 150 ft.), or CAT IIIc (0 ft.)*	☐	____
Circling Approach	☐	____
Windshear Training: (FSTD GB 03-05)	☐	____
Windshear Training IAW 121.409d (121 Turbojets Only) (FSTD GB 03-05)	☐	____
Generic Unusual Attitudes and Recoveries within the Normal Flight Envelope (FSTD GB 04-03)	☐	____
Specific Unusual Attitudes Recoveries (HBAT 95-10) (FSTD GB 04-03)	☐	____
Auto-coupled Approach/Auto Go Around	☐	____
Auto-land / Roll Out Guidance	☐	____
TCAS/ACAS I / II	☐	____
WX-Radar	☐	____
HUD (FSTD GB 03-02)	☐	____
HGS (FSTD GB 03-02)	☐	
EFVS (FSTD GB 03-03)	☐	
Future Air Navigation Systems (HBAT 98-16A)	☐	____
GPWS / EGPWS	☐	____
ETOPS Capability	☐	____
GPS	☐	____
SMGCS	☐	____
Helicopter Slope Landings	☐	____
Helicopter External Load Operations	☐	____
Helicopter Pinnacle Approach to Landings	☐	____
Helicopter Night Vision Maneuvers	☐	____
Helicopter Category A Takeoffs	☐	____

ATTACHMENT 4 TO APPENDIX A TO PART 60—

Figure A4F – Sample Statement of Qualification – List of Qualified Tasks

INFORMATION

STATEMENT of QUALIFICATION
List of Qualified Tasks

Go Fast Airline Training -- Farnsworth Z-100 -- Level D -- FAA ID# 999

The FSTD is qualified to perform all of the Maneuvers, Procedures, Tasks, and Functions Listed in Appendix A, Attachment 1, Table A1B, Minimum FSTD Requirements In Effect on [mm/dd/yyyy] except for the following listed Tasks or Functions.

Qualified for all tasks in Table A1B, for which the sponsor has requested qualification, except for the following: 3.e(1)(i) NDB approach 3.f. Recovery from Unusual Attitudes 4.3. Circling Approach
Additional tasks for which this FSTD is qualified (i.e., in addition to the list in Table A1B) 1. Enhanced Visual System 2. Windshear Training IAW Section 121.409(d).
The airport visual models evaluated for qualification at this level are: 1. Atlanta Hartsfield International Airport (KATL) 2. Miami International Airport (KMIA) 3. Dallas/Ft.Worth Regional Airport (KDFW)

Attachment 4 to Appendix A to Part 60—
Figure A4G – Sample Continuing Qualification Evaluation Requirements Page
INFORMATION

Recurrent Evaluation Requirements ***Completed at conclusion of Initial Evaluation***	
Recurrent Evaluations to be conducted each _(fill in)__ months Allotting _____ hours of FTD time. Signed: _____ NSPM / Evaluation Team Leader	Recurrent evaluations are due as follows: _(month)__ and __(month)_ and __(month)_ (enter or strike out, as appropriate) _____ Date

Revision: Based on (enter reasoning):	
Recurrent Evaluations are to be conducted each _(fill in)__ months. Allotting _____ hours. Signed: _____ NSPM Evaluation Team Leader	Recurrent evaluations are due as follows: _(month)__ and __(month)_ and __(month)_ (enter or strike out, as appropriate) _____ Date

Revision: Based on (enter reasoning):	
Recurrent Evaluations are to be conducted each _(fill in)__ months. Allotting _____ hours. Signed: _____ NSPM Evaluation Team Leader	Recurrent evaluations are due as follows: _(month)__ and __(month)_ and __(month)_ (enter or strike out, as appropriate) _____ Date

(Repeat as Necessary)

Attachment 4 to Appendix A to Part 60—
Figure A4H –Sample MQTG Index of Effective FSTD Directives
INFORMATION

Index of Effective FSTD Directives Filed in this Section

Notification Number	Received From: (TPAA/NSPM)	Date of Notification	Date of Modification Completion

Continue as Necessary....

BILLING CODE 4910–73–C

Attachment 5 to Appendix A to Part 60—Simulator Qualification Requirements for Windshear Training Program Use

1. Applicability

Begin QPS Requirements

This attachment applies to all simulators, regardless of qualification level, that are used to satisfy the training requirements of an FAA-approved low-altitude windshear flight training program, or any FAA-approved training program that addresses windshear encounters.

End QPS Requirements

2. Statement of Compliance and Capability (SOC)

Begin QPS Requirements

a. The sponsor must submit an SOC confirming that the aerodynamic model is based on flight test data supplied by the airplane manufacturer or other approved data provider. The SOC must also confirm that any change to environmental wind parameters, including variances in those parameters for windshear conditions, once inserted for computation, result in the correct simulated performance. This statement must also include examples of environmental wind parameters currently evaluated in the simulator (such as crosswind takeoffs, crosswind approaches, and crosswind landings).

b. For simulators without windshear warning, caution, or guidance hardware in the original equipment, the SOC must also state that the simulation of the added hardware and/or software, including associated cockpit displays and annunciations, replicates the system(s) installed in the airplane. The statement must be accompanied by a block diagram depicting the input and output signal flow, and comparing the signal flow to the equipment installed in the airplane.

End QPS Requirements

3. Models

Begin QPS Requirements

The windshear models installed in the simulator software used for the qualification evaluation must do the following:

a. Provide cues necessary for recognizing windshear onset and potential performance degradation requiring a pilot to initiate recovery procedures. The cues must include all of the following, as may be appropriate for the appropriate portion of the flight envelope:

(1) Rapid airspeed change of at least ±15 knots (kts).

(2) Stagnation of airspeed during the takeoff roll.

(3) Rapid vertical speed change of at least ±500 feet per minute (fpm).

(4) Rapid pitch change of at least ±5°.

b. Be adjustable in intensity (or other parameter to achieve an intensity effect) to at least two (2) levels so that upon encountering the windshear the pilot may identify its presence and apply the recommended procedures for escape from such a windshear.

(1) If the intensity is lesser, the performance capability of the simulated airplane in the windshear permits the pilot to maintain a satisfactory flightpath; and

(2) If the intensity is greater, the performance capability of the simulated airplane in the windshear does not permit the pilot to maintain a satisfactory flightpath (crash).

Note: The means used to accomplish the ''nonsurvivable'' scenario of paragraph 3.b.(2) of this attachment, that involve operational elements of the simulated airplane, must reflect the dispatch limitations of the airplane.

c. Be available for use in the FAA-approved windshear flight training program.

End QPS Requirements

4. Demonstrations

Begin QPS Requirements

a. The sponsor must identify one survivable takeoff windshear training model and one survivable approach windshear training model. The wind components of the survivable models must be presented in graphical format so that all components of the windshear are shown, including initiation point, variance in magnitude, and time or distance correlations. The simulator must be operated at the same gross weight,

airplane configuration, and initial airspeed in all of the following situations:

(1) Takeoff—through calm air.

(2) Takeoff—through the first selected survivable windshear.

(3) Approach—through calm air.

(4) Approach—through the second selected survivable windshear.

b. In each of these four situations, at an ''initiation point'' (i.e., where windshear onset is or should be recognized), the recommended procedures for windshear recovery are applied and the results are recorded as specified in paragraph 5 of this attachment.

c. These recordings are made without inserting programmed random turbulence. Turbulence that results from the windshear model is to be expected, and no attempt may be made to neutralize turbulence from this source.

d. The definition of the models and the results of the demonstrations of all four (4) cases described in paragraph 4.a of this attachment, must be made a part of the MQTG.

End QPS Requirements

5. Recording Parameters

Begin QPS Requirements

a. In each of the four MQTG cases, an electronic recording (time history) must be made of the following parameters:

(1) Indicated or calibrated airspeed.

(2) Indicated vertical speed.

(3) Pitch attitude.

(4) Indicated or radio altitude.

(5) Angle of attack.

(6) Elevator position.

(7) Engine data (thrust, N1, or throttle position).

(8) Wind magnitudes (simple windshear model assumed).

b. These recordings must be initiated at least 10 seconds prior to the initiation point, and continued until recovery is complete or ground contact is made.

End QPS Requirements

6. Equipment Installation and Operation

Begin QPS Requirements

All windshear warning, caution, or guidance hardware installed in the simulator must operate as it operates in the airplane. For example, if a rapidly changing wind speed and/or direction would have caused a windshear warning in the airplane, the simulator must respond equivalently without instructor/evaluator intervention.

End QPS Requirements

7. Qualification Test Guide

Begin QPS Requirements

a. All QTG material must be forwarded to the NSPM.

b. A simulator windshear evaluation will be scheduled in accordance with normal procedures. Recurrent evaluation schedules will be used to the maximum extent possible.

c. During the on-site evaluation, the evaluator will ask the operator to run the performance tests and record the results. The results of these on-site tests will be compared to those results previously approved and placed in the QTG or MQTG, as appropriate.

d. QTGs for new (or MQTGs for upgraded) simulators must contain or reference the information described in paragraphs 2, 3, 4, and 5 of this attachment.

End QPS Requirements

8. Subjective Evaluation

Begin Information

The NSPM will fly the simulator in at least two of the available windshear scenarios to subjectively evaluate simulator performance as it encounters the programmed windshear conditions.

a. One scenario will include parameters that enable the pilot to maintain a satisfactory flightpath.

b. One scenario will include parameters that will not enable the pilot to maintain a satisfactory flightpath (crash).

c. Other scenarios may be examined at the NSPM's discretion.

End Information

9. Qualification Basis

Begin Information

The addition of windshear programming to a simulator in order to comply with the qualification for required windshear training does not change the original qualification basis of the simulator.

End Information

10. Demonstration Repeatability

Begin Information

For the purposes of demonstration repeatability, it is recommended that the simulator be flown by means of the simulator's autodrive function (for those simulators that have autodrive capability) during the demonstrations.

End Information

Appendix B to Part 60—Qualification Performance Standards for Airplane Flight Training Devices

Begin Information

This appendix establishes the standards for Airplane Flight Training Device (FTD) evaluation and qualification at Level 4, Level 5, or Level 6. The Flight Standards Service, National Simulator Program Manager (NSPM), is responsible for the development, application, and implementation of the standards contained within this appendix. The procedures and criteria specified in this appendix will be used by the NSPM, or a person or persons assigned by the NSPM when conducting airplane FTD evaluations.

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1. Introduction
2. Applicability (§ 60.1) and Applicability of sponsor rules to persons who are not sponsors and who are engaged in certain unauthorized activities (§ 60.2)
3. Definitions (60.3)
4. Qualification Performance Standards (§ 60.4)
5. Quality Management System (§ 60.5)
6. Sponsor Qualification Requirements (§ 60.7)
7. Additional Responsibilities of the Sponsor (§ 60.9)
8. FSTD Use (§ 60.11)
9. FSTD Objective Data Requirements (§ 60.13)
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11. Initial (and Upgrade) Qualification Requirements (§ 60.15)
12. Additional Qualifications for Currently Qualified FTDs (§ 60.16)
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15. Logging FTD Discrepancies (§ 60.20)
16. Interim Qualification of FTDs for New Airplane Types or Models (§ 60.21)
17. Modifications to FTDs (§ 60.23)
18. Operations With Missing, Malfunctioning, or Inoperative Components (§ 60.25)
19. Automatic Loss of Qualification and Procedures for Restoration of Qualification (§ 60.27)
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21. Record Keeping and Reporting (§ 60.31)
22. Applications, Logbooks, Reports, and Records: Fraud, Falsification, or Incorrect Statements (§ 60.33)
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24. Levels of FTD
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Attachment 1 to Appendix B to Part 60—General FTD Requirements

Attachment 2 to Appendix B to Part 60—Flight Training Device (FTD) Objective Tests

Attachment 3 to Appendix B to Part 60—Flight Training Device (FTD) Subjective Evaluation

Attachment 4 to Appendix B to Part 60—Sample Documents

End Information

1. Introduction

Begin Information

a. This appendix contains background information as well as regulatory and informative material as described later in this section. To assist the reader in determining what areas are required and what areas are permissive, the text in this appendix is divided into two sections: ''QPS Requirements'' and ''Information.'' The QPS Requirements sections contain details regarding compliance with the part 60 rule language. These details are regulatory, but are found only in this appendix. The Information sections contain material that is advisory in nature, and designed to give the user general information about the regulation.

b. Related Reading References.

(1) 14 CFR part 60.

(2) 14 CFR part 61.

(3) 14 CFR part 63.

(4) 14 CFR part 119.

(5) 14 CFR part 121.

(6) 14 CFR part 125.

(7) 14 CFR part 135.

(8) 14 CFR part 141.

(9) 14 CFR part 142.

(10) Advisory Circular (AC) 120–28C, Criteria for Approval of Category III Landing Weather Minima.

(11) AC 120–29, Criteria for Approving Category I and Category II Landing Minima for part 121 operators.

(12) AC 120–35B, Line Operational Simulations: Line-Oriented Flight Training, Special Purpose Operational Training, Line Operational Evaluation.

(13) AC 120–41, Criteria for Operational Approval of Airborne Wind Shear Alerting and Flight Guidance Systems.

(14) AC 120–57A, Surface Movement Guidance and Control System (SMGS).

(15) AC 150/5300–13, Airport Design.

(16) AC 150/5340–1G, Standards for Airport Markings.

(17) AC 150/5340–4C, Installation Details for Runway Centerline Touchdown Zone Lighting Systems.

(18) AC 150/5340–19, Taxiway Centerline Lighting System.

(19) AC 150/5340–24, Runway and Taxiway Edge Lighting System.

(20) AC 150/5345–28D, Precision Approach Path Indicator (PAPI) Systems.

(21) International Air Transport Association document, ''Flight Simulator Design and Performance Data Requirements,'' as amended.

(22) AC 25–7, as amended, Flight Test Guide for Certification of Transport Category Airplanes.

(23) AC 23–8A, as amended, Flight Test Guide for Certification of Part 23 Airplanes.

(24) International Civil Aviation Organization (ICAO) Manual of Criteria for the Qualification of Flight Simulators, as amended.

(25) Airplane Flight Simulator Evaluation Handbook, Volume I, as amended and Volume II, as amended, The Royal Aeronautical Society, London, UK.

(26) FAA Publication FAA–S–8081 series (Practical Test Standards for Airline Transport Pilot Certificate, Type Ratings, Commercial Pilot, and Instrument Ratings).

(27) The FAA Aeronautical Information Manual (AIM). An electronic version of the AIM is on the internet at *http://www.faa.gov/atpubs.*

End Information

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2. Applicability (§§ 60.1 & 60.2)

There is no additional regulatory or informational material that applies to § 60.1, Applicability, or to § 60.2, Applicability of sponsor rules to person who are not sponsors and who are engaged in certain unauthorized activities.

3. Definitions (§ 60.3)

Begin Information

See appendix F of this part for a list of definitions and abbreviations from part 1, part 60, and the QPS appendices of part 60.

End Information

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4. Qualification Performance Standards (§ 60.4)

There is no additional regulatory or informational material that applies to § 60.4, Qualification Performance Standards.

5. Quality Management System (§ 60.5)

Begin Information

Additional regulatory material and informational material regarding Quality Management Systems for FTDs may be found in appendix E of this part.

End Information

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6. Sponsor Qualification Requirements (§ 60.7)

Begin Information

a. The intent of the language in § 60.7(b) is to have a specific FTD, identified by the sponsor, used at least once in an FAA-approved flight training program for the airplane simulated during the 12-month period described. The identification of the specific FTD may change from one 12-month period to the next 12-month period as long as that sponsor sponsors and uses at least one FTD at least once during the prescribed period. There is no minimum number of hours or minimum FTD periods required.

b. The following examples describe acceptable operational practices:

(1) Example One.

(a) A sponsor is sponsoring a single, specific FTD for its own use, in its own facility or elsewhere—this single FTD forms the basis for the sponsorship. The sponsor uses that FTD at least once in each 12-month period in that sponsor's FAA-approved flight training program for the airplane simulated. This 12-month period is established according to the following schedule:

(i) If the FTD was qualified prior to October 30, 2007 the 12-month period begins on the date of the first continuing qualification evaluation conducted in accordance with § 60.19 after October 30, 2007 and continues for each subsequent 12-month period;

(ii) A device qualified on or after October 30, 2007 will be required to undergo an initial or upgrade evaluation in accordance with § 60.15. Once the initial or upgrade evaluation is complete, the first continuing qualification evaluation will be conducted within 6 months. The 12 month continuing qualification evaluation cycle begins on that date and continues for each subsequent 12-month period.

(b) There is no minimum number of hours of FTD use required.

(c) The identification of the specific FTD may change from one 12-month period to the next 12-month period as long as that sponsor sponsors and uses at least one FTD at least once during the prescribed period.

(2) Example Two.

(a) A sponsor sponsors an additional number of FTDs, in its facility or elsewhere. Each additionally sponsored FTD must be—

(i) Used by the sponsor in the sponsor's FAA-approved flight training program for the airplane simulated (as described in § 60.7(d)(1));

OR

(ii) Used by another FAA certificate holder in that other certificate holder's FAA-approved flight training program for the airplane simulated (as described in § 60.7(d)(1)). This 12-month period is established in the same manner as in example one.

OR

(iii) Provided a statement each year from a qualified pilot, (after having flown the airplane, not the subject FTD or another FTD, during the preceding 12-month period) stating that the subject FTD's performance and handling qualities represent the airplane (as described in § 60.7(d)(2)). This statement is provided at least once in each 12-month period established in the same manner as in example one.

(b) There is no minimum number of hours of FTD use required.

(3) Example Three.

(a) A sponsor in New York (in this example, a Part 142 certificate holder) establishes ''satellite'' training centers in Chicago and Moscow.

(b) The satellite function means that the Chicago and Moscow centers must operate under the New York center's certificate (in accordance with all of the New York center's practices, procedures, and policies; *e.g.,* instructor and/or technician training/checking requirements, recordkeeping, QMS program).

(c) All of the FTDs in the Chicago and Moscow centers could be dry-leased (*i.e.,* the certificate holder does not have and use FAA-approved flight training programs for the FTDs in the Chicago and Moscow centers) because—

(i) Each FTD in the Chicago center and each FTD in the Moscow center is used at least once each 12-month period by another FAA certificate holder in that other certificate holder's FAA-approved flight training program for the airplane (as described in § 60.7(d)(1));

OR

(ii) A statement is obtained from a qualified pilot (having flown the airplane, not the subject FTD or another FTD during

the preceding 12-month period) stating that the performance and handling qualities of each FTD in the Chicago and Moscow centers represents the airplane (as described in § 60.7(d)(2)).

End Information

7. Additional Responsibilities of the Sponsor (§ 60.9)

Begin Information

The phrase ''as soon as practicable'' in § 60.9(a) means without unnecessarily disrupting or delaying beyond a reasonable time the training, evaluation, or experience being conducted in the FSTD.

End Information

8. FSTD Use (§ 60.11)

There is no additional regulatory or informational material that applies to § 60.11, FSTD use.

9. FTD Objective Data Requirements (§ 60.13)

Begin QPS Requirements

a. Flight test data used to validate FTD performance and handling qualities must have been gathered in accordance with a flight test program containing the following:

(1) A flight test plan consisting of:

(a) The maneuvers and procedures required for aircraft certification and simulation programming and validation.

(b) For each maneuver or procedure—

(i) The procedures and control input the flight test pilot and/or engineer used.

(ii) The atmospheric and environmental conditions.

(iii) The initial flight conditions.

(iv) The airplane configuration, including weight and center of gravity.

(v) The data to be gathered.

(vi) All other information necessary to recreate the flight test conditions in the FTD.

(2) Appropriately qualified flight test personnel.

(3) An understanding of the accuracy of the data to be gathered using appropriate alternative data sources, procedures, and instrumentation that is traceable to a recognized standard as described in Attachment 2, Table B2F.

(4) Appropriate and sufficient data acquisition equipment or system(s), including appropriate data reduction and analysis methods and techniques, as would be acceptable to the FAA's Aircraft Certification Service.

b. The data, regardless of source, must be presented:

(1) In a format that supports the FTD validation process;

(2) In a manner that is clearly readable and annotated correctly and completely;

(3) With resolution sufficient to determine compliance with the tolerances set forth in Attachment 2, Table B2A appendix.

(4) With any necessary guidance information provided; and

(5) Without alteration, adjustments, or bias; however the data may be re-scaled, digitized, or otherwise manipulated to fit the desired presentation.

c. After completion of any additional flight test, a flight test report must be submitted in support of the validation data. The report must contain sufficient data and rationale to support qualification of the FTD at the level requested.

d. As required by § 60.13(f), the sponsor must notify the NSPM when it becomes aware that an addition to or a revision of the flight related data or airplane systems related data is available if this data is used to program and operate a qualified FTD. The data referred to in this sub-section are those data that are used to validate the performance, handling qualities, or other characteristics of the aircraft, including data related to any relevant changes occurring after the type certification is issued. This notification must be made within 10 working days.

End QPS Requirements

Begin Information

e. The FTD sponsor is encouraged to maintain a liaison with the manufacturer of the aircraft being simulated (or with the holder of the aircraft type certificate for the aircraft being simulated if the manufacturer is no longer in business), and if appropriate, with the person having supplied the aircraft data package for the FTD in order to facilitate the notification described in this paragraph.

f. It is the intent of the NSPM that for new aircraft entering service, at a point well in advance of preparation of the Qualification Test Guide (QTG), the sponsor should submit to the NSPM for approval, a descriptive document (a validation data roadmap) containing the plan for acquiring the validation data, including data sources. This document should clearly identify sources of data for all required tests, a description of the validity of these data for a specific engine type and thrust rating configuration, and the revision levels of all avionics affecting the performance or flying qualities of the aircraft. Additionally, this document should provide other information such as the rationale or explanation for cases where data or data parameters are missing, instances where engineering simulation data are used, or where flight test methods require further explanations. It should also provide a brief narrative describing the cause and effect of any deviation from data requirements. The aircraft manufacturer may provide this document.

g. There is no requirement for any flight test data supplier to submit a flight test plan or program prior to gathering flight test data. However, the NSPM notes that inexperienced data gatherers often provide data that is irrelevant, improperly marked, lacking adequate justification for selection. Other problems include inadequate information regarding initial conditions or test maneuvers. The NSPM has been forced to refuse these data submissions as validation data for an FTD evaluation. It is for this reason that the NSPM recommends that any data supplier not previously experienced in this area review the data necessary for programming and for validating the performance of the FTD and discuss the flight test plan anticipated for acquiring such data with the NSPM well in advance of commencing the flight tests.

h. In those cases where the objective test results authorize a ''snapshot test'' or a ''series of snapshot tests'' results in lieu of a time-history result, Attachment 2 requires the sponsor or other data provider to ensure that a steady state condition exists at the instant of time captured by the ''snapshot.'' This is often verified by showing that a steady state condition existed from some period of time during which the snap shot is taken. The time period most frequently used is 5 seconds prior through 2 seconds following the instant of time captured by the snap shot. This paragraph is primarily addressing the source data and the method by which the data provider ensures that the steady state condition for the snap shot is representative.

i. The NSPM will consider, on a case-by-case basis, whether or not to approve supplemental validation data derived from flight data recording systems such as a Quick Access Recorder or Flight Data Recorder.

End Information

10. Special Equipment and Personnel Requirements for Qualification of the FTD (§ 60.14)

Begin Information

a. In the event that the NSPM determines that special equipment or specifically qualified persons will be required to conduct an evaluation, the NSPM will make every attempt to notify the sponsor at least one (1) week, but in no case less than 72 hours, in advance of the evaluation. Examples of special equipment include flight control measurement devices, accelerometers, or oscilloscopes. Examples of specially qualified personnel include individuals specifically qualified to install or use any special equipment when its use is required.

b. Examples of a special evaluation include an evaluation conducted after an FTD is moved; at the request of the TPAA; or as a result of comments received from FTD users that raise questions regarding the continued qualification or use of the FTD.

End Information

11. Initial (and Upgrade) Qualification Requirements (§ 60.15)

Begin QPS Requirement

a. In order to be qualified at a particular qualification level, the FTD must:

(1) Meet the general requirements listed in Attachment 1;

(2) Meet the objective testing requirements listed in Attachment 2 (Level 4 FTDs do not require objective tests); and

(3) Satisfactorily accomplish the subjective tests listed in Attachment 3.

b. The request described in § 60.15(a) must include all of the following:

(1) A statement that the FTD meets all of the applicable provisions of this part and all applicable provisions of the QPS.

(2) A confirmation that the sponsor will forward to the NSPM the statement described in § 60.15(b) in such time as to be received no later than 5 business days prior to the scheduled evaluation and may be forwarded to the NSPM via traditional or electronic means.

(3) Except for a Level 4 FTD, a qualification test guide (QTG), acceptable to the NSPM, that includes all of the following:

(a) Objective data obtained from aircraft testing or another approved source.

(b) Correlating objective test results obtained from the performance of the FTD as prescribed in the applicable QPS.

(c) The result of FTD subjective tests prescribed in the applicable QPS.

(d) A description of the equipment necessary to perform the evaluation for initial qualification and the continuing qualification evaluations.

c. The QTG described in paragraph a(3) of this section, must provide the documented proof of compliance with the FTD objective tests in Attachment 2,Table B2A of this appendix.

d. The QTG is prepared and submitted by the sponsor, or the sponsor's agent on behalf of the sponsor, to the NSPM for review and approval, and must include, for each objective test:

(1) Parameters, tolerances, and flight conditions;

(2) Pertinent and complete instructions for conducting automatic and manual tests;

(3) A means of comparing the FTD test results to the objective data;

(4) Any other information as necessary to assist in the evaluation of the test results;

(5) Other information appropriate to the qualification level of the FTD.

e. The QTG described in paragraphs (a)(3) and (b) of this section, must include the following:

(1) A QTG cover page with sponsor and FAA approval signature blocks (see Attachment 4, Figure B4C, for a sample QTG cover page).

(2) A continuing qualification evaluation requirements page. This page will be used by the NSPM to establish and record the frequency with which continuing qualification evaluations must be conducted and any subsequent changes that may be determined by the NSPM in accordance with § 60.19. See Attachment 4, Figure B4G, for a sample Continuing Qualification Evaluation Requirements page.

(3) An FTD information page that provides the information listed in this paragraph, if applicable (see Attachment 4, Figure B4B, for a sample FTD information page). For convertible FTDs, the sponsor must submit a separate page for each configuration of the FTD.

(a) The sponsor's FTD identification number or code.

(b) The airplane model and series being simulated.

(c) The aerodynamic data revision number or reference.

(d) The engine model(s) and its data revision number or reference.

(e) The flight control data revision number or reference.

(f) The flight management system identification and revision level.

(g) The FTD model and manufacturer.

(h) The date of FTD manufacture.

(i) The FTD computer identification.

(j) The visual system model and manufacturer, including display type.

(k) The motion system type and manufacturer, including degrees of freedom.

(4) A Table of Contents.

(5) A log of revisions and a list of effective pages.

(6) List of all relevant data references.

(7) A glossary of terms and symbols used (including sign conventions and units).

(8) Statements of compliance and capability (SOCs) with certain requirements. SOCs must provide references to the sources of information that show the capability of the FTD to comply with the requirement, a rationale explaining how the referenced material is used, mathematical equations and parameter values used, and the conclusions reached; *i.e.*, that the FTD complies with the requirement. Refer to the ''General FTD Requirements'' column, Table B1A, in Attachment 1, or in the ''Alternative Data Sources, Procedures, and Instrumentation'' column, Table B2F, in Attachment 2, to see when SOCs are required.

(9) Recording procedures or equipment required to accomplish the objective tests.

(10) The following information for each objective test designated in Attachment 2, as applicable to the qualification level sought:

(a) Name of the test.

(b) Objective of the test.

(c) Initial conditions.

(d) Manual test procedures.

(e) Automatic test procedures (if applicable).

(f) Method for evaluating FTD objective test results.

(g) List of all relevant parameters driven or constrained during the automatic test(s).

(h) List of all relevant parameters driven or constrained during the manual test(s).

(i) Tolerances for relevant parameters.

(j) Source of Validation Data (document and page number).

(k) Copy of the Validation Data (if located in a separate binder, a cross reference for the identification and page number for pertinent data location must be provided).

(l) FTD Objective Test Results as obtained by the sponsor. Each test result must reflect the date completed and must be clearly labeled as a product of the device being tested.

f. A convertible FTD is addressed as a separate FTD for each model and series airplane to which it will be converted and for the FAA qualification level sought. The NSPM will conduct an evaluation for each configuration. If a sponsor seeks qualification for two or more models of an airplane type using a convertible FTD, the sponsor must provide a QTG for each airplane model, or a supplemented QTG for each airplane model. The NSPM will conduct evaluations for each airplane model.

g. The form and manner of presentation of objective test results in the QTG must include the following:

(1) The sponsor's FTD test results must be recorded in a manner acceptable to the NSPM, that allows easy comparison of the FTD test results to the validation data (*e.g.*, use of a multi-channel recorder, line printer, cross plotting, overlays, transparencies).

(2) FTD results must be labeled using terminology common to airplane parameters as opposed to computer software identifications.

(3) Validation data documents included in a QTG may be photographically reduced only if such reduction will not alter the graphic scaling or cause difficulties in scale interpretation or resolution.

(4) Scaling on graphical presentations must provide the resolution necessary to evaluate the parameters shown in Attachment 2, Table B2A of this appendix.

(5) Tests involving time histories, data sheets (or transparencies thereof) and FTD test results must be clearly marked with appropriate reference points to ensure an accurate comparison between FTD and airplane with respect to time. Time histories recorded via a line printer are to be clearly identified for cross-plotting on the airplane data. Over-plots must not obscure the reference data.

h. The sponsor may elect to complete the QTG objective and subjective tests at the manufacturer's facility or at the sponsor's training facility. If the tests are conducted at the manufacturer's facility, the sponsor must repeat at least one-third of the tests at the sponsor's training facility in order to substantiate FTD performance. The QTG must be clearly annotated to indicate when and where each test was accomplished. Tests conducted at the manufacturer's facility and at the sponsor's training facility must be conducted after the FTD is assembled with systems and sub-systems functional and operating in an interactive manner. The test results must be submitted to the NSPM.

i. The sponsor must maintain a copy of the MQTG at the FTD location.

j. All FTDs for which the initial qualification is conducted after October 30, 2013 must have an electronic MQTG (eMQTG) including all objective data obtained from airplane testing, or another approved source (reformatted or digitized), together with correlating objective test results obtained from the performance of the FTD (reformatted or digitized) as prescribed in this appendix. The eMQTG must also contain the general FTD performance or demonstration results (reformatted or digitized) prescribed in this appendix, and a description of the equipment necessary to perform the initial qualification evaluation and the continuing qualification evaluations. The eMQTG must include the original validation data used to validate FTD performance and handling qualities in either the original digitized format from the data supplier or an electronic scan of the original time-history plots that were provided by the data supplier. A copy of the eMQTG must be provided to the NSPM.

k. All other FTDs (not covered in subparagraph ''j'') must have an electronic

copy of the MQTG by and after October 30, 2013. A copy of the eMQTG must be provided to the NSPM. This may be provided by an electronic scan presented in a Portable Document File (PDF), or similar format acceptable to the NSPM.

End QPS Requirements

Begin Information

l. Only those FTDs that are sponsored by a certificate holder as defined in appendix F will be evaluated by the NSPM. However, other FTD evaluations may be conducted on a case-by-case basis as the Administrator deems appropriate, but only in accordance with applicable agreements.

m. The NSPM will conduct an evaluation for each configuration, and each FTD must be evaluated as completely as possible. To ensure a thorough and uniform evaluation, each FTD is subjected to the general FTD requirements in Attachment 1, the objective tests listed in Attachment 2, and the subjective tests listed in Attachment 3 of this appendix. The evaluations described herein will include, but not necessarily be limited to the following:

(1) Airplane responses, including longitudinal and lateral-directional control responses (see Attachment 2 of this appendix);

(2) Performance in authorized portions of the simulated airplane's operating envelope, to include tasks evaluated by the NSPM in the areas of surface operations, takeoff, climb, cruise, descent, approach and landing, as well as abnormal and emergency operations (see Attachment 2 of this appendix);

(3) Control checks (see Attachment 1 and Attachment 2 of this appendix);

(4) Cockpit configuration (see Attachment 1 of this appendix);

(5) Pilot, flight engineer, and instructor station functions checks (see Attachment 1 and Attachment 3 of this appendix);

(6) Airplane systems and sub-systems (as appropriate) as compared to the airplane simulated (see attachment 1 and attachment 3 of this appendix);

(7) FTD systems and sub-systems, including force cueing (motion), visual, and aural (sound) systems, as appropriate (see Attachment 1 and Attachment 2 of this appendix); and

(8) Certain additional requirements, depending upon the qualification level sought, including equipment or circumstances that may become hazardous to the occupants. The sponsor may be subject to Occupational Safety and Health Administration requirements.

n. The NSPM administers the objective and subjective tests, which includes an examination of functions. The tests include a qualitative assessment of the FTD by an NSP pilot. The NSP evaluation team leader may assign other qualified personnel to assist in accomplishing the functions examination and/or the objective and subjective tests performed during an evaluation when required.

(1) Objective tests provide a basis for measuring and evaluating FTD performance and determining compliance with the requirements of this part.

(2) Subjective tests provide a basis for:

(a) Evaluating the capability of the FTD to perform over a typical utilization period;

(b) Determining that the FTD satisfactorily simulates each required task;

(c) Verifying correct operation of the FTD controls, instruments, and systems; and

(d) Demonstrating compliance with the requirements of this part.

o. The tolerances for the test parameters listed in Attachment 2 of this appendix reflect the range of tolerances acceptable to the NSPM for FTD validation and are not to be confused with design tolerances specified for FTD manufacture. In making decisions regarding tests and test results, the NSPM relies on the use of operational and engineering judgment in the application of data (including consideration of the way in which the flight test was flown and way the data was gathered and applied) data presentations, and the applicable tolerances for each test.

p. In addition to the scheduled continuing qualification evaluation, each FTD is subject to evaluations conducted by the NSPM at any time without prior notification to the sponsor. Such evaluations would be accomplished in a normal manner (i.e., requiring exclusive use of the FTD for the conduct of objective and subjective tests and an examination of functions) if the FTD is not being used for flight crewmember training, testing, or checking. However, if the FTD were being used, the evaluation would be conducted in a non-exclusive manner. This non-exclusive evaluation will be conducted by the FTD evaluator accompanying the check airman, instructor, Aircrew Program Designee (APD), or FAA inspector aboard the FTD along with the student(s) and observing the operation of the FTD during the training, testing, or checking activities.

q. Problems with objective test results are handled as follows:

(1) If a problem with an objective test result is detected by the NSP evaluation team during an evaluation, the test may be repeated or the QTG may be amended.

(2) If it is determined that the results of an objective test do not support the qualification level requested but do support a lower level, the NSPM may qualify the FTD at a lower level. For example, if a Level 6 evaluation is requested, but the FTD fails to meet the spiral stability test tolerances, it could be qualified at Level 5.

r. After an FTD is successfully evaluated, the NSPM issues a statement of qualification (SOQ) to the sponsor, The NSPM recommends the FTD to the TPAA, who will approve the FTD for use in a flight training program. The SOQ will be issued at the satisfactory conclusion of the initial or continuing qualification. However, it is the sponsor's responsibility to obtain TPAA approval prior to using the FTD in an FAA-approved flight training program.

s. Under normal circumstances, the NSPM establishes a date for the initial or upgrade evaluation within ten (10) working days after determining that a complete QTG is acceptable. Unusual circumstances may warrant establishing an evaluation date before this determination is made. A sponsor may schedule an evaluation date as early as 6 months in advance. However, there may be a delay of 45 days or more in rescheduling and completing the evaluation if the sponsor is unable to meet the scheduled date. See Attachment 4, Figure B4A, Sample Request for Initial, Upgrade, or Reinstatement Evaluation.

t. The numbering system used for objective test results in the QTG should closely follow the numbering system set out in Attachment 2, FTD Objective Tests, Table B2A.

u. Contact the NSPM or visit the NSPM Web site for additional information regarding the preferred qualifications of pilots used to meet the requirements of § 60.15(d).

v. Examples of the exclusions for which the FTD might not have been subjectively tested by the sponsor or the NSPM and for which qualification might not be sought or granted, as described in § 60.15(g)(6), include engine out maneuvers or circling approaches.

End Information

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12. Additional Qualifications for Currently Qualified FTDs (§ 60.16)

There is no additional regulatory or informational material that applies to § 60.16, Additional Qualifications for a Currently Qualified FTD.

13. Previously Qualified FTDs (§ 60.17)

Begin QPS Requirements

a. In instances where a sponsor plans to remove an FTD from active status for a period of less than two years, the following procedures apply:

(1) The NSPM must be notified in writing and the notification must include an estimate of the period that the FTD will be inactive;

(2) Continuing Qualification evaluations will not be scheduled during the inactive period;

(3) The NSPM will remove the FTD from the list of qualified FSTDs on a mutually established date not later than the date on which the first missed continuing qualification evaluation would have been scheduled;

(4) Before the FTD is restored to qualified status, it must be evaluated by the NSPM. The evaluation content and the time required to accomplish the evaluation is based on the number of continuing qualification evaluations and sponsor-conducted quarterly inspections missed during the period of inactivity.

(5) The sponsor must notify the NSPM of any changes to the original scheduled time out of service;

b. FTDs qualified prior to October 30, 2007, are not required to meet the general FTD requirements, the objective test requirements, and the subjective test requirements of Attachments 1, 2, and 3, respectively, of this appendix.

c. [Reserved]

End QPS Requirements

Begin Information

d. Other certificate holders or persons desiring to use an FTD may contract with

FTD sponsors to use FTDs previously qualified at a particular level for an airplane type and approved for use within an FAA-approved flight training program. Such FTDs are not required to undergo an additional qualification process, except as described in § 60.16.

e. Each FTD user must obtain approval from the appropriate TPAA to use any FTD in an FAA-approved flight training program.

f. The intent of the requirement listed in § 60.17(b), for each FTD to have a Statement of Qualification within 6 years, is to have the availability of that statement (including the configuration list and the limitations to authorizations) to provide a complete picture of the FTD inventory regulated by the FAA. The issuance of the statement will not require any additional evaluation or require any adjustment to the evaluation basis for the FTD.

g. Downgrading of an FTD is a permanent change in qualification level and will necessitate the issuance of a revised Statement of Qualification to reflect the revised qualification level, as appropriate. If a temporary restriction is placed on an FTD because of a missing, malfunctioning, or inoperative component or on-going repairs, the restriction is not a permanent change in qualification level. Instead, the restriction is temporary and is removed when the reason for the restriction has been resolved.

h. It is not the intent of the NSPM to discourage the improvement of existing simulation (*e.g.*, the ''updating'' of a control loading system, or the replacement of the IOS with a more capable unit) by requiring the ''updated'' device to meet the qualification standards current at the time of the update. Depending on the extent of the update, the NSPM may require that the updated device be evaluated and may require that an evaluation include all or a portion of the elements of an initial evaluation. However, the standards against which the device would be evaluated are those that are found in the MQTG for that device.

i. The NSPM will determine the evaluation criteria for an FTD that has been removed from active status for a prolonged period. The criteria will be based on the number of continuing qualification evaluations and quarterly inspections missed during the period of inactivity. For example, if the FTD were out of service for a 1 year period, it would be necessary to complete the entire QTG, since all of the quarterly evaluations would have been missed. The NSPM will also consider how the FTD was stored, whether parts were removed from the FTD and whether the FTD was disassembled.

j. The FTD will normally be requalified using the FAA-approved MQTG and the criteria that was in effect prior to its removal from qualification. However, inactive periods of 2 years or more will require re-qualification under the standards in effect and current at the time of requalification.

End Information

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14. Inspection, Continuing Evaluation Qualification Requirements (§ 60.19)

Begin QPS Requirement

a. The sponsor must conduct a minimum of four evenly spaced inspections throughout the year. The objective test sequence and content of each inspection in this sequence must be developed by the sponsor and must be acceptable to the NSPM.

b. The description of the functional preflight inspection must be contained in the sponsor's QMS.

c. Record ''functional preflight'' in the FTD discrepancy log book or other acceptable location, including any item found to be missing, malfunctioning, or inoperative.

End QPS Requirements

Begin Information

d. The sponsor's test sequence and the content of each quarterly inspection required in § 60.19(a)(1) should include a balance and a mix from the objective test requirement areas listed as follows:

(1) Performance.
(2) Handling qualities.
(3) Motion system (where appropriate).
(4) Visual system (where appropriate).
(5) Sound system (where appropriate).
(6) Other FTD systems.

e. If the NSP evaluator plans to accomplish specific tests during a normal continuing qualification evaluation that requires the use of special equipment or technicians, the sponsor will be notified as far in advance of the evaluation as practical; but not less than 72 hours. Examples of such tests include latencies, control sweeps, or motion or visual system tests.

f. The continuing qualification evaluations described in § 60.19(b) will normally require 4 hours of FTD time. However, flexibility is necessary to address abnormal situations or situations involving aircraft with additional levels of complexity (*e.g.*, computer controlled aircraft). The sponsor should anticipate that some tests may require additional time. The continuing qualification evaluations will consist of the following:

(1) Review of the results of the quarterly inspections conducted by the sponsor since the last scheduled continuing qualification evaluation.

(2) A selection of approximately 8 to 15 objective tests from the MQTG that provide an adequate opportunity to evaluate the performance of the FTD. The tests chosen will be performed either automatically or manually and should be able to be conducted within approximately one-third (1/3) of the allotted FTD time.

(3) A subjective evaluation of the FTD to perform a representative sampling of the tasks set out in attachment 3 of this appendix. This portion of the evaluation should take approximately two-thirds (2/3) of the allotted FTD time.

(4) An examination of the functions of the FTD may include the motion system, visual system, sound system as applicable, instructor operating station, and the normal functions and simulated malfunctions of the airplane systems. This examination is normally accomplished simultaneously with the subjective evaluation requirements.

g. The requirement established in § 60.19(b)(4) regarding the frequency of NSPM-conducted continuing qualification evaluations for each FTD is typically 12 months. However, the establishment and satisfactory implementation of an approved QMS for a sponsor will provide a basis for adjusting the frequency of evaluations to exceed 12-month intervals.

End Information

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15. Logging FTD Discrepancies (§ 60.20)

There is no additional regulatory or informational material that applies to § 60.20. Logging FTD Discrepancies.

16. Interim Qualification of FTDs for New Airplane Types or Models (§ 60.21)

Begin Information

There is no additional regulatory or informational material that applies to § 60.21, Interim Qualification of FTDs for New Airplane Types or Models.

End Information

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17. Modifications to FTDs (§ 60.23)

Begin QPS Requirements

a. The notification described in § 60.23(c)(2) must include a complete description of the planned modification, with a description of the operational and engineering effect the proposed modification will have on the operation of the FTD and the results that are expected with the modification incorporated.

b. Prior to using the modified FTD:

(1) All the applicable objective tests completed with the modification incorporated, including any necessary updates to the MQTG (*e.g.*, accomplishment of FSTD Directives) must be acceptable to the NSPM; and

(2) The sponsor must provide the NSPM with a statement signed by the MR that the factors listed in § 60.15(b) are addressed by the appropriate personnel as described in that section.

End QPS Requirements

Begin Information

c. FSTD Directives are considered modification of an FTD. See Attachment 4 for a sample index of effective FSTD Directives.

End Information

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18. Operation With Missing, Malfunctioning, or Inoperative Components (§ 60.25)

Begin Information

a. The sponsor's responsibility with respect to § 60.25(a) is satisfied when the sponsor fairly and accurately advises the user of the current status of an FTD, including any missing, malfunctioning, or inoperative (MMI) component(s).

b. If the 29th or 30th day of the 30-day period described in § 60.25(b) is on a Saturday, a Sunday, or a holiday, the FAA

will extend the deadline until the next business day.

c. In accordance with the authorization described in § 60.25(b), the sponsor may develop a discrepancy prioritizing system to accomplish repairs based on the level of impact on the capability of the FTD. Repairs having a larger impact on the FTD's ability to provide the required training, evaluation, or flight experience will have a higher priority for repair or replacement.

End Information

19. Automatic Loss of Qualification and Procedures for Restoration of Qualification (§ 60.27)

Begin Information

If the sponsor provides a plan for how the FTD will be maintained during its out-of-service period (*e.g.*, periodic exercise of mechanical, hydraulic, and electrical systems; routine replacement of hydraulic fluid; control of the environmental factors in which the FTD is to be maintained.) there is a greater likelihood that the NSPM will be able to determine the amount of testing that required for requalification.

End Information

20. Other Losses of Qualification and Procedures for Restoration of Qualification (§ 60.29)

Begin Information

If the sponsor provides a plan for how the FTD will be maintained during its out-of-service period (*e.g.*, periodic exercise of mechanical, hydraulic, and electrical systems; routine replacement of hydraulic fluid; control of the environmental factors in which the FTD is to be maintained.) there is a greater likelihood that the NSPM will be able to determine the amount of testing that required for requalification.

End Information

21. Recordkeeping and Reporting (§ 60.31)

Begin QPS Requirements

a. FTD modifications can include hardware or software changes. For FTD modifications involving software programming changes, the record required by § 60.31(a)(2) must consist of the name of the aircraft system software, aerodynamic model, or engine model change, the date of the change, a summary of the change, and the reason for the change.

b. If a coded form for recordkeeping is used, it must provide for the preservation and retrieval of information with appropriate security or controls to prevent the inappropriate alteration of such records after the fact.

End QPS Requirements

22. Applications, Logbooks, Reports, and Records: Fraud, Falsification, or Incorrect Statements (§ 60.33)

There are no additional QPS requirements or informational material that apply to § 60.33, Applications, Logbooks, Reports, and Records: Fraud, Falsification, or Incorrect Statements.

23. [Reserved]

24. Levels of FTD

Begin Information

a. The following is a general description of each level of FTD. Detailed standards and tests for the various levels of FTDs are fully defined in Attachments 1 through 3 of this appendix.

(1) *Level 4.* A device that may have an open airplane-specific flight deck area, or an enclosed airplane-specific cockpit and at least one operating system with air/ground logic (no aerodynamic programming required).

(2) *Level 5.* A device that may have an open airplane-specific flight deck area, or an enclosed airplane-specific cockpit and a generic aerodynamic program with at least one operating system and control loading that is representative of the simulated airplane only at an approach speed and configuration.

(3) *Level 6.* A device that has an enclosed airplane-specific cockpit and aerodynamic program with all applicable airplane systems operating and control loading that is representative of the simulated airplane throughout its ground and flight envelope and significant sound representation.

End Information

25. FSTD Qualification on the Basis of a Bilateral Aviation Safety Agreement (BASA) (§ 60.37)

Begin Information

There are no additional QPS requirements or informational material that apply to § 60.37, FSTD Qualification on the Basis of a Bilateral Aviation Safety Agreement (BASA).

End Information

Attachment 1 to Appendix B to Part 60—General FTD Requirements

Begin QPS Requirements

1. Requirements

a. Certain requirements included in this appendix must be supported with a Statement of Compliance and Capability (SOC), which may include objective and subjective tests. The SOC will confirm that the requirement was satisfied, and describe how the requirement was met. The requirements for SOCs and tests are indicated in the ''General FTD Requirements'' column in Table B1A of this appendix.

b. Table B1A describes the requirements for the indicated level of FTD. Many devices include operational systems or functions that exceed the requirements outlined in this section. In any event, all systems will be tested and evaluated in accordance with this appendix to ensure proper operation.

End QPS Requirements

Begin Information

2. Discussion

a. This attachment describes the general requirements for qualifying Level 4 through Level 6 FTDs. The sponsor should also consult the objectives tests in Attachment 2 and the examination of functions and subjective tests listed in Attachment 3 to determine the complete requirements for a specific level FTD.

b. The material contained in this attachment is divided into the following categories:

(1) General Cockpit Configuration.
(2) Programming.
(3) Equipment Operation.
(4) Equipment and facilities for instructor/evaluator functions.
(5) Motion System.
(6) Visual System.
(7) Sound System.

c. Table B1A provides the standards for the General FTD Requirements.

End Information

TABLE B1A—MINIMUM FTD REQUIREMENTS

<<<QPS requirements>>>		FTD level			<<Information>> Notes
No.	General FTD requirements	4	5	6	
1. General Cockpit Configuration					

TABLE B1A—MINIMUM FTD REQUIREMENTS—Continued

<<<QPS requirements>>>		FTD level			<<Information>> Notes
No.	General FTD requirements	4	5	6	
1.a	The FTD must have a cockpit that is a replica of the airplane simulated with controls, equipment, observable cockpit indicators, circuit breakers. and bulkheads properly located, functionally accurate and replicating the airplane. The direction of movement of controls and switches must be identifical to that in the airplane. Pilot seat(s) must afford the capability for the occupant to be able to achieve the design "eye position".			X	For FTD purposes, the cockpit consists of all that space forward of a cross section of the fuselage at the most extreme aft setting of the pilots' seats including additional, required flight crewmember duty stations and those required bulkheads aft of the pilot seats. For clarification, bulkheads containing only item such as leanding gear pin storage compartments, fire axes or extinguishers, spare light bulbs, aircraft documents pouches are not considered essential and may be omitted.
1.b	The FTS must have equipment (e.g., instruments, panels, systems, circuit breakers, and controls) simulated sufficiently for the authorized training/checking events to be accomplished. The installed equipment must be located in a spatially correct location and may be in a cockpit or an open flight deck area. Actuation of equipment must replicate the appropriate function in the airplane.	X	X		
2. Programming					
2.a	The FTD must provide the proper effect of aerodynamic changes for the combinations of drag and thrust normally encountered in flight. This must include the effect of change in airplane attitude, thrust, drag, altitude, temperature, and configuration. Level 6 additionally requires the effects of changes in gross weight and center of gravity. Level 5 requires only generic aerodynamic programming.		X	X	
2.b	The FTD must have the computer (analog or digital) capability (i.e., capacity, accuracy, resolution, and dynamic response) needed to meet the qualification level sought.	X	X	X	
2.c	Relative responses of the cockpit instruments must be measured by latency tests, or transport delay tests, and may not exceed 300 milliseconds. The instruments must respond to abrupt input at the pilot's position within the allotted time, but not before the time when the airplane would respond under the same conditions. • Latency: The FTD instrument and, if applicable, the motion system and the visual system response must not be prior to that time when the airplane responds and may respond up to 300 milliseconds after that time under the same conditions. • Transport Delay: As an alternative to the Latency requirement, a transport delay objective test may be used to demonstrate that the FTD system does not exceed the specified limit. The sponsor must measure all the delay encountered by a step signal migrating from the pilot's control through all the simulation software modules in the correct order, using a handshaking protocol, finally through the normal output interfaces to the instrument display and, if applicable, the motion system, and the visual system.		X	X	The intent is to verify that the FTD provides instrument cues that are, within the stated time delays, like the airplane responses. For airplane response, acceleration in the appropriate, corresponding rotational axis is preferred. Additional information regarding Latency and Transport Delay testing may be found in appendix A, Attachment 2, paragraph 14.
3. Equipment Operations					
3.a	All relevant instrument indications involved in the simulation of the airplane must automatically respond to control movement or external disturbances to the simulated airplane; e.g., turbulence or winds.		X	X	

TABLE B1A—MINIMUM FTD REQUIREMENTS—Continued

<<<QPS requirements>>>		FTD level			<<Information>> Notes
No.	General FTD requirements	4	5	6	
3.b	Navigation equipment must be installed and operate within the tolerances applicable for the airplane. Levels 6 must also include communication equipment (inter-phone and air/ground) like that in the airplane and, if appropriate to the operation being conducted, an oxygen mask microphone system. Level 5 need have only that navigation equipment necessary to fly an instrument approach.		X	X	
3.c	Installed systems must simulate the applicable airplane system operation, both on the ground and in flight. Installed systems must be operative to the extent that applicable normal, abnormal, and emergency operating procedures included in the sponsor's training programs can be accomplished. Level 6 must simulate all applicable airplane flight, navigation, and systems operation. Level 5 must have at least functional flight and navigational controls, displays, and instrumentation. Level 4 must have at least one airplane system installed and functional.	X	X	X	
3.d	The lighting environment for panels and instruments must be sufficient for the operation being conducted.			X	
3.e	The FTD must provide control forces and control travel that correspond to the airplane being simulated. Control forces must react in the same manner as in the airplane under the same flight conditions.		X		
3.f	The FTD must provide control forces and control travel of sufficient precision to manually fly an instrument approach.		X		
4. Instructor or Evaluator Facilities					
4.a	In addition to the flight crewmember stations, suitable seating arrangements for an instructor/check airman and FAA Inspector must be available. These seats must provide adequate view of crewmember's panel(s).	X	X	X	These seats need not be a replica of an aircraft seat and may be as simple as an office chair placed in an appropriate position.
4.b	The FTD must have instructor controls that permit activation of normal, abnormal, and emergency conditions as may be appropriate. Once activated, proper system operation must result from system management by the crew and not require input from the instructor controls.	X	X	X	
5. Motion System (not required)					
5.a.	The FTD may have a motion system, if desired, although it is not required. If a motion system is installed and additional training, testing, or checking credits are being sought on the basis of having a motion system, the motion system operation must not be distracting and must be coupled closely to provide integrated sensory cues. The motion system must also respond to abrupt input at the pilot's position within the allotted time, but not before the time when the airplane would respond under the same conditions. A Subjective Test is required.		X	X	The motion system standards set out in part 60, appendix A for at least Level A simulators is acceptable.
6. Visual System (not required)					

TABLE B1A—MINIMUM FTD REQUIREMENTS—Continued

<<<QPS requirements>>>		FTD level			<<Information>> Notes
No.	General FTD requirements	4	5	6	
6.a.	The FTD may have a visual system, if desired, although it is not required. If a visual system is installed, it must not be distracting.	X	X	X	
6.b.	If a visual system is installed and additional training, testing, or checking credits are being sought on the basis of having a visual system, the visual system must meet the following criteria:				
6.b.1	The visual system must respond to abrupt input at the pilot's position. An SOC is required. A Subjective Test is required.	X	X	X	
6.b.2	The visual system must be at least a single channel, non-collimated display?. An SOC is required. A Subjective Test is required.	X	X	X	
6.b.3	The visual system must provide at least a field of view of 18° vertical/24° horizontal for the pilot flying.. An SOC is required.	X	X	X	
6.b.4	The visual system must provide for a maximum parallax of 10° per pilot. An SOC is required.	X	X	X	
6.b.5	The visual scene content may not be distracting ..... An SOC is required. A Subjective Test is required.	X	X	X	
6.b.6	The minimum distance from the pilot's eye position to the surface of a direct view display may not be less than the distance to any front panel instrument. An SOC is required.	X	X	X	
6.b.7	The visual system must provide for a minimum resolution of 5 arc-minutes for both computed and displayed pixel size. An SOC is required.	X	X	X	
7. Sound System					
7.a	The FTD must simulate significant cockpit sounds resulting from pilot actions that correspond to those heard in the airplane.			X	

Attachment 2 to Appendix B to Part 60—Flight Training Device (FTD) Objective Tests

Begin Information

1. For the purposes of this attachment, the flight conditions specified in the Flight Conditions Column of Table B2A, are defined as follows:

(1) *Ground*—on ground, independent of airplane configuration;

(2) *Take-off*—gear down with flaps/slats in any certified takeoff position;

(3) *First segment climb*—gear down with flaps/slats in any certified takeoff position (normally not above 50 ft AGL);

(4) *Second segment climb*—gear up with flaps/slats in any certified takeoff position (normally between 50 ft and 400 ft AGL);

(5) *Clean*—flaps/slats retracted and gear up;

(6) *Cruise*—clean configuration at cruise altitude and airspeed;

(7) *Approach*—gear up or down with flaps/slats at any normal approach position as recommended by the airplane manufacturer; and

(8) *Landing*—gear down with flaps/slats in any certified landing position.

2. The format for numbering the objective tests in appendix A, Attachment 2, Table A2A, and the objective tests in appendix B, Attachment 2, Table B2A, is identical. However, each test required for FFSs is not necessarily required for FTDs. Also, each test required for FTDs is not necessarily required for FFSs. Therefore, when a test number (or series of numbers) is not required, the term ''Reserved'' is used in the table at that location. Following this numbering format provides a degree of commonality between the two tables and substantially reduces the potential for confusion when referring to objective test numbers for either FFSs or FTDs.

3. The QPS Requirements section imposes a duty on the sponsor or other data provider to ensure that a steady state condition exists at the instant of time captured by the ''snapshot'' for cases where the objective test results authorize a ''snapshot test'' or a ''series of snapshot tests'' results in lieu of a time-history. This is often verified by showing that a steady state condition existed from some period prior to, through some period following, the snap shot. The time period most frequently used is from 5 seconds prior through 2 seconds following the instant of time captured by the snap shot. Other time periods may be acceptable as authorized by the NSPM.

4. The reader is encouraged to review the Airplane Flight Simulator Evaluation Handbook, Volumes I and II, published by the Royal Aeronautical Society, London, UK,

and FAA Advisory Circulars (AC) 25–7, as may be amended, Flight Test Guide for Certification of Transport Category Airplanes, and (AC) 23–8, as may be amended, Flight Test Guide for Certification of Part 23 Airplanes, for references and examples regarding flight testing requirements and techniques.

5. If relevant winds are present in the objective data, the wind vector should be clearly noted as part of the data presentation, expressed in conventional terminology, and related to the runway being used for the test.

6. A Level 4 FTD does not require objective tests and therefore, Level 4 is not addressed in the following table.

End Information

Begin QPS Requirements

1. Test Requirements

a. The ground and flight tests required for qualification are listed in Table B2A Objective Evaluation. Computer generated FTD test results must be provided for each test except where an alternate test is specifically authorized by the NSPM. If a flight condition or operating condition is required for the test but does not apply to the airplane being simulated or to the qualification level sought, it may be disregarded (e.g., an engine out missed approach for a single-engine airplane; a maneuver using reverse thrust for an airplane without reverse thrust capability). Each test result is compared against the validation data described in § 60.13, and in appendix B. The results must be produced on an appropriate recording device acceptable to the NSPM and must include FTD number, date, time, conditions, tolerances, and appropriate dependent variables portrayed in comparison to the validation data. Time histories are required unless otherwise indicated in Table B2A. All results must be labeled using the tolerances and units given.

b. Table B2A in this attachment sets out the test results required, including the parameters, tolerances, and flight conditions for FTD validation. Tolerances are provided for the listed tests because mathematical modeling and acquisition and development of reference data are often inexact. All tolerances listed in the following tables are applied to FTD performance. When two tolerance values are given for a parameter, the less restrictive may be used unless otherwise indicated.

c. Certain tests included in this attachment must be supported with a Statement of Compliance and Capability (SOC). In Table B2A, requirements for SOCs are indicated in the ''Test Details'' column.

d. When operational or engineering judgment is used in making assessments for flight test data applications for FTD validity, such judgment must not be limited to a single parameter. For example, data that exhibit rapid variations of the measured parameters may require interpolations or a ''best fit'' data section. All relevant parameters related to a given maneuver or flight condition must be provided to allow overall interpretation. When it is difficult or impossible to match FTD to airplane data throughout a time history, differences must be justified by providing a comparison of other related variables for the condition being assessed.

e. It is not acceptable to program the FTD so that the mathematical modeling is correct only at the validation test points. Unless noted otherwise, tests must represent airplane performance and handling qualities at operating weights and centers of gravity (CG) typical of normal operation. If a test is supported by aircraft data at one extreme weight or CG, another test supported by aircraft data at mid-conditions or as close as possible to the other extreme is necessary. Certain tests that are relevant only at one extreme CG or weight condition need not be repeated at the other extreme. The results of the tests for Level 6 are expected to be indicative of the device's performance and handling qualities throughout all of the following:

(1) The airplane weight and CG envelope;

(2) The operational envelope; and

(3) Varying atmospheric ambient and environmental conditions—including the extremes authorized for the respective airplane or set of airplanes.

f. When comparing the parameters listed to those of the airplane, sufficient data must also be provided to verify the correct flight condition and airplane configuration changes. For example, to show that control force is within the parameters for a static stability test, data to show the correct airspeed, power, thrust or torque, airplane configuration, altitude, and other appropriate datum identification parameters must also be given. If comparing short period dynamics, normal acceleration may be used to establish a match to the airplane, but airspeed, altitude, control input, airplane configuration, and other appropriate data must also be given. If comparing landing gear change dynamics, pitch, airspeed, and altitude may be used to establish a match to the airplane, but landing gear position must also be provided. All airspeed values must be properly annotated (*e.g.*, indicated versus calibrated). In addition, the same variables must be used for comparison (*e.g.*, compare inches to inches rather than inches to centimeters).

g. The QTG provided by the sponsor must clearly describe how the FTD will be set up and operated for each test. Each FTD subsystem may be tested independently, but overall integrated testing of the FTD must be accomplished to assure that the total FTD system meets the prescribed standards. A manual test procedure with explicit and detailed steps for completing each test must also be provided.

h. In those cases where the objective test results authorize a ''snapshot test'' or a ''series of snapshot test'' results in lieu of a time-history result, the sponsor or other data provider must ensure that a steady state condition exists at the instant of time captured by the ''snapshot.''

i. For previously qualified FTDs, the tests and tolerances of this attachment may be used in subsequent continuing qualification evaluations for any given test if the sponsor has submitted a proposed MQTG revision to the NSPM and has received NSPM approval.

j. FTDs are evaluated and qualified with an engine model simulating the airplane data supplier's flight test engine. For qualification of alternative engine models (either variations of the flight test engines or other manufacturer's engines) additional tests with the alternative engine models may be required. This Attachment contains guidelines for alternative engines.

k. Testing Computer Controlled Airplane (CCA) simulators, or other highly augmented airplane simulators, flight test data is required for the Normal (N) and/or Non-normal (NN) control states, as indicated in this Attachment. Where test results are independent of control state, Normal or Non-normal control data may be used. All tests in Table A2A require test results in the Normal control state unless specifically noted otherwise in the Test Details section following the CCA designation. The NSPM will determine what tests are appropriate for airplane simulation data. When making this determination, the NSPM may require other levels of control state degradation for specific airplane tests. Where Non-normal control states are required, test data must be provided for one or more Non-normal control states, and must include the least augmented state. Where applicable, flight test data must record Normal and Non-normal states for:

(1) Pilot controller deflections or electronically generated inputs, including location of input; and

(2) Flight control surface positions unless test results are not affected by, or are independent of, surface positions.

l. Tests of handling qualities must include validation of augmentation devices. FTDs for highly augmented airplanes will be validated both in the unaugmented configuration (or failure state with the maximum permitted degradation in handling qualities) and the augmented configuration. Where various levels of handling qualities result from failure states, validation of the effect of the failure is necessary. Requirements for testing will be mutually agreed to between the sponsor and the NSPM on a case-by-case basis.

m. Some tests will not be required for airplanes using airplane hardware in the FTD cockpit (*e.g.*, ''side stick controller''). These exceptions are noted in Section 2 ''Handling Qualities'' in Table B2A of this attachment. However, in these cases, the sponsor must provide a statement that the airplane hardware meets the appropriate manufacturer's specifications and the sponsor must have supporting information to that fact available for NSPM review.

End QPS Requirements

TABLE B2A.—FLIGHT TRAINING DEVICE (FTD) OBJECTIVE TESTS

<<< QPS Requirements >>>							<< Information >>
Test		Tolerances	Flight conditions	Test details	FTD level		Notes
Number	Title				5	6	
1. Performance							
1.a	(Reserved).						
1.b	Takeoff.						
1.b.1	Ground Acceleration Time.	±5% time or ±1 sec	Takeoff	Record acceleration time for a minimum of 80% of the segment from brake release to V_R. Preliminary aircraft certification data may be used.		X	This test is required only if RTO training credit is sought.
1.b.2. through 1.b.6.	(Reserved)						
1.b.7	Rejected Takeoff	±3% time or ±1 second	Dry Runway	Record time for at least 80% of the segment from initiation of the Rejected Takeoff to full stop.		X	
1.b.8	(Reserved)						
1.c	Climb						
1.c.1	Normal Climb all engines operating.	±3 kt airspeed, ±5% or ±100 ft/min (0.5 m/sec) climb rate.	Clean	Flight test data or airplane performance manual data may be used. Record at nominal climb speed and at nominal altitude. May be a snapshot test result.	X	X	
1.c.2. through 1.c.4.	(Reserved)						
1.d	(Reserved)						
1.e	(Reserved)						
1.f	Engines						
1.f.1	Acceleration	±10% T_t, ±1 sec for Level 5	Approach or Landing.	Record engine power (N_1, N_2, EPR, Torque, Manifold Pressure) from idle to maximum takeoff power for a rapid (slam) throttle movement.	X	X	T_t is the total time from initial throttle movement to reaching 90% of go around power.

TABLE B2A.—FLIGHT TRAINING DEVICE (FTD) OBJECTIVE TESTS—Continued

<<< QPS Requirements >>>						<< Information >>
Test		Tolerances	Flight conditions	Test details	FTD level	Notes
Number	Title				5 / 6	
1.f.2	Deceleration	±10% T_t, or ±1 sec for Level 5.	Ground	Record engine power (N_1, N_2, EPR, Torque, Manifold Pressure) from maximum takeoff power to idle for a rapid (slam) throttle movement.	X / X	T_t is the total time from initial throttle movement to reaching 90% decay of maximum takeoff power.
2. Handling Qualities						
	(3) For FTDs requiring Static tests at the controls (i.e., column, wheel, rudder pedal), special test fixtures will not be required during initial or upgrade evaluations if the sponsor's QTG/MQTG shows both test fixture results*and* the results of an alternative approach, such as computer plots produced concurrently, that show satisfactory agreement. Repeat of the alternative method during the initial or upgrade evaluation would then satisfy this test requirement					Testing of position versus force is not applicable if forces are generated solely by use of airplane hardware in the FTD.
2.a	(3) Static Control Tests					
2.a.1.a	Pitch Controller Position vs. Force and Surface Position Calibration.	±2 lb (0.9 daN) breakout, ±10% or ±5 lb (2.2 daN) force, ±2° elevator.	Ground	Record results for an uninterrupted control sweep to the stops.	/ X	
2.a.1.b	Pitch Controller Position vs. Force.	±2 lb (0.9 daN) breakout, ±10% or ±5 lb (2.2 daN) force.	Ground	Record results for an uninterrupted control sweep to the stops.	X /	Applicable only on continuing qualification evaluations. The intent is to design the control feel for Level 5 to be able to manually fly an instrument approach; and not to compare results to flight test or other such data.
2.a.2.a	Roll Controller Position vs. Force and Surface Position Calibration.	±2 lb (0.9 daN) breakout, ±10% or ±3 lb (1.3 daN) force, ±2° aileron, ±3° spoiler angle.	Ground	Record results for an uninterrupted control sweep to the stops.	/ X	
2.a.2.b	Roll Controller Position vs. Force.	±2 lb (0.9 daN) breakout, ±10% or ±3 lb (1.3 daN) force.	Ground	Record results for an uninterrupted control sweep to the stops.	X /	Applicable only on continuing qualification evaluations. The intent is to design the control feel for Level 5 to be able to manually fly an instrument approach; and not to compare results to flight test or other such data.

TABLE B2A.—FLIGHT TRAINING DEVICE (FTD) OBJECTIVE TESTS—Continued

<<< QPS Requirements >>>							<< Information >>
Test		Tolerances	Flight conditions	Test details	FTD level		Notes
Number	Title				5	6	
2.a.3.a	Rudder Pedal Position vs. Force and Surface Position Calibration.	±5 lb (2.2 daN) breakout, ±10% or ±5 lb (2.2 daN) force, ±2° rudder angle.	Ground	Record results for an uninterrupted control sweep to the stops.		X	
2.a.3.b	Rudder Pedal Position vs. Force.	±5 lb (2.2 daN) breakout, ±10% or ±5 lb (2.2 daN) force.	Ground	Record results for an uninterrupted control sweep to the stops.	X		Applicable only on continuing qualification evaluations. The intent is to design the control feel for Level 5 to be able to manually fly an instrument approach; and not to compare results to flight test or other such data.
2.a.4	Nosewheel Steering Controller Force.	±2 lb (0.9 daN) breakout, ±10% or ±3 lb (1.3 daN) force.	Ground	.....		X	
2.a.5	Rudder Pedal Steering Calibration.	±2° nosewheel angle	Ground	.....		X	
2.a.6	Pitch Trim Indicator vs. Surface Position Calibration.	±0.5° of computed trim surface angle.	Ground	.....		X	The purpose of the test is to compare the FTD against design data or equivalent.
2.a.7	(Reserved).						
2.a.8	Alignment of Cockpit Throttle Lever vs. Selected Engine Parameter.	±5° of throttle lever angle ±0.8 in (2 cm) for power control without angular travel.	Ground	Requires simultaneous recording for all engines. The tolerances apply against airplane data and between engines. In the case of propeller powered airplanes, if a propeller lever is present, it must also be checked.		X	
2.a.9	Brake Pedal Position vs. Force.	±5 lb (2.2 daN) or 10% force.	Ground	Two data points are required: zero and maximum deflection. Computer output results may be used to show compliance.		X	Test not required unless RTO credit is sought.
2.b	(Reserved)						
2.c	Longitudinal Control Tests						
	Power setting is that required for level flight unless otherwise specified						

TABLE B2A.—FLIGHT TRAINING DEVICE (FTD) OBJECTIVE TESTS—Continued

<<< QPS Requirements >>>							<< Information >>
Test		Tolerances	Flight conditions	Test details	FTD level		Notes
Number	Title				5	6	
2.c.1	Power Change Force	±5 lb (2.2 daN) or, ±20% force.	Cruise or Approach.	May be a series of snapshot test results. Power change dynamics test as described in test 2.c.1 of Table A2A of this part will be accepted.	X	X	
2.c.2	Flap/Slat Change Force.	±5 lb (2.2 daN) or, ±20% force.	Takeoff through initial flap retraction, and approach to landing.	May be a series of snapshot test results. Flap/Slat change dynamics test as described in test 2.c.2 of Table A2A of this part will be accepted.	X	X	
2.c.3	(Reserved)						
2.c.4	Gear Change Force ...	±5 lb (2.2 daN) or, ±20% force.	Takeoff (retraction) and Approach (extension).	May be a series of snapshot test results. Gear change dynamics test as described in test 2.c.4 of Table A2A of this part will be accepted.	X	X	
2.c.5	Longitudinal Trim	±0.5° trim surface angle ±1° elevator ±1° pitch angle ±5% net thrust or equivalent.	Cruise, Approach, and Landing.	May be a series of snapshot tests. Level 5 may use equivalent stick and trim controllers in lieu of elevator and trim surface.	X	X	
2.c.6	Longitudinal Maneuvering Stability (Stick Force/g).	±5 lb (±2.2 daN) or ±10% pitch controller force.	Cruise, Approach and Landing.	May be a series of snapshot test results.		X	
2.c.7	Longitudinal Static Stability.	±5 lb (±2.2 daN) or ±10% pitch controller force.	Approach	May be a series of snapshot test results. Level 5 must exhibit positive static stability, but need not comply with the numerical tolerance.	X	X	
2.c.8	Stall Warning (actuation of stall warning device).	±3 kts. airspeed, ±2° bank ..	Second Segment Climb, and Approach or Landing.	Record the stall warning signal.	X	X	The stall maneuver may be entered with thrust at or near idle power and wings level (1g).

TABLE B2A.—FLIGHT TRAINING DEVICE (FTD) OBJECTIVE TESTS—Continued

<<< QPS Requirements >>>							<< Information >>
Test		Tolerances	Flight conditions	Test details	FTD level		Notes
Number	Title				5	6	
2.c.9.a	Phugoid Dynamics	±10% period, ±10% of time to ½ or double amplitude or ±.02 of damping ratio.	Cruise	The test must include whichever is less of the following: Three full cycles (six overshoots after the input is completed), or the number of cycles sufficient to determine time to ½ or double amplitude.		X	
2.c.9.b	Phugoid Dynamics	±10% period, Representative damping.	Cruise	The test must include whichever is less of the following: Three full cycles (six overshoots after the input is completed), or the number of cycles sufficient to determine representative damping.	X		
2.c.10	Short Period Dynamics.	±1.5° pitch angle or ±2°/sec pitch rate, ±0.10g acceleration.	Cruise	.....		X	
2.d	(3) Lateral Directional Tests						
	(3) Power setting is that required for level flight unless otherwise specified.						
2.d.1	(Reserved).	.....	.....	.....	.....	.....	
2.d.2	Roll Response (Rate)	±10% or ±2°/sec roll rate	Cruise, and Approach or Landing.	.....	X	X	Results should be recorded for normal roll controller deflection (about one-third of maximum roll controller travel). May be combined with step input of flight deck roll controller test (2.d.3.).
2.d.3	Roll Response to Cockpit Roll Controller Step Input.	±10% or ±2° bank angle	Approach or Landing.	.....		X	May be combined with roll response (rate) test (2.d.2.).
2.d.4.a	Spiral Stability	Correct trend and ±3° or ±10% bank angle in 20 seconds.	Cruise	.....		X	Airplane data averaged from multiple tests in same direction may be used.

TABLE B2A.—FLIGHT TRAINING DEVICE (FTD) OBJECTIVE TESTS—Continued

<<< QPS Requirements >>>							<< Information >>
Test		Tolerances	Flight conditions	Test details	FTD level		Notes
Number	Title				5	6	
2.d.4.b	Spiral Stability	Correct trend	Cruise	.....	X		Airplane data averaged from multiple tests in same direction may be used.
2.d.5	(Reserved)	.....	.....	.....	.....	.....	
2.d.6.a	Rudder Response	±2°/sec or ±10% yaw rate. ..	Approach or Landing.	Not required if rudder input and response is shown in Dutch Roll Test (test 2.d.7).		X	A rudder step input of 20%–30% rudder pedal throw may be used.
2.d.6.b	Rudder Response	Roll rate ±2°/sec, bank angle ±3°.	Approach or Landing.	May be roll response to a given rudder deflection.	X		
2.d.7	Dutch, Roll, (Yaw Damper OFF).	±0.5 sec or ±10% of period, ±10% of time to ½ or double amplitude or ±.02 of damping ratio.	Cruise, and Approach or Landing.	Record results for at least 6 complete cycles with stability augmentation OFF, or the number of cycles sufficient to determine time to ½ or double amplitude.		X	
2.d.8	Steady State Sideslip	For given rudder position ±2° bank angle, ±1° sideslip angle, ±10% or ±2° aileron, ±10% or ±5° spoiler or equivalent roll, controller position or force.	Approach or Landing.	May be a series of snapshot test results. Propeller driven airplanes must test in each direction.	X	X	Sideslip angle is matched for repeatability on continuing qualification evaluations.
2.e. through 2.h.	(Reserved)	.....	.....	.....	.....	.....	
3	(Reserved)	.....	.....	.....	.....	.....	
4	(Reserved)	.....	.....	.....	.....	.....	
5	(Reserved)	.....	.....	.....	.....	.....	
6. FTD System Response Time							
6a.	Latency.						
		300 ms (or less) after airplane response.	Take-off cruise, and approach or landing.	One test is required in each axis (pitch, roll and yaw) for each of the three conditions (take-off, cruise, and approach or landing).	X	X	
	Transport Delay. If Transport Delay is chosen to demonstrate response time than Latency, it is expected that when reviewing those existing tests where latency can be identified (e.g., short period, roll response, rudder response) the sponsor and the NSPM will apply additional scrutiny to ensure proper FTD response.						

TABLE B2A.—FLIGHT TRAINING DEVICE (FTD) OBJECTIVE TESTS—Continued

<<< QPS Requirements >>>							<< Information >>
Test		Tolerances	Flight conditions	Test details	FTD level		Notes
Number	Title				5	6	
		300 ms (or less) after controller movement.	N/A	A separate test is required in each axis (pitch, roll, and yaw).	X	X	

3. For Additional Information on the Following Topics, Please Refer to Appendix A, Attachment 2, and the Indicated Paragraph Within That Attachment

- Control Dynamics, paragraph 3.
- Motion System, paragraph 5.
- Sound System, paragraph 6.
- Engineering Simulator Validation Data, paragraph 8.
- Approval Guidelines for Engineering Simulator Validation Data, paragraph 9.
- Validation Test Tolerances, paragraph 10.
- Validation Data Road Map, paragraph 11.
- Acceptance Guidelines for Alternative Engines Data, paragraph 12.
- Acceptance Guidelines for Alternative Avionics, paragraph 13.
- Transport Delay Testing, paragraph 14.
- Continuing Qualification Evaluation Validation Data Presentation, paragraph 15.

4. Alternative Objective Data for FTD Level 5.

Begin QPS Requirements

a. This paragraph (including the following tables) is relevant only to FTD Level 5. It is provided because this level is required to simulate the performance and handling characteristics of a set of airplanes with similar characteristics, such as normal airspeed/altitude operating envelope and the same number and type of propulsion systems (engines).

b. Tables B2B through B2E reflect FTD performance standards that are acceptable to the FAA. A sponsor must demonstrate that a device performs within these parameters, as applicable. If a device does not meet the established performance parameters for some or for all of the applicable tests listed in Tables B2B through B2E, the sponsor may use NSP accepted flight test data for comparison purposes for those tests.

c. Sponsors using the data from Tables B2B through B2E must comply with the following:

(1) Submit a complete QTG, including results from all of the objective tests appropriate for the level of qualification sought as set out in Table B2A. The QTG must highlight those results that demonstrate the performance of the FTD is within the allowable performance ranges indicated in Tables B2B through B2E, as appropriate.

(2) The QTG test results must include all relevant information concerning the conditions under which the test was conducted; *e.g.*, gross weight, center of gravity, airspeed, power setting, altitude (climbing, descending, or level), temperature, configuration, and any other parameter that impacts the conduct of the test.

(3) The test results become the validation data against which the initial and all subsequent recurrent evaluations are compared. These subsequent evaluations will use the tolerances listed in Table B2A.

(4) Subjective testing of the device must be performed to determine that the device performs and handles like an airplane within the appropriate set of airplanes.

TABLE B2B. — ALTERNATIVE DATA SOURCE FOR FTD LEVEL 5 SMALL, SINGLE ENGINE (RECIPROCATING) AIRPLANE

<<< QPS requirement >>>		
Applicable test		Authorized performance range
No.	Title and procedure	
1. Performance		
1.c	Climb.	
1.c.1	Normal climb with nominal gross weight, at best rate-of-climb airspeed.	Climb rate = 500–1200 fpm (2.5–6 m/sec).
1.f	Engines.	
1.f.1	Acceleration; idle to takeoff power	2–4 Seconds.
1.f.2	Deceleration; takeoff power to idle	2–4 Seconds.
2. Handling Qualities		
2.c	Longitudinal Tests.	
2.c.1	Power change force	
	(a) Trim for straight and level flight at 80% of normal cruise airspeed with necessary power. Reduce power to flight idle. Do not change trim or configuration. After stabilization, record column force necessary to maintain original airspeed.	5–15 lbs (2.2–6.6 daN) of force (Pull).
	OR	

TABLE B2B. — ALTERNATIVE DATA SOURCE FOR FTD LEVEL 5 SMALL, SINGLE ENGINE (RECIPROCATING) AIRPLANE—Continued

<<< QPS requirement >>>		
Applicable test		Authorized performance range
No.	Title and procedure	
	(b) Trim for straight and level flight at 80% of normal cruise airspeed with necessary power. Add power to maximum setting. Do not change trim or configuration. After stabilized, record column force necessary to maintain original airspeed.	5–15 lbs (2.2–6.6 daN) of force (Push).
2.c.2	Flap/slat change force.	
	(a) Trim for straight and level flight with flaps fully retracted at a constant airspeed within the flaps- extended airspeed range. Do not adjust trim or power. Extend the flaps to 50% of full flap travel. After stabilized, record stick force necessary to maintain original airspeed.	5–15 lbs (2.2–6.6 daN) of force (Pull).
	OR	
	(b) Trim for straight and level flight with flaps extended to 50% of full flap travel, at a constant airspeed within the flaps-extended airspeed range. Do not adjust trim or power. Retract the flaps to zero. After stabilized, record stick force necessary to maintain original airspeed.	5–15 lbs (2.2–6.6 daN) of force (Push).
2.c.4	Gear change force	
	(a) Trim for straight and level flight with landing gear retracted at a constant airspeed within the landing gear-extended airspeed range. Do not adjust trim or power. Extend the landing gear. After stabilized, record stick force necessary to maintain original airspeed.	2–12 lbs (0.88–5.3 daN) of force (Pull).
	OR	
	(b) Trim for straight and level flight with landing gear extended, at a constant airspeed within the landing gear-extended airspeed range. Do not adjust trim or power. Retract the landing gear. After stabilized, record stick force necessary to maintain original airspeed.	2–12 lbs (0.88–5.3 daN) of force (Push).
2.c.5	Longitudinal trim	Must be able to trim longitudinal stick force to ''zero'' in each of the following configurations: cruise; approach; and landing.
2.c.7	Longitudinal static stability	Must exhibit positive static stability.
2.c.8	Stall warning (actuation of stall warning device) with nominal gross weight; wings level; and a deceleration rate of approximately one (1) knot per second.	
	(a) Landing configuration	40–60 knots; ± 5° of bank.
	(b) Clean configuration	Landing configuration speed + 10–20%.
2.c.9.b ..	Phugoid dynamics	Must have a phugoid with a period of 30–60 seconds. May not reach ½ or double amplitude in less than 2 cycles.
2.d	Lateral Directional Tests.	
2.d.2	Roll response ..... Roll rate must be measured through at least 30 degrees of roll. Aileron control must be deflected ½ (50 percent) of maximum travel.	Must have a roll rate of 6–40 degrees/second.
2.d.4.b ..	Spiral stability ..... Cruise configuration and normal cruise airspeed. Establish a 20–30 degree bank. When stabilized, neutralize the aileron control and release. Must be completed in both directions of turn.	Initial bank angle (± 5 degrees) after 20 seconds.
2.d.6.b ..	Rudder response	6–12 degrees/second yaw rate.

TABLE B2B. — ALTERNATIVE DATA SOURCE FOR FTD LEVEL 5 SMALL, SINGLE ENGINE (RECIPROCATING) AIRPLANE—Continued

<<< QPS requirement >>>		
Applicable test		Authorized performance range
No.	Title and procedure	
	Use 50 percent of maximum rudder deflection. (Applicable to approach or landing configuration.).	
2.d.7	Dutch roll, yaw damper off ..... (Applicable to cruise and approach configurations.).	A period of 2–5 seconds; and ½–2 cycles.
2.d.8	Steady state sideslip ..... Use 50 percent rudder deflection. (Applicable to approach and landing degrees of configurations.).	2–10 degrees of bank; 4–10 degrees of sideslip; and 2–10 degrees of aileron.
6	FTD System Response Time.	
6.a	Cockpit instrument systems response to an abrupt pilot controller input. One test is required in each axis (pitch, roll, yaw).	300 milliseconds or less.

TABLE B2C.—ALTERNATIVE DATA SOURCE FOR FTD LEVEL 5 SMALL, MULTI-ENGINE (RECIPROCATING) AIRPLANE

<<< QPS requirement >>>		
Applicable test		Authorized performance range
Number	Title and procedure	
1. Performance		
1.c	Climb	
1.c.1	Normal climb with nominal gross weight, at best rate-of-climb airspeed.	Climb airspeed = 95–115 knots. Climb rate = 500–1500 fpm (2.5–7.5 m/sec).
1.f.	Engines	
1.f.1	Acceleration; idle to takeoff power	2–5 Seconds
1.f.2	Deceleration; takeoff power to idle	2–5 Seconds
2. Handling Qualities		
2.c Longitudinal Tests		
2.c.1	Power change force	
	a) Trim for straight and level flight at 80% of normal cruise airspeed with necessary power. Reduce power to flight idle. Do not change trim or configuration. After stabilized, record column force necessary to maintain original airspeed.	10–25 lbs (2.2–6.6 daN) of force (Pull).
	OR	
	b) Trim for straight and level flight at 80% of normal cruise airspeed with necessary power. Add power to maximum setting. Do not change trim or configuration. After stabilized, record column force necessary to maintain original airspeed.	5–15 lbs (2.2–6.6 daN) of force (Push).
2.c.2	Flap/slat change force	
	a) Trim for straight and level flight with flaps fully retracted at a constant airspeed within the flaps-extended airspeed range. Do not adjust trim or power. Extend the flaps to 50% of full flap travel. After stabilized, record stick force necessary to maintain original airspeed.	5–15 lbs (2.2–6.6 daN) of force (Pull).
	OR	

TABLE B2C.—ALTERNATIVE DATA SOURCE FOR FTD LEVEL 5 SMALL, MULTI-ENGINE (RECIPROCATING) AIRPLANE—Continued

<<< QPS requirement >>>		
Applicable test		Authorized performance range
Number	Title and procedure	
	b) Trim for straight and level flight with flaps extended to 50% of full flap travel, at a constant airspeed within the flaps-extended airspeed range. Do not adjust trim or power. Retract the flaps to zero. After stabilized, record stick force necessary to maintain original airspeed.	5–15 lbs (2.2–6.6 daN) of force (Push).
2.c.4	Gear change force	
	a) Trim for straight and level flight with landing gear retracted at a constant airspeed within the landing gear-extended airspeed range. Do not adjust trim or power. Extend the landing gear. After stabilized, record stick force necessary to maintain original airspeed.	2–12 lbs (0.88–5.3 daN) of force (Pull).
	OR	
	b) Trim for straight and level flight with landing gear extended, at a constant airspeed within the landing gear-extended airspeed range. Do not adjust trim or power. Retract the landing gear. After stabilized, record stick force necessary to maintain original airspeed.	2–12 lbs (0.88–5.3 daN) of force (Push).
2.c.4	Longitudinal trim	Must be able to trim longitudinal stick force to ''zero'' in each of the following configurations: cruise; approach; and landing.
2.c.7	Longitudinal static stability	Must exhibit positive static stability.
2.c.8	Stall warning (actuation of stall warning device) with nominal gross weight; wings level; and a deceleration rate of approximately one (1) knot per second.	
	a) Landing configuration:	60–90 knots; ± 5° of bank.
	b) Clean configuration:	Landing configuration speed + 10–20%.
2.c.9.b ..	Phugoid dynamics	Must have a phugoid with a period of 30–60 seconds. May not reach ½ or double amplitude in less than 2 cycles.
2.d	Lateral Directional Tests	
2.d.2	Roll response ..... Roll rate must be measured through at least 30 degrees of roll. ... Aileron control must be deflected ½ (50 percent) of maximum travel.	Must have a roll rate of 6–40 degrees/second.
2.d.4.b ..	Spiral stability ..... Cruise configuration and normal cruise airspeed. Establish a 20–30 degree bank. When stabilized, neutralize the aileron control and release. Must be completed in both directions of turn.	Initial bank angle (± 5 degrees) after 20 seconds.
2.d.6.b ..	Rudder response ..... Use 50 percent of maximum rudder deflection. (Applicable to approach or landing configuration.).	6–12 degrees/second yaw rate.
2.d.7	Dutch roll, yaw damper off (Applicable to cruise and approach configurations.).	A period of 2–5 seconds; and ½-2 cycles.
2.d.8	Steady state sideslip ..... Use 50 percent rudder deflection. (Applicable to approach and landing configurations.).	2–10 degrees of bank; 4–10 degrees of sideslip; and 2–10 degrees of aileron.
6. FTD System Response Time		
6.a	Cockpit instrument systems response to an abrupt pilot controller input. One test is required in each axis (pitch, roll, yaw).	300 milliseconds or less.

TABLE B2D.—ALTERNATIVE DATA SOURCE FOR FTD LEVEL 5 SMALL, SINGLE ENGINE (TURBO-PROPELLER) AIRPLANE

<<< QPS requirement >>>		
Applicable test		Authorized performance range
Number	Title and procedure	
1. Performance		
1.c	Climb	
1.c.1	Normal climb with nominal gross weight, at best rate-of-climb airspeed.	Climb airspeed = 95–115 knots, Climb rate = 800–1800 fpm (4–9 m/sec).
1.f	Engines	
1.f.1	Acceleration; idle to takeoff power	4–8 Seconds
1.f.2	Deceleration; takeoff power to idle	3–7 Seconds
2. Handling Qualities		
2.c Longitudinal Tests		
2.c.1	Power change force	
	a) Trim for straight and level flight at 80% of normal cruise airspeed with necessary power. Reduce power to flight idle. Do not change trim or configuration. After stabilized, record column force necessary to maintain original airspeed.	8 lbs (3.5 daN) of Push force—8 lbs (3.5 daN) of Pull force
	OR	
	b) Trim for straight and level flight at 80% of normal cruise airspeed with necessary power. Add power to maximum setting. Do not change trim or configuration. After stabilized, record column force necessary to maintain original airspeed.	12–22 lbs (5.3–9.7 daN) of force (Push)
2.c.2	Flap/slat change force	
	a) Trim for straight and level flight with flaps fully retracted at a constant airspeed within the flaps-extended airspeed range. Do not adjust trim or power. Extend the flaps to 50% of full flap travel. After stabilized, record stick force necessary to maintain original airspeed.	5–15 lbs (2.2–6.6 daN) of force (Pull).
	OR	
	b) Trim for straight and level flight with flaps extended to 50% of full flap travel, at a constant airspeed within the flaps-extended airspeed range. Do not adjust trim or power. Retract the flaps to zero. After stabilized, record stick force necessary to maintain original airspeed.	5–15 lbs (2.2–6.6 daN) of force (Push)
2.c.4	Gear change force	
	a) Trim for straight and level flight with landing gear retracted at a constant airspeed within the landing gear-extended airspeed range. Do not adjust trim or power. Extend the landing gear. After stabilized, record stick force necessary to maintain original airspeed.	2–12 lbs (0.88–5.3 daN) of force (Pull)
	OR	
	b) Trim for straight and level flight with landing gear extended, at a constant airspeed within the landing gear-extended airspeed range. Do not adjust trim or power. Retract the landing gear. After stabilized, record stick force necessary to maintain original airspeed.	2–12 lbs (0.88– 5.3 daN) of force (Push)
2.b.5	Longitudinal trim	Must be able to trim longitudinal stick force to ''zero'' in each of the following configurations: cruise; approach; and landing.
2.c.7	Longitudinal static stability	Must exhibit positive static stability.

TABLE B2D.—ALTERNATIVE DATA SOURCE FOR FTD LEVEL 5 SMALL, SINGLE ENGINE (TURBO-PROPELLER) AIRPLANE—Continued

<<< QPS requirement >>>		
Applicable test		Authorized performance range
Number	Title and procedure	
2.c.8	Stall warning (actuation of stall warning device) with nominal gross weight; wings level; and a deceleration rate of approximately one (1) knot per second.	
	a) Landing configuration:	60–90 knots; ±5° of bank.
	b) Clean configuration:	Landing configuration speed + 10–20%.
2.c.8.b ..	Phugoid dynamics	Must have a phugoid with a period of 30–60 seconds. May not reach ½ or double amplitude in less than 2 cycles.
2.d	Lateral Directional Tests	
2.d.2	Roll response ..... Roll rate must be measured through at least 30 degrees of roll. Aileron control must be deflected ½ (50 percent) of maximum travel.	Must have a roll rate of 6–40 degrees/second.
2.d.4.b ..	Spiral stability ..... Cruise configuration and normal cruise airspeed. Establish a 20–30 degree bank. When stabilized, neutralize the aileron control and release. Must be completed in both directions of turn.	Initial bank angle (± 5 degrees) after 20 seconds.
2.d.6.b ..	Rudder response ..... Use 50 percent of maximum rudder deflection. (Applicable to approach or landing configuration.).	6–12 degrees/second yaw rate.
2.d.7	Dutch roll, yaw damper off ..... (Applicable to cruise and approach configurations.).	A period of 2–5 seconds; and 1.2–3 cycles.
2.d.8	Steady state sideslip ..... Use 50 percent rudder deflection. (Applicable to approach and landing degrees of configurations.).	2–10 degrees of bank; 4–10 degrees of sideslip; and 2–10 degrees of aileron.
6. FTD System Response Time		
6.a	Cockpit instrument systems response to an abrupt pilot controller input. One test is required in each axis (pitch, roll, yaw).	300 milliseconds or less.

TABLE B2E.—ALTERNATIVE DATA SOURCE FOR FTD LEVEL 5 MULTI-ENGINE (TURBO-PROPELLER) AIRPLANE

<<< QPS requirement >>>		
Applicable test		Authorized performance range
No.	Title and procedure	
1. Performance		
1.c	Climb	
1.b.1	Normal climb with nominal gross weight, at best rate-of-climb airspeed	Climb airspeed= 120–140 knots. Climb rate= 1000–3000 fpm (5–15 m/sec).
1.f	Engines	
1.f.1	Acceleration; idle to takeoff power	2–6 Seconds.
1.f.2	Deceleration; takeoff power to idle	1–5 Seconds.
2. Handling Qualities		
2.c Longitudinal Tests		
2.c.1	Power change force	

TABLE B2E.—ALTERNATIVE DATA SOURCE FOR FTD LEVEL 5 MULTI-ENGINE (TURBO-PROPELLER) AIRPLANE—Continued

<<< QPS requirement >>>		
Applicable test		Authorized performance range
No.	Title and procedure	
	a) Trim for straight and level flight at 80% of normal cruise airspeed with necessary power. Reduce power to flight idle. Do not change trim or configuration. After stabilized, record column force necessary to maintain original airspeed	8 lbs (3.5 daN) of Push force to 8 lbs (3.5 daN) of Pull force.
	OR	
	b) Trim for straight and level flight at 80% of normal cruise airspeed with necessary power. Add power to maximum setting. Do not change trim or configuration. After stabilized, record column force necessary to maintain original airspeed	12–22 lbs (5.3–9.7 daN) of force (Push).
2.c.2	Flap/slat change force	
	a) Trim for straight and level flight with flaps fully retracted at a constant airspeed within the flaps-extended airspeed range. Do not adjust trim or power. Extend the flaps to 50% of full flap travel. After stabilized, record stick force necessary to maintain original airspeed	5–15 lbs (2.2–6.6 daN) of force (Pull).
	OR	
	b) Trim for straight and level flight with flaps extended to 50% of full flap travel, at a constant airspeed within the flaps-extended airspeed range. Do not adjust trim or power. Retract the flaps to zero. After stabilized, record stick force necessary to maintain original airspeed	5–15 lbs (2.2–6.6 daN) of force (Push).
2.c.4	Gear change force	
	a) Trim for straight and level flight with landing gear retracted at a constant airspeed within the landing gear-extended airspeed range. Do not adjust trim or power. Extend the landing gear. After stabilized, record stick force necessary to maintain original airspeed	2–12 lbs (0.88–5.3 daN) of force (Pull).
	OR	
	b) Trim for straight and level flight with landing gear extended, at a constant airspeed within the landing gear-extended airspeed range. Do not adjust trim or power. Retract the landing gear. After stabilized, record stick force necessary to maintain original airspeed	2–12 lbs (0.88–5.3 daN) of force (Push).
2.b.5	Longitudinal trim	Must be able to trim longitudinal stick force to "zero" in each of the following configurations; cruise; approach; and landing.
2.c.7	Longitudinal static stability	Must exhibit positive static stability.
2.c.8	Stall warning (actuation of stall warning device) with nominal gross weight; wings level; and a deceleration rate of approximately one (1) knot per second	
	a) Landing configuration	80–100 knots; ± 5° of bank.
	b) Clean configuration	Landing configuration speed + 10–20%
2.c.8.b ..	Phugoid dynamics	Must have a phugoid with a period of 30–60 seconds. May not reach ½ or double amplitude in less than 2 cycles.
2.d Lateral Directional Test		
2.d.2	Roll response ..... Roll rate must be measured through at least 30 degrees of roll. Aileron control must be deflected approximately ½ (50 percent) of maximum travel	Must have a roll rate of 6–40 degrees/second.

TABLE B2E.—ALTERNATIVE DATA SOURCE FOR FTD LEVEL 5 MULTI-ENGINE (TURBO-PROPELLER) AIRPLANE—Continued

<<< QPS requirement >>>		
Applicable test		Authorized performance range
No.	Title and procedure	
2.d.4.b ..	Spiral stability ..... Cruise configuration and normal cruise airspeed. Establish a 20–30 degree bank. When stabilized, neutralize the aileron control and release. Must be completed in both directions of turn	Initial bank angle (±5 degrees) after 20 seconds.
2.d.6.b ..	Rudder response ..... Use 50 percent of maximum rudder deflection (Applicable to approach or landing configuration.)	6–12 degrees/second yaw rate.
2.d.7	Dutch roll, yaw damper off (Applicable to cruise and approach configurations.)	A period of 2–5 seconds; and ½–3 cycles.
2.d.8	Steady state sideslip ..... Use 50 percent rudder deflection ..... (Applicable to approach and landing configurations.)	2–10 degrees of bank; 4–10 degrees of sideslip; and 2–10 degrees of aileron.
6. FTD System Response Time		
6.a	Cockpit instrument systems response to an abrupt pilot controller input. One test is required in each axis (pitch, roll, yaw)	300 milliseconds or less.

End QPS Requirements

5. Alternative Data Sources, Procedures, and Instrumentation: Level 6 FTD Only.

Begin Information

a. In recent years, considerable progress has been made by highly experienced aircraft and FTD manufacturers in improvement of aerodynamic modeling techniques. In conjunction with increased accessibility to very high powered computer technology, these techniques have become quite sophisticated. Additionally, those who have demonstrated success in combining these modeling techniques with minimal flight testing have incorporated the use of highly mature flight controls models and have had extensive experience in comparing the output of their effort with actual flight test data—and they have been able to do so on an iterative basis over a period of years.

b. It has become standard practice for experienced FTD manufacturers to use such techniques as a means of establishing data bases for new FTD configurations while awaiting the availability of actual flight test data; and then comparing this new data with the newly available flight test data. The results of such comparisons have, as reported by some recognized and experienced simulation experts, become increasingly consistent and indicate that these techniques, applied with appropriate experience, are becoming dependably accurate for the development of aerodynamic models for use in Level 6 FTDs.

c. In reviewing this history, the NSPM has concluded that, with proper care, those who are experienced in the development of aerodynamic models for FTD application can successfully use these modeling techniques to acceptably alter the method by which flight test data may be acquired and, when applied to Level 6 FTDs, does not compromise the quality of that simulation.

a. The information in the table that follows (Table of Alternative Data Sources, Procedures, and Information: Level 6 FTD Only) is presented to describe an acceptable alternative to data sources for Level 6 FTD modeling and validation, and an acceptable alternative to the procedures and instrumentation found in the flight test methods traditionally accepted for gathering modeling and validation data.

(1) Alternative data sources that may be used for part or all of a data requirement are the Airplane Maintenance Manual, the Airplane Flight Manual (AFM), Airplane Design Data, the Type Inspection Report (TIR), Certification Data or acceptable supplemental flight test data.

(2) The NSPM recommends that use of the alternative instrumentation noted in the following Table be coordinated with the NSPM prior to employment in a flight test or data gathering effort.

b. The NSPM position regarding the use of these alternative data sources, procedures, and instrumentation is based on three primary preconditions and presumptions regarding the objective data and FTD aerodynamic program modeling.

(1) Data gathered through the alternative means does not require angle of attack (AOA) measurements or control surface position measurements for any flight test. AOA can be sufficiently derived if the flight test program insures the collection of acceptable level, unaccelerated, trimmed flight data. Angle of attack may be validated by conducting the three basic ''fly-by'' trim tests. The FTD time history tests should begin in level, unaccelerated, and trimmed flight, and the results should be compared with the flight test pitch angle.

(2) A simulation controls system model should be rigorously defined and fully mature. It should also include accurate gearing and cable stretch characteristics (where applicable) that are determined from actual aircraft measurements. Such a model does not require control surface position measurements in the flight test objective data for Level 6 FTD applications.

c. This table is *not* applicable to Computer Controlled Aircraft FTDs.

d. Utilization of these alternate data sources, procedures, and instrumentation does not relieve the sponsor from compliance with the balance of the information contained in this document relative to Level 6 FTDs.

e. The term ''inertial measurement system'' allows the use of a functional global positioning system (GPS).

End Information

TABLE B2F.—ALTERNATIVE DATA SOURCES, PROCEDURES, AND INSTRUMENTATION LEVEL 6 FTD INFORMATION

Objective test reference number and title	Alternative data sources, procedures, and instrumentation	Notes and reminders
1.b.1 ..... Performance Takeoff Ground acceleration time.	Data may be acquired through a synchronized video recording of a stop watch and the calibrated airplane airspeed indicator. Hand-record the flight conditions and airplane configuration.	This test is required only if RTO is sought.
1.b.7 ..... Performance Takeoff Rejected takeoff.	Data may be acquired through a synchronized video recording of a stop watch and the calibrated airplane airspeed indicator. Hand-record the flight conditions and airplane configuration.	This test is required only if RTO is sought.
1.c.1 ..... Performance Climb Normal climb all engines operating.	Data may be acquired with a synchronized video of calibrated airplane instruments and engine power throughout the climb range.	
1.f.1 ..... Performance Engines Acceleration.	Data may be acquired with a synchronized video recording of engine instruments and throttle position.	
1.f.2 ..... Performance Engines Deceleration.	Data may be acquired with a synchronized video recording of engine instruments and throttle position.	
2.a.1.a ..... Handling qualities Static control tests Pitch controller position vs. force and surface position calibration.	Surface position data may be acquired from flight data recorder (FDR) sensor or, if no FDR sensor, at selected, significant column positions (encompassing significant column position data points), acceptable to the NSPM, using a control surface protractor on the ground (for airplanes with reversible control systems, this function should be accomplished with winds less than 5 kt). Force data may be acquired by using a hand held force gauge at the same column position data points.	
2.a.2.a ..... Handling qualities Static control tests Wheel position vs. force and surface position calibration.	Surface position data may be acquired from flight data recorder (FDR) sensor or, if no FDR sensor, at selected, significant column positions (encompassing significant column position data points), acceptable to the NSPM, using a control surface protractor on the ground (for airplanes with reversible control systems, this function should be accomplished with winds less than 5 kt). Force data may be acquired by using a hand held force gauge at the same column position data points.	
2.a.3.a ..... Handling qualities Static control tests Rudder pedal position vs. force and surface position calibration.	Surface position data may be acquired from flight data recorder (FDR) sensor or, if no FDR sensor, at selected, significant column positions (encompassing significant column position data points), acceptable to the NSPM, using a control surface protractor on the ground (for airplanes with reversible control systems, this function should be accomplished with winds less than 5 kt). Force data may be acquired by using a hand held force gauge at the same column position data points.	
2.a.4 ..... Handling qualities Static control tests Nosewheel steering force.	Breakout data may be acquired with a hand held force gauge. The remainder of the force to the stops may be calculated if the force gauge and a protractor are used to measure force after breakout for at least 25% of the total displacement capability.	
2.a.5 ..... Handling qualities Static control tests Rudder pedal steering calibration.	Data may be acquired through the use of force pads on the rudder pedals and a pedal position measurement device, together with design data for nose wheel position.	
2.a.6 ..... Handling qualities Static control tests Pitch trim indicator vs. surface position calibration.	Data may be acquired through calculations.	

TABLE B2F.—ALTERNATIVE DATA SOURCES, PROCEDURES, AND INSTRUMENTATION LEVEL 6 FTD INFORMATION—Continued

Objective test reference number and title	Alternative data sources, procedures, and instrumentation	Notes and reminders
2.a.8 ..... Handling qualities Static control tests Alignment of power lever angle vs. selected engine parameter (e.g., EPR, N_1, Torque).	Data may be acquired through the use of a temporary throttle quadrant scale to document throttle position. Use a synchronized video to record steady state instrument readings or hand-record steady state engine performance readings.	
2.a.9 ..... Handling qualities Static control tests Brake pedal position vs. force.	Use of design or predicted data is acceptable. Data may be acquired by measuring deflection at ''zero'' and at ''maximum.''.	
2.c.1 ..... Handling qualities. Longitudinal control tests Power change force.	Data may be acquired by using an inertial measurement system and a synchronized video of the calibrated airplane instruments, throttle position, and the force/position measurements of cockpit controls.	Power change dynamics test is acceptable using the same data acquisition methodology.
2.c.2 ..... Handling qualities Longitudinal control tests Flap/slat change force.	Data may be acquired by using an inertial measurement system and a synchronized video of calibrated airplane instruments, flap/slat position, and the force/position measurements of cockpit controls.	Flap/slat change dynamics test is acceptable using the same data acquisition methodology.
2.c.4 ..... Handling qualities Longitudinal control tests Gear change force.	Data may be acquired by using an inertial measurement system and a synchronized video of the calibrated airplane instruments, gear position, and the force/position measurements of cockpit controls.	Gear change dynamics test is acceptable using the same data acquisition methodology.
2.c.5 ..... Handling qualities Longitudinal control tests Longitudinal trim.	Data may be acquired through use of an inertial measurement system and a synchronized video of the cockpit controls position (previously calibrated to show related surface position) and the engine instrument readings.	
2.c.6 ..... Handling qualities Longitudinal control tests Longitudinal maneuvering stability (stick force/g).	Data may be acquired through the use of an inertial measurement system and a synchronized video of the calibrated airplane instruments; a temporary, high resolution bank angle scale affixed to the attitude indicator; and a wheel and column force measurement indication.	
2.c.7 ..... Handling qualities Longitudinal control tests Longitudinal static stability.	Data may be acquired through the use of a synchronized video of the airplane flight instruments and a hand held force gauge.	
2.c.8 ..... Handling qualities Longitudinal control tests Stall Warning (activation of stall warning device).	Data may be acquired through a synchronized video recording of a stop watch and the calibrated airplane airspeed indicator. Hand-record the flight conditions and airplane configuration.	Airspeeds may be cross checked with those in the TIR and AFM.
2.c.9.a ..... Handling qualities Longitudinal control tests Phugoid dynamics.	Data may be acquired by using an inertial measurement system and a synchronized video of the calibrated airplane instruments and the force/position measurements of cockpit controls.	
2.c.10 ..... Handling qualities Longitudinal control tests Short period dynamics.	Data may be acquired by using an inertial measurement system and a synchronized video of the calibrated airplane instruments and the force/position measurements of cockpit controls.	
2.c.11 ..... Handling qualities Longitudinal control tests Gear and flap/slat operating times.	May use design data, production flight test schedule, or maintenance specification, together with an SOC.	
2.d.2 ..... Handling qualities Lateral directional tests Roll response (rate).	Data may be acquired by using an inertial measurement system and a synchronized video of the calibrated airplane instruments and the force/position measurements of cockpit lateral controls.	

TABLE B2F.—ALTERNATIVE DATA SOURCES, PROCEDURES, AND INSTRUMENTATION LEVEL 6 FTD INFORMATION—Continued

Objective test reference number and title	Alternative data sources, procedures, and instrumentation	Notes and reminders
2.d.3 ..... Handling qualities Lateral directional tests (a) Roll overshoot OR (b) Roll response to cockpit roll controller step input.	Data may be acquired by using an inertial measurement system and a synchronized video of the calibrated airplane instruments and the force/position measurements of cockpit lateral controls.	
2.d.4 ..... Handling qualities Lateral directional tests Spiral stability.	Data may be acquired by using an inertial measurement system and a synchronized video of the calibrated airplane instruments; the force/position measurements of cockpit controls; and a stop watch.	
2.d.6.a ..... Handling qualities Lateral directional tests Rudder response.	Data may be acquired by using an inertial measurement system and a synchronized video of the calibrated airplane instruments; the force/position measurements of rudder pedals.	
2.d.7 ..... Handling qualities Lateral directional tests Dutch roll, (yaw damper OFF).	Data may be acquired by using an inertial measurement system and a synchronized video of the calibrated airplane instruments and the force/position measurements of cockpit controls.	
2.d.8 ..... Handling qualities Lateral directional tests Steady state sideslip.	Data may be acquired by using an inertial measurement system and a synchronized video of the calibrated airplane instruments and the force/position measurements of cockpit controls.	

Attachment 3 to Appendix B to Part 60—Flight Training Device (FTD) Subjective Evaluation

1. Discussion

Begin Information

a. The subjective tests provide a basis for evaluating the capability of the FTD to perform over a typical utilization period. The items listed in the Table of Functions and Subjective Tests are used to determine whether the FTD competently simulates each required maneuver, procedure, or task; and verifying correct operation of the FTD controls, instruments, and systems. The tasks do not limit or exceed the authorizations for use of a given level of FTD as described on the Statement of Qualification or as may be approved by the TPAA. All items in the following paragraphs are subject to examination.

b. All simulated airplane systems functions will be assessed for normal and, where appropriate, alternate operations. Simulated airplane systems are listed separately under ''Any Flight Phase'' to ensure appropriate attention to systems checks. Operational navigation systems (including inertial navigation systems, global positioning systems, or other long-range systems) and the associated electronic display systems will be evaluated if installed. The NSP pilot will include in his report to the TPAA, the effect of the system operation and any system limitation.

e. At the request of the TPAA, the NSP Pilot may assess the FTD for a special aspect of a sponsor's training program during the functions and subjective portion of an evaluation. Such an assessment may include a portion of a Line Oriented Flight Training (LOFT) scenario or special emphasis items in the sponsor's training program. Unless directly related to a requirement for the qualification level, the results of such an evaluation would not affect the qualification of the FTD.

End Information

TABLE B3A.—TABLE OF FUNCTIONS AND SUBJECTIVE TESTS LEVEL 6 FTD

<<< QPS requirement >>>	No.
	Tasks in this table are subject to evaluation if appropriate for the airplane system or systems simulated as indicated in the SOQ Configuration List as defined in appendix B, Attachment 2 of this part.
1. Preflight	
	Accomplish a functions check of all installed switches, indicators, systems, and equipment at all crewmembers' and instructors' stations, and determine that the cockpit (or flight deck area) design and functions replicate the appropriate airplane.
2. Surface Operations (pre-takeoff)	
2.a	Engine start:

TABLE B3A.—TABLE OF FUNCTIONS AND SUBJECTIVE TESTS LEVEL 6 FTD—Continued

<<< QPS requirement >>>	No.
2.a.1	Normal start.
2.a.2	Alternative procedures start.
2.a.3	Abnormal procedures start/shut down.
2.b	Pushback/Powerback (powerback requires visual system).
3. Takeoff (requires appropriate visual system as set out in Table B1A, item 6.b.; appendix B, Attachment 1.)	
3.a	Instrument takeoff:
3.a.1	Engine checks (e.g., engine parameter relationships, propeller/mixture controls).
3.a.2	Acceleration characteristics.
3.a.3	Nosewheel/rudder steering.
3.a.4	Landing gear, wing flap, leading edge device operation.
3.b	Rejected takeoff:
3.b.1	Deceleration characteristics.
3.b.2	Brakes/engine reverser/ground spoiler operation.
3.b.3	Nosewheel/rudder steering.
4. In-Flight Operations	
4.a	Normal climb.
4.b	Cruise:
4.b.1	Demonstration of performance characteristics (speed vs. power).
4.b.2	Normal turns.
4.b.3	Demonstration of high altitude handling.
4.b.4	Demonstration of high airspeed handling/overspeed warning.
4.b.5	Demonstration of Mach effects on control and trim.
4.b.6	Steep turns.
4.b.10 ...	In-Flight engine shutdown (procedures only).
4.b.11 ...	In-Flight engine restart (procedures only).
4.b.13 ...	Specific flight characteristics.
4.b.14 ...	Response to loss of flight control power.
4.b.15 ...	Response to other flight control system failure modes.
4.b.19 ...	Operations during icing conditions.
4.b.20 ...	Effects of airframe/engine icing.
4.c	Other flight phase:
4.c.1	Approach to stalls in the following configurations:
4.c.1.a ..	Cruise.
4.c.1.b ..	Takeoff or approach.
4.c.1.c ..	Landing.

TABLE B3A.—TABLE OF FUNCTIONS AND SUBJECTIVE TESTS LEVEL 6 FTD—Continued

<<< QPS requirement >>>	No.
4.c.2	High angle of attack maneuvers in the following configurations:
4.c.2.a ..	Cruise.
4.c.2.b ..	Takeoff or approach.
4.c.2.c ..	Landing.
4.c.3	Slow flight.
4.c.4	Holding.
5.a.1	Non-precision Instrument Approaches:
5.a.1.a.1	With use of autopilot and autothrottle, as applicable.
5.a.1.a.2	Without use of autopilot and autothrottle, as applicable.
5.a.1.b.1	With 10 knot tail wind.
5.a.1.b.2	With 10 knot crosswind.
5.a.2	Precision Instrument Approaches:
5.a.2.a.1	With use of autopilot, autothrottle, and autoland, as applicable.
5.a.2.a.2	Without use of autopilot, autothrottle, and autoland, as applicable.
5.a.2.b.1	With 10 knot tail wind.
5.a.2.b.2	With 10 knot crosswind.
6. Missed Approach	
6.a	Manually controlled.
6.b	Automatically controlled (if applicable).
7. Any Flight Phase, as appropriate	
7.a	Normal system operation (installed systems).
7.b	Abnormal/Emergency system operation (installed systems).
7.c	Flap operation.
7.d	Landing gear operation.
7.e	Engine Shutdown and Parking.
7.e.1	Systems operation.
7.e.2	Parking brake operation.
8. Instructor Operating Station (IOS), as appropriate	
8.a	Functions in this section are subject to evaluation only if appropriate for the airplane and/or installed on the specific FTD involved. Power Switch(es).
8.b	Airplane conditions.
8.b.1	Gross weight, center of gravity, and fuel loading and allocation.
8.b.2	Airplane systems status.
8.b.3	Ground crew functions (e.g., external power, push back).
8.c	Airports.
8.c.1	Selection.

TABLE B3A.—TABLE OF FUNCTIONS AND SUBJECTIVE TESTS LEVEL 6 FTD—Continued

<<< QPS requirement >>>	No.
8.c.2	Runway selection.
8.c.3	Preset positions (e.g., ramp, over FAF).
8.d	Environmental controls.
8.d.1	Temperature.
8.d.2	Climate conditions (e.g., ice, rain).
8.d.3	Wind speed and direction.
8.e	Airplane system malfunctions.
8.e.1	Insertion/deletion.
8.e.2	Problem clear.
8.f	Locks, Freezes, and Repositioning.
8.f.1	Problem (all) freeze/release.
8.f.2	Position (geographic) freeze/release.
8.f.3	Repositioning (locations, freezes, and releases).
8.f.4	Ground speed control.
8.f.5	Remote IOS, if installed.
9. Sound Controls. On/off/adjustment	
10. Control Loading System (as applicable) On/off/emergency stop	
11. Observer Stations	
11.a	Position.
11.b	Adjustments.

End QPS Requirements

TABLE B3B.—TABLE OF FUNCTIONS AND SUBJECTIVE TESTS—LEVEL 5 FTD

<<< QPS Requirements >>>	
No.	Operations tasks
	Tasks in this table are subject to evaluation if appropriate for the airplane system or systems simulated as indicated in the SOQ Configuration List as defined in appendix B, Attachment 2 of this part.
1. Preflight	
	Accomplish a functions check of all installed switches, indicators, systems, and equipment at all crewmembers' and instructors' stations, and determine that the cockpit (or flight deck area) design and functions replicate the appropriate airplane.
2. Surface Operations (pre-takeoff)	
2.a ..... 2.a.1 ..... 2.a.2 ..... 2.a.3	Engine start (if installed): Normal start. Alternative procedures start. Abnormal/Emergency procedures start / shut down.
3. In-Flight Operations	
3.a	Normal climb.

TABLE B3B.—TABLE OF FUNCTIONS AND SUBJECTIVE TESTS—LEVEL 5 FTD—Continued

<<< QPS Requirements >>>	
No.	Operations tasks
3.b	Cruise:
3.b.1	Performance characteristics (speed vs. power).
3.b.2	Normal turns.
3.c	Normal descent.
4. Approaches	
4.a.	Coupled instrument approach maneuvers (as applicable for the systems installed).
5. Any Flight Phase	
5.a	Normal system operation (Installed systems).
5.b	Abnormal/Emergency system operation (installed systems).
5.c	Flap operation.
5.d	Landing gear operation.
5.e	Engine Shutdown and Parking (if installed).
5.e.1	Systems operation.
5.e.2	Parking brake operation.
6. Instructor Operating Station (IOS)	
6.a	Power Switch(es).
6.b	Preset positions—ground, air.
6.c	Airplane system malfunctions (Installed systems).
6.c.1	Insertion/deletion.
6.c.2	Problem clear.

TABLE B3C.—TABLE OF FUNCTIONS AND SUBJECTIVE TESTS—LEVEL 4 FTD

<<< QPS Requirements >>>	
No.	Operations tasks
	Tasks in this table are subject to evaluation if appropriate for the airplane system or systems simulated as indicated in the SOQ Configuration List as defined in appendix B, Attachment 2 of this part.
1	Level 4 FTDs are required to have at least one system. However, the NSP will accomplish a functions check of all installed systems, switches, indicators, and equipment at all crewmembers' and instructors' stations, and determine that the cockpit (or flight deck area) design and functions replicate the appropriate airplane.

Attachment 4 to Appendix B to Part 60—Sample Documents

Begin Information

Table of Contents

Title of Sample

Figure B4A—Sample Letter, Request for Initial, Upgrade, or Reinstatement Evaluation
Figure B4B—Attachment: FSTD Information Form
Figure B4C—Sample Qualification Test Guide Cover Page
Figure B4D—Sample Statement of Qualification—Certificate
Figure B4E—Sample Statement of Qualification—Configuration List
Figure B4F—Sample Statement of Qualification—List of Qualified Tasks
Figure B4G—Sample Continuing Qualification Evaluation Requirements Page
Figure B4H—Sample MQTG Index of Effective FSTD Directives

BILLING CODE 491073–P

Attachment 4 to Appendix B to Part 60—
Figure B4A – Sample Letter , Request for Initial, Upgrade, or Reinstatement Evaluation..
INFORMATION

Date _____

Edward D. Cook, Ph.D.
Manager, National Simulator Program
Federal Aviation Administration
100 Hartsfield Centre Parkway
Suite 400
Atlanta, GA 30354

Dear Dr. Cook:

RE: Request for Initial/Upgrade Evaluation Date

This is to advise you of our intent to request an (initial or upgrade) evaluation of our (FSTD Manufacturer), (Aircraft Type/Level) Flight Simulation Training Device (FSTD), (FAA ID Number, if previously qualified), located in (City, State) at the (Facility) on (Proposed Evaluation Date). (The proposed evaluation date shall not be more than 180 days following the date of this letter.) The FSTD will be sponsored by (Name of Training Center/Air Carrier), FAA Designator (4 Letter Code). The FSTD will be sponsored under the following options: (Select One)

☐ The FSTD will be used within the sponsor's FAA approved training program and placed on the sponsor's Training/Operations Specifications; or

☐ The FSTD will be used for dry lease only in accordance with Paragraph 3b, FSTD Guidance Bulletin 03-08.

We agree to provide the formal request for the evaluation (*Ref: Appendix 4, AC 120-40B*) to your staff as follows: (check one)

☐ For QTG tests run at the factory, not later, than 45 days prior to the proposed evaluation date with the additional "l/3 on-site" tests provided not later than 14 days prior to the proposed evaluation date.

☐ For QTG tests run on-site, not later than 30 days prior to the proposed evaluation date.

We understand that the formal request will contain the following documents:

4. Sponsor's Letter of Request (*Company Compliance Letter*).
5. Principal Operations Inspector (POI) or Training Center Program Manager's (TCPM) endorsement.
6. Complete QTG.

If we are unable to meet the above requirements, we understand this may result in a significant delay, perhaps 45 days or more, in rescheduling and completing the evaluation.

(The sponsor should add additional comments as necessary).

Please contact (Name Telephone and Fax Number of Sponsor's Contact) to confirm the date for this initial evaluation. We understand a member of your National Simulator Program staff will respond to this request within 14 days.

A copy of this letter of intent has been provided to (Name), the Principal Operations Inspector (POI) and/or Training Center Program Manager (TCPM).

Sincerely,

Attachment: FSTD Information and Characteristics Form
cc: POI/TCPM

ATTACHMENT 4 TO APPENDIX A TO PART 60—
Figure B4B – Sample Letter , Request for Initial, Upgrade, or Reinstatement Evaluation
Attachment: FSTD Information Form
INFORMATION

Date: _____			
Section 1. FSTD Information and Characteristics			
Sponsor Name:	_____	**FSTD Location:**	
Address:	_____ _____	**Physical Address:**	_____ _____
City:	_____	**City:**	_____
State:	_____	**State:**	_____
Country:	_____	**Country:**	_____
ZIP:	_____	**ZIP:**	_____
Manager	_____		
Sponsor ID No: *(Four Letter FAA Designator)*	_____	**Nearest Airport:** *(Airport Designator)*	_____

Type of Evaluation Requested:			☐ **Initial** ☐ **Upgrade** ☐ **Recurrent** ☐ **Special** ☐ **Reinstatement**		
Qualification Basis: _____	☐ **A**	☐ **B**	☐ **Interim C**	☐ **C**	☐ **D**
	☐ **6**	☐ **7**	☐ **Provisional Status**		
Initial Qualification: (If Applicable)	**Date:** _____ **Level** _____		**Manufacturer's Identification/Serial No:**	_____	
Upgrade Qualification: (If Applicable)	**Date:** _____ **Level** _____ MM/DD/YYYY		☐ **eQTG**		

Other Technical Information:			
FAA FSTD ID No: (If Applicable)	_____	**FSTD Manufacturer:**	_____
Convertible FSTD:	☐ **Yes:**	**Date of Manufacture:**	_____ MM/DD/YYYY
Related FAA ID No. (If Applicable)	_____ _____ _____	**Sponsor FSTD ID No:** _____	
Aircraft model/series: _____		**Source of aerodynamic model:** _____	
Engine model(s) and data revision: _____		**Source of aerodynamic coefficient data:** _____	
FMS identification and revision level: _____		**Aerodynamic data revision number:** _____	
Visual system manufacturer/model: _____		**Visual system display:** _____	
Flight control data revision: _____		**FSTD computer(s) identification:** _____	
Motion system manufacturer/type: _____			

National Aviation Authority (NAA): (If Applicable)	_____		_____

ATTACHMENT 4 TO APPENDIX A TO PART 60—
Figure B4B – Sample Letter , Request for Initial, Upgrade, or Reinstatement Evaluation
Attachment: FSTD Information Form
INFORMATION

Visual System Manufacturer and Type:	_____	**Motion System Manufacturer and Type:**	_____
Aircraft Make/Model/Series:	_____	**FSTD Seats Available:**	_____

Aircraft Equipment	**ENGINE TYPE(S):** _____	**Flight Instrumentation:** ☐ **EFIS** ☐ **HUD** ☐ **HGS** ☐ **EFVS** ☐ **TCAS** ☐ **GPWS** ☐ **Plain View** ☐ **GPS** ☐ **FMS Type:** _____ ☐ **WX Radar** ☐ **Other:** _____	Engine Instrumentation: ☐ **EICAS** ☐ **FADEC** ☐ **Other:**

Airport Models:	3.6.1 _____ *Airport Designator*	3.6.2_____ *Airport Designator*	3.6.3 _____ *Airport Designator*
Circle to Land:	3. 7.1 _____ *Airport Designator*	3. 7.2_____ *Approach*	3. 7.3 _____ *Landing Runway*
Visual Ground Segment	3.8.1 _____ *Airport Designator*	3.8 .2_____ *Approach*	3. 8.3 _____ *Landing Runway*

Section 2. Supplementary Information

FAA Training Program Approval Authority:		☐ **POI** ☐ **TCPM** ☐ **Other:** _____	
Name:	_____	**Office:**	_____
Tel:	_____	**Fax:**	_____
Email:	_____		

FSTD Scheduling Person:			
Name:	_____		
Address 1:	_____	**Address 2**	_____
City:	_____	**State:**	_____
ZIP:	_____	**Email:**	_____
Tel:	_____	**Fax:**	_____

FSTD Technical Contact:			
Name:	_____		
Address 1:	_____	**Address 2**	_____
City:	_____	**State:**	_____
ZIP:	_____	**Email:**	_____
Tel:	_____	**Fax:**	_____

Section 3. Training, Testing and Checking Considerations

Area/Function/Maneuver	Requested	Remarks
Private Pilot - Training / Checks: (142)	☐	_____
Commercial Pilot - Training /Checks:(142)	☐	_____
Multi-Engine Rating - Training / Checks (142)	☐	_____
Instrument Rating -Training / Checks (142)	☐	_____
Type Rating - Training / Checks (135/121/142)	☐	_____
Proficiency Checks (135/121/142)	☐	_____

ATTACHMENT 4 TO APPENDIX A TO PART 60—
Figure B4B – Sample Letter , Request for Initial, Upgrade, or Reinstatement Evaluation
Attachment: FSTD Information Form
INFORMATION

Section 3. Training, Testing and Checking Considerations		
Area/Function/Maneuver	**Requested**	**Remarks**
Private Pilot - Training / Checks: (142)	☐	____
Commercial Pilot - Training /Checks:(142)	☐	____
Multi-Engine Rating - Training / Checks (142)	☐	____
Instrument Rating -Training / Checks (142)	☐	____
Type Rating - Training / Checks (135/121/142)	☐	____
Proficiency Checks (135/121/142)	☐	____
CAT I: (RVR 2400/1800 ft. DH200 ft)	☐	____
CAT II: (RVR 1200 ft. DH 100 ft)	☐	____
CAT III * (lowest minimum) _____ RVR _____ ft. * *State CAT III (≤ 700 ft.), CAT IIIb (≤ 150 ft.), or CAT IIIc (0 ft.)*	☐	____
Circling Approach	☐	____
Windshear Training: (FSTD GB 03-05)	☐	____
Windshear Training IAW 121.409d (121 Turbojets Only) (FSTD GB 03-05)	☐	____
Generic Unusual Attitudes and Recoveries within the Normal Flight Envelope (FSTD GB 04-03)	☐	____
Specific Unusual Attitudes Recoveries (HBAT 95-10) (FSTD GB 04-03)	☐	____
Auto-coupled Approach/Auto Go Around	☐	____
Auto-land / Roll Out Guidance	☐	____
TCAS/ACAS I / II	☐	____
WX-Radar	☐	____
HUD (FSTD GB 03-02)	☐	____
HGS (FSTD GB 03-02)	☐	
EFVS (FSTD GB 03-03)	☐	
Future Air Navigation Systems (HBAT 98-16A)	☐	____
GPWS / EGPWS	☐	____
ETOPS Capability	☐	____
GPS	☐	____
SMGCS	☐	____
Helicopter Slope Landings	☐	____
Helicopter External Load Operations	☐	____
Helicopter Pinnacle Approach to Landings	☐	____
Helicopter Night Vision Maneuvers	☐	____
Helicopter Category A Takeoffs	☐	____

ATTACHMENT 4 TO APPENDIX B TO PART 60—
Figure B4C – Sample Qualification Test Guide Cover Page
INFORMATION

SPONSOR NAME

SPONSOR ADDRESS

FAA QUALIFICATION TEST GUIDE

(SPECIFIC AIRPLANE MODEL)
for example
Stratos BA797-320A

(Type of FTD)

(FTD Identification Including Manufacturer, Serial Number, Visual System Used)

(FTD Level)

(Qualification Performance Standard Used)

(FTD Location)

FAA Initial Evaluation

Date: _____

_____ Date: _____
(Sponsor)

_____ Date: _____
Manager, National
Simulator Program, FAA

ATTACHMENT 4 TO APPENDIX B TO PART 60—
Figure B4D – Sample Statement of Qualification - Certificate

INFORMATION

Federal Aviation Administration
National Simulator Program

Statement of Qualification

This is to certify that representatives of the National Simulator Program Completed an evaluation of the

Go-Fast Airlines
Farnsworth Z-100 Flight Training Device
FAA Identification Number 998

And found it to meet the standards set forth in
AC 120-45A

The Master Qualification Test Guide and the attached Configuration List and Restrictions List Provide the Qualification Basis for this device to operate at
Level 6
Until December 31, 2008

Unless sooner rescinded or extended by the National Simulator Program Manager

November 15, *2007* — (date)

I. B. Checkin, Jr. — (for the NSPM)

ATTACHMENT 4 TO APPENDIX B TO PART 60—
Figure B4E – Sample Statement of Qualification; Configuration List
INFORMATION

STATEMENT of QUALIFICATION
CONFIGURATION LIST

Date: ____			
Section 1. FSTD Information and Characteristics			
Sponsor Name:	____	**FSTD Location:**	
Address:	____ ____	**Physical Address:**	____ ____
City:	____	**City:**	____
State:	____	**State:**	____
Country:	____	**Country:**	____
ZIP:	____	**ZIP:**	____
Manager	____		
Sponsor ID No: *(Four Letter FAA Designator)*	____	**Nearest Airport:** *(Airport Designator)*	____

Type of Evaluation Requested:			☐ **Initial** ☐ **Upgrade** ☐ **Recurrent** ☐ **Special** ☐ **Reinstatement**		
Qualification Basis: ____	☐ **A**	☐ **B**	☐ **Interim C**	☐ **C**	☐ **D**
	☐ **6**	☐ **7**	☐ **Provisional Status**		
Initial Qualification: (If Applicable)	**Date:** ____ **Level** ____		**Manufacturer's Identification/Serial No:**	____	
Upgrade Qualification: (If Applicable)	**Date:** ____ **Level** ____ MM/DD/YYYY		☐ **eQTG**		

Other Technical Information:			
FAA FSTD ID No: (If Applicable)	____	**FSTD Manufacturer:**	____
Convertible FSTD:	☐**Yes:**	**Date of Manufacture:**	____ MM/DD/YYYY
Related FAA ID No. (If Applicable)	____ ____ ____	**Sponsor FSTD ID No:** ____	
Aircraft model/series: ____		**Source of aerodynamic model:** ____	
Engine model(s) and data revision: ____		**Source of aerodynamic coefficient data:** ____	
FMS identification and revision level: ____		**Aerodynamic data revision number:** ____	
Visual system manufacturer/model: ____		**Visual system display:** ____	
Flight control data revision: ____		**FSTD computer(s) identification:** ____	
Motion system manufacturer/type: ____			

National Aviation Authority (NAA): (If Applicable)	____		____

ATTACHMENT 4 TO APPENDIX B TO PART 60—
Figure B4E – Sample Statement of Qualification; Configuration List
INFORMATION

Visual System Manufacturer and Type:	____	**Motion System Manufacturer and Type:**	____
Aircraft Make/Model/Series:	____	**FSTD Seats Available:**	____

Aircraft Equipment	**ENGINE TYPE(S):** ____	**Flight Instrumentation:** ☐ **EFIS** ☐ **HUD** ☐ **HGS** ☐ **EFVS** ☐ **TCAS** ☐ **GPWS** ☐ **Plain View** ☐ **GPS** ☐ **FMS Type:** ____ ☐ **WX Radar** ☐ **Other:** ____	Engine Instrumentation: ☐ **EICAS** ☐ **FADEC** ☐ **Other:** ____

Airport Models:	3.6.1 ____ *Airport Designator*	3.6.2____ *Airport Designator*	3.6.3 ____ *Airport Designator*
Circle to Land:	3. 7.1 ____ *Airport Designator*	3. 7.2____ *Approach*	3. 7.3 ____ *Landing Runway*
Visual Ground Segment	3.8.1 ____ *Airport Designator*	3.8 .2____ *Approach*	3. 8.3 ____ *Landing Runway*

Section 2. Supplementary Information

FAA Training Program Approval Authority:		☐ **POI** ☐ **TCPM** ☐ **Other:** ____	
Name:	____	**Office:**	____
Tel:	____	**Fax:**	____
Email:	____		

FSTD Scheduling Person:			
Name:	____		
Address 1:	____	**Address 2**	____
City:	____	**State:**	____
ZIP:	____	**Email:**	____
Tel:	____	**Fax:**	____

FSTD Technical Contact:			
Name:	____		
Address 1:	____	**Address 2**	____
City:	____	**State:**	____
ZIP:	____	**Email:**	____
Tel:	____	**Fax:**	____

Section 3. Training, Testing and Checking Considerations

Area/Function/Maneuver	Requested	Remarks
Private Pilot - Training / Checks: (142)	☐	____
Commercial Pilot - Training /Checks:(142)	☐	____
Multi-Engine Rating - Training / Checks (142)	☐	____
Instrument Rating -Training / Checks (142)	☐	____
Type Rating - Training / Checks (135/121/142)	☐	____
Proficiency Checks (135/121/142)	☐	____
CAT I: (RVR 2400/1800 ft. DH200 ft)	☐	____

ATTACHMENT 4 TO APPENDIX B TO PART 60—
Figure B4E – Sample Statement of Qualification; Configuration List
INFORMATION

Commercial Pilot - Training /Checks:(142)	☐	____
Multi-Engine Rating - Training / Checks (142)	☐	____
Instrument Rating -Training / Checks (142)	☐	____
Type Rating - Training / Checks (135/121/142)	☐	____
Proficiency Checks (135/121/142)	☐	____
CAT I: (RVR 2400/1800 ft. DH200 ft)	☐	____
CAT II: (RVR 1200 ft. DH 100 ft)	☐	____
CAT III * (lowest minimum) _____ RVR _____ ft. ** State CAT III (≤ 700 ft.), CAT IIIb (≤ 150 ft.), or CAT IIIc (0 ft.)*	☐	____
Circling Approach	☐	____
Windshear Training: (FSTD GB 03-05)	☐	____
Windshear Training IAW 121.409d (121 Turbojets Only) (FSTD GB 03-05)	☐	____
Generic Unusual Attitudes and Recoveries within the Normal Flight Envelope (FSTD GB 04-03)	☐	____
Specific Unusual Attitudes Recoveries (HBAT 95-10) (FSTD GB 04-03)	☐	____
Auto-coupled Approach/Auto Go Around	☐	____
Auto-land / Roll Out Guidance	☐	____
TCAS/ACAS I / II	☐	____
WX-Radar	☐	____
HUD (FSTD GB 03-02)	☐	____
HGS (FSTD GB 03-02)	☐	
EFVS (FSTD GB 03-03)	☐	
Future Air Navigation Systems (HBAT 98-16A)	☐	____
GPWS / EGPWS	☐	____
ETOPS Capability	☐	____
GPS	☐	____
SMGCS	☐	____
Helicopter Slope Landings	☐	____
Helicopter External Load Operations	☐	____
Helicopter Pinnacle Approach to Landings	☐	____
Helicopter Night Vision Maneuvers	☐	____
Helicopter Category A Takeoffs	☐	____

ATTACHMENT 4 TO APPENDIX B TO PART 60—
Figure B4F – Sample Statement of Qualification;– List of Qualified Tasks
INFORMATION

STATEMENT of QUALIFICATION
List of Qualified Tasks

Go Fast Airline Training -- Farnsworth Z-100 -- Level D -- FAA ID# 999

The FSTD is qualified to perform all of the tasks listed in **Appendix 1, Table B1B** **for its assigned level of qualification *except* for the following listed tasks.**

Qualified for all tasks in Table B1B, for which the sponsor has requested qualification, except for the following:

4.e.	Circling Approach
6. (a)	Emergency Descent (maximum rate)
6. (b)	Inflight Fire and Smoke Removal
6. (c)	Rapid Decompression
6. (d)	Emergency Evacuation

Additional tasks for which this FSTD is qualified (i.e., in addition to the list in Table B1B):

NONE

Attachment 4 to Appendix B to Part 60—
Figure B4G – Sample Continuing Qualification Evaluation Requirements Page Information

Recurrent Evaluation Requirements ***Completed at conclusion of Initial Evaluation***	
Recurrent Evaluations to be conducted each _(fill in)__ months Allotting _____ hours of FTD time. Signed: _____ NSPM / Evaluation Team Leader	Recurrent evaluations are due as follows: _(month)__ and __(month)_ and __(month)_ (enter or strike out, as appropriate) _____ Date

Revision: Based on (enter reasoning):	
Recurrent Evaluations are to be conducted each _(fill in)__ months. Allotting _____ hours. Signed: _____ NSPM Evaluation Team Leader	Recurrent evaluations are due as follows: _(month)__ and __(month)_ and __(month)_ (enter or strike out, as appropriate) _____ Date

Revision: Based on (enter reasoning):	
Recurrent Evaluations are to be conducted each _(fill in)__ months. Allotting _____ hours. Signed: _____ NSPM Evaluation Team Leader	Recurrent evaluations are due as follows: _(month)__ and __(month)_ and __(month)_ (enter or strike out, as appropriate) _____ Date

(Repeat as Necessary)

Attachment 4 to Appendix B to Part 60—
Figure B4H – Sample MQTG Index of Effective FSTD Directives

Index of Effective FSTD Directives Filed in this Section

Notification Number	Received From: (TPAA/NSPM)	Date of Notification	Date of Modification Completion

Continue as Necessary....

BILLING CODE 491073–C

Appendix C to Part 60—Qualification Performance Standards for Helicopter Full Flight Simulators

Begin Information

This appendix establishes the standards for Helicopter Full Flight Simulator (FFS) evaluation and qualification. The Flight Standards Service, National Simulator Program Manager (NSPM), is responsible for the development, application, and implementation of the standards contained within this appendix. The procedures and criteria specified in this appendix will be used by the NSPM, or a person assigned by the NSPM, when conducting helicopter FFS evaluations.

Table of Contents

1. Introduction.
2. Applicability (§ 60.1) and (§ 60.2).
3. Definitions (§ 60.3).
4. Qualification Performance Standards (§ 60.4).
5. Quality Management System (§ 60.5).
6. Sponsor Qualification Requirements (§ 60.7).
7. Additional Responsibilities of the Sponsor (§ 60.9).
8. FSTD Use (§ 60.11).
9. Simulator Objective Data Requirements (§ 60.13).
10. Special Equipment and Personnel Requirements for Qualification of the Simulator (§ 60.14).
11. Initial (and Upgrade) Qualification Requirements (§ 60.15).
12. Additional Qualifications for a Currently Qualified Simulator (§ 60.16).
13. Previously Qualified Simulators (§ 60.17).
14. Inspection, Continuing Qualification Evaluation, and Maintenance Requirements (§ 60.19).
15. Logging Simulator Discrepancies (§ 60.20).
16. Interim Qualification of Simulators for New Helicopter Types or Models (§ 60.21).
17. Modifications to Simulators (§ 60.23).
18. Operations with Missing, Malfunctioning, or Inoperative Components (§ 60.25).
19. Automatic Loss of Qualification and Procedures for Restoration of Qualification (§ 60.27).
20. Other Losses of Qualification and Procedures for Restoration of Qualification (§ 60.29).
21. Record Keeping and Reporting (§ 60.31).
22. Applications, Logbooks, Reports, and Records: Fraud, Falsification, or Incorrect Statements (§ 60.33).
23. [Reserved]
24. [Reserved]
25. FSTD Qualification on the Basis of a Bilateral Aviation Safety Agreement (BASA) (§ 60.37).
Attachment 1 to Appendix C to Part 60—General Simulator Requirements.
Attachment 2 to Appendix C to Part 60—Simulator Objective Tests.
Attachment 3 to Appendix C to Part 60—Simulator Subjective Evaluation.
Attachment 4 to Appendix C to Part 60—Sample Documents.

End Information

1. Introduction

Begin Information

a. This appendix contains background information as well as regulatory and informative material as described later in this section. To assist the reader in determining what areas are required and what areas are permissive, the text in this appendix is divided into two sections: ''QPS Requirements'' and ''Information.'' The QPS Requirements sections contain details regarding compliance with the part 60 rule language. These details are regulatory, but are found only in this appendix. The Information sections contain material that is advisory in nature, and designed to give the user general information about the regulation.

b. Related Reading References.
(1) 14 CFR part 60.
(2) 14 CFR part 61.
(3) 14 CFR part 63.
(4) 14 CFR part 119.
(5) 14 CFR part 121.
(6) 14 CFR part 125.
(7) 14 CFR part 135.
(8) 14 CFR part 141.

(9) 14 CFR part 142.
(10) AC 120–35B, Line Operational Simulations: Line-Oriented Flight Training, Special Purpose Operational Training, Line Operational Evaluation.
(11) AC 120–57A, Surface Movement Guidance and Control System (SMGS).
(12) AC 150/5300–13, Airport Design.
(13) AC 150/5340–1G, Standards for Airport Markings.
(14) AC 150/5340–4C, Installation Details for Runway Centerline Touchdown Zone Lighting Systems.
(15) AC 150/5340–19, Taxiway Centerline Lighting System.
(16) AC 150/5340–24, Runway and Taxiway Edge Lighting System.
(17) AC 150/5345–28D, Precision Approach Path Indicator (PAPI) Systems.
(18) AC 150/5390–2B, Heliport Design.
(19) International Air Transport Association document, ''Flight Simulator Design and Performance Data Requirements,'' as amended.
(20) AC 29–2B, Flight Test Guide for Certification of Transport Category Rotorcraft.
(21) AC 27–1A, Flight Test Guide for Certification of Normal Category Rotorcraft.
(22) International Civil Aviation Organization (ICAO) Manual of Criteria for the Qualification of Flight Simulators, as amended.
(23) Airplane Flight Simulator Evaluation Handbook, Volume I, as amended and Volume II, as amended, The Royal Aeronautical Society, London, UK.
(24) FAA Publication FAA–S–8081 series (Practical Test Standards for Airline Transport Pilot Certificate, Type Ratings, Commercial Pilot, and Instrument Ratings).
(25) The FAA Aeronautical Information Manual (AIM). An electronic version of the AIM is on the internet at *http://www.faa.gov/atpubs*.

End Information

---

2. Applicability (§§ 60.1 & 60.2)

Begin Information

There is no additional regulatory or informational material that applies to § 60.1, Applicability, or to § 60.2, Applicability of sponsor rules to person who are not sponsors and who are engaged in certain unauthorized activities.

End Information

---

3. Definitions (§ 60.3)

Begin Information

See appendix F for a list of definitions and abbreviations from part 1 and part 60, including the appropriate appendices of part 60.

End Information

---

4. Qualification Performance Standards (§ 60.4)

Begin Information

There is no additional regulatory or informational material that applies to § 60.4, Qualification Performance Standards.

End Information

---

5. Quality Management System (§ 60.5)

Begin Information

See appendix E for additional regulatory and informational material regarding Quality Management Systems.

End Information

---

6. Sponsor Qualification Requirements (§ 60.7)

Begin Information

a. The intent of the language in § 60.7(b) is to have a specific FFS, identified by the sponsor, used at least once in an FAA-approved flight training program for the helicopter simulated during the 12-month period described. The identification of the specific FFS may change from one 12-month period to the next 12-month period as long as that sponsor sponsors and uses at least one FFS at least once during the prescribed period. There is no minimum number of hours or minimum FFS periods required.

b. The following examples describe acceptable operational practices:

(1) Example One.

(a) A sponsor is sponsoring a single, specific FFS for its own use, in its own facility or elsewhere—this single FFS forms the basis for the sponsorship. The sponsor uses that FFS at least once in each 12-month period in that sponsor's FAA-approved flight training program for the helicopter simulated. This 12-month period is established according to the following schedule:

(i) If the FFS was qualified prior to October 30, 2007 the 12-month period begins on the date of the first continuing qualification evaluation conducted in accordance with § 60.19 after October 30, 2007 and continues for each subsequent 12-month period;

(ii) A device qualified on or after October 30, 2007 will be required to undergo an initial or upgrade evaluation in accordance with § 60.15. Once the initial or upgrade evaluation is complete, the first continuing qualification evaluation will be conducted within 6 months. The 12 month continuing qualification evaluation cycle begins on that date and continues for each subsequent 12-month period.

(b) There is no minimum number of hours of FFS use required.

(c) The identification of the specific FFS may change from one 12-month period to the next 12-month period as long as that sponsor sponsors and uses at least one FFS at least once during the prescribed period.

(2) Example Two.

(a) A sponsor sponsors an additional number of FFSs, in its facility or elsewhere. Each additionally sponsored FFS must be—

(i) Used by the sponsor in the sponsor's FAA-approved flight training program for the helicopter simulated (as described in § 60.7(d)(1));

OR

(ii) Used by another FAA certificate holder in that other certificate holder's FAA-approved flight training program for the helicopter simulated (as described in § 60.7(d)(1)). This 12-month period is established in the same manner as in example one.

OR

(iii) Provided a statement each year from a qualified pilot (after having flown the helicopter, not the subject FFS or another FFS, during the preceding 12-month period) stating that the subject FFS's performance and handling qualities represent the helicopter (as described in § 60.7(d)(2)). This statement is provided at least once in each 12-month period established in the same manner as in example one.

(b) There is no minimum number of hours of FFS use required.

(3) Example Three.

(a) A sponsor in New York (in this example, a Part 142 certificate holder) establishes ''satellite'' training centers in Chicago and Moscow.

(b) The satellite function means that the Chicago and Moscow centers must operate under the New York center's certificate (in accordance with all of the New York center's practices, procedures, and policies; *e.g.*, instructor and/or technician training/checking requirements, record keeping, QMS program).

(c) All of the FFSs in the Chicago and Moscow centers could be dry-leased (*i.e.*, the certificate holder does not have and use FAA-approved flight training programs for the FFSs in the Chicago and Moscow centers) because —

(i) Each FFS in the Chicago center and each FFS in the Moscow center is used at least once each 12-month period by another FAA certificate holder in that other certificate holder's FAA-approved flight training program for the helicopter (as described in § 60.7(d)(1));

OR

(ii) A statement is obtained from a qualified pilot (having flown the helicopter, not the subject FFS or another FFS during the preceding 12-month period) stating that the performance and handling qualities of each FFS in the Chicago and Moscow centers represents the helicopter (as described in § 60.7(d)(2)).

End Information

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7. Additional Responsibilities of the Sponsor (§ 60.9)

Begin Information

The phrase ''as soon as practicable'' in § 60.9(a) means without unnecessarily disrupting or delaying beyond a reasonable time the training, evaluation, or experience being conducted in the FSTD.

End Information

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8. FSTD Use (§ 60.11)

Begin Information

There is no additional regulatory or informational material that applies to § 60.11, FSTD Use.

End Information

9. Simulator Objective Data Requirements (§ 60.13)

Begin QPS Requirements

a. Flight test data used to validate FFS performance and handling qualities must have been gathered in accordance with a flight test program containing the following:

(1) A flight test plan consisting of:

(a) The maneuvers and procedures required for aircraft certification and simulation programming and validation.

(b) For each maneuver or procedure—

(i) The procedures and control input the flight test pilot and/or engineer used.

(ii) The atmospheric and environmental conditions.

(iii) The initial flight conditions.

(iv) The helicopter configuration, including weight and center of gravity.

(v) The data to be gathered.

(vi) All other information necessary to recreate the flight test conditions in the FFS.

(2) Appropriately qualified flight test personnel.

(3) An understanding of the accuracy of the data to be gathered using appropriate alternative data sources, procedures, and instrumentation that is traceable to a recognized standard as described in Attachment 2, Table C2D.

(4) Appropriate and sufficient data acquisition equipment or system(s), including appropriate data reduction and analysis methods and techniques, as would be acceptable to the FAA's Aircraft Certification Service.

b. The data, regardless of source, must be presented:

(1) in a format that supports the FFS validation process;

(2) in a manner that is clearly readable and annotated correctly and completely;

(3) with resolution sufficient to determine compliance with the tolerances set forth in Attachment 2, Table C2A of this appendix.

(4) with any necessary instructions or other details provided, such as yaw damper or throttle position; and

(5) without alteration, adjustments, or bias; however the data may be re-scaled, digitized, or otherwise manipulated to fit the desired presentation.

c. After completion of any additional flight test, a flight test report must be submitted in support of the validation data. The report must contain sufficient data and rationale to support qualification of the FFS at the level requested.

d. As required by § 60.13(f), the sponsor must notify the NSPM when it becomes aware that an addition to, an amendment to, or a revision of data that may relate to FFS performance or handling characteristics is available. The data referred to in this paragraph are those data that are used to validate the performance, handling qualities, or other characteristics of the aircraft, including data related to any relevant changes occurring after the type certificate was issued. This notification must be made within 10 working days.

End QPS Requirements

Begin Information

e. The FFS sponsor is encouraged to maintain a liaison with the manufacturer of the aircraft being simulated (or with the holder of the aircraft type certificate for the aircraft being simulated if the manufacturer is no longer in business), and, if appropriate, with the person having supplied the aircraft data package for the FFS in order to facilitate the notification required by § 60.13(f).

f. It is the intent of the NSPM that for new aircraft entering service, at a point well in advance of preparation of the Qualification Test Guide (QTG), the sponsor should submit to the NSPM for approval, a descriptive document (a validation data roadmap) containing the plan for acquiring the validation data, including data sources. This document should clearly identify sources of data for all required tests, a description of the validity of these data for a specific engine type and thrust rating configuration, and the revision levels of all avionics affecting the performance or flying qualities of the aircraft. Additionally, this document should provide other information, such as the rationale or explanation for cases where data or data parameters are missing, instances where engineering simulation data are used or where flight test methods require further explanations. It should also provide a brief narrative describing the cause and effect of any deviation from data requirements. The aircraft manufacturer may provide this document.

g. There is no requirement for any flight test data supplier to submit a flight test plan or program prior to gathering flight test data. However, the NSPM notes that inexperienced data gatherers often provide data that is irrelevant, improperly marked, or lacking adequate justification for selection. Other problems include inadequate information regarding initial conditions or test maneuvers. The NSPM has been forced to refuse these data submissions as validation data for an FFS evaluation. It is for this reason that the NSPM recommends that any data supplier not previously experienced in this area review the data necessary for programming and for validating the performance of the FFS, and discuss the flight test plan anticipated for acquiring such data with the NSPM well in advance of commencing the flight tests.

h. In those cases where the objective test results authorize a ''snapshot test'' or a ''series of snapshot test'' results in lieu of a time-history result, Attachment 2 requires the sponsor or other data provider to ensure that a steady state condition exists at the instant of time captured by the ''snapshot.'' This is often verified by showing that a steady state condition existed from some period of time during which the snapshot is taken. The time period most frequently used is 5 seconds prior through 2 seconds following the instant of time captured by the snapshot. This paragraph is primarily addressing the source data and the method by which the data provider ensures that the steady state condition for the snapshot is representative.

i. The NSPM will consider, on a case-by-case basis, whether or not to approve supplemental validation data derived from flight data recording systems such as a Quick Access Recorder or Flight Data Recorder.

End Information

10. Special Equipment and Personnel Requirements for Qualification of the Simulator (§ 60.14)

Begin Information

a. In the event that the NSPM determines that special equipment or specifically qualified persons will be required to conduct an evaluation, the NSPM will make every attempt to notify the sponsor at least one (1) week, but in no case less than 72 hours, in advance of the evaluation. Examples of special equipment include spot photometers, flight control measurement devices, and sound analyzers. Examples of specially qualified personnel include individuals specifically qualified to install or use any special equipment when its use is required.

b. Examples of a special evaluation include an evaluation conducted after an FFS is moved, at the request of the TPAA, or as a result of comments received from FFS that raise questions regarding the continued qualification or use of the FFS.

End Information

11. Initial (and Upgrade) Qualification Requirements (§ 60.15)

Begin QPS Requirements

a. In order to be qualified at a particular qualification level, the FFS must:

(1) Meet the general requirements listed in Attachment 1;

(2) Meet the objective testing requirements listed in Attachment 2; and

(3) Satisfactorily accomplish the subjective tests listed in Attachment 3.

b. The request described in § 60.15(a) must include all of the following:

(1) A statement that the FFS meets all of the applicable provisions of this part and all applicable provisions of the QPS.

(2) A confirmation that the sponsor will forward to the NSPM the statement described in § 60.15(b) in such time as to be received no later than 5 business days prior to the scheduled evaluation and may be forwarded to the NSPM via traditional or electronic means.

(3) A qualification test guide (QTG), acceptable to the NSPM, that includes all of the following:

(i) Objective data obtained from aircraft testing or another approved source.

(ii) Correlating objective test results obtained from the performance of the FFS as prescribed in the applicable QPS.

(iii) The result of FFS subjective tests prescribed in the applicable QPS.

(iv) A description of the equipment necessary to perform the evaluation for initial qualification and the continuing qualification evaluations.

c. The QTG described in paragraph (a)(3) of this section, must provide the documented proof of compliance with the simulator objective tests in Attachment 2, Table C2A of this appendix.

d. The QTG is prepared and submitted by the sponsor, or the sponsor's agent on behalf of the sponsor, to the NSPM for review and approval, and must include, for each objective test:

(1) Parameters, tolerances, and flight conditions;

(2) Pertinent and complete instructions for the conduct of automatic and manual tests;

(3) A means of comparing the FFS test results to the objective data;

(4) Any other information as necessary, to assist in the evaluation of the test results;

(5) Other information appropriate to the qualification level of the FFS.

e. The QTG described in paragraphs (a)(3) and (b) of this section, must include the following:

(1) A QTG cover page with sponsor and FAA approval signature blocks (see Attachment 4, Figure C4C, for a sample QTG cover page).

(2) A continuing qualification evaluation schedule requirements page. This page will be used by the NSPM to establish and record the frequency with which continuing qualification evaluations must be conducted and any subsequent changes that may be determined by the NSPM in accordance with § 60.19. See Attachment 4, Figure C4G, for a sample Continuing Qualification Evaluation Requirements page.

(3) An FFS information page that provides the information listed in this paragraph (see Attachment 4, Figure C4B, for a sample FFS information page). For convertible FFSs, the sponsor must submit a separate page for each configuration of the FFS.

(a) The sponsor's FFS identification number or code.

(b) The helicopter model and series being simulated.

(c) The aerodynamic data revision number or reference.

(d) The engine model(s) and its data revision number or reference.

(e) The flight control data revision number or reference.

(f) The flight management system identification and revision level.

(g) The FFS model and manufacturer.

(h) The date of FFS manufacture.

(i) The FFS computer identification.

(j) The visual system model and manufacturer, including display type.

(k) The motion system type and manufacturer, including degrees of freedom.

(4) A Table of Contents.

(5) A log of revisions and a list of effective pages.

(6) List of all relevant data references.

(7) A glossary of terms and symbols used (including sign conventions and units).

(8) Statements of compliance and capability (SOCs) with certain requirements. SOCs must provide references to the sources of information that show the capability of the FFS to comply with the requirements. SOCs must also provide a rationale explaining how the referenced material is used, the mathematical equations and parameter values used, and the conclusions reached. Refer to the ''Additional Details'' column in Attachment 1, Table C1A, ''Simulator Standards,'' or in the ''Test Details'' column in Attachment 2, Table C2A, ''Simulator Objective Tests,'' to see when SOCs are required.

(9) Recording procedures or equipment required to accomplish the objective tests.

(10) The following information for each objective test designated in Attachment 2, Table C2A, as applicable to the qualification level sought:

(a) Name of the test.

(b) Objective of the test.

(c) Initial conditions.

(d) Manual test procedures.

(e) Automatic test procedures (if applicable).

(f) Method for evaluating FFS objective test results.

(g) List of all relevant parameters driven or constrained during the automatically conducted test(s).

(h) List of all relevant parameters driven or constrained during the manually conducted test(s).

(i) Tolerances for relevant parameters.

(j) Source of Validation Data (document and page number).

(k) Copy of the Validation Data (if located in a separate binder, a cross reference for the identification and page number for pertinent data location must be provided).

(l) Simulator Objective Test Results as obtained by the sponsor. Each test result must reflect the date completed and must be clearly labeled as a product of the device being tested.

f. A convertible FFS is addressed as a separate FFS for each model and series helicopter to which it will be converted and for the FAA qualification level sought. If a sponsor seeks qualification for two or more models of a helicopter type using a convertible FFS, the sponsor must submit a QTG for each helicopter model, or a supplemented QTG for each helicopter model. The NSPM will conduct evaluations for each helicopter model.

g. Form and manner of presentation of objective test results in the QTG:

(1) The sponsor's FFS test results must be recorded in a manner acceptable to the NSPM, that allows easy comparison of the FFS test results to the validation data (*e.g.*, use of a multi-channel recorder, line printer, cross plotting, overlays, transparencies).

(2) FFS results must be labeled using terminology common to helicopter parameters as opposed to computer software identifications.

(3) Validation data documents included in a QTG may be photographically reduced only if such reduction will not alter the graphic scaling or cause difficulties in scale interpretation or resolution.

(4) Scaling on graphical presentations must provide the resolution necessary to evaluate the parameters shown in Attachment 2, Table C2A of this appendix.

(5) Tests involving time histories, data sheets (or transparencies thereof) and FFS test results must be clearly marked with appropriate reference points to ensure an accurate comparison between the FFS and the helicopter with respect to time. Time histories recorded via a line printer are to be clearly identified for cross plotting on the helicopter data. Over-plots must not obscure the reference data.

h. The sponsor may elect to complete the QTG objective and subjective tests at the manufacturer's facility or at the sponsor's training facility. If the tests are conducted at the manufacturer's facility, the sponsor must repeat at least one-third of the tests at the sponsor's training facility in order to substantiate FFS performance. The QTG must be clearly annotated to indicate when and where each test was accomplished. Tests conducted at the manufacturer's facility and at the sponsor's training facility must be conducted after the FFS is assembled with systems and sub-systems functional and operating in an interactive manner. The test results must be submitted to the NSPM.

i. The sponsor must maintain a copy of the MQTG at the FFS location.

j. All FFSs for which the initial qualification is conducted after October 30, 2013 must have an electronic MQTG (eMQTG) including all objective data obtained from helicopter testing, or another approved source (reformatted or digitized), together with correlating objective test results obtained from the performance of the FFS (reformatted or digitized) as prescribed in this appendix. The eMQTG must also contain the general FFS performance or demonstration results (reformatted or digitized) prescribed in this appendix, and a description of the equipment necessary to perform the initial qualification evaluation and the continuing qualification evaluations. The eMQTG must include the original validation data used to validate FFS performance and handling qualities in either the original digitized format from the data supplier or an electronic scan of the original time-history plots that were provided by the data supplier. A copy of the eMQTG must be provided to the NSPM.

k. All other FFSs not covered in subparagraph ''j'' must have an electronic copy of the MQTG by October 30, 2013. A copy of the eMQTG must be provided to the NSPM. This may be provided by an electronic scan presented in a Portable Document File (PDF), or similar format acceptable to the NSPM.

End QPS Requirements

Begin Information

l. Only those FFSs that are sponsored by a certificate holder as defined in appendix F will be evaluated by the NSPM. However, other FFS evaluations may be conducted on a case-by-case basis as the Administrator deems appropriate, but only in accordance with applicable agreements.

m. The NSPM will conduct an evaluation for each configuration, and each FFS must be

evaluated as completely as possible. To ensure a thorough and uniform evaluation, each FFS is subjected to the general simulator requirements in Attachment 1, the objective tests listed in Attachment 2, and the subjective tests listed in Attachment 3 of this appendix. The evaluations described herein will include, but not necessarily be limited to the following:

(1) Helicopter responses, including longitudinal and lateral-directional control responses (see Attachment 2 of this appendix);

(2) Performance in authorized portions of the simulated helicopter's operating envelope, to include tasks evaluated by the NSPM in the areas of surface operations, takeoff, climb, cruise, descent, approach, and landing as well as abnormal and emergency operations (see Attachment 2 of this appendix);

(3) Control checks (see Attachment 1 and Attachment 2 of this appendix);

(4) Cockpit configuration (see Attachment 1 of this appendix);

(5) Pilot, flight engineer, and instructor station functions checks (see Attachment 1 and Attachment 3 of this appendix);

(6) Helicopter systems and sub-systems (as appropriate) as compared to the helicopter simulated (see Attachment 1 and Attachment 3 of this appendix);

(7) FFS systems and sub-systems, including force cueing (motion), visual, and aural (sound) systems, as appropriate (see Attachment 1 and Attachment 2 of this appendix); and

(8) Certain additional requirements, depending upon the qualification level sought, including equipment or circumstances that may become hazardous to the occupants. The sponsor may be subject to Occupational Safety and Health Administration requirements.

n. The NSPM administers the objective and subjective tests, which includes an examination of functions. The tests include a qualitative assessment of the FFS by an NSP pilot. The NSP evaluation team leader may assign other qualified personnel to assist in accomplishing the functions examination and/or the objective and subjective tests performed during an evaluation when required.

(1) Objective tests provide a basis for measuring and evaluating FFS performance and determining compliance with the requirements of this part.

(2) Subjective tests provide a basis for:

(a) Evaluating the capability of the FFS to perform over a typical utilization period;

(b) Determining that the FFS satisfactorily simulates each required task;

(c) Verifying correct operation of the FFS controls, instruments, and systems; and

(d) Demonstrating compliance with the requirements of this part.

o. The tolerances for the test parameters listed in Attachment 2 of this appendix reflect the range of tolerances acceptable to the NSPM for FFS validation and are not to be confused with design tolerances specified for FFS manufacture. In making decisions regarding tests and test results, the NSPM relies on the use of operational and engineering judgment in the application of data (including consideration of the way in which the flight test was flown and way the data was gathered and applied) data presentations, and the applicable tolerances for each test.

p. In addition to the scheduled continuing qualification evaluation, each FFS is subject to evaluations conducted by the NSPM at any time without prior notification to the sponsor. Such evaluations would be accomplished in a normal manner (*i.e.*, requiring exclusive use of the FFS for the conduct of objective and subjective tests and an examination of functions) if the FFS is not being used for flight crewmember training, testing, or checking. However, if the FFS were being used, the evaluation would be conducted in a non-exclusive manner. This non-exclusive evaluation will be conducted by the FFS evaluator accompanying the check airman, instructor, Aircrew Program Designee (APD), or FAA inspector aboard the FFS along with the student(s) and observing the operation of the FFS during the training, testing, or checking activities.

q. Problems with objective test results are handled as follows:

(1) If a problem with an objective test result is detected by the NSP evaluation team during an evaluation, the test may be repeated or the QTG may be amended.

(2) If it is determined that the results of an objective test do not support the level requested but do support a lower level, the NSPM may qualify the FFS at that lower level. For example, if a Level D evaluation is requested and the FFS fails to meet sound test tolerances, it could be qualified at Level C.

r. After an FFS is successfully evaluated, the NSPM issues a statement of qualification (SOQ) to the sponsor. The NSPM recommends the FFS to the TPAA, who will approve the FFS for use in a flight training program. The SOQ will be issued at the satisfactory conclusion of the initial or continuing qualification. However, it is the sponsor's responsibility to obtain TPAA approval prior to using the FSTD in an FAA-approved flight training program.

s. Under normal circumstances, the NSPM establishes a date for the initial or upgrade evaluation within ten (10) working days after determining that a complete QTG is acceptable. Unusual circumstances may warrant establishing an evaluation date before this determination is made. A sponsor may schedule an evaluation date as early as 6 months in advance. However, there may be a delay of 45 days or more in rescheduling and completing the evaluation if the sponsor is unable to meet the scheduled date. See Attachment 4, Figure C4A, Sample Request for Initial, Upgrade, or Reinstatement Evaluation.

t. The numbering system used for objective test results in the QTG should closely follow the numbering system set out in Attachment 2, FFS Objective Tests, Table C2A.

u. Contact the NSPM or visit the NSPM Web site for additional information regarding the preferred qualifications of pilots used to meet the requirements of § 60.15(d).

v. Examples of the exclusions for which the FFS might not have been subjectively tested by the sponsor or the NSPM and for which qualification might not be sought or granted, as described in § 60.15(g)(6), include takeoffs and landing from slopes and pinnacles.

End Information

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12. Additional Qualifications for a Currently Qualified Simulator (§ 60.16)

There is no additional regulatory or informational material that applies to § 60.16, Additional Qualifications for a Currently Qualified FFS.

13. Previously Qualified Simulators (§ 60.17)

Begin QPS Requirements

a. In instances where a sponsor plans to remove a FFS from active status for a period of less than two years, the following procedures apply:

(1) The NSPM must be notified in writing and the notification must include an estimate of the period that the FFS will be inactive;

(2) Continuing Qualification evaluations will not be scheduled during the inactive period;

(3) The NSPM will remove the FFS from the list of qualified FSTDs on a mutually established date not later than the date on which the first missed continuing qualification evaluation would have been scheduled;

(4) Before the FFS is restored to qualified status, it must be evaluated by the NSPM. The evaluation content and the time required to accomplish the evaluation is based on the number of continuing qualification evaluations and sponsor-conducted quarterly inspections missed during the period of inactivity.

(5) The sponsor must notify the NSPM of any changes to the original scheduled time out of service;

b. Simulators qualified prior to October 30, 2007, are not required to meet the general simulation requirements, the objective test requirements, and the subjective test requirements of attachments 1, 2, and 3, respectively, of this appendix.

c. [Reserved]

End QPS Requirements

Begin Information

d. Other certificate holders or persons desiring to use an FFS may contract with FFS sponsors to use FFSs previously qualified at a particular level for a helicopter type and approved for use within an FAA-approved flight training program. Such FFSs are not required to undergo an additional qualification process, except as described in § 60.16.

e. Each FFS user must obtain approval from the appropriate TPAA to use any FFS in an FAA-approved flight training program.

f. The intent of the requirement listed in § 60.17(b), for each FFS to have a Statement of Qualification within 6 years, is to have the availability of that statement (including the configuration list and the limitations to authorizations) to provide a complete picture of the FFS inventory regulated by the FAA.

The issuance of the statement will not require any additional evaluation or require any adjustment to the evaluation basis for the FFS.

g. Downgrading of an FFS is a permanent change in qualification level and will necessitate the issuance of a revised Statement of Qualification to reflect the revised qualification level, as appropriate. If a temporary restriction is placed on an FFS because of a missing, malfunctioning, or inoperative component or on-going repairs, the restriction is not a permanent change in qualification level. Instead, the restriction is temporary and is removed when the reason for the restriction has been resolved.

h. It is not the intent of the NSPM to discourage the improvement of existing simulation (*e.g.*, the ''updating'' of a visual system to a newer model, or the replacement of the IOS with a more capable unit) by requiring the ''updated'' device to meet the qualification standards current at the time of the update. Depending on the extent of the update, the NSPM may require that the updated device be evaluated and may require that an evaluation include all or a portion of the elements of an initial evaluation. However, the standards against which the device would be evaluated are those that are found in the MQTG for that device.

i. The NSPM will determine the evaluation criteria for an FSTD that has been removed from active status. The criteria will be based on the number of continuing qualification evaluations and quarterly inspections missed during the period of inactivity. For example, if the FFS were out of service for a 1 year period, it would be necessary to complete the entire QTG, since all of the quarterly evaluations would have been missed. The NSPM will also consider how the FFS was stored, whether parts were removed from the FFS and whether the FFS was disassembled.

j. The FFS will normally be requalified using the FAA-approved MQTG and the criteria that was in effect prior to its removal from qualification. However, inactive periods of 2 years or more will require requalification under the standards in effect and current at the time of requalification.

End Information

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14. Inspection, Continuing Qualification Evaluation, and Maintenance Requirements (§ 60.19)

Begin QPS Requirements

a. The sponsor must conduct a minimum of four evenly spaced inspections throughout the year. The objective test sequence and content of each inspection must be developed by the sponsor and must be acceptable to the NSPM.

b. The description of the functional preflight inspection must be contained in the sponsor's QMS.

c. Record ''functional preflight'' in the FFS discrepancy log book or other acceptable location, including any item found to be missing, malfunctioning, or inoperative.

End QPS Requirements

Begin Information

d. The sponsor's test sequence and the content of each quarterly inspection required in § 60.19(a)(1) should include a balance and a mix from the objective test requirement areas listed as follows:

(1) Performance.
(2) Handling qualities.
(3) Motion system (where appropriate).
(4) Visual system (where appropriate).
(5) Sound system (where appropriate).
(6) Other FFS systems.

e. If the NSP evaluator plans to accomplish specific tests during a normal continuing qualification evaluation that requires the use of special equipment or technicians, the sponsor will be notified as far in advance of the evaluation as practical; but not less than 72 hours. Examples of such tests include latencies, control dynamics, sounds and vibrations, motion, and/or some visual system tests.

f. The continuing qualification evaluations, described in § 60.19(b), will normally require 4 hours of FFS time. However, flexibility is necessary to address abnormal situations or situations involving aircraft with additional levels of complexity (*e.g.*, computer controlled aircraft). The sponsor should anticipate that some tests may require additional time. The continuing qualification evaluations will consist of the following:

(1) Review of the results of the quarterly inspections conducted by the sponsor since the last scheduled continuing qualification evaluation.

(2) A selection of approximately 8 to 15 objective tests from the MQTG that provide an adequate opportunity to evaluate the performance of the FFS. The tests chosen will be performed either automatically or manually and should be able to be conducted within approximately one-third (1/3) of the allotted FFS time.

(3) A subjective evaluation of the FFS to perform a representative sampling of the tasks set out in attachment 3 of this appendix. This portion of the evaluation should take approximately two-thirds (2/3) of the allotted FFS time.

(4) An examination of the functions of the FFS may include the motion system, visual system, sound system, instructor operating station, and the normal functions and simulated malfunctions of the simulated helicopter systems. This examination is normally accomplished simultaneously with the subjective evaluation requirements.

g. The requirement established in § 60.19(b)(4) regarding the frequency of NSPM-conducted continuing qualification evaluations for each FFS is typically 12 months. However, the establishment and satisfactory implementation of an approved QMS for a sponsor will provide a basis for adjusting the frequency of evaluations to exceed 12-month intervals.

End Information

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15. Logging Simulator Discrepancies (§ 60.20)

There is no additional regulatory or informational material that applies to § 60.20. Logging FFS Discrepancies.

16. Interim Qualification of Simulators for New Helicopter Types or Models (§ 60.21)

There is no additional regulatory or informational material that applies to § 60.21, Interim Qualification of FFSs for New Helicopter Types or Models.

17. Modifications to Simulators (§ 60.23)

Begin QPS Requirements

a. The notification described in § 60.23(c)(2) must include a complete description of the planned modification, with a description of the operational and engineering effect the proposed modification will have on the operation of the FFS and the results that are expected with the modification incorporated.

b. Prior to using the modified FFS:

(1) All the applicable objective tests completed with the modification incorporated, including any necessary updates to the MQTG (*e.g.*, accomplishment of FSTD Directives) must be acceptable to the NSPM; and

(2) The sponsor must provide the NSPM with a statement signed by the MR that the factors listed in § 60.15(b) are addressed by the appropriate personnel as described in that section.

End QPS Requirements

Begin Information

FSTD Directives are considered modifications of an FFS. See Attachment 4 for a sample index of effective FSTD Directives.

End Information

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18. Operation with Missing, Malfunctioning, or Inoperative Components (§ 60.25)

Begin Information

a. The sponsor's responsibility with respect to § 60.25(a) is satisfied when the sponsor fairly and accurately advises the user of the current status of an FFS, including any missing, malfunctioning, or inoperative (MMI) component(s).

b. If the 29th or 30th day of the 30-day period described in § 60.25(b) is on a Saturday, a Sunday, or a holiday, the FAA will extend the deadline until the next business day.

c. In accordance with the authorization described in § 60.25(b), the sponsor may develop a discrepancy prioritizing system to accomplish repairs based on the level of impact on the capability of the FFS. Repairs having a larger impact on FFS capability to provide the required training, evaluation, or flight experience will have a higher priority for repair or replacement.

End Information

19. Automatic Loss of Qualification and Procedures for Restoration of Qualification (§ 60.27)

Begin Information

If the sponsor provides a plan for how the FFS will be maintained during its out-of-service period (*e.g.*, periodic exercise of mechanical, hydraulic, and electrical systems; routine replacement of hydraulic fluid; control of the environmental factors in which the FFS is to be maintained) there is a greater likelihood that the NSPM will be able to determine the amount of testing required for requalification.

End Information

20. Other Losses of Qualification and Procedures for Restoration of Qualification (§ 60.29)

Begin Information

If the sponsor provides a plan for how the FFS will be maintained during its out-of-service period (*e.g.*, periodic exercise of mechanical, hydraulic, and electrical systems; routine replacement of hydraulic fluid; control of the environmental factors in which the FFS is to be maintained) there is a greater likelihood that the NSPM will be able to determine the amount of testing required for requalification.

End Information

21. Recordkeeping and Reporting (§ 60.31)

Begin QPS Requirements

a. FSTD modifications can include hardware or software changes. For FSTD modifications involving software programming changes, the record required by § 60.31(a)(2) must consist of the name of the aircraft system software, aerodynamic model, or engine model change, the date of the change, a summary of the change, and the reason for the change.

b. If a coded form for record keeping is used, it must provide for the preservation and retrieval of information with appropriate security or controls to prevent the inappropriate alteration of such records after the fact.

End QPS Requirements

22. Applications, Logbooks, Reports, and Records: Fraud, Falsification, or Incorrect Statements (§ 60.33)

There are no additional QPS requirements or informational material that apply to § 60.33, Applications, Logbooks, Reports, and Records: Fraud, Falsification, or Incorrect Statements.

23. [Reserved]

24. [Reserved]

25. FSTD Qualification on the Basis of a Bilateral Aviation Safety Agreement (BASA) (§ 60.37)

There are no additional QPS requirements or informational material that apply to § 60.37, FSTD Qualification on the Basis of a Bilateral Aviation Safety Agreement (BASA).

Attachment 1 to Appendix C to Part 60—General Simulator Requirements

Begin QPS Requirements

1. Requirements.

a. Certain requirements included in this appendix must be supported with a Statement of Compliance and Capability (SOC), which may include objective and subjective tests. The SOC will confirm that the requirement was satisfied, and describe how the requirement was met, such as gear modeling approach or coefficient of friction sources. The requirements for SOCs and tests are indicated in the ''General Simulator Requirements'' column in Table C1A of this appendix.

b. Table C1A describes the requirements for the indicated level of FFS. Many devices include operational systems or functions that exceed the requirements outlined in this section. However, all systems will be tested and evaluated in accordance with this appendix to ensure proper operation.

End QPS Requirements

Begin Information

2. Discussion.

a. This attachment describes the general simulator requirements for qualifying a helicopter FFS. The sponsor should also consult the objective tests in Attachment 2 and the examination of functions and subjective tests listed in Attachment 3 to determine the complete requirements for a specific level simulator.

b. The material contained in this attachment is divided into the following categories:

(1) General cockpit configuration.
(2) Simulator programming.
(3) Equipment operation.
(4) Equipment and facilities for instructor/evaluator functions.
(5) Motion system.
(6) Visual system.
(7) Sound system.

c. Table C1A provides the standards for the General Simulator Requirements.

End Information

TABLE C1A.— MINIMUM SIMULATOR REQUIREMENTS

QPS requirements		Simulator levels				Information Notes
No.	General simulator requirements	A	B	C	D	
1. General Cockpit Configuration						
1.a ..	The simulator must have a cockpit that is a replica of the helicopter simulated with controls, equipment, observable cockpit indicators, circuit breakers, and bulkheads properly located, functionally accurate and replicating the helicopter. The direction of movement of controls and switches must be identical to that in the helicopter. Pilot seats must afford the capability for the occupant to be able to achieve the design ''eye position'' established for the helicopter being simulated. Equipment for the operation of the cockpit windows must be included, but the actual windows need not be operable. Fire axes, extinguishers, spare light bulbs, etc., must be available in the FFS but may be relocated to a suitable location as near as practical to the original position. Fire axes, landing gear pins, and any similar purpose instruments need only be represented in silhouette. An SOC is required.		X	X	X	For simulator purposes, the cockpit consists of all that space forward of a cross section of the fuselage at the most extreme aft setting of the pilots' seats including addiitonal, required flight crewmember duty stations and those required bulkheads aft of the pilot seats. For clarification, bulkheads containing only items such as landing gear pin storage compartments, fire axes or extinguishers, spare light bulbs, aircraft documents pouches etc., are not considered essential and may be omitted.
1.b.	Those circuit breakers that affect procedures and/or result in observable cockpit indications must be properly located and functionally accurate.		X	X	X	

TABLE C1A.— MINIMUM SIMULATOR REQUIREMENTS—Continued

QPS requirements		Simulator levels				Information Notes
No.	General simulator requirements	A	B	C	D	
	An SOC is required.					
2. Programming						
2.a.	A flight dynamics model that accounts for various combinations of drag and thrust normally encountered in flight must correspond to actual flight conditions, including the effect of change in helicopter attitude, thrust, drag, altitude, temperature, gross weight, moments of inertia, center of gravity location, and configuration. An SOC is required.		X	X	X	
2.b.	The simulator must have the computer capacity, accuracy, resolution, and dynamic response needed to meet the qualification level sought. An SOC is required.		X	X	X	
2.c ..	Ground handling and aerodynamic programming must include the following:					
2.c.1	Ground effect ..... Level B does not require hover programming. An SOC is required.		X	X	X	Applicable areas include flare and touchdown from a running landing as well as for in-ground-effect (IGE) hover. A reasonable simulation of ground effect includes modeling of lift, drag, pitching moment, trim, and power while in ground effect.
2.c.2	Ground reaction ..... Level B does not require hover programming. An SOC is required.		X	X	X	Reaction of the helicopter upon contact with the landing surface during landing, (e.g., strut deflection, tire or skid friction, side forces) and may differ with changes in gross weight, airspeed, rate of descent on touchdown, and slide slip.
2.c.3	Ground handling characteristics. Control inputs required during operations in crosswind, during braking and deceleration, and for turning radius.		X	X	X	
2.d ..	The simulator must provide for manual and automatic testing of simulator hardware and software programming to determine compliance with simulator objective tests as prescribed in Attachment 2. An SOC is required.			X	X	This may include an automated system, which could be used for conducting at least a portion of the QTG tests. Automatic ''flagging'' of out-of-tolerance situations is encouraged.
2.e ..	Relative responses of the motion system, visual system, and cockpit instruments, measured by latency tests or transport delay tests. Motion onset should occur before the start of the visual scene change (the start of the scan of the first video field containing different information) but must occur before the end of the scan of that video field. Instrument response may not occur prior to motion onset. Test results must be within the following limits:					The intent is to verify that the simulator provides instrument, motion, and visual cues that are like the helicopter responses within the stated time delays. For helicopter response, acceleration in the appropriate corresponding rotational axis is preferred.
2.e.1	Response must be within 150 milliseconds of the helicopter response. Objective Tests are required. See Attachment 2 for Transport Delay and Latency Tests.		X			
2.e.2	Response must be within 100 milliseconds of the helicopter response. Objective Tests are required. See Attachment 2 for Transport Delay and Latency Tests.			X	X	
2.f ...	The simulator must accurately reproduce the following runway conditions: (1) Dry;			X	X	

TABLE C1A.— MINIMUM SIMULATOR REQUIREMENTS—Continued

QPS requirements		Simulator levels				Information Notes
No.	General simulator requirements	A	B	C	D	
	(2) Wet; (3) Icy; (4) Patchy Wet (5) Patchy Icy An SOC is required. Objective tests are required for dry, wet, and icy runway conditions. Subjective tests are required for patchy wet, patchy icy, and wet on rubber residue in touchdown zone conditions.					
2.g.	The simulator must simulate: (1) Brake and tire failure dynamics (including antiskid failure). (2) Decreased brake efficiency due to high brake temperatures, if applicable. An SOC is required.			X	X	Simulator pitch, side loading, and directional control characteristics should be representative of the helicopter.
2.h ..	The modeling in the simulator must include: (1) Ground effect, (2) Effects of airframe icing (if applicable), (3) Aerodynamic interference effects between the rotor wake and fuselage, (4) Influence of the rotor on control and stabilization systems, and (5) Representations of nonlinearities due to sideslip. An SOC is required and must include references to computations of aeroelastic representations and of nonlinearities due to sideslip. An SOC and a demonstration of icing effects (if applicable) are required.			X	X	See Attachment 2 for further information on ground effect.
2.i ...	The simulator must provide for realistic mass properties, including gross weight, center of gravity, and moments of inertia as a function of payload and fuel loading. An SOC is required and must include a range of tabulated target values to enable a subjective test of the mass properties model to be conducted from the instructor's station.		X	X	X	
3. Equipment Operation						
3.a.	All relevant instrument indications involved in the simulation of the helicopter must automatically respond to control movement or external disturbances to the simulated helicopter; e.g., turbulence or windshear. Numerical values must be presented in the appropriate units. A subjective test is required.		X	X	X	
3.b ..	Communications, navigation, caution, and warning equipment must be installed and operate within the tolerances applicable for the helicopter being simulated. A subjective test is required.		X	X	X	See Attachment 3 for further information regarding long-range navigation equipment.
3.c ..	Simulated airplane systems must operate as the helicopter systems would operate under normal, abnormal, and emergency operating conditions on the ground and in flight. A subjective test is required.		X	X	X	
3.d ..	The simulator must provide pilot controls with control forces and control travel that correspond to the simulated helicopter. The simulator must also react in the same manner as in the helicopter under the same flight conditions. An objective test is required.		X	X	X	
4. Instructor / Evaluator Facilities						

TABLE C1A.— MINIMUM SIMULATOR REQUIREMENTS—Continued

QPS requirements		Simulator levels				Information Notes
No.	General simulator requirements	A	B	C	D	
4.a ..	In addition to the flight crewmember stations, the simulator must have at least two suitable seats for the instructor/check airman and FAA inspector. These seats must provide adequate vision to the pilot's panel and forward windows. All seats other than flight crew seats need not represent those found in the helicopter but must be adequately secured to the floor and equipped with similar positive restraint devices. A subjective test is required.		X	X	X	The NSPM will consider alternatives to this standard for additional seats based on unique cockpit configurations.
4.b ..	The simulator must have controls that enable the instructor/evaluator to control all required system variables and insert all abnormal or emergency conditions into the simulated helicopter systems as described in the sponsor's FAA-approved training program, or as described in the relevant operating manual as appropriate. A subjective test is required.		X	X	X	
4.c ..	The simulator must have instructor controls for environmental conditions including wind speed and direction. A subjective test is required.		X	X	X	
4.d ..	The simulator must provide the instructor or evaluator the the ability to present ground and air hazards.			X	X	For example, another aircraft crossing the active runway and converging airborne traffic.
	A subjective test is required.					
5. Motion System						
5.a ..	The simulator must have motion (force) cues perceptible to the pilot that are representative of the motion in a helicopter. A subjective test is required.		X	X	X	For example, touchdown cues should be a function of the rate of descent (RoD) of the simulated helicopter.
5.b ..	The simulator must have a motion (force cueing) system with a minimum of three degrees of freedom (at least pitch, roll, and heave). An SOC is required.		X			
5.c ..	The simulator must have a motion (force cueing) system that produces cues at least equivalent to those of a six-degrees-of-freedom, synergistic platform motion system (i.e., pitch, roll, yaw, heave, sway, and surge). An SOC is required.			X	X	
5.d ..	The simulator must provide for the recording of the motion system response time. An SOC is required.		X	X	X	
5.e ..	The simulator must provide motion effects programming to include the following: (1) Runway rumble, oleo deflections, effects of ground speed, uneven runway, characteristics. (2) Buffets due to transverse flow effects. (3) Buffet during extension and retraction of landing gear. (4) Buffet due to retreating blade stall. (5) Buffet due to settling with power. (6) Representative cues resulting from touchdown. (7) Rotor vibrations. A subjective test is required for each.		X	X	X	
	(8) Tire failure dynamics. (9) Engine malfunction and engine damage. (10) Airframe ground strike. A subjective test is required for each.			X	X	
	(11) Motion vibrations that result from atmospheric disturbances.				X	For air turbulence, general purpose disturbance models that approximate demonstrable flight test data are acceptable.

TABLE C1A.— MINIMUM SIMULATOR REQUIREMENTS—Continued

QPS requirements		Simulator levels				Information Notes
No.	General simulator requirements	A	B	C	D	
5.f ...	The simulator must provide characteristic motion vibrations that result from operation of the helicopter, (for example, retreating blade stall, extended landing gear, settling with power) in so far as vibration marks an event or helicopter state, which can be sensed in the cockpit. A subjective test is required. An objective test is required.				X	The simulator should be programmed and instrumented in such a manner that the characteristic buffet modes can be measured and compared to helicopter data.
6. Visual System						
6.a ..	The simulator must have a visual system providing an out-of-the-cockpit view. A subjective test is required.		X	X	X	
6.b ..	The simulator must provide a continuous minimum collimated field of view of 75° horizontally and 30° vertically per pilot seat. Both pilot seat visual systems must be operable simultaneously. An SOC is required.		X			
6.c ..	The simulator must provide a continuous minimum collimated visual field of view of 150° horizontally and 40° vertically per pilot seat. Both pilot seat visual systems must be operable simultaneously. Horizontal field of view is centered on the zero degree azimuth line relative to the aircraft fuselange. An SOC is required.			X		Optimization of the visual field of view may be considered with respect to the specific helicopter cockpit cut-off angle.
6.d ..	The simulator must provide a continuous minimum collimated visual field of view of 180° horizontally and 60° vertically per pilot seat. Both pilot seat visual systems must be operable simultaneously. Horizontal field of view is centered on the zero degree azimuth line relative to the aircraft fuselage. An SOC is required. An objective test is required.				X	Optimization of the visual field of view may be considered with respect to the specific airplane cockpit cut-off angle.
6.e ..	The visual system must be free from optical discontinuities and artifacts that create non-realistic cues. A subjective test is required.		X	X	X	Non-realistic cues might include image "swimming" and image "roll-off," that may lead a pilot to make incorrect assessments of speed, acceleration and/or situational awareness.
6.f ...	The simulator must have operational landing lights for night scenes. Where used, dusk (or twilight) scenes require operational landing lights. A subjective test is required.		X	X	X	
6.g ..	The simulator must have instructor controls for the following: (1) Cloudbase. (2) Visibility in statute miles (kilometers) and runway visual range (RVR) in ft. (meters). (3) Airport or landing area selection. (4) Airport or landing area lighting. A subjective test is required.		X	X	X	
6.h ..	Each airport scene displayed must include the following: 1. Airport runways and taxiways. 2. Runway definition: a. Runway surface and markings. b. Lighting for the runway in use, including runway threshold, edge, centerline, touchdown zone, VASI (or PAPI), and approach lighting of appropriate colors, as appropriate. c. Taxiway lights. A subjective test is required.		X	X	X	

TABLE C1A.— MINIMUM SIMULATOR REQUIREMENTS—Continued

QPS requirements		Simulator levels				Information Notes
No.	General simulator requirements	A	B	C	D	
6.i ...	The distances at which runway features are visible, as measured from runway threshold to a helicopter aligned with the runway on an extended 3° glide slope must not be less than listed below: 1. Runway definition, strobe lights, approach lights, runway edge white lights and VASI or PAPI system lights from 5 statute miles (8 km) of the runway threshold. 2. Runway centerline lights and taxiway definition from 3 statute miles (4.8 km). 3. Threshold lights and touchdown zone lights from 2 statute miles (3.2 km). 4. Runway markings within range of landing lights for night scenes and as required by three (3) arc-minutes resolution on day scenes. A subjective test is required.		X	X	X	
6.j ...	The simulator must provide visual system compatibility with dynamic response programming. A subjective test is required.		X	X	X	
6.k ..	The simulator must show that the segment of the ground visible from the simulator cockpit is the same as from the airplane cockpit (within established tolerances) when at the correct airspeed, in the landing configuration, at a main wheel height of 100 feet (30 meters) above the touchdown zone. Data submitted must include at least the following: (1) Static helicopter dimensions as follows: (i) Horizontal and vertical distance from main landing gear (MLG) or landing skids to glideslope reception antenna. (ii) Horizontal and vertical distance from MLG or skids to pilot's eyepoint. (iii) Static cockpit cutoff angle. (2) Approach data as follows: (i) Identification of runway. (ii) Horizontal distance from runway threshold to glideslope intercept with runway. (iii) Glideslope angle. (iv) Helicopter pitch angle on approach. (3) Helicopter data for manual testing: (i) Gross weight. (ii) Helicopter configuration. (iii) Approach airspeed. The QTG must contain appropriate calculations and a drawing showing the pertinent data used to establish the helicopter location and the segment of the ground that is visible considering the helicopter attitude (cockpit cut-off angle) and a runway visual range of 1,200 feet or 350 meters. Simulator performance must be measured against the QTG calculations. Sponsors must provide this data for each simulator (regardless of previous qualification standards) to qualify the simulator for all precision instrument approaches. At the near end of the visual ground segment, lights and ground objects computed to be visible from the helicopter cockpit must be visible in the FFS. The far end of the visual ground segment must be at the computed end of the segment ±20% of the computed visible segment distance. An SOC is required. An objective test is required.		X	X	X	The test should be conducted in the landing configuration, trimmed for appropriate airspeed, at 100 ft (30m) above the touchdown zone, on glide slope with an RVR value set at 1,200 ft (350m). This will show the modeling accuracy of RVR, glideslope, and localizer for a given weight, configuration and speed within the helicopter's operational envelope for a normal appraoch and landing. If non-homogenous fog is used, the vertical variation in horizontal visibility should be described and be included in the slant range visibility calculation used in the computations.
6.1 ..	The simulator must provide visual cues necessary to assess rate of change of height, height AGL, as well as translational displacement and rates during takeoffs and landings. A subjective test is required.		X			

TABLE C1A.— MINIMUM SIMULATOR REQUIREMENTS—Continued

QPS requirements		Simulator levels				Information Notes
No.	General simulator requirements	A	B	C	D	
6.m	The simulator must have night and dusk (or twilight) visual scene capability, including general terrain characteristics and significant landmarks, free from apparent quantization. Dusk (or twilight) scene must enable identification of a visible horizon and general terrain characteristics. A subjective test is required.			X	X	Examples of general terrain characteristics are fields, roads, and bodies of water.
6.n ..	The simulator must provide visual cues necessary to assess rate of change of height, height AGL, as well as translational displacement and rates during takeoff, low altitude/low airspeed maneuvering, hover, and landing. A subjective test is required.			X	X	
6.o.	The simulator must provide for accurate portrayal of the visual environment relating to the simulator attitude. A subjective test is required.		X	X	X	Visual attitude vs. simulator attitude is a comparison of pitch and roll of the horizon as displayed in the visual scene compared to the display on the attitude indicator.
6.p ..	The simulator must provide for quick confirmation of visual system color, RVR, focus, and intensity. An SOC is required. A subjective test is required.			X	X	
6.q ..	The simulator must provide a minimum of three airport scenes including the following: 1. Surfaces on runways, taxiways, and ramps. 2. Lighting of approriate color for all runways, including runway threshold, edge, centerline, VASI (or PAPI), and approach lighting for the runway in use. 3. Airport taxiway lighting. 4. Ramps and buildings that correspond to the sponsor's Line Oriented scenarios, as appropriate. A subjective test is required.			X	X	
6.r ...	The simulator must be capable of producing at least 10 levels of occulting.. A subjective test is required.			X	X	
6.s ..	The fog simulator must be able to provide weather representations including the following: (1) Variable cloud density. (2) Partial obscuration of ground scenes; i.e., the effect of a scattered to broken cloud deck. (3) Gradual breakout. (4) Patchy fog. (5) The effect of fog on airport lighting The weather representations must be provided at and below an altitude of 2,000 ft (610 m) height above the airport and within a radius of 10 miles (16 km) from the airport. A subjective test is required.			X	X	
6.t ...	Night Visual Scenes. The simulator must provide night visual scenes with sufficient scene content to recognize the airport, the terrain, and major landmarks around the airport. The scene content must allow a pilot to successfully accomplish a visual landing. Night scenes, as a minimum, must provide presentations of sufficient surfaces with appropriate textural cues that include self-illuminated objects such as road networks, ramp lighting, and airport signage, to conduct a visual approach, a landing, and airport movement (taxi). Scenes must include a definable horizon and typical terrain characteristics such as fields, roads and bodies of water and surfaces illuminated by airplane landing lights.		X	X	X	

TABLE C1A.— MINIMUM SIMULATOR REQUIREMENTS—Continued

QPS requirements		Simulator levels				Information Notes
No.	General simulator requirements	A	B	C	D	
6.u ..	Dusk (Twilight) Visual Scenes. The simulator must provide dusk (or twilight) visual scenes with sufficient scene content to recognize the airport, the terrain, and major landmarks around the airport. The scene content must allow a pilot to successfully accomplish a visual landing. Dusk (or twilight) scenes, as a minimum, must provide full color presentations of reduced ambient intensity, sufficient surfaces with appropriate textural cues that include self-illuminated objects such as road networks, ramp lighting and airport signage, to conduct a visual approach, landing and airport movement (taxi). Scenes must include a definable horizon and typical terrain characteristics such as fields, roads and bodies of water and surfaces illuminated by representative aircraft lighting (e.g., landing lights). If provided, directional horizon lighting must have correct orientation and be consistent with surface shading effects. Total scene content must be comparable in detail to that produced by 10,000 visible textured surfaces and 15,000 visible lights with sufficient system capacity to display 16 simultaneously moving objects. An SOC is required.			X	X	
6.v ..	Night, Dusk (Twilight), and Daylight Visual Scenes. The simulator must have night, dusk (twilight), and daylight visual scenes with sufficient scene content to recognize the airport, the terrain, and major landmarks around the airport. The scene content must allow a pilot to successfully accomplish a visual landing. Any ambient lighting must not ''washout'' the displayed visual scene. Total scene content must be comparable in detail to that produced by 10,000 visible textured surfaces and 6,000 visible lights with sufficient system capacity to display 16 simultaneously moving objects. The visual display must be free of apparent quantization and other distracting visual effects while the simulator is in motion. **Note:** These requirements are applicable to any level of simulator equipped with a daylight visual system. An SOC is required. A subjective test is required. Objective tests are required.				X	
6.w	The simulator must provide operational visual scenes that portray physical relationships known to cause landing illusions to pilots. A subjective test is required.				X	For example: short runways, landing approaches over water, uphill or downhill runways, rising terrain on the approach path, unique topographic features.
6.x ..	The simulator must provide special weather representations of light, medium, and heavy precipitation near a thunderstorm on takeoff and during approach and landing. Representations need only be presented at and below an altitude of 2,000 ft. (610 m) above the airport surface and within 10 miles (16 km) of the airport. A subjective test is required.				X	
6.y.	The simulator must present visual scenes of wet and snow-covered runways, including runway lighting reflections for wet conditions, partially obsecured lights for snow conditions. A subjective test is required.				X	The NSPM will consider suitable alternative effects.
6.z ..	The simulator must present realistic color and directionality of all airport lighting. A subjective test is required.				X	
7. Sound System						

TABLE C1A.— MINIMUM SIMULATOR REQUIREMENTS—Continued

QPS requirements		Simulator levels				Information Notes
No.	General simulator requirements	A	B	C	D	
7.a ..	The simulator must provide cockpit sounds that result from pilot actions that correspond to those that occur in the helicopter.		X	X	X	
7.b ..	Volume control, if installed, must have an indication of the sound level setting.		X	X	X	
7.c ..	The simulator must accurately simulate the sound of precipitation, windshield wipers, and other significant helicopter noises perceptible to the pilot during normal and abnormal operations, and include the sound of a crash (when the simulator is landed in an unusual attitude or in excess of the structural gear limitations); normal engine sounds; and the sounds of gear extension and retraction. An SOC is required. A subjective test is required.			X	X	
7.d ..	The simulator must provide realistic amplitude and frequency of cockpit noises and sounds. Simulator performance must be recorded, compared to amplitude and frequency of the same sounds recorded in the helicopter, and made a part of the QTG.				X	

Attachment 2 to Appendix C to Part 60—Simulator Objective Tests

Begin Information

1. Discussion.

(a) If relevant winds are present in the objective data, the wind vector (magnitude and direction) should be clearly noted as part of the data presentation, expressed in conventional terminology, and related to the runway being used for the test.

(b) The NSPM will not evaluate any simulator unless the required SOC indicates that the motion system is designed and manufactured to safely operate within the simulator's maximum excursion, acceleration, and velocity capabilities (see Motion System in the following table).

End Information

Begin QPS Requirements

1. Test requirements.

a. The ground and flight tests required for qualification are listed in Table of C2A, FFS Objective Tests. Computer generated simulator test results must be provided for each test except where an alternative test is specifically authorized by the NSPM. If a flight condition or operating condition is required for the test but does not apply to the helicopter being simulated or to the qualification level sought, it may be disregarded (e.g., an engine out missed approach for a single-engine helicopter, or a hover test for a Level B simulator). Each test result is compared against the validation data described in § 60.13 and in this appendix. Although use of a driver program designed to automatically accomplish the tests is encouraged for all simulators and required for Level C and Level D simulators, each test must be able to be accomplished manually while recording all appropriate parameters. The results must be produced on an appropriate recording device acceptable to the NSPM and must include simulator number, date, time, conditions, tolerances, and appropriate dependent variables portrayed in comparison to the validation data. Time histories are required unless otherwise indicated in Table C2A. All results must be labeled using the tolerances and units given.

b. Table C2A sets out the test results required, including the parameters, tolerances, and flight conditions for simulator validation. Tolerances are provided for the listed tests because mathematical modeling and acquisition/development of reference data are often inexact. All tolerances listed in the following tables are applied to simulator performance. When two tolerance values are given for a parameter, the less restrictive may be used unless otherwise indicated.

c. Certain tests included in this attachment must be supported with a Statement of Compliance and Capability (SOC). In Table C2A, requirements for SOCs are indicated in the ''Test Details'' column.

d. When operational or engineering judgment is used in making assessments for flight test data applications for simulator validity, such judgment must not be limited to a single parameter. For example, data that exhibit rapid variations of the measured parameters may require interpolations or a ''best fit'' data selection. All relevant parameters related to a given maneuver or flight condition must be provided to allow overall interpretation. When it is difficult or impossible to match simulator to helicopter data throughout a time history, differences must be justified by providing a comparison of other related variables for the condition being assessed.

e. It is not acceptable to program the FFS so that the mathematical modeling is correct only at the validation test points. Unless noted otherwise, simulator tests must represent helicopter performance and handling qualities at operating weights and centers of gravity (CG) typical of normal operation. If a test is supported by helicopter data at one extreme weight or CG, another test supported by helicopter data at mid-conditions or as close as possible to the other extreme must be included, except as may be authorized by the NSPM. Certain tests that are relevant only at one extreme CG or weight condition need not be repeated at the other extreme. Tests of handling qualities must include validation of augmentation devices.

f. When comparing the parameters listed to those of the helicopter, sufficient data must also be provided to verify the correct flight condition and helicopter configuration changes. For example, to show that control force is within ±0.5 pound (0.22 daN) in a static stability test, data to show the correct airspeed, power, thrust or torque, helicopter configuration, altitude, and other appropriate datum identification parameters must also be given. If comparing short period dynamics, normal acceleration may be used to establish a match to the helicopter, but airspeed, altitude, control input, helicopter configuration, and other appropriate data must also be given. All airspeed values must be properly annotated (e.g., indicated versus calibrated). In addition, the same variables must be used for comparison (e.g., compare inches to inches rather than inches to centimeters).

g. The QTG provided by the sponsor must clearly describe how the simulator will be set up and operated for each test. Each simulator subsystem may be tested independently, but overall integrated testing of the simulator must be accomplished to assure that the total simulator system meets the prescribed standards. A manual test procedure with explicit and detailed steps for completing each test must also be provided.

h. In those cases where the objective test results authorize a ''snapshot test'' or ''a series of snapshot test'' results in lieu of a time-history result, the sponsor or other data provider must ensure that a steady state condition exists at the instant of time captured by the ''snapshot.''

i. For previously qualified simulators, the tests and tolerances of this attachment may be used in subsequent continuing qualification evaluations for any given test if the sponsor has submitted a proposed MQTG revision to the NSPM and has received NSPM approval.

j. Motion System Tests:

(a) The minimum excursions, accelerations, and velocities for pitch, roll, and yaw must be measurable about a single, common reference point and must be achieved by driving one degree of freedom at a time.

(b) The minimum excursions, accelerations, and velocities for heave, sway, and surge may be measured about different but identifiable reference points and must also be achieved by driving one degree of freedom at a time.

k. Tests of handling qualities must include validation of augmentation devices. FFSs for highly augmented helicopters will be validated both in the unaugmented configuration (or failure state with the maximum permitted degradation in handling qualities) and the augmented configuration. Where various levels of handling qualities result from failure states, validation of the effect of the failure is necessary. For those performance and static handling qualities tests where the primary concern is control position in the unaugmented configuration, unaugmented data are not required if the design of the system precludes any affect on control position. In those instances where the unaugmented helicopter response is divergent and non-repeatable, it may not be feasible to meet the specified tolerances. Alternative requirements for testing will be mutually agreed upon by the sponsor and the NSPM on a case-by-case basis.

l. Some tests will not be required for helicopters using helicopter hardware in the simulator cockpit (*e.g.*, ''helicopter modular controller''). These exceptions are noted in Table C2A of this attachment. However, in these cases, the sponsor must provide a statement that the helicopter hardware meets the appropriate manufacturer's specifications and the sponsor must have supporting information to that fact available for NSPM review.

m. For objective test purposes, ''Near maximum'' gross weight is a weight chosen by the sponsor or data provider that is not less than the basic operating weight (BOW) of the helicopter being simulated plus 80% of the difference between the maximum certificated gross weight (either takeoff weight or landing weight, as appropriate for the test) and the BOW. ''Light'' gross weight is a weight chosen by the sponsor or data provider that is not more than 120% of the BOW of the helicopter being simulated or as limited by the minimum practical operating weight of the test helicopter. ''Medium'' gross weight is a weight chosen by the sponsor or data provider that is approximately ±10% of the average of the numerical values of the BOW and the maximum certificated gross weight. (Note: BOW is the empty weight of the aircraft plus the weight of the following: normal oil quantity; lavatory servicing fluid; potable water; required crewmembers and their baggage; and emergency equipment. (References: Advisory Circular 120–27, ''Aircraft Weight and Balance;'' and FAA–H–8083–1, ''Aircraft Weight and Balance Handbook.'').

End QPS Requirements

Begin QPS Requirements

TABLE C2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS

<<<QPS requirements>>>									<<Information>>
Test		Tolerance(s)	Flight condition	Test details	Simulator level				Notes
No.	Title				A	B	C	D	
1. Performance									
1.a	Engine Assessment.								
1.a.1	Start Operations..								
1.a.1.a	Engine start and acceleration (transient).	Light Off Time — ±10% or ±1 sec., Torque — ±5%, Rotor Speed — ±3%, Fuel Flow — ±10%, Gas Generator Speed — ±5%, Power Turbine Speed — ±5%, Gas Turbine Temp. — ±30°C.	Ground with the Rotor Brake Used and Not Used.	Record each engine start from the initiation of the start sequence to steady state idle and from steady state idle to operating RPM.		X	X	X	
1.a.1.b	Steady State Idle and Operating RPM conditions.	Torque — ±3%, Rotor Speed — ±1.5%, Fuel Flow — ±5%, Gas Generator Speed — ±2%, Power Turbine Speed — ±2%, Turbine Gas Temp. — ±20°C.	Ground	Record both steady state idle and operating RPM conditions.. May be a series of snapshot tests..		X	X	X	
1.a.2	Power Turbine Speed Trim.	±10% of total change of power turbine speed.	Ground	Record engine response to trim system actuation in both directions.		X	X	X	
1.a.3	Engine and Rotor Speed Governing.	Torque — ±5%, Rotor Speed — 1.5%.	Climb, descent	Record results using a step input to the collective. May be conducted concurrently with climb and descent performance tests.		X	X	X	
1.b	Surface Operations.								
1.b.1	Minimum Radius Turn ...	±3 ft. (0.9m) or 20% of helicopter turn radius.	Ground	If brakes are used, brake force must be matched to the helicopter flight test value.		X	X	X	

TABLE C2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS requirements>>>									<<Information>>
Test		Tolerance(s)	Flight condition	Test details	Simulator level				Notes
No.	Title				A	B	C	D	
1.b.2	Rate of Turn vs. Pedal Deflection or Nosewheel Angle.	±10% or ±2°/sec. Turn Rate ...	Ground Takeoff	.....		X	X	X	
1.b.3	Taxi	Pitch Angle — ±1.5°, Torque — ±3%, Longitudinal Control Position — ±5%, Lateral Control Position — ±5%, Dirrectional Control Position.	Ground	Record results for control position and pitch attitude during ground taxi for a specific ground speed, wind speed and direction, and density altitude.		X	X	X	
		±5%, Collective Control Position — ±5%.	.....	.....		X	X	X	
1.b.4	Brake Effectiveness	±10% of time and distance	Ground	.....		X	X	X	
1.c	Takeoff .								
1.c.1	All Engines	Airspeed — ±3 kt, Altitude — ±20 ft (6.1m), Torque — ±3%, Rotor Speed — ±1.5%, Vertical Velocity — ±100 fpm (0.50m/sec) or 10%, Pitch Attitude — ±1.5°, Bank Attitude — ±2°, Heading — ±2°, Longitudinal Control Position — ±10%, Lateral Control Position — ±10%, Directional Control Position — ±10%, Collective Control Position — ±10%.	Ground/Takeoff and Initial Segment of Climb.	Record results of takeoff flight path as appropriate to helicopter model simulated (running takeoff for Level B, takeoff from a hover for Level C and D). For Level B, the criteria apply only to those segments at airspeeds above effective translational lift. Results must be recorded from the initiation of the takeoff to at least 200 ft (61m) AGL.		X	X	X	
1.c.2	One Engine Inoperative	Airspeed — ±3 kt, Altitude — ±20 ft (6.1m), Torque — ±3%, Rotor Speed — ±1.5%, Vertical Velocity — ±100 fpm (0.50m/sec) or 10%, Pitch Attitude — ±1.5°, Bank Attitude — ±2°, Heading — ±2°, Longitudinal Control Position — ±10%, Lateral Control Position — ±10%, Directional Control Position — ±10%, Collective Control Position — ±10%.	Ground/Takeoff; and Initial Segment of Climb.	Record takeoff flight path as appropriate to helicopter model simulated. Results must be recorded from the initiation of the takeoff to at least 200 ft (61m) AGL.		X	X	X	
1.d	Hover.								
	Performance	Torque — ±3%, Pitch Attitude — ±1.5°, Bank Attitude — ±1.5°, Longitudinal Control Position — ±5%, Lateral Control Position — ±5%, Directional Control Position — ±5%, Collective Control Position — ±5%,.	In Ground Effect (IGE); and Out of Ground Effect (OGE).	Record results for light and heavy gross weights. May be a series of snapshot tests.		X	X	X	
1.e	Vertical Climb.								
	Performance	Vertical Velocity — ±100 fpm (0.50 m/sec) or ±10%, Directional Control Position — ±5%, Collective Control Position — ±5%.	From OGE Hover	Record results for light and heavy gross weights. May be a series of snapshot tests.			X	X	
1.f	Level Flight.								

TABLE C2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS requirements>>>									<<Information>>
Test		Tolerance(s)	Flight condition	Test details	Simulator level				Notes
No.	Title				A	B	C	D	
	Performance and Trimmed Flight Control Positions.	Torque — ±3%, Pitch Attitude — ±1.5°, Sideslip Angle — ±2°, Longitudinal Control Position — ±5%, Lateral Control Position — ±5%, Directional Control Position — ±5%, Collective Control Position — ±5%.	Cruise (Augmentation On and Off).	Record results for two gross weight and CG combinations with varying trim speeds throughout the airspeed envelope. May be a series of snapshot tests.		X	X	X	
1.g	Climb.								
	Performance and Trimmed Flight Control Positions.	Vertical Velocity — ±100 fpm (6.1m/sec) or ±10%, Pitch Attitude — ±1.5°, Sideslip Angle — ±2°, Longitudinal Control Position — ±5%, Lateral Control Position — ±5%, Directional Control Position — ±5%, Collective Control Position — ±5%.	All engines operating; One engine inoperative; Augmentation System(s) On and Off.	Record results for two gross weight and CG combinations. The data presented must be for normal climb power conditions. May be a series of snapshot tests.		X	X	X	
1.h	Descent.								
1.h.1	Descent Performance and Trimmed Flight Control Positions.	Torque — ±3%, Pitch Attitude — ±1.5°, Sideslip Angle — ±2°, Longitudinal Control Position — ±5%, Lateral Control Position — ±5%, Directional Control Position — ±5%, Collective Control Position — ±5%.	At or near 1,000 fpm rate of descent (RoD) at normal approach speed. Augmentation System(s) On and Off.	Results must be recorded for two gross weight and CG combinations. May be a series of snapshot tests.		X	X	X	
1.h.2	Autorotation Performance and Trimmed Flight Control Positions.	Torque — ±3%, Pitch Attitude — ±1.5°, Sideslip Angle — ±2°, Longitudinal Control Position — ±5%, Lateral Control Position — ±5%, Directional Control Position — ±5%, Collective Control Position — ±5% Vertical Velocity ±100 fpm or 19%, Rotor Speed ±1.5%.	Steady descents. Augmentation System(s) On and Off.	Record results for two gross weight conditions. Data must be recorded for normal operating RPM. (Rotor speed tolerance applies only if collective control position is full down.) May be a series of snapshot tests.		X	X	X	
1.i	Autorotation.								
	Entry	Rotor Speed—±3% Pitch Attitude ±2°Roll Attitude—±3° Yaw Attitude—±5° Airspeed—±5 kts. Vertical Velocity—±200 fpm (1.00 m/sec) or 10%.	Cruise or Climb	Record results of a rapid throttle reduction to idle. If the cruise condition is selected, comparison must be made for the maximum range airspeed. If the climb condition is selected, comparison must be made for the maximum rate of climb airspeed at or near maximum continuous power.		.....	X	X	
1.j	Landing.								

TABLE C2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS requirements>>>									<<Information>>
Test		Tolerance(s)	Flight condition	Test details	Simulator level				Notes
No.	Title				A	B	C	D	
1.j.1	All Engines	Airspeed—±3 kts., Altitude—±20 ft. (6.1m), Torque—±3%, Rotor Speed—±1.5%, Pitch Attitude—±1.5°, Bank Attitude—±1.5°, Heading—±2°, Longitudinal Control Position—±10%, Lateral Control Position—±10%, Directional Control Position—±10%, Collective Control Position—±10%.	Approach	Record results of the approach and landing profile as appropriate to the helicopter model simulated (running landing for Level B, or approach to a hover for Level C and D). For Level B, the criteria apply only to those segments at airspeeds above effective translational lift.		X	X	X	
1.j.2	One Engine Inoperative	Airspeed—±3 kts., Altitude—±20 ft. (6.1m), Torque—±3%, Rotor Speed—±1.5%, Pitch Attitude—±1.5°, Bank Attitude—±1.5°, Heading—±2°, Longitudinal Control Position—±10%, Lateral Control Position—±10%, Directional Control Position—±10%, Collective Control Position—±10%.	Approach	Record results for both Category A and Category B approaches and landing as appropriate to helicopter model simulated. For Level B, the criteria apply only to those segments at airspeeds above effective translational lift.		X	X	X	
1.j.3	Balked Landing	Airspeed—±3 kts., Altitude—±20 ft. (6.1 m), Torque—±3%, Rotor Speed—±1.5%, Pitch Attitude—±1.5°, Bank Attitude—±1.5°, Heading—±2°, Longitudinal Control Position—±10%, Lateral Control Position—±10%, Directional Control Position—±10%, Collective Control Position—±10%.	Approach	Record the results for the maneuver initiated from a stabilized approach at the landing decision point (LDP).		X	X	X	
1.j.4	Autorotational Landing ..	Torque—±3%, Rotor Speed—±3%, Vertical Velocity—±100 fpm (0.50 m/sec) or 10%, Pitch Attitude—±2°, Bank Attitude—±2°, Heading—±5°, Longitudinal Control Position—±10%, Lateral Control Position—±10%, Directional Control Position—±10%, Collective Control Position—±10%.	Landing	Record the results of an autorotational deceleration and landing from a stabilized autorotational descent, to touch down.			X	X	
2. Handling Qualities.									
2.a	Control System Mechanical Characteristic(s).								
	For simulators requiring Static or Dynamic tests at the controls (i.e., cyclic, collective, and pedal), special test fixtures will not be required during initial or upgrade evaluations if the sponsor's QTG/MQTG shows both test fixture results *and* the results of an alternative approach, such as computer plots produced concurrently showing satisfactory agreement. Repeat of the alternative method during the initial or upgrade evaluation would then satisfy this test requirement. For initial and upgrade evaluations, the control dynamic characteristics must be measured at and recorded directly from the cockpit controls, and must be accomplished in hover, climb, cruise, and autorotation.								Contact the NSPM for clarification of any issue regarding helicopters with reversible controls.
2.a.1	Cyclic	Breakout—±0.25 lbs. (0.112 daN) or 25%; Force—±1.0 lb. (0.224 daN) or 10%.	Ground; Static conditions. Trim On and Off. Friction Off Augmentation On and Off.	Record results for an uninterrupted control sweep to the stops. (This test does not apply if aircraft hardware modular controllers are used.).		X	X	X	

TABLE C2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS requirements>>>									<<Information>>
Test		Tolerance(s)	Flight condition	Test details	Simulator level				Notes
No.	Title				A	B	C	D	
2.a.2	Collective/Pedals	Breakout—±0.5 lb. (0.224 daN) or 25%; Force—±1.0 lb. (0.224 daN) or 10%..	Ground; Static conditions. Trim On and Off. Friction Off. Augmentation On and Off.	Record results for an uninterrupted control sweep to the stops.		X	X	X	
2.a.3	Brake Pedal Force vs. Position.	±5 lbs. (2.224 daN) or 10%	Ground; Static conditions.	.....		X	X	X	
2.a.4	Trim System Rate (all applicable systems).	Rate—±10%	Ground; Static conditions. Trim On, Friction Off.	The tolerance applies to the recorded value of the trim rate.		X	X	X	
2.a.5	Control Dynamics (all axes).	±10% of time for first zero crossing and ±10 (N+1)% of period thereafter, ±10% of amplitude of first overshoot, 20% of amplitude of 2nd and subsequent overshoots greater than 5% of initial displacement, ±1 overshoot.	Hover/Cruise, Trim On, Friction Off.	Results must be recorded for a normal control displacement in both directions in each axis.		.....	X	X	Typically, control displacement of 25% to 50% is necessary for proper excitation. Control Dynamics for irreversible control systems may be evaluated in a ground/static condition. Additional information on control dynamics is found later in this attachment. "N" is the sequential period of a full cycle of oscillation.
2.a.6	Freeplay	±0.10 in	Ground; Static conditions.	Record and compare results for all controls.		X	X	X	
2.b	Low Airspeed Handling Qualities.								
2.b.1	Trimmed Flight Control Positions.	Torque—±3% Pitch Attitude—±1.5° Bank Attitude—±2° Longitudinal Control Position—±5% Lateral Control Position—±5% Directional Control Position—±5% Collective Control Position—±5%.	Translational Flight IGE—Sideward, rearward, and forward flight. Augmentation On and Off.	Record results for several airspeed increments to the translational airspeed limits and for 45 kts. forward airspeed.. May be a series of snapshot tests.			X	X	
2.b.2	Critical Azimuth	Torque—±3% Pitch Hover—Bank Attitude—±2°, Longitudinal Control Position—±5%, Lateral Control Position—±5%, Directional Control Position—±5%, Collective Control Position—±5%.	Stationary Hover. Augmentation On and Off.	Record results for three relative wind directions (including the most critical case) in the critical quadrant. May be a series of snapshot tests.			X	X	
2.b.3	Control Response.								
2.b.3.a	Longitudinal	Pitch Rate—±10% or ±2% sec. Pitch Attitude Change—±10% or 1.5°.	Hover. Agumentation On and Off.	Record results for a step control input. The Off-axis response must show correct trend for unaugmented cases.			X	X	
2.b.3.b	Lateral	Roll Rate—±10% or ±2% sec. Pitch Attitude Change—±10% or 1.5°.	Hover. Augmentation On and Off.	Record results for a step control input. The Off-axis response must show correct trend for unaugmented cases.			X	X	

TABLE C2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS requirements>>>									<<Information>>
Test		Tolerance(s)	Flight condition	Test details	Simulator level				Notes
No.	Title				A	B	C	D	
2.b.3.c	Directional	Yaw Rate—±10% or ±2% sec. Heading Change—±10% or 2°.	Hover. Augmentation On and Off.	Record results for a step control input. The Off-axis response must show correct trend for unaugmented cases.			X	X	
2.b.3.d	Vertical	Normal Acceleration—±0.1 g	Hover control input. The Off-axis response must show correct trend for unaugmented cases.	Record results for a step.			X	X	
2.c	Longitudinal Handling Qualities.								
2.c.1	Control Response	Pitch Rate—±10% or ±2°/sec., Pitch Attitude Change—±10% or ±1.5°.	Cruise Augmentation On and Off.	Results must be recorded for two cruise airspeeds to include minimum power required speed. Record data for a step control input. The Off-axis response must show correct trend for unaugmented cases.		X	X	X	
2.c.2	Static Stability	Longitudinal Control Position: ±10% of change from trim or ±0.25 in. (6.3 mm) or Longitudinal Control Force: ±0.5 lb. (0.223 daN) or ±10%.	Cruise or Climb. Autorotation. Augmentation On and Off.	Record results for a minimum of two speeds on each side of the trim speed. May be a series of snapshot tests.		X	X	X	
2.c.3	Dynamic Stability.								
2.c.3.a	Long Term Response	±10% of calculated period, ±10% of time to ½ or double amplitude, or ±0.02 of damping ratio.	Cruise Augmentation On and Off.	Record results for three full cycles (6 overshoots after input completed) or that sufficient to determine time to ½ or double amplitude, whichever is less. For non-period responses, the time history must be matched.		X	X	X	
2.c.3.b	Short Term Response	±1.5° Pitch or ±2°/sec. Pitch Rate. ±0.1 g Normal Acceleration.	Cruise or Climb. Augmentation On and Off.	Record results for at least two airspeeds.		X	X	X	
2.c.4	Maneuvering Stability	Longitudinal Control Position—±10% of change from trim or ±0.25 in. (6.3mm) or Longitudinal Control Forces—±0.5 lb. (0.223 daN) or ±10%.	Cruise or Climb. Augmentation On and Off.	Record results for at least two airspeeds. The force may be shown as a cross plot for irreversible systems. May be a series of snapshot tests.		X	X	X	Typically, 30°–45° bank angle is necessary for adequate stability measurement.
2.c.5	Landing Gear Operating Times.	±1 sec	Takeoff (Retraction) Approach (Extension).		X	X	X	xl	
2.d	Lateral and Directional Handling Qualities.								
2.d.1	Control Response.								

TABLE C2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS requirements>>>									<<Information>>
Test		Tolerance(s)	Flight condition	Test details	Simulator level				Notes
No.	Title				A	B	C	D	
2.d.1.a	Lateral	Roll Rate—±10% or ±3°/sec., Roll Attitude Change—±10% or ±3°.	Cruise Augmentation On and Off.	Record results for least two airspeeds, including the speed at or near the minimum power required airspeed. Record results for a step control input. The Off-axis response must show correct trend for unaugmented cases.		X	X	X	
2.d.1.b	Directional	Yaw Rate—±10% or ±2°/sec., Yaw Attitude Change—±10% or ±2°.	Cruise Augmentation On and Off.	Record data for at least two airspeeds, including the speed at or near the minimum power required airspeed. Record results for a step control input. The Off-axis response must show correct trend for unaugmented cases.		X	X	X	
2.d.2	Directional Static Stability.	Lateral Control Position—±10% of change from trim or ±0.25 in. (6.3mm) or Lateral Control Force—±0.5 lb. (0.223 daN) or 10%, Roll Attitude—±1.5, Directional Control Position—±10% of change from trim or ±0.25 in. (6.3mm) or Directional Control Force—±1 lb. (0.448 daN) or 10%., Longitudinal Control Position—±10% of change from trim or ±0.25 in. (6.3mm), Vertical Velocity—±100 fpm (0.50m/sec) or 10%.	Cruise; or Climb (may use Descent instead of Climb if desired), Augmentation On and Off.	Record results for at least two sideslip angles on either side of the trim point. The force may be shown as a cross plot for irreversible systems. May be a series of snapshot tests.		X	X	X	This is a steady heading sideslip test.
2.d.3	Dynamic Lateral and Directional Stability.								
2.d.3.a	Lateral-Directional Oscillations.	±0.5 sec. or ±10% of period, ±10% of time to ½ or double amplitude or ±0.02 of damping ratio, ±20% of ±1 sec. of time difference between peaks of bank and sideslip.	Cruise or Climb. Augmentation On/Off.	Record results for at least two airspeeds. The test must be initiated with a cyclic or a pedal doublet input. Record results for six full cycles (12 overshoots after input completed) or that sufficient to determine time to ½ or double amplitude, whichever is less. For non-periodic response, the time history must be matched.		X	X	X	
2.d.3.b	Spiral Stability	Correct Trend, ±2° bank or ±10% in 20 sec.	Cruise or Climb. Augmentation On and Off.	Record the results of a release from pedal only or cyclic only turns. Results must be recorded from turns in both directions.		X	X	X	

TABLE C2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS requirements>>>									<<Information>>
Test		Tolerance(s)	Flight condition	Test details	Simulator level				Notes
No.	Title				A	B	C	D	
2.d.3.c	Adverse/Proverse Yaw ..	Correct Trend, ±2° transient sideslip angle.	Cruise or Climb. Augmentation On and Off.	Record the time history of initial entry into cyclic only turns, using only a moderate rate for cyclic input. Results must be recorded for turns in both directions.		X	X	X	
2. Handling Qualities.									
2.a	Control System								
3. Motion System.									
3.a	Motion Envelope.								
3.a.1	Pitch.								
3.a.1.a	Displacement—TBD°	.....	.....	.....	.....	X			
	±25°	.....	.....	.....			X	X	
3.a.1.b	Velocity—TBD°/sec	.....	.....	.....		X			
	±20°/sec	.....	.....	.....			X	X	
3.a.1.c	Acceleration—TBD°/sec^2	.....	.....	.....		X			
	±100°/sec^2	.....	.....	.....		X	X		
3.a.2 3.a.2.a	Displacement—TBD°	.....	.....	.....		X			
	±25°	.....	.....	.....			X	X	
3.a.2.b	Velocity—TBD°/sec	.....	.....	.....		X			
	±20°/sec	.....	.....	.....			X	X	
3.a.2.c	Acceleration—TBD°/sec^2	.....	.....	.....		X	.....		
	±100°/sec^2	.....	.....	.....			X	X	
3.a.3	Yaw								
3.a.3.a	Displacement −±25°	.....	.....	.....			X	X	
3.a.3.b	Velocity—±20°/sec	.....	.....	.....			X	X	
3.a.3.c	Acceleration—±100°/sec^2.	.....	.....	.....			X	X	
3.a.4	Vertical	.....	.....	.....					
3.a.4.a	Displacement—TBD in ..	.....	.....	.....		X			
	±34 in.	.....	.....	.....			X	X	
3.a.4.b	Velocity—TBD in	.....	.....	.....		X			
	±24 in	.....	.....	.....			X	X	
3.a.4.c	Acceleration—TBD g	.....	.....	.....		X	.....		
	±0.8 g	.....	.....	.....			X	X	
3.A.5	Lateral								
	Displacement: ±45 in	.....	.....	.....			X	X	
	Velocity: ±28 in/sec	.....	.....	.....			X	X	
	Acceleration: ±0.6 g	.....	.....	.....			X	X	
3.a.6	Longitudinal.								
	Displacement: ±34 in	.....	.....	.....			X	X	

TABLE C2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS requirements>>>									<<Information>>
Test		Tolerance(s)	Flight condition	Test details	Simulator level				Notes
No.	Title				A	B	C	D	
	Velocity: ±28 in/sec	.....	.....	.....			X	X	
	Acceleration: ±0.6 g	.....	.....	.....			X	X	
3.a.7	Initial Rotational Acceleration Ratio								
	All axes: TBD°/sec²/sec	.....	.....	.....		X			
	All axes: 300°/ sec²/sec	.....	.....	.....			X	X	
3.a.8	Initial Linear Acceleration Ratio.								
	Vertical: ±TBD g/sec	.....	.....	.....		X			
	±6g/sec	.....	.....	.....			X	X	
	Lateral: ±3g/sec	.....	.....	.....			X	X	
	Longitudinal: ±3g/sec	.....	.....	.....			X	X	
3.b	Frequency Response								
	Band, Hz Phase, deg. ...	Amplitude, Ratio, db, ...	.....	.....	.....	X	X	X	
	0.10 to 0.5 −15 to −20	±2 ..... ±2	.....	.....	.....				
	0.51 to 1.0 −15 to −20	±4, ... ±4	.....	.....	.....				
3.c	Leg Balance.								
	Leg Balance	1.5°	.....	The phase shift between a datum jack and any other jack must be measured using a heave (vertical) signal of 0.5 Hz. at ±0.25 g.	.....	X	X	X	
3.d	Turn Around.								
	Turn Around	0.05 g	.....	The motion base must be driven sinusoidally in heave through a displacement of 6 inches (150mm) peak to peak at a frequency of 0.5 Hz. Deviation from the desired sinusoidal acceleration must be measured.		X	X	X	
4	Visual System Display Tests.								
4.a	Field of View.								

TABLE C2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS requirements>>>									<<Information>>
Test		Tolerance(s)	Flight condition	Test details	Simulator level				Notes
No.	Title				A	B	C	D	
4.a.1	Continuous collimated visual field of view.	Minimum continuous collimated field of view providing 75° horizontal and 30° vertical field of view for each pilot simultaneously.	N/A	An SOC is required. Horizontal field of view is centered on the zero degree azimuth line relative to the aircraft fuselage.		X			A vertical field of view of 30° may be insufficient to meet visual ground segment requirements. Field of view may be measured using a visual test pattern filling the entire visual scene (all channels) with a matrix of black and white 5° squares. The installed alignment should be addressed in the SOC.
4.a.2	Continuous collimated visual field of view.	Minimum continuous collimated field of view providing 150° horizontal and 40° vertical field of view for each pilot simultaneously.	N/A/	An SOC is required. Horizontal field of view is centered on the zero degree azimuth line relative to the aircraft fuselage.			X		Field of view may be measured using a visual test pattern filling the entire visual scene (all channels) with a matrix of black and white 5° squares. The installed alignment should be addressed in the SOC.
4.a.3	Continuous collimated visual field of view.	Minimum continuous collimated field of view providing 180° horizontal and 60° vertical field of view for each pilot simultaneously.	N/A	An SOC is required. Horizontal field of view is centered on the zero degree azimuth line relative to the aircraft fuselage.				X	Field of view may be measured using a visual test pattern filling the entire visual scene (all channels) with a matrix of black and white 5° squares. The installed alignment should be addressed in the SOC.
4.c	Surface contrast ratio	Not less than 5:1	N/A	The ratio is calculated by dividing the brightness level of the center, bright square (providing at least 2 foot-lamberts or 7 cd/ms^2) by the brightness level of any adjacent dark square.				X	Measurements may be made using a 1° spot photometer and a raster drawn test pattern filling the entire visual scene (all channels) with a test pattern of black and white squares, 5 per square, with a white square in the center of each channel. During contrast ratio testing, simulator aft-cab and flight deck ambient light levels should be zero.

TABLE C2A.—FULL FLIGHT SIMULATOR (FFS) OBJECTIVE TESTS—Continued

<<<QPS requirements>>>									<<Information>>
Test		Tolerance(s)	Flight condition	Test details	Simulator level				Notes
No.	Title				A	B	C	D	
4.d	Highlight brightness	Not less than six (6) foot-lamberts (20 cd/m^2).	N/A	Measure the brightness of the center, white square while superimposing a highlight on that white square. The use of calligraphic capabilities to enhance the raster brightness is acceptable; however, measuring light points is not acceptable.				X	Measurements may be made using a 1° spot photometer and a raster drawn test pattern filling the entire visual scene (all channels) with a test pattern of black and white squares, 5 per square, with a white square in the center of each channel.
4.e	Vernier resolution (surface resolution).	Not greater than 3 arc minutes	N/A	An SOC is required and must include the appropriate calculations and an explanation of those calculations.			X	X	
4.f	Light point size	Not greater than six (6) arc-minutes..	N/A	An SOC is required and must include the relevant calculations and an explanation of those calculations.			X	X	Light point size may be measured using a test pattern consisting of a centrally located single row of light points reduced in length until modulation is just discernible in each visual channel. A row of 48 lights will form a 4° angle or less.
4.g	Light point contrast ratio	Not less than 25:1	N/A	An SOC is required and must include the relevant calculations..			X	X	A 1° spot photometer may be used to measure a square of at least 1° filled with light points (where light point modulation is just discernible) and compare the results to the measured adjacent background. During contrast ratio testing, simulator aft-cab and flight deck ambient light levels should be zero.

Begin Information

2. Control Dynamics.

a. General. The characteristics of a helicopter flight control system have a major effect on the handling qualities. A significant consideration in pilot acceptability of a helicopter is the ''feel'' provided through the flight controls. Considerable effort is expended on helicopter feel system design so that pilots will be comfortable and will consider the helicopter desirable to fly. In order for a FFS to be representative, it should ''feel'' like the helicopter being simulated. Compliance with this requirement is determined by comparing a recording of the control feel dynamics of the FFS to actual helicopter measurements in the takeoff, cruise and landing configurations.

b. Recordings such as free response to an impulse or step function are classically used to estimate the dynamic properties of electromechanical systems. In any case, it is only possible to estimate the dynamic properties as a result of only being able to estimate true inputs and responses. Therefore, it is imperative that the best possible data be collected since close matching of the FFS control loading system to the helicopter system is essential. The required dynamic control tests are described in Table C2A of this attachment.

c. For initial and upgrade evaluations, the QPS requires that control dynamics characteristics be measured and recorded directly from the flight controls (Handling Qualities—Table C2A). This procedure is usually accomplished by measuring the free response of the controls using a step or impulse input to excite the system. The procedure should be accomplished in the takeoff, cruise and landing flight conditions and configurations.

d. For helicopters with irreversible control systems, measurements may be obtained on the ground if proper pitot-static inputs are provided to represent airspeeds typical of those encountered in flight. Likewise, it may be shown that for some helicopters, hover,

climb, cruise, and autorotation have like effects. Thus, one may suffice for another. If either or both considerations apply, engineering validation or helicopter manufacturer rationale should be submitted as justification for ground tests or for eliminating a configuration. For FFSs requiring static and dynamic tests at the controls, special test fixtures will not be required during initial and upgrade evaluations if the QTG shows both test fixture results and the results of an alternate approach (*e.g.*, computer plots that were produced concurrently and show satisfactory agreement). Repeat of the alternate method during the initial evaluation would satisfy this test requirement.

(1) Control Dynamics Evaluations. The dynamic properties of control systems are often stated in terms of frequency, damping, and a number of other classical measurements. In order to establish a consistent means of validating test results for FFS control loading, criteria are needed that will clearly define the measurement interpretation and the applied tolerances. Criteria are needed for underdamped, critically damped and overdamped systems. In the case of an underdamped system with very light damping, the system may be quantified in terms of frequency and damping. In critically damped or overdamped systems, the frequency and damping are not readily measured from a response time history. Therefore, the following suggested measurements may be used:

(2) For Levels C and D simulators. Tests to verify that control feel dynamics represent the helicopter should show that the dynamic damping cycles (free response of the controls) match those of the helicopter within specified tolerances. The NSPM recognizes that several different testing methods may be used to verify the control feel dynamic response. The NSPM will consider the merits of testing methods based on reliability and consistency. One acceptable method of evaluating the response and the tolerance to be applied is described below for the underdamped and critically damped cases. A sponsor using this method to comply with the QPS requirements should perform the tests as follows:

e. Tolerances.

(1) Underdamped Response.

(a) Two measurements are required for the period, the time to first zero crossing (in case a rate limit is present) and the subsequent frequency of oscillation. It is necessary to measure cycles on an individual basis in case there are non-uniform periods in the response. Each period will be independently compared to the respective period of the helicopter control system and, consequently, will enjoy the full tolerance specified for that period.

(b) The damping tolerance will be applied to overshoots on an individual basis. Care should be taken when applying the tolerance to small overshoots since the significance of such overshoots becomes questionable. Only those overshoots larger than 5 percent of the total initial displacement should be considered significant. The residual band, labeled $T(A_d)$ on Figure C2A is ±5 percent of the initial displacement amplitude A_d from the steady state value of the oscillation. Only oscillations outside the residual band are considered significant. When comparing FFS data to helicopter data, the process should begin by overlaying or aligning the FFS and airplane steady state values and then comparing amplitudes of oscillation peaks, the time of the first zero crossing, and individual periods of oscillation. The FFS should show the same number of significant overshoots to within one when compared against the helicopter airplane data. The procedure for evaluating the response is illustrated in Figure C2A.

(2) Critically damped and Overdamped Response. overdamped response. Due to the nature of critically damped and overdamped responses (no overshoots), the time to reach 90 percent of the steady state (neutral point) value should be the same as the helicopter within ±10 percent. The simulator response must be critically damped also. Figure C2B illustrates the procedure.

(3) The following summarizes the tolerances:

$T(P_0)$ ±10% of P_0
$T(P_1)$ ±20% of P_1
$T(A)$ ±10% of A_1, ±20% of Subsequent Peaks
$T(A_d)$ ±10% of A_d = Residual Band
Overshoots ±1

(4) In the event the number of cycles completed outside of the residual band, and thereby significant, exceeds the number depicted in figure 1 of this attachment, the following tolerances (T) will apply:

$T(P_n)$ ±10%(n+1)% of P_n, where ''n'' is the next in sequence.

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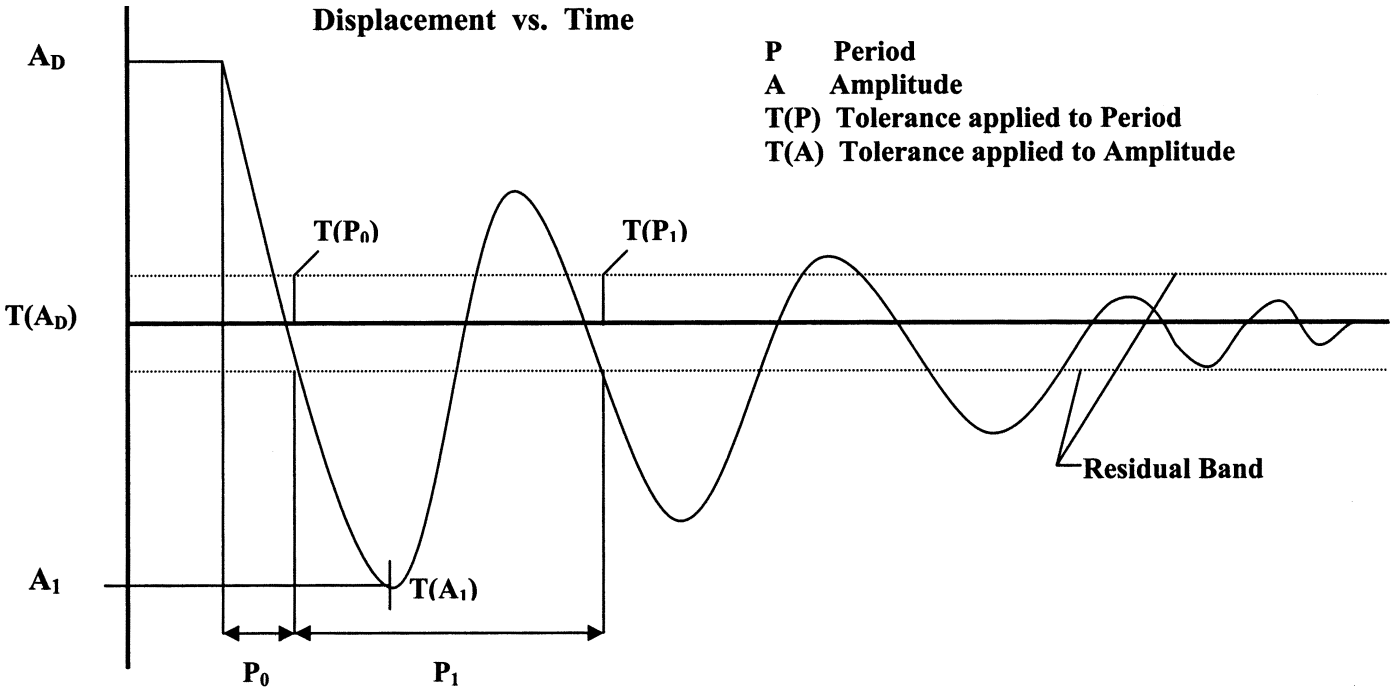


Figure C2A
Under-Damped Step Response

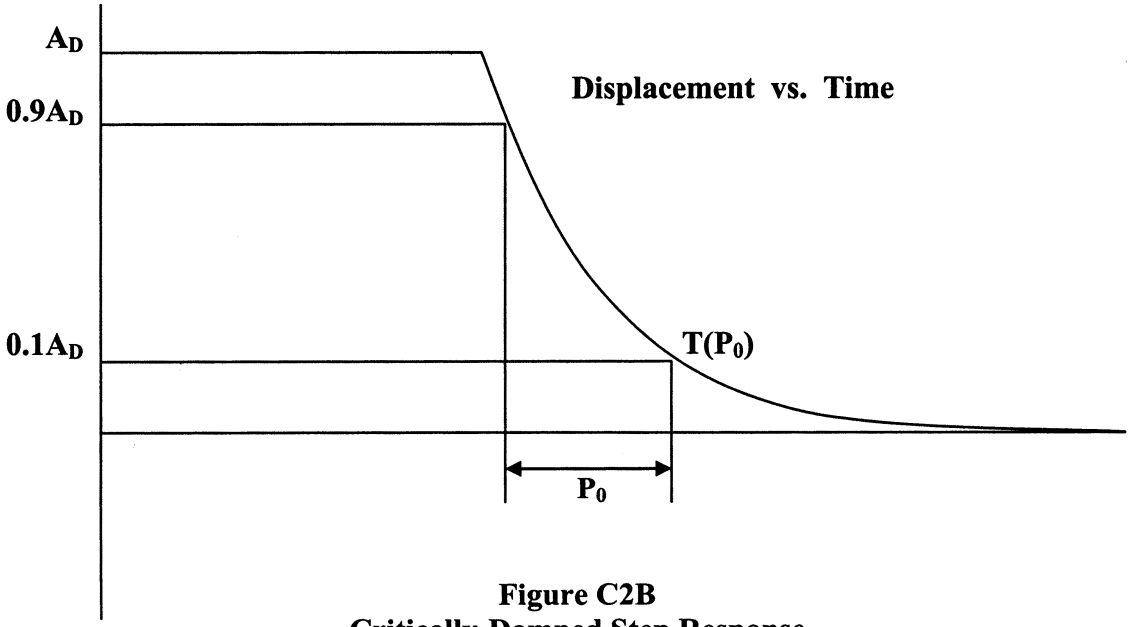


Figure C2B
Critically-Damped Step Response

3. Motion Cue Repeatability Testing.

a. The motion system characteristics in the Table C2A address basic system capability, but not pilot cueing capability. Motion systems will continue to be ''tuned'' subjectively until there is an objective procedure for determining the motion cues necessary to support pilot tasks and stimulate the pilot response that occurs in a helicopter for the same tasks. When a motion system is tuned, it is important to test the system to ensure that it continues to perform as originally qualified. Any motion performance change from the initially qualified baseline can be measured objectively.

b. Motion performance change should be assessed at least annually. An assessment may be conducted as follows:

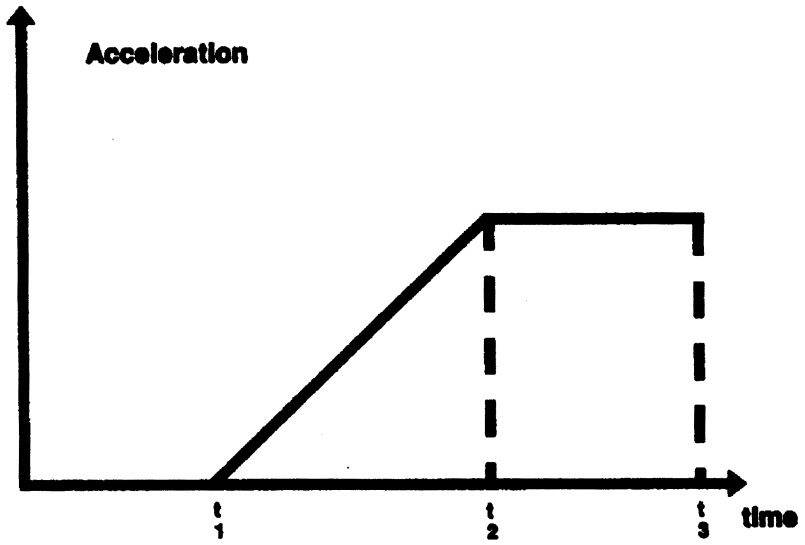
(1) Compare the current performance of the motion system to the initial recorded test data.

(2) Record the parameters of the motion drive algorithms and the jack position transducers.

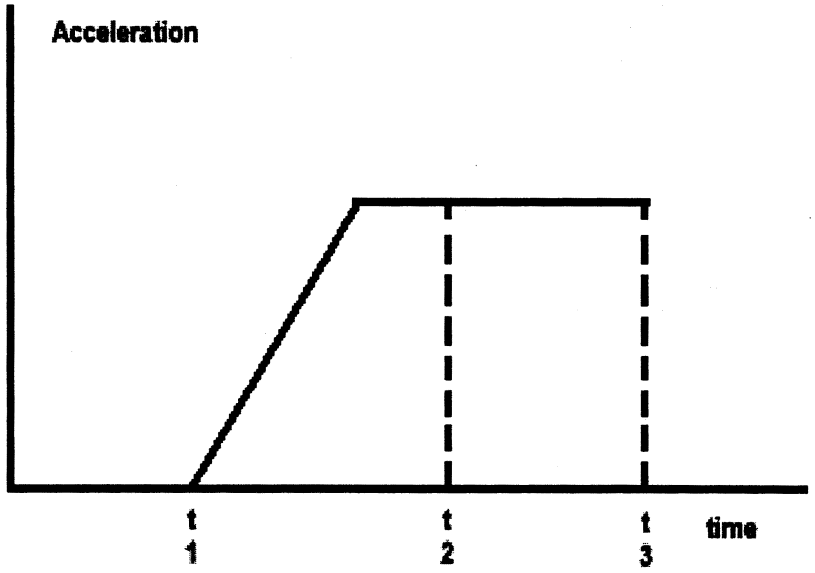
(3) Insert the test input signals at an appropriate point prior to the integrations in the equations of motion (see Figure C2C of this attachment).

(4) Adjust the characteristics of the test signal (see Figure C2D of this attachment) to ensure that the motion is exercised properly. Motion system manufactures suggest a range of approximately ⅔ of the maximum displacement capability in each axis with a time segment (T_0–T_1) of sufficient duration to ensure steady initial conditions.

Attachment 2 to Appendix C to Part 60—
Figure C2C. Acceleration Test Signals



Attachment 2 to Appendix C to Part 60—
Figure C2D. Test Signal Characteristics



NOTE: Motion system baseline performance repeatability tests should be rerun if the simulator weight changes for any reason (i.e., visual change, or structural change). The new results should be used for future comparison.

End Information

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Attachment 3 to Appendix C to Part 60—
Simulator Subjective Evaluation

1. Discussion

Begin Information

a. The subjective tests provide a basis for evaluating the capability of the simulator to perform over a typical utilization period;

determining that the simulator competently simulates each required maneuver, procedure, or task; and verifying correct operation of the simulator controls, instruments, and systems. The items listed in the following Tables are for simulator evaluation purposes only. They must not be used to limit or exceed the authorizations for use of a given level of simulator as described on the Statement of Qualification or as may be approved by the TPAA. All items in the following paragraphs are subject to an examination.

b. The tests in Table A3A, Operations Tasks, in this attachment address pilot functions, including maneuvers and procedures (called flight tasks), and is divided by flight phases. The performance of these tasks by the NSPM includes an operational examination of the visual system and special effects. There are flight tasks included to address some features of advanced technology helicopters and innovative training programs.

c. The tests in Table A3A, Operations Tasks, and Table A3G, Instructor Operating Station, in this attachment addresses the overall function and control of the simulator including the various simulated environmental conditions; simulated helicopter system operation (normal, abnormal, and emergency); visual system displays; and special effects necessary to meet flight crew training, evaluation, or flight experience requirements.

d. All simulated helicopter systems functions will be assessed for normal and, where appropriate, alternate operations. Normal, abnormal, and emergency operations associated with a flight phase will be assessed during the evaluation of flight tasks or events within that flight phase. Simulated helicopter systems are listed separately under ''Any Flight Phase'' to ensure appropriate attention to systems checks. Operational navigation systems (including inertial navigation systems, global positioning systems, or other long-range systems) and the associated electronic display systems will be evaluated if installed. The NSP pilot will include in his report to the TPAA, the effect of the system operation and any system limitation.

e. Simulators demonstrating a satisfactory circling approach will be qualified for the circling approach maneuver and may be approved for such use by the TPAA in the sponsor's FAA-approved flight training program. To be considered satisfactory, the circling approach will be flown at maximum gross weight for landing, with minimum visibility for the helicopter approach category, and must allow proper alignment with a landing runway at least 90° different from the instrument approach course while allowing the pilot to keep an identifiable portion of the airport in sight throughout the maneuver (reference—14 CFR 91.175(e)).

f. At the request of the TPAA, the NSP Pilot may assess the simulator for a special aspect of a sponsor's training program during the functions and subjective portion of an evaluation. Such an assessment may include a portion of a Line Oriented Flight Training (LOFT) scenario or special emphasis items in the sponsor's training program. Unless directly related to a requirement for the qualification level, the results of such an evaluation would not affect the qualification of the simulator.

g. The NSPM acknowledges that there are previously qualified simulators with certain, early generation Computer Generated Image (CGI) visual systems, that are limited by either the capability of the Imgage Generator or the display system used. As a result, the NSPM has agreed to discuss the specific circumstances that may be determined to exist and has agreed to reach a mutually acceptable course of action to address these limitations beyond those that are listed in the QPS requirements of this table. The following are examples:

(1) Early CGI visual systems that are exempt from the necessity of including runway numbers as a part of the specific runway marking requirements are:

(a) Link NVS and DNVS.

(b) Novoview 2500 and 6000.

(c) FlightSafety VITAL series up to, and including, VITAL III, but not beyond.

(d) Redifusion SP1, SP1T, and SP2.

(2) Early CGI visual systems that are exempt from the necessity of including runway numbers except for those runways used for LOFT training sessions. These LOFT airport models require runway numbers but only for the specific runway end (one direction) used in the LOFT session. The systems required to display runway numbers only for LOFT scenes are:

(a) FlightSafety VITAL IV.

(b) Redifusion SP3 and SP3T.

(c) Link-Miles Image II.

(3) Previously qualified CGI and/or display systems that are incapable of generating blue lights, and therefore will not be required to have accurate taxi-way edge lighting are:

(a) Redifusion SP1 and SP1T.

(b) FlightSafety Vital IV.

(c) Link-Miles Image II and Image IIT

(d) XKD displays (even though the XKD image generator is capable of generating blue colored lights, the display cannot accommodate that color).

End Information

TABLE C3A.—FUNCTIONS AND SUBJECTIVE TESTS

<<< QPS requirements >>>					
No.	Operations tasks	Simulator level			
		A	B	C	D
Tasks in this table are subject to evaluation if appropriate for the helicopter simulated as indicated in the SOQ Configuration List and/or the level of simulator qualification involved. Items not installed or not functional on the simulator and, therefore, not appearing on the SOQ Configuration List, are not required to be listed as exceptions on the SOQ.					
1. Preparation For Flight					
1.a	Cockpit check: switches, indicators, systems, and equipment		X	X	X
2. APU/Engine start and run-up					
2.a	Normal start procedures		X	X	X
2.b	Alternate start procedures		X	X	X
2.c	Abnormal starts and shutdowns (e.g., hot start, hung start)		X	X	X
2.d	Rotor engagement		X	X	X
2.e	System checks		X	X	X
3. (Reserved)					
4. (Reserved)					

TABLE C3A.—FUNCTIONS AND SUBJECTIVE TESTS—Continued

<<< QPS requirements >>>					
No.	Operations tasks	Simulator level			
		A	B	C	D
5. (Reserved)					
6. Take-off					
6.a	Normal		X	X	X
6.a.1	From ground		X	X	X
6.a.2	From hover		X	X	X
6.a.2.a	Cat A		X	X	X
6.a.2.b	Cat B		X	X	X
6.a.3	Running		X	X	X
6.a.4	Crosswind/tailwind		X	X	X
6.a.5	Maximum performance		X	X	X
6.a.6	Instrument		X	X	X
6.a.7	(Reserved).				
6.a.8	(Reserved).				
6.a.9	(Reserved).				
6.a.10	(Reserved).				
6.b	Abnormal/emergency procedures		X	X	X
6.b.1	Takeoff with engine failure after critical decision point (CDP)		X	X	X
6.b.1.a	Cat A		X	X	X
6.b.1.b	Cat B		X	X	X
6.c	(Reserved).				
7. Climb					
7.a	Normal		X	X	X
7.b	(Reserved).				
7.c	(Reserved).				
7.d	One engine inoperative		X	X	X
8. Cruise					
8.a	Performance		X	X	X
8.b	Flying qualities		X	X	X
8.c	Turns		X	X	X
8.c.1	Timed		X	X	X
8.c.2	Normal		X	X	X
8.c.3	Steep		X	X	X
8.d	Accelerations and decelerations		X	X	X
8.e	High speed vibrations		X	X	X
8.f	(Reserved).				

TABLE C3A.—FUNCTIONS AND SUBJECTIVE TESTS—Continued

<<< QPS requirements >>>

No.	Operations tasks	Simulator level			
		A	B	C	D
8.g	Abnormal/emergency procedures		X	X	X
8.g.1	Engine fire		X	X	X
8.g.2	Engine failure		X	X	X
8.g.3	Inflight engine shutdown and restart		X	X	X
8.g.4	Fuel governing system failures		X	X	X
8.g.5	Directional control malfunction		X	X	X
8.g.6	Hydraulic failure		X	X	X
8.g.7	Stability system failure		X	X	X
8.g.8	Rotor vibrations		X	X	X
9. Descent					
9.a	Normal		X	X	X
9.b	Maximum rate		X	X	X
9.c	(Reserved).				
10. Approach					
10.a	Non-precision		X	X	X
10.a.1	All engines operating		X	X	X
10.a.2	One or more engines inoperative		X	X	X
10.a.3	Approach procedures		X	X	X
10.a.3.a	NDB		X	X	X
10.a.3.b	VOR, RNAV, TACAN		X	X	X
10.a.3.c	ASR		X	X	X
10.a.3.d	(Reserved).				
10.a.3.e	Helicopter only		X	X	X
10.a.4	Missed approach		X	X	X
10.a.4.a	All engines operating		X	X	X
10.a.4.b	One or more engines inoperative		X	X	X
10.b	Precision		X	X	X
10.b.1	All engines operating		X	X	X
10.b.2	One or more engines inoperative		X	X	X
10.b.3	Approach procedures		X	X	X
10.b.3.a	PAR		X	X	X
10.b.3.b	MLS		X	X	X
10.b.3.c	ILS		X	X	X
10.b.3.c	(1) Manual (raw data)		X	X	X
10.b.3.c	(2) Flight director only		X	X	X

TABLE C3A.—FUNCTIONS AND SUBJECTIVE TESTS—Continued

<<< QPS requirements >>>

No.	Operations tasks	Simulator level			
		A	B	C	D
10.b.3.c	(3) Autopilot coupled		X	X	X
10.b.3.c	—Cat I		X	X	X
10.b.3.c	—Cat II		X	X	X
10.b.4	Missed approach.				
10.b.4.a	All engines operating		X	X	X
10.b.4.b	One or more engines inoperative		X	X	X
10.b.4.c	Stability system failure		X	X	X
10.c	(Reserved).				
11. (Reserved)					
12. Any Flight Phase					
12.a	Helicopter and powerplant systems operation.				
12.a.1	Air conditioning		X	X	X
12.a.2	Anti-icing/deicing		X	X	X
12.a.3	Auxiliary power-plant		X	X	X
12.a.4	Communications		X	X	X
12.a.5	Electrical		X	X	X
12.a.6	Fire detection and suppression		X	X	X
12.a.7	Stabilizer		X	X	X
12.a.8	Flight controls		X	X	X
12.a.9	Fuel and oil		X	X	X
12.a.10	Hydraulic		X	X	X
12.a.11	Landing gear		X	X	X
12.a.12	Oxygen		X	X	X
12.a.13	Pneumatic		X	X	X
12.a.14	Powerplant		X	X	X
12.a.15	Flight control computers		X	X	X
12.a.16	Stability and control augmentation		X	X	X
12.b	Flight management and guidance system.				
12.b.1	Airborne radar		X	X	X
12.b.2	Automatic landing aids		X	X	X
12.b.3	Autopilot		X	X	X
12.b.4	Collision avoidance system		X	X	X
12.b.5	Flight data displays		X	X	X
12.b.6	Flight management computers		X	X	X
12.b.7	Heads-up displays		X	X	X

TABLE C3A.—FUNCTIONS AND SUBJECTIVE TESTS—Continued

<<< QPS requirements >>>					
No.	Operations tasks	Simulator level			
		A	B	C	D
12.b.8	Navigation systems		X	X	X
12.c	Airborne procedures.				
12.c.1	Holding		X	X	X
12.c.2	Air hazard avoidance		X	X	X
12.c.3	Retreating blade stall recovery		X	X	X
12.c.4	Mast bumping		X	X	X
13. Engine Shutdown and Parking					
13.a	Engine and systems operation		X	X	X
13.b	Parking brake operation		X	X	X
13.c	Rotor brake operation		X	X	X
13.d	Abnormal/emergency procedures		X	X	X

Table C3B [Reserved]

Table C3C [Reserved]

TABLE C3D.—FUNCTIONS AND SUBJECTIVE TESTS

<<< QPS requirements >>>					
Number	Instructor Operating Station (IOS) (As appropriate)	Simulator level			
		A	B	C	D
Functions in this table are subject to evaluation only if appropriate for the helicopter and/or the system is installed on the specific simulator.					
1. Simulator Power Switch(es)			X	X	X
2. Helicopter conditions					
2.a	Gross weight, center of gravity, fuel loading and allocation	....	X	X	X
2.b	Helicopter systems status	....	X	X	X
2.c.	Ground crew functions	....	X	X	X
3. Airports/Heliports					
3.a	Number and selection	....	X	X	X
3.b	Runway or landing area selection	....	X	X	X
3.c	Landing surface conditions (rough, smooth, icy, wet, dry, snow)	....	X	X	X
3.d	Preset positions	....	X	X	X
3.e	Lighting controls	....	X	X	X
4. Environmental controls					
4.a	(Reserved).				
4.b	(Reserved).				
4.c	Temperature	....	X	X	X
4.d	Climate conditions	....	X	X	X
4.e	Wind speed and direction	....	X	X	X
4.f	(Reserved)	....	....	....	

TABLE C3D.—FUNCTIONS AND SUBJECTIVE TESTS—Continued

Number	Instructor Operating Station (IOS) (As appropriate)	Simulator level			
		A	B	C	D
5. Helicopter system malfunctions (Insertion/deletion)		X	X	X	
6. Locks, Freezes, and Repositioning					
6.a	Problem (all) freeze/release	....	X	X	X
6.b	Position (geographic) freeze/release	....	X	X	X
6.c	Repositioning (locations, freezes, and releases)	....	X	X	X
6.d	Ground speed control	....	X	X	X
7. Remote IOS.		X	X	X	
8. Sound Controls. On/off/adjustment		X	X	X	
9. Motion/Control Loading System					
9.a	On/off/emergency stop	....	X	X	X
10. Observer Seats/Stations. Position/Adjustment/Positive restraint system		X	X	X	

Attachment 4 to Appendix C to Part 60—Sample Documents

Table of Contents

Title of Sample

Figure C4A—Sample Letter, Request for Initial, Upgrade, or Reinstatement Evaluation
Figure C4B—Attachment: FSTD Information Form
Figure C4C—Sample Qualification Test Guide Cover Page
Figure C4D—Sample Statement of Qualification—Certificate
Figure C4E—Sample Statement of Qualification—Configuration List
Figure C4F—Sample Statement of Qualification—List of Qualified Tasks
Figure C4G—Sample Continuing Qualification Evaluation Requirements Page
Figure C4H—Sample MQTG Index of Effective FSTD Directives

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ATTACHMENT 4 TO APPENDIX C TO PART 60—
Figure A4A – Sample Letter , Request for Initial, Upgrade, or Reinstatement Evaluation INFORMATION

Date _____

Charles A. Spillner
Manager, National Simulator Program
Federal Aviation Administration
100 Hartsfield Centre Parkway
Suite 400
Atlanta, GA 30354

Dear Mr. Spillner:

RE: Request for Initial/Upgrade Evaluation Date

This is to advise you of our intent to request an (initial or upgrade) evaluation of our (FSTD Manufacturer), (Aircraft Type/Level) Flight Simulation Training Device (FSTD), (FAA ID Number, if previously qualified), located in (City, State) at the (Facility) on (Proposed Evaluation Date). (The proposed evaluation date shall not be more than 180 days following the date of this letter.) The FSTD will be sponsored by (Name of Training Center/Air Carrier), FAA Designator (4 Letter Code). The FSTD will be sponsored under the following options: (Select One)

☐ The FSTD will be used within the sponsor's FAA approved training program and placed on the sponsor's Training/Operations Specifications; or

☐ The FSTD will be used for dry lease only in accordance with Paragraph 3b, FSTD Guidance Bulletin 03-08.

We agree to provide the formal request for the evaluation (*Ref: Appendix 4, AC 120-40B*) to your staff as follows: (check one)

☐ For QTG tests run at the factory, not later, than 45 days prior to the proposed evaluation date with the additional "l/3 on-site" tests provided not later than 14 days prior to the proposed evaluation date.

☐ For QTG tests run on-site, not later than 30 days prior to the proposed evaluation date.

We understand that the formal request will contain the following documents:

7. Sponsor's Letter of Request (*Company Compliance Letter*).
8. Principal Operations Inspector (POI) or Training Center Program Manager's (TCPM) endorsement.
9. Complete QTG.

If we are unable to meet the above requirements, we understand this may result in a significant delay, perhaps 45 days or more, in rescheduling and completing the evaluation.

(The sponsor should add additional comments as necessary).

Please contact (Name Telephone and Fax Number of Sponsor's Contact) to confirm the date for this initial evaluation. We understand a member of your National Simulator Program staff will respond to this request within 14 days.

A copy of this letter of intent has been provided to (Name), the Principal Operations Inspector (POI) and/or Training Center Program Manager (TCPM).

Sincerely,

Attachment: FSTD Information Form
cc: POI/TCPM

ATTACHMENT 4 TO APPENDIX C TO PART 60—
Figure A4B – Sample Letter , Request for Initial, Upgrade, or Reinstatement Evaluation
Attachment: FSTD Information Form
INFORMATION

Date: ____			
Section 1. FSTD Information and Characteristics			
Sponsor Name:	____	**FSTD Location:**	
Address:	____ ____	**Physical Address:**	____ ____
City:	____	**City:**	____
State:	____	**State:**	____
Country:	____	**Country:**	____
ZIP:	____	**ZIP:**	____
Manager	____		
Sponsor ID No: *(Four Letter FAA Designator)*	____	**Nearest Airport:** *(Airport Designator)*	____
Type of Evaluation Requested:		☐ **Initial** ☐ **Upgrade** ☐ **Recurrent** ☐ **Special** ☐ **Reinstatement**	
Qualification Basis: ____	☐ **A**	☐ **B**	☐ **Interim C** ☐ **C** ☐ **D**
	☐ **6**	☐ **7**	☐ **Provisional Status**
Initial Qualification: (If Applicable)	**Date:** ____ **Level** ____	**Manufacturer's Identification/Serial No:**	____
Upgrade Qualification: (If Applicable)	**Date:** ____ **Level** ____ MM/DD/YYYY	☐ **eQTG**	
Other Technical Information:			
FAA FSTD ID No: (If Applicable)	____	**FSTD Manufacturer:**	____
Convertible FSTD:	☐ **Yes:**	**Date of Manufacture:**	____ MM/DD/YYYY
Related FAA ID No. (If Applicable)	____ ____ ____	**Sponsor FSTD ID No:** ____	
Aircraft model/series: ____		**Source of aerodynamic model:** ____	
Engine model(s) and data revision: ____		**Source of aerodynamic coefficient data:** ____	
FMS identification and revision level: ____		**Aerodynamic data revision number:** ____	
Visual system manufacturer/model: ____		**Visual system display:** ____	
Flight control data revision: ____		**FSTD computer(s) identification:** ____	
Motion system manufacturer/type: ____			
National Aviation Authority (NAA): (If Applicable)	____		____
NAA FSTD ID No:	____	**Last NAA Evaluation Date:**	____
NAA Qualification Level:	____		
NAA Qualification Basis:	____		

ATTACHMENT 4 TO APPENDIX C TO PART 60—
Figure A4B – Sample Letter , Request for Initial, Upgrade, or Reinstatement Evaluation
Attachment: FSTD Information Form
INFORMATION

Visual System Manufacturer and Type:	_____	**Motion System Manufacturer and Type:**	_____
Aircraft Make/Model/Series:	_____	**FSTD Seats Available:**	_____

Aircraft Equipment	**ENGINE TYPE(S):** _____	**Flight Instrumentation:** ☐ **EFIS** ☐ **HUD** ☐ **HGS** ☐ **EFVS** ☐ **TCAS** ☐ **GPWS** ☐ **Plain View** ☐ **GPS** ☐ **FMS Type:** _____ ☐ **WX Radar** ☐ **Other:** _____	Engine Instrumentation: ☐ **EICAS** ☐ **FADEC** ☐ **Other:** _____

Airport Models:	3.6.1 _____ *Airport Designator*	3.6.2_____ *Airport Designator*	3.6.3 _____ *Airport Designator*
Circle to Land:	3. 7.1 _____ *Airport Designator*	3. 7.2_____ *Approach*	3. 7.3 _____ *Landing Runway*
Visual Ground Segment	3.8.1 _____ *Airport Designator*	3.8 .2_____ *Approach*	3. 8.3 _____ *Landing Runway*

Section 2. Supplementary Information

FAA Training Program Approval Authority:		☐ **POI** ☐ **TCPM** ☐ **Other:** _____	
Name:	_____	**Office:**	_____
Tel:	_____	**Fax:**	_____
Email:	_____		

FSTD Scheduling Person:			
Name:	_____		
Address 1:	_____	**Address 2**	_____
City:	_____	**State:**	_____
ZIP:	_____	**Email:**	_____
Tel:	_____	**Fax:**	_____

FSTD Technical Contact:			
Name:	_____		
Address 1:	_____	**Address 2**	_____
City:	_____	**State:**	_____
ZIP:	_____	**Email:**	_____
Tel:	_____	**Fax:**	_____

Section 3. Training, Testing and Checking Considerations

Area/Function/Maneuver	Requested	Remarks
Private Pilot - Training / Checks: (142)	☐	_____
Commercial Pilot - Training /Checks:(142)	☐	_____
Multi-Engine Rating - Training / Checks (142)	☐	_____
Instrument Rating -Training / Checks (142)	☐	_____
Type Rating - Training / Checks (135/121/142)	☐	_____
Proficiency Checks (135/121/142)	☐	_____
CAT I: (RVR 2400/1800 ft. DH200 ft)	☐	_____

ATTACHMENT 4 TO APPENDIX C TO PART 60—

Figure A4B – Sample Letter , Request for Initial, Upgrade, or Reinstatement Evaluation

Attachment: FSTD Information Form

INFORMATION

CAT III * (lowest minimum) _____ RVR _____ ft. * *State CAT III (≤ 700 ft.), CAT IIIb (≤ 150 ft.), or CAT IIIc (0 ft.)*	☐	_____
Circling Approach	☐	_____
Windshear Training: (FSTD GB 03-05)	☐	_____
Windshear Training IAW 121.409d (121 Turbojets Only) (FSTD GB 03-05)	☐	_____
Generic Unusual Attitudes and Recoveries within the Normal Flight Envelope (FSTD GB 04-03)	☐	_____
Specific Unusual Attitudes Recoveries (HBAT 95-10) (FSTD GB 04-03)	☐	_____
Auto-coupled Approach/Auto Go Around	☐	_____
Auto-land / Roll Out Guidance	☐	_____
TCAS/ACAS I / II	☐	_____
WX-Radar	☐	_____
HUD (FSTD GB 03-02)	☐	_____
HGS (FSTD GB 03-02)	☐	
EFVS (FSTD GB 03-03)	☐	
Future Air Navigation Systems (HBAT 98-16A)	☐	_____
GPWS / EGPWS	☐	_____
ETOPS Capability	☐	_____
GPS	☐	_____
SMGCS	☐	_____
Helicopter Slope Landings	☐	_____
Helicopter External Load Operations	☐	_____
Helicopter Pinnacle Approach to Landings	☐	_____
Helicopter Night Vision Maneuvers	☐	_____
Helicopter Category A Takeoffs	☐	_____

ATTACHMENT 4 TO APPENDIX C TO PART 60—

Figure A4C – Sample Qualification Test Guide Cover Page

INFORMATION

SPONSOR NAME

SPONSOR ADDRESS

FAA QUALIFICATION TEST GUIDE

(SPECIFIC Helicopter MODEL)
for example
Farnsworth Z-100

(Type of Simulator)

(Simulator Identification Including Manufacturer, Serial Number, Visual System Used)

(Simulator Level)

(Qualification Performance Standard Used)

(Simulator Location)

FAA Initial Evaluation

Date: _____

_____ Date: _____
(Sponsor)

_____ Date: _____
Manager, National
Simulator Program, FAA

ATTACHMENT 4 TO APPENDIX C TO PART 60—
Figure A4D – Sample Statement of Qualification - Certificate

INFORMATION

Federal Aviation Administration
National Simulator Program

Statement of Qualification

This is to certify that representatives of the National Simulator Program Completed an evaluation of the

Go-Fast Airlines
Farnsworth Z-100 Full Flight Simulator
FAA Identification Number 0999

And found it to meet the standards set forth in
AC 120-63

The Master Qualification Test Guide and the attached Configuration List and List of Qualified Tasks Provide the Qualification Basis for this device to operate at

Level D

Until March 30, 2009

Unless sooner rescinded or extended by the National Simulator Program Manager

February 15, 2008 — (date)

I. B. Checkin, Jr. — (for the NSPM)

ATTACHMENT 4 TO APPENDIX C TO PART 60—

Figure A4E – Sample Statement of Qualification; Configuration List

INFORMATION

STATEMENT of QUALIFICATION
CONFIGURATION LIST

Date: _____			
Section 1. FSTD Information and Characteristics			
Sponsor Name:	_____	**FSTD Location:**	
Address:	_____ _____	**Physical Address:**	_____ _____
City:	_____	**City:**	_____
State:	_____	**State:**	_____
Country:	_____	**Country:**	_____
ZIP:	_____	**ZIP:**	_____
Manager	_____		
Sponsor ID No: *(Four Letter FAA Designator)*	_____	**Nearest Airport:** *(Airport Designator)*	_____

Type of Evaluation Requested:			☐ **Initial** ☐ **Upgrade** ☐ **Recurrent** ☐ **Special** ☐ **Reinstatement**		
Qualification Basis: _____	☐ **A**	☐ **B**	☐ **Interim C**	☐ **C**	☐ **D**
	☐ **6**	☐ **7**	☐ **Provisional Status**		

Initial Qualification: (If Applicable)	**Date:** _____ **Level** _____	**Manufacturer's Identification/Serial No:**	_____
Upgrade Qualification: (If Applicable)	**Date:** _____ **Level** _____ MM/DD/YYYY	☐ **eQTG**	

Other Technical Information:			
FAA FSTD ID No: (If Applicable)	_____	**FSTD Manufacturer:**	_____
Convertible FSTD:	☐ **Yes:**	**Date of Manufacture:**	_____ MM/DD/YYYY
Related FAA ID No. (If Applicable)	_____ _____ _____	**Sponsor FSTD ID No:** _____	
Aircraft model/series: _____		**Source of aerodynamic model:** _____	
Engine model(s) and data revision: _____		**Source of aerodynamic coefficient data:** _____	
FMS identification and revision level: _____		**Aerodynamic data revision number:** _____	
Visual system manufacturer/model: _____		**Visual system display:** _____	
Flight control data revision: _____		**FSTD computer(s) identification:** _____	
Motion system manufacturer/type: _____			

National Aviation Authority (NAA): (If Applicable)	_____		_____
NAA FSTD ID No:	_____	**Last NAA Evaluation Date:**	_____
NAA Qualification Level:	_____		
NAA Qualification Basis:	_____		

ATTACHMENT 4 TO APPENDIX C TO PART 60—
Figure A4E – Sample Statement of Qualification; Configuration List

INFORMATION

Visual System Manufacturer and Type:	_____	**Motion System Manufacturer and Type:**	_____
Aircraft Make/Model/Series:	_____	**FSTD Seats Available:**	_____

Aircraft Equipment	**ENGINE TYPE(S):** _____	**Flight Instrumentation:** ☐ **EFIS** ☐ **HUD** ☐ **HGS** ☐ **EFVS** ☐ **TCAS** ☐ **GPWS** ☐ **Plain View** ☐ **GPS** ☐ **FMS Type:** _____ ☐ **WX Radar** ☐ **Other:** _____	Engine Instrumentation: ☐ **EICAS** ☐ **FADEC** ☐ **Other:** _____

Airport Models:	3.6.1 _____ *Airport Designator*	3.6.2_____ *Airport Designator*	3.6.3 _____ *Airport Designator*
Circle to Land:	3. 7.1 _____ *Airport Designator*	3. 7.2_____ *Approach*	3. 7.3 _____ *Landing Runway*
Visual Ground Segment	3.8.1 _____ *Airport Designator*	3.8 .2_____ *Approach*	3. 8.3 _____ *Landing Runway*

Section 2. Supplementary Information

FAA Training Program Approval Authority:		☐ **POI** ☐ **TCPM** ☐ **Other:** _____	
Name:	_____	**Office:**	_____
Tel:	_____	**Fax:**	_____
Email:	_____		

FSTD Scheduling Person:			
Name:	_____		
Address 1:	_____	**Address 2**	_____
City:	_____	**State:**	_____
ZIP:	_____	**Email:**	_____
Tel:	_____	**Fax:**	_____

FSTD Technical Contact:			
Name:	_____		
Address 1:	_____	**Address 2**	_____
City:	_____	**State:**	_____
ZIP:	_____	**Email:**	_____
Tel:	_____	**Fax:**	_____

Section 3. Training, Testing and Checking Considerations

Area/Function/Maneuver	Requested	Remarks
Private Pilot - Training / Checks: (142)	☐	_____
Commercial Pilot - Training /Checks:(142)	☐	_____
Multi-Engine Rating - Training / Checks (142)	☐	_____
Instrument Rating -Training / Checks (142)	☐	_____
Type Rating - Training / Checks (135/121/142)	☐	_____
Proficiency Checks (135/121/142)	☐	_____

ATTACHMENT 4 TO APPENDIX C TO PART 60—

Figure A4E – Sample Statement of Qualification; Configuration List

INFORMATION

CAT III * (lowest minimum) _____ RVR _____ ft. * *State CAT III (≤ 700 ft.), CAT IIIb (≤ 150 ft.), or CAT IIIc (0 ft.)*	☐	_____
Circling Approach	☐	_____
Windshear Training: (FSTD GB 03-05)	☐	_____
Windshear Training IAW 121.409d (121 Turbojets Only) (FSTD GB 03-05)	☐	_____
Generic Unusual Attitudes and Recoveries within the Normal Flight Envelope (FSTD GB 04-03)	☐	_____
Specific Unusual Attitudes Recoveries (HBAT 95-10) (FSTD GB 04-03)	☐	_____
Auto-coupled Approach/Auto Go Around	☐	_____
Auto-land / Roll Out Guidance	☐	_____
TCAS/ACAS I / II	☐	_____
WX-Radar	☐	_____
HUD (FSTD GB 03-02)	☐	_____
HGS (FSTD GB 03-02)	☐	
EFVS (FSTD GB 03-03)	☐	
Future Air Navigation Systems (HBAT 98-16A)	☐	_____
GPWS / EGPWS	☐	_____
ETOPS Capability	☐	_____
GPS	☐	_____
SMGCS	☐	_____
Helicopter Slope Landings	☐	_____
Helicopter External Load Operations	☐	_____
Helicopter Pinnacle Approach to Landings	☐	_____
Helicopter Night Vision Maneuvers	☐	_____
Helicopter Category A Takeoffs	☐	_____

ATTACHMENT 4 TO APPENDIX C TO PART 60—
Figure A4F – Sample Statement of Qualification – List of Qualified Tasks

INFORMATION

STATEMENT of QUALIFICATION
List of Qualified Tasks
Go Fast Airline Training -- Farnsworth Z-100 -- Level D -- FAA ID# 0999

The FSTD is qualified to perform all of the Maneuvers, Procedures, Tasks, and Functions Listed in Appendix A, Attachment 1, Table A1B, Minimum FSTD Requirements In Effect on [mm/dd/yyyy] except for the following listed Tasks or Functions.

Qualified for all tasks in Table C1B for which the sponsor has requested qualification, except for the following: 6.e. Environmental system. 6.f. Fire detection and extinguisher system. 7.b. In-flight fire and smoke removal. 7.d. Ditching.
Additional tasks for which this FSTD is qualified (i.e., in addition to the list in Table C1B) Enhanced Visual System

Attachment 4 to Appendix C to Part 60—
Figure A4G – Sample Continuing Qualification Evaluation Requirements Page
INFORMATION

Recurrent Evaluation Requirements ***Completed at conclusion of Initial Evaluation***	
Recurrent Evaluations to be conducted each _(fill in)__ months Allotting _____ hours of FTD time. Signed: _____ NSPM / Evaluation Team Leader	Recurrent evaluations are due as follows: _(month)__ and __(month)_ and __(month)_ (enter or strike out, as appropriate) _____ Date

Revision: Based on (enter reasoning):	
Recurrent Evaluations are to be conducted each _(fill in)__ months. Allotting _____ hours. Signed: _____ NSPM Evaluation Team Leader	Recurrent evaluations are due as follows: _(month)__ and __(month)_ and __(month)_ (enter or strike out, as appropriate) _____ Date

Revision: Based on (enter reasoning):	
Recurrent Evaluations are to be conducted each _(fill in)__ months. Allotting _____ hours. Signed: _____ NSPM Evaluation Team Leader	Recurrent evaluations are due as follows: _(month)__ and __(month)_ and __(month)_ (enter or strike out, as appropriate) _____ Date

(Repeat as Necessary)

Index of Effective FSTD Directives Filed in this Section

Notification Number	Received From: (TPAA/NSPM)	Date of Notification	Date of Modification Completion

Continue as Necessary....

BILLING CODE 491073–C

Appendix D to Part 60—Qualification Performance Standards for Helicopter Flight Training Devices

Begin Information

This appendix establishes the standards for Helicopter Flight Training Device (FTD) evaluation and qualification at Level 4, Level 5, or Level 6. The Flight Standards Service, National Simulator Program Manager (NSPM), is responsible for the development, application, and implementation of the standards contained within this appendix. The procedures and criteria specified in this appendix will be used by the NSPM, or a person or persons assigned by the NSPM when conducting helicopter FTD evaluations.

Table of Contents

1. Introduction.
2. Applicability (§ 60.1) and Applicability of sponsor rules to persons who are not sponsors and who are engaged in certain unauthorized activities (§ 60.2).
3. Definitions (60.3).
4. Qualification Performance Standards (§ 60.4).
5. Quality Management System (§ 60.5).
6. Sponsor Qualification Requirements (§ 60.7).
7. Additional Responsibilities of the Sponsor (§ 60.9).
8. FTD Use (§ 60.11).
9. FTD Objective Data Requirements (§ 60.13).
10. Special Equipment and Personnel Requirements for Qualification of the FTD (§ 60.14).
11. Initial (and Upgrade) Qualification Requirements (§ 60.15).
12. Additional Qualifications for Currently Qualified FTDs (§ 60.16).
13. Previously Qualified FTDs (§ 60.17).
14. Inspection, Continuing Qualification Evaluation, and Maintenance Requirements (§ 60.19).
15. Logging FTD Discrepancies (§ 60.20).
16. Interim Qualification of FTDs for New Helicopter Types or Models (§ 60.21).
17. Modifications to FTDs (§ 60.23).
18. Operations with Missing, Malfunctioning, or Inoperative Components (§ 60.25).
19. Automatic Loss of Qualification and Procedures for Restoration of Qualification (§ 60.27).
20. Other Losses of Qualification and Procedures for Restoration of Qualification (§ 60.29).
21. Record Keeping and Reporting (§ 60.31).
22. Applications, Logbooks, Reports, and Records: Fraud, Falsification, or Incorrect Statements (§ 60.33).
23. [Reserved]
24. Levels of FTD.
25. FSTD Qualification on the Basis of a Bilateral Aviation Safety Agreement (BASA) (§ 60.37).
Attachment 1 to Appendix D to Part 60—General FTD Requirements.
Attachment 2 to Appendix D to Part 60—Flight Training Device (FTD) Objective Tests.
Attachment 3 to Appendix D to Part 60—Flight Training Device (FTD) Subjective Evaluation.
Attachment 4 to Appendix D to Part 60—Sample Documents.

End Information

1. Introduction

Begin Information

a. This appendix contains background information as well as regulatory and informative material as described later in this section. To assist the reader in determining what areas are required and what areas are permissive, the text in this appendix is divided into two sections: ''QPS Requirements'' and ''Information.'' The QPS Requirements sections contain details regarding compliance with the part 60 rule language. These details are regulatory, but are found only in this appendix. The Information sections contain material that is advisory in nature, and designed to give the user general information about the regulation.

b. Related Reading References.

(1) 14 CFR part 60
(2) 14 CFR part 61.
(3) 14 CFR part 63.
(4) 14 CFR part 119.
(5) 14 CFR part 121.
(6) 14 CFR part 125
(7) 14 CFR part 135.
(8) 14 CFR part 141
(9) 14 CFR part 142
(10) Advisory Circular (AC) 120–28C, Criteria for Approval of Category III Landing Weather Minima.
(11) AC 120–29, Criteria for Approving Category I and Category II Landing Minima for part 121 operators.
(12) AC 120–35B, Line Operational Simulations: Line-Oriented Flight Training, Special Purpose Operational Training, Line Operational Evaluation.
(13) AC 120–41, Criteria for Operational Approval of Airborne Wind Shear Alerting and Flight Guidance Systems.
(14) AC 120–57A, Surface Movement Guidance and Control System (SMGS).
(15) AC 150/5300–13, Airport Design.
(16) AC 150/5340–1G, Standards for Airport Markings.
(17) AC 150/5340–4C, Installation Details for Runway Centerline Touchdown Zone Lighting Systems.
(18) AC 150/5390—2B, Heliport Design.
(19) AC 150/5340–19, Taxiway Centerline Lighting System.
(20) AC 150/5340–24, Runway and Taxiway Edge Lighting System.

(21) AC 150/5345–28D, Precision Approach Path Indicator (PAPI) Systems.

(22) International Air Transport Association document, ''Flight Simulator Design and Performance Data Requirements,'' as amended.

(23) AC 29–2B, Flight Test Guide for Certification of Transport Category Rotorcraft.

(24) AC 27–1A, Flight Test Guide for Certification of Normal Category Rotorcraft.

(25) International Civil Aviation Organization (ICAO) Manual of Criteria for the Qualification of Flight Simulators, as amended.

(26) Airplane Flight Simulator Evaluation Handbook, Volume I, as amended and Volume II, as amended, The Royal Aeronautical Society, London, UK.

(27) FAA Publication FAA–S–8081 series (Practical Test Standards for Airline Transport Pilot Certificate, Type Ratings, Commercial Pilot, and Instrument Ratings).

(28) The FAA Aeronautical Information Manual (AIM). An electronic version of the AIM is on the internet at *http://www.faa.gov/atpubs.*

End Information

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2. Applicability (§§ 60.1 & 60.2)

There is no additional regulatory or informational material that applies to § 60.1, Applicability, or to § 60.2, Applicability of sponsor rules to person who are not sponsors and who are engaged in certain unauthorized activities.

3. Definitions (§ 60.3)

Begin Information

See appendix F for a list of definitions and abbreviations from part 1, part 60, and the QPS appendices of part 60.

End Information

---

4. Qualification Performance Standards (§ 60.4)

There is no additional regulatory or informational material that applies to § 60.4, Qualification Performance Standards.

5. Quality Management System (§ 60.5)

Begin Information

Additional regulatory material and informational material regarding Quality Management Systems for FTDs may be found in appendix E of this part.

End Information

---

6. Sponsor Qualification Requirements (§ 60.7)

Begin Information

a. The intent of the language in § 60.7(b) is to have a specific FTD, identified by the sponsor, used at least once in an FAA-approved flight training program for the helicopter simulated during the 12-month period described. The identification of the specific FTD may change from one 12-month period to the next 12-month period as long as that sponsor sponsors and uses at least one FTD at least once during the prescribed period. There is no minimum number of hours or minimum FTD periods required.

b. The following examples describe acceptable operational practices:

(1) Example One.

(a) A sponsor is sponsoring a single, specific FTD for its own use, in its own facility or elsewhere —this single FTD forms the basis for the sponsorship. The sponsor uses that FTD at least once in each 12-month period in that sponsor's FAA-approved flight training program for the helicopter simulated. This 12-month period is established according to the following schedule:

(i) If the FTD was qualified prior to October 30, 2007 the 12-month period begins on the date of the first continuing qualification evaluation conducted in accordance with § 60.19 after October 30, 2007 and continues for each subsequent 12-month period;

(ii) A device qualified on or after October 30, 2007 will be required to undergo an initial or upgrade evaluation in accordance with § 60.15. Once the initial or upgrade evaluation is complete, the first continuing qualification evaluation will be conducted within 6 months. The 12 month continuing qualification evaluation cycle begins on that date and continues for each subsequent 12-month period.

(b) There is no minimum number of hours of FTD use required.

(c) The identification of the specific FTD may change from one 12-month period to the next 12-month period as long as that sponsor sponsors and uses at least one FTD at least once during the prescribed period.

(2) Example Two.

(a) A sponsor sponsors an additional number of FTDs, in its facility or elsewhere. Each additionally sponsored FTD must be—

(i) Used by the sponsor in the sponsor's FAA-approved flight training program for the helicopter simulated (as described in § 60.7(d)(1));

OR

(ii) Used by another FAA certificate holder in that other certificate holder's FAA-approved flight training program for the helicopter simulated (as described in § 60.7(d)(1)). This 12-month period is established in the same manner as in example one.

OR

(iii) Provided a statement each year from a qualified pilot, (after having flown the helicopter not the subject FTD or another FTD, during the preceding 12-month period) stating that the subject FTD's performance and handling qualities represent the helicopter (as described in § 60.7(d)(2)). This statement is provided at least once in each 12-month period established in the same manner as in example one.

(b) There is no minimum number of hours of FTD use required.

(3) Example Three.

(a) A sponsor in New York (in this example, a Part 142 certificate holder) establishes ''satellite'' training centers in Chicago and Moscow.

(b) The satellite function means that the Chicago and Moscow centers must operate under the New York center's certificate (in accordance with all of the New York center's practices, procedures, and policies; *e.g.*, instructor and/or technician training/checking requirements, record keeping, QMS program).

(c) All of the FTDs in the Chicago and Moscow centers could be dry-leased (*i.e.*, the certificate holder does not have and use FAA-approved flight training programs for the FTDs in the Chicago and Moscow centers) because—

(i) Each FTD in the Chicago center and each FTD in the Moscow center is used at least once each 12-month period by another FAA certificate holder in that other certificate holder's FAA-approved flight training program for the helicopter (as described in § 60.7(d)(1));

OR

(ii) A statement is obtained from a qualified pilot (having flown the helicopter, not the subject FTD or another FTD during the preceding 12-month period) stating that the performance and handling qualities of each FTD in the Chicago and Moscow centers represents the helicopter (as described in § 60.7(d)(2)).

End Information

---

7. Additional Responsibilities of the Sponsor (§ 60.9)

Begin Information

The phrase ''as soon as practicable'' in § 60.9(a) means without unnecessarily disrupting or delaying beyond a reasonable time the training, evaluation, or experience being conducted in the FSTD.

End Information

---

8. FTD Use (§ 60.11)

There is no additional regulatory or informational material that applies to § 60.11, FTD Use.

9. FTD Objective Data Requirements (§ 60.13)

Begin QPS Requirements

a. Flight test data used to validate FTD performance and handling qualities must have been gathered in accordance with a flight test program containing the following:

(1) A flight test plan consisting of:

(a) The maneuvers and procedures required for aircraft certification and simulation programming and validation.

(b) For each maneuver or procedure—

(i) The procedures and control input the flight test pilot and/or engineer used.

(ii) The atmospheric and environmental conditions.

(iii) The initial flight conditions.

(iv) The helicopter configuration, including weight and center of gravity.

(v) The data to be gathered.

(vi) All other information necessary to recreate the flight test conditions in the FTD.

(2) Appropriately qualified flight test personnel.

(3) An understanding of the accuracy of the data to be gathered using appropriate alternative data sources, procedures, and instrumentation that is traceable to a recognized standard as described in Attachment 2, Table D2F.

(4) Appropriate and sufficient data acquisition equipment or system(s), including appropriate data reduction and analysis methods and techniques, as would be acceptable to the FAA's Aircraft Certification Service.

b. The data, regardless of source, must be presented:

(1) In a format that supports the FTD validation process;

(2) In a manner that is clearly readable and annotated correctly and completely;

(3) With resolution sufficient to determine compliance with the tolerances set forth in Attachment 2, Table D2A appendix.

(4) With any necessary guidance information provided; and

(5) Without alteration, adjustments, or bias; however the data may be re-scaled, digitized, or otherwise manipulated to fit the desired presentation.

c. After completion of any additional flight test, a flight test report must be submitted in support of the validation data. The report must contain sufficient data and rationale to support qualification of the FTD at the level requested.

d. As required by § 60.13(f), the sponsor must notify the NSPM when it becomes aware that an addition to or a revision of the flight related data or helicopter systems related data is available if this data is used to program and operate a qualified FTD. The data referred to in this sub-section are those data that are used to validate the performance, handling qualities, or other characteristics of the aircraft, including data related to any relevant changes occurring after the type certification is issued. This notification must be made within 10 working days.

End QPS Requirements

Begin Information

e. The FTD sponsor is encouraged to maintain a liaison with the manufacturer of the aircraft being simulated (or with the holder of the aircraft type certificate for the aircraft being simulated if the manufacturer is no longer in business), and if appropriate, with the person having supplied the aircraft data package for the FTD in order to facilitate the notification described in this paragraph.

f. It is the intent of the NSPM that for new aircraft entering service, at a point well in advance of preparation of the Qualification Test Guide (QTG), the sponsor should submit to the NSPM for approval, a descriptive document (a validation data roadmap) containing the plan for acquiring the validation data, including data sources. This document should clearly identify sources of data for all required tests, a description of the validity of these data for a specific engine type and thrust rating configuration, and the revision levels of all avionics affecting the performance or flying qualities of the aircraft. Additionally, this document should provide other information such as the rationale or explanation for cases where data or data parameters are missing, instances where engineering simulation data are used, or where flight test methods require further explanations. It should also provide a brief narrative describing the cause and effect of any deviation from data requirements. The aircraft manufacturer may provide this document.

g. There is no requirement for any flight test data supplier to submit a flight test plan or program prior to gathering flight test data. However, the NSPM notes that inexperienced data gatherers often provide data that is irrelevant, improperly marked, lacking adequate justification for selection. Other problems include inadequate information regarding initial conditions or test maneuvers. The NSPM has been forced to refuse these data submissions as validation data for an FTD evaluation. It is for this reason that the NSPM recommends that any data supplier not previously experienced in this area review the data necessary for programming and for validating the performance of the FTD and discuss the flight test plan anticipated for acquiring such data with the NSPM well in advance of commencing the flight tests.

h. In those cases where the objective test results authorize a ''snapshot test'' or a ''series of snapshot tests'' results in lieu of a time-history result, Attachment 2 requires the sponsor or other data provider to ensure that a steady state condition exists at the instant of time captured by the ''snapshot.'' This is often verified by showing that a steady state condition existed from some period of time during which the snap shot is taken. The time period most frequently used is 5 seconds prior through 2 seconds following the instant of time captured by the snap shot. This paragraph is primarily addressing the source data and the method by which the data provider ensures that the steady state condition for the snap shot is representative.

i. The NSPM will consider, on a case-by-case basis, whether or not to approve supplemental validation data derived from flight data recording systems such as a Quick Access Recorder or Flight Data Recorder.

End Information

10. Special Equipment and Personnel Requirements for Qualification of the FTD (§ 60.14)

Begin Information

a. In the event that the NSPM determines that special equipment or specifically qualified persons will be required to conduct an evaluation, the NSPM will make every attempt to notify the sponsor at least one (1) week, but in no case less than 72 hours, in advance of the evaluation. Examples of special equipment include flight control measurement devices, accelerometers, or oscilloscopes. Examples of specially qualified personnel include individuals specifically qualified to install or use any special equipment when its use is required.

b. Examples of a special evaluation include an evaluation conducted after an FTD is moved; at the request of the TPAA; or as a result of comments received from FTD users that raise questions regarding the continued qualification or use of the FTD.

End Information

11. Initial (and Upgrade) Qualification Requirements (§ 60.15)

Begin QPS Requirement

a. In order to be qualified at a particular qualification level, the FTD must:

(1) Meet the general requirements listed in Attachment 1;

(2) Meet the objective testing requirements listed in Attachment 2 (Level 4 FTDs do not require objective tests); and

(3) Satisfactorily accomplish the subjective tests listed in Attachment 3.

b. The request described in § 60.15(a) must include all of the following:

(1) A statement that the FTD meets all of the applicable provisions of this part and all applicable provisions of the QPS.

(2) A confirmation that the sponsor will forward to the NSPM the statement described in § 60.15(b) in such time as to be received no later than 5 business days prior to the scheduled evaluation and may be forwarded to the NSPM via traditional or electronic means.

(3) Except for a Level 4 FTD, a qualification test guide (QTG), acceptable to the NSPM, that includes all of the following:

(a) Objective data obtained from aircraft testing or another approved source.

(b) Correlating objective test results obtained from the performance of the FTD as prescribed in the applicable QPS.

(c) The result of FTD subjective tests prescribed in the applicable QPS.

(d) A description of the equipment necessary to perform the evaluation for initial qualification and the continuing qualification evaluations.

c. The QTG described in paragraph a(3) of this section, must provide the documented proof of compliance with the FTD objective tests in Attachment 2,Table D2A of this appendix.

d. The QTG is prepared and submitted by the sponsor, or the sponsor's agent on behalf of the sponsor, to the NSPM for review and approval, and must include, for each objective test:

(1) Parameters, tolerances, and flight conditions;

(2) Pertinent and complete instructions for conducting automatic and manual tests;

(3) A means of comparing the FTD test results to the objective data;

(4) Any other information as necessary to assist in the evaluation of the test results;

(5) Other information appropriate to the qualification level of the FTD.

e. The QTG described in paragraphs (a)(3) and (b) of this section, must include the following:

(1) A QTG cover page with sponsor and FAA approval signature blocks (see Attachment 4, Figure D4C, for a sample QTG cover page).

(2) A continuing qualification evaluation requirements page. This page will be used by

the NSPM to establish and record the frequency with which continuing qualification evaluations must be conducted and any subsequent changes that may be determined by the NSPM in accordance with § 60.19. See Attachment 4, Figure D4G, for a sample Continuing Qualification Evaluation Requirements page.

(3) An FTD information page that provides the information listed in this paragraph, if applicable (see Attachment 4, Figure D4B, for a sample FTD information page). For convertible FTDs, the sponsor must submit a separate page for each configuration of the FTD.

(a) The sponsor's FTD identification number or code.

(b) The helicopter model and series being simulated.

(c) The aerodynamic data revision number or reference.

(d) The engine model(s) and its data revision number or reference.

(e) The flight control data revision number or reference.

(f) The flight management system identification and revision level.

(g) The FTD model and manufacturer.

(h) The date of FTD manufacture.

(i) The FTD computer identification.

(j) The visual system model and manufacturer, including display type.

(k) The motion system type and manufacturer, including degrees of freedom.

(4) A Table of Contents.

(5) A log of revisions and a list of effective pages.

(6) List of all relevant data references.

(7) A glossary of terms and symbols used (including sign conventions and units).

(8) Statements of compliance and capability (SOCs) with certain requirements. SOCs must provide references to the sources of information that show the capability of the FTD to comply with the requirement, a rationale explaining how the referenced material is used, mathematical equations and parameter values used, and the conclusions reached; *i.e.,* that the FTD complies with the requirement. Refer to the ''General FTD Requirements'' column, Table D1A, in Attachment 1, or in the ''Alternative Data Sources, Procedures, and Instrumentation'' column, Table D2F, in Attachment 2, to see when SOCs are required.

(9) Recording procedures or equipment required to accomplish the objective tests.

(10) The following information for each objective test designated in Attachment 2, as applicable to the qualification level sought:

(a) Name of the test.

(b) Objective of the test.

(c) Initial conditions.

(d) Manual test procedures.

(e) Automatic test procedures (if applicable).

(f) Method for evaluating FTD objective test results.

(g) List of all relevant parameters driven or constrained during the automatic test(s).

(h) List of all relevant parameters driven or constrained during the manual test(s).

(i) Tolerances for relevant parameters.

(j) Source of Validation Data (document and page number).

(k) Copy of the Validation Data (if located in a separate binder, a cross reference for the identification and page number for pertinent data location must be provided).

(l) FTD Objective Test Results as obtained by the sponsor. Each test result must reflect the date completed and must be clearly labeled as a product of the device being tested.

f. A convertible FTD is addressed as a separate FTD for each model and series helicopter to which it will be converted and for the FAA qualification level sought. The NSPM will conduct an evaluation for each configuration. If a sponsor seeks qualification for two or more models of a helicopter type using a convertible FTD, the sponsor must provide a QTG for each helicopter model, or a supplemented QTG for each helicopter model. The NSPM will conduct evaluations for each helicopter model.

g. The form and manner of presentation of objective test results in the QTG must include the following:

(1) The sponsor's FTD test results must be recorded in a manner acceptable to the NSPM, that allows easy comparison of the FTD test results to the validation data (*e.g.,* use of a multi-channel recorder, line printer, cross plotting, overlays, transparencies).

(2) FTD results must be labeled using terminology common to helicopter parameters as opposed to computer software identifications.

(3) Validation data documents included in a QTG may be photographically reduced only if such reduction will not alter the graphic scaling or cause difficulties in scale interpretation or resolution.

(4) Scaling on graphical presentations must provide the resolution necessary to evaluate the parameters shown in Attachment 2, Table D2A of this appendix.

(5) Tests involving time histories, data sheets (or transparencies thereof) and FTD test results must be clearly marked with appropriate reference points to ensure an accurate comparison between FTD and helicopter with respect to time. Time histories recorded via a line printer are to be clearly identified for cross-plotting on the helicopter data. Over-plots must not obscure the reference data.

h. The sponsor may elect to complete the QTG objective and subjective tests at the manufacturer's facility or at the sponsor's training facility. If the tests are conducted at the manufacturer's facility, the sponsor must repeat at least one-third of the tests at the sponsor's training facility in order to substantiate FTD performance. The QTG must be clearly annotated to indicate when and where each test was accomplished. Tests conducted at the manufacturer's facility and at the sponsor's training facility must be conducted after the FTD is assembled with systems and sub-systems functional and operating in an interactive manner. The test results must be submitted to the NSPM.

i. The sponsor must maintain a copy of the MQTG at the FTD location.

j. All FTDs for which the initial qualification is conducted after October 30, 2013 must have an electronic MQTG (eMQTG) including all objective data obtained from helicopter testing, or another approved source (reformatted or digitized), together with correlating objective test results obtained from the performance of the FTD (reformatted or digitized) as prescribed in this appendix. The eMQTG must also contain the general FTD performance or demonstration results (reformatted or digitized) prescribed in this appendix, and a description of the equipment necessary to perform the initial qualification evaluation and the continuing qualification evaluations. The eMQTG must include the original validation data used to validate FTD performance and handling qualities in either the original digitized format from the data supplier or an electronic scan of the original time-history plots that were provided by the data supplier. A copy of the eMQTG must be provided to the NSPM.

k. All other FTDs (not covered in subparagraph ''j'') must have an electronic copy of the MQTG by and after October 30, 2013. A copy of the eMQTG must be provided to the NSPM. This may be provided by an electronic scan presented in a Portable Document File (PDF), or similar format acceptable to the NSPM.

End QPS Requirements

Begin Information

l. Only those FTDs that are sponsored by a certificate holder as defined in appendix F will be evaluated by the NSPM. However, other FTD evaluations may be conducted on a case-by-case basis as the Administrator deems appropriate, but only in accordance with applicable agreements.

m. The NSPM will conduct an evaluation for each configuration, and each FTD must be evaluated as completely as possible. To ensure a thorough and uniform evaluation, each FTD is subjected to the general FTD requirements in Attachment 1, the objective tests listed in Attachment 2, and the subjective tests listed in Attachment 3 of this appendix. The evaluations described herein will include, but not necessarily be limited to the following:

(1) Helicopter responses, including longitudinal and lateral-directional control responses (see Attachment 2 of this appendix);

(2) Performance in authorized portions of the simulated helicopter's operating envelope, to include tasks evaluated by the NSPM in the areas of surface operations, takeoff, climb, cruise, descent, approach and landing, as well as abnormal and emergency operations (see Attachment 2 of this appendix);

(3) Control checks (see Attachment 1 and Attachment 2 of this appendix);

(4) Cockpit configuration (see Attachment 1 of this appendix);

(5) Pilot, flight engineer, and instructor station functions checks (see Attachment 1 and Attachment 3 of this appendix);

(6) Helicopter systems and sub-systems (as appropriate) as compared to the helicopter simulated (see attachment 1 and attachment 3 of this appendix);

(7) FTD systems and sub-systems, including force cueing (motion), visual, and aural (sound) systems, as appropriate (see Attachment 1 and Attachment 2 of this appendix); and

(8) Certain additional requirements, depending upon the qualification level sought, including equipment or circumstances that may become hazardous to the occupants. The sponsor may be subject to Occupational Safety and Health Administration requirements.

n. The NSPM administers the objective and subjective tests, which includes an examination of functions. The tests include a qualitative assessment of the FTD by an NSP pilot. The NSP evaluation team leader may assign other qualified personnel to assist in accomplishing the functions examination and/or the objective and subjective tests performed during an evaluation when required.

(1) Objective tests provide a basis for measuring and evaluating FTD performance and determining compliance with the requirements of this part.

(2) Subjective tests provide a basis for:

(a) Evaluating the capability of the FTD to perform over a typical utilization period;

(b) Determining that the FTD satisfactorily simulates each required task;

(c) Verifying correct operation of the FTD controls, instruments, and systems; and

(d) Demonstrating compliance with the requirements of this part.

o. The tolerances for the test parameters listed in Attachment 2 of this appendix reflect the range of tolerances acceptable to the NSPM for FTD validation and are not to be confused with design tolerances specified for FTD manufacture. In making decisions regarding tests and test results, the NSPM relies on the use of operational and engineering judgment in the application of data (including consideration of the way in which the flight test was flown and way the data was gathered and applied) data presentations, and the applicable tolerances for each test.

p. In addition to the scheduled continuing qualification evaluation, each FTD is subject to evaluations conducted by the NSPM at any time without prior notification to the sponsor. Such evaluations would be accomplished in a normal manner (*i.e.,* requiring exclusive use of the FTD for the conduct of objective and subjective tests and an examination of functions) if the FTD is not being used for flight crewmember training, testing, or checking. However, if the FTD were being used, the evaluation would be conducted in a non-exclusive manner. This non-exclusive evaluation will be conducted by the FTD evaluator accompanying the check airman, instructor, Aircrew Program Designee (APD), or FAA inspector aboard the FTD along with the student(s) and observing the operation of the FTD during the training, testing, or checking activities.

q. Problems with objective test results are handled as follows:

(1) If a problem with an objective test result is detected by the NSP evaluation team during an evaluation, the test may be repeated or the QTG may be amended.

(2) If it is determined that the results of an objective test do not support the qualification level requested but do support a lower level, the NSPM may qualify the FTD at a lower level.

r. After an FTD is successfully evaluated, the NSPM issues a statement of qualification (SOQ) to the sponsor, The NSPM recommends the FTD to the TPAA, who will approve the FTD for use in a flight training program. The SOQ will be issued at the satisfactory conclusion of the initial or continuing qualification. However, it is the sponsor's responsibility to obtain TPAA approval prior to using the FTD in an FAA-approved flight training program.

s. Under normal circumstances, the NSPM establishes a date for the initial or upgrade evaluation within ten (10) working days after determining that a complete QTG is acceptable. Unusual circumstances may warrant establishing an evaluation date before this determination is made. A sponsor may schedule an evaluation date as early as 6 months in advance. However, there may be a delay of 45 days or more in rescheduling and completing the evaluation if the sponsor is unable to meet the scheduled date. See Attachment 4, Figure D4A, Sample Request for Initial, Upgrade, or Reinstatement Evaluation.

t. The numbering system used for objective test results in the QTG should closely follow the numbering system set out in Attachment 2, FTD Objective Tests, Table D2A.

u. Contact the NSPM or visit the NSPM Web site for additional information regarding the preferred qualifications of pilots used to meet the requirements of § 60.15(d).

v. Examples of the exclusions for which the FTD might not have been subjectively tested by the sponsor or the NSPM and for which qualification might not be sought or granted, as described in § 60.15(g)(6), include approaches to and departures from slopes and pinnacles.

End Information

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12. Additional Qualifications for Currently Qualified FTDs (§ 60.16)

There is no additional regulatory or informational material that applies to § 60.16, Additional Qualifications for a Currently Qualified FTD.

13. Previously Qualified FTDs (§ 60.17)

Begin QPS Requirements

a. In instances where a sponsor plans to remove an FTD from active status for a period of less than two years, the following procedures apply:

(1) The NSPM must be notified in writing and the notification must include an estimate of the period that the FTD will be inactive;

(2) Continuing Qualification evaluations will not be scheduled during the inactive period;

(3) The NSPM will remove the FTD from the list of qualified FSTDs on a mutually established date not later than the date on which the first missed continuing qualification evaluation would have been scheduled;

(4) Before the FTD is restored to qualified status, it must be evaluated by the NSPM. The evaluation content and the time required to accomplish the evaluation is based on the number of continuing qualification evaluations and sponsor-conducted quarterly inspections missed during the period of inactivity.

(5) The sponsor must notify the NSPM of any changes to the original scheduled time out of service;

b. FTDs qualified prior to October 30, 2007, are not required to meet the general FTD requirements, the objective test requirements, and the subjective test requirements of Attachments 1, 2, and 3, respectively, of this appendix.

c. [Reserved]

End QPS Requirements

Begin Information

d. Other certificate holders or persons desiring to use an FTD may contract with FTD sponsors to use FTDs previously qualified at a particular level for a helicopter type and approved for use within an FAA-approved flight training program. Such FTDs are not required to undergo an additional qualification process, except as described in § 60.16.

e. Each FTD user must obtain approval from the appropriate TPAA to use any FTD in an FAA-approved flight training program.

f. The intent of the requirement listed in § 60.17(b), for each FTD to have a Statement of Qualification within 6 years, is to have the availability of that statement (including the configuration list and the limitations to authorizations) to provide a complete picture of the FTD inventory regulated by the FAA. The issuance of the statement will not require any additional evaluation or require any adjustment to the evaluation basis for the FTD.

g. Downgrading of an FTD is a permanent change in qualification level and will necessitate the issuance of a revised Statement of Qualification to reflect the revised qualification level, as appropriate. If a temporary restriction is placed on an FTD because of a missing, malfunctioning, or inoperative component or on-going repairs, the restriction is not a permanent change in qualification level. Instead, the restriction is temporary and is removed when the reason for the restriction has been resolved.

h. It is not the intent of the NSPM to discourage the improvement of existing simulation (*e.g.,* the ''updating'' of a control loading system, or the replacement of the IOS with a more capable unit) by requiring the ''updated'' device to meet the qualification standards current at the time of the update. Depending on the extent of the update, the NSPM may require that the updated device be evaluated and may require that an evaluation include all or a portion of the elements of an initial evaluation. However, the standards against which the device would be evaluated are those that are found in the MQTG for that device.

i. The NSPM will determine the evaluation criteria for an FTD that has been removed from active status for a prolonged period. The criteria will be based on the number of continuing qualification evaluations and quarterly inspections missed during the period of inactivity. For example, if the FTD were out of service for a 1 year period, it would be necessary to complete the entire

QTG, since all of the quarterly evaluations would have been missed. The NSPM will also consider how the FTD was stored, whether parts were removed from the FTD and whether the FTD was disassembled.

j. The FTD will normally be requalified using the FAA-approved MQTG and the criteria that was in effect prior to its removal from qualification. However, inactive periods of 2 years or more will require re-qualification under the standards in effect and current at the time of requalification.

End Information

14. Inspection, Continuing Qualification Evaluation, and Maintenance Requirements (§ 60.19).

Begin QPS Requirement

a. The sponsor must conduct a minimum of four evenly spaced inspections throughout the year. The objective test sequence and content of each inspection in this sequence must be developed by the sponsor and must be acceptable to the NSPM.

b. The description of the functional preflight inspection must be contained in the sponsor's QMS.

c. Record ''functional preflight'' in the FTD discrepancy log book or other acceptable location, including any item found to be missing, malfunctioning, or inoperative.

End QPS Requirements

Begin Information

d. The sponsor's test sequence and the content of each quarterly inspection required in § 60.19(a)(1) should include a balance and a mix from the objective test requirement areas listed as follows:

(1) Performance.

(2) Handling qualities.

(3) Motion system (where appropriate).

(4) Visual system (where appropriate).

(5) Sound system (where appropriate).

(6) Other FTD systems.

e. If the NSP evaluator plans to accomplish specific tests during a normal continuing qualification evaluation that requires the use of special equipment or technicians, the sponsor will be notified as far in advance of the evaluation as practical; but not less than 72 hours. Examples of such tests include latencies and control sweeps.

f. The continuing qualification evaluations described in § 60.19(b) will normally require 4 hours of FTD time. However, flexibility is necessary to address abnormal situations or situations involving aircraft with additional levels of complexity (e.g., computer controlled aircraft). The sponsor should anticipate that some tests may require additional time. The continuing qualification evaluations will consist of the following:

(1) Review of the results of the quarterly inspections conducted by the sponsor since the last scheduled continuing qualification evaluation.

(2) A selection of approximately 8 to 15 objective tests from the MQTG that provide an adequate opportunity to evaluate the performance of the FTD. The tests chosen will be performed either automatically or manually and should be able to be conducted within approximately one-third (⅓) of the allotted FTD time.

(3) A subjective evaluation of the FTD to perform a representative sampling of the tasks set out in attachment 3 of this appendix. This portion of the evaluation should take approximately two-thirds (⅔) of the allotted FTD time.

(4) An examination of the functions of the FTD may include the motion system, visual system, sound system as applicable, instructor operating station, and the normal functions and simulated malfunctions of the simulated helicopter systems. This examination is normally accomplished simultaneously with the subjective evaluation requirements.

g. The requirement established in § 60.19(b)(4) regarding the frequency of NSPM-conducted continuing qualification evaluations for each FTD is typically 12 months. However, the establishment and satisfactory implementation of an approved QMS for a sponsor will provide a basis for adjusting the frequency of evaluations to exceed 12-month intervals.

End Information

15. Logging FTD Discrepancies (§ 60.20).

There is no additional regulatory or informational material that applies to § 60.20. Logging FTD Discrepancies.

16. Interim Qualification of FTDs for New Helicopter Types or Models (§ 60.21).

There is no additional regulatory or informational material that applies to § 60.21, Interim Qualification of FTDs for New Helicopter Types or Models.

17. Modifications to FTDs (§ 60.23).

Begin QPS Requirements

a. The notification described in § 60.23(c)(2) must include a complete description of the planned modification, with a description of the operational and engineering effect the proposed modification will have on the operation of the FTD and the results that are expected with the modification incorporated.

b. Prior to using the modified FTD:

(1) All the applicable objective tests completed with the modification incorporated, including any necessary updates to the MQTG (*e.g.,* accomplishment of FSTD Directives) must be acceptable to the NSPM; and

(2) The sponsor must provide the NSPM with a statement signed by the MR that the factors listed in § 60.15(b) are addressed by the appropriate personnel as described in that section.

End QPS Requirements

Begin Information

c. FSTD Directives are considered modification of an FTD. See Attachment 4, Figure D4H for a sample index of effective FSTD Directives.

End Information

18. Operation With Missing, Malfunctioning, or Inoperative Components (§ 60.25).

Begin Information

a. The sponsor's responsibility with respect to § 60.25(a) is satisfied when the sponsor fairly and accurately advises the user of the current status of an FTD, including any missing, malfunctioning, or inoperative (MMI) component(s).

b. If the 29th or 30th day of the 30-day period described in § 60.25(b) is on a Saturday, a Sunday, or a holiday, the FAA will extend the deadline until the next business day.

c. In accordance with the authorization described in § 60.25(b), the sponsor may develop a discrepancy prioritizing system to accomplish repairs based on the level of impact on the capability of the FTD. Repairs having a larger impact on the FTD's ability to provide the required training, evaluation, or flight experience will have a higher priority for repair or replacement.

End Information

19. Automatic Loss of Qualification and Procedures for Restoration of Qualification (§ 60.27).

Begin Information

If the sponsor provides a plan for how the FTD will be maintained during its out-of-service period (*e.g.,* periodic exercise of mechanical, hydraulic, and electrical systems; routine replacement of hydraulic fluid; control of the environmental factors in which the FTD is to be maintained.) there is a greater likelihood that the NSPM will be able to determine the amount of testing that is required for requalification.

End Information

20. Other Losses of Qualification and Procedures for Restoration of Qualification (§ 60.29).

Begin Information

If the sponsor provides a plan for how the FTD will be maintained during its out-of-service period (*e.g.,* periodic exercise of mechanical, hydraulic, and electrical systems; routine replacement of hydraulic fluid; control of the environmental factors in which the FTD is to be maintained.) there is a greater likelihood that the NSPM will be able to determine the amount of testing that is required for requalification.

End Information

21. Recordkeeping and Reporting (§ 60.31).

Begin QPS Requirements

a. FTD modifications can include hardware or software changes. For FTD modifications involving software programming changes, the record required by § 60.31(a)(2) must consist

of the name of the aircraft system software, aerodynamic model, or engine model change, the date of the change, a summary of the change, and the reason for the change.

b. If a coded form for record keeping is used, it must provide for the preservation and retrieval of information with appropriate security or controls to prevent the inappropriate alteration of such records after the fact.

End QPS Requirements

22. Applications, Logbooks, Reports, and Records: Fraud, Falsification, or Incorrect Statements (§ 60.33).

There are no additional QPS requirements or informational material that apply to § 60.33, Applications, Logbooks, Reports, and Records: Fraud, Falsification, or Incorrect Statements.

23. [Reserved].

24. Levels of FTD.

Begin Information

a. The following is a general description of each level of FTD. Detailed standards and tests for the various levels of FTDs are fully defined in Attachments 1 through 3 of this appendix.

(1) *Level 4.* A device that may have an open helicopter-specific flight deck area, or an enclosed helicopter-specific cockpit and at least one operating system with air/ground logic (no aerodynamic programming required).

(2) *Level 5.* A device that may have an open helicopter-specific flight deck area, or an enclosed helicopter-specific cockpit and a generic aerodynamic program with at least one operating system and control loading that is representative of the simulated helicopter only at an approach speed and configuration.

(3) *Level 6.* A device that has an enclosed helicopter-specific cockpit and aerodynamic program with all applicable helicopter systems operating and control loading that is representative of the simulated helicopter throughout its ground and flight envelope and significant sound representation.

End Information

25. FSTD Qualification on the Basis of a Bilateral Aviation Safety Agreement (BASA) (§ 60.37).

Begin Information

There are no additional QPS requirements or informational material that apply to § 60.37, FSTD Qualification on the Basis of a Bilateral Aviation Safety Agreement (BASA).

End Information

Attachment 1 to Appendix D to Part 60—General FTD Requirements

Begin QPS Requirements

1. Requirements

a. Certain requirements included in this appendix must be supported with a Statement of Compliance and Capability (SOC), which may include objective and subjective tests. The SOC will confirm that the requirement was satisfied, and describe how the requirement was met. The requirements for SOCs and tests are indicated in the ''General FTD Requirements'' column in Table D1A of this appendix.

b. Table D1A describes the requirements for the indicated level of FTD. Many devices include operational systems or functions that exceed the requirements outlined in this section. In any event, all systems will be tested and evaluated in accordance with this appendix to ensure proper operation.

End QPS Requirements

Begin Information

2. Discussion

a. This attachment describes the general requirements for qualifying Level 4 through Level 6 FTDs. The sponsor should also consult the objectives tests in Attachment 2 and the examination of functions and subjective tests listed in Attachment 3 to determine the complete requirements for a specific level FTD.

b. The material contained in this attachment is divided into the following categories:

(1) General Cockpit Configuration.
(2) Programming.
(3) Equipment Operation.
(4) Equipment and facilities for instructor/evaluator functions.
(5) Motion System.
(6) Visual System.
(7) Sound System.

c. Table D1A provides the standards for the General FTD Requirements.

End Information

TABLE D1A.—MINIMUM FTD REQUIREMENTS

<<<QPS requirements >>>					<<Information>> Notes
No.	General FTD requirements	FTD Level			
		4	5	6	
1. General Cockpit Configuration					

TABLE D1A.—MINIMUM FTD REQUIREMENTS

<<<QPS requirements >>>					<<Information>> Notes
No.	General FTD requirements	FTD Level			
		4	5	6	
1.a	The FTD must have a cockpit that is a replica of the helicopter, or set purposes, the of helicopters simulated with controls, equipment, observable cockpit indicators, circuit breakers, and bulkheads properly located, functionally accurate and replicating the helicopter or set of helicopters. The direction of movement of controls and switches must be identical to that in the helicopters or set of helicopters. Crewmember seats must afford the capability for the occupant to be able to achieve the design ''eye position'' for specific helicopters, or to approximate such a position for a generic set of helicopters.			X	For FTD purposes, the cockpit consists of all that space forward of a cross section of the fuselage at the most extreme aft setting of the pilots' seats including additional, required crewmember duty stations and those required bulkheads aft of the pilot seats.

TABLE D1A.—MINIMUM FTD REQUIREMENTS—Continued

<<<QPS requirements >>>					<<Information>> Notes
No.	General FTD requirements	FTD Level			
		4	5	6	
2.b	The FTD must have equipment (i.e., instruments, panels, systems, and controls) simulated sufficiently for the authorized training/checking events to be accomplished. The installed equipment, must be locted in a spatially correct configuration, and may be in a cockpit or an open flight deck area. Actuation of this equipment must replicate the appropriate function in the helicopter.	X	X		
3.c	Circuit breakers must function accurately when they are involved in operating procedures or malfunctions requiring or involving flight crew response. Level 6 devices must have installed circuit breakers properly located in the FTD cockpit.		X	X	
4. Programming					
4.a	The FTD must provide the proper effect of aerodynamic changes for the combinations of drag and thrust normally encountered in flight. This must include the effect of change in helicopter attitude, thrust, drag, altitude, temperature, and configuration. Level 6 additionally requires the effects of changes in gross weight and center of gravity. Level 5 requires only generic aerodynamic programming.		X	X	
4.b	The FTD must have computer (analog or digital) capability (i.e., capacity, accuracy, resolution, and dynamic response) needed to meet the qualification level sought.	X	X	X	
4.c	The FTD hardware and programming must be updated within 6 months of any helicopter modifications or data releases (or any such modification or data releases applicable to the set of helicopters) unless, with prior coordination, the NSPM authorizes otherwise.	X	X	X	

TABLE D1A.—MINIMUM FTD REQUIREMENTS—Continued

<<<QPS requirements >>>					<<Information>> Notes
No.	General FTD requirements	FTD Level			
		4	5	6	
4.d	Related responses of the cockpit instruments (and the visual and motion systems, if installed and training, testing, or checking credits are being sought) must be coupled closely to provide integrated sensory cues. The instruments (and the visual and motion systems, if installed, and training, testing, or checking credits are being sought) must respond to abrupt input at the pilot's position within the allotted time, but not before the time, when the helicopter or set of helicopters would respond under the same conditions. (If a visual system is installed and training, testing, or checking credits are sought, the visual scene changes from steady state disturbance must occur within the appropriate system dynamic response limt but not before the instrument response (and not before the motion system onset if a motion system is installed)). A demonstration is required and must simultaneously record: The analog out put from the pilot's control column, wheel, and pedals; and the output signal to the pilot's attitude indicator. These recordings must be compared to helicopter response data in the following configurations: Takeoff, cruise, and approach or landing. The results must be recorded in the QTG. Additionally, if a visual system is installed and training, testing, or checking credit are sought, the output signal to the visual system disply (including visual system analog delays must be recorded); and if a motion system is installed and training, testing, or checking credits are sought, the output from an accelerometer attached to the motion system platform located at an acceptable location near the pilots' seates is also required.	.....	X	X	
5. Equipment Operation					
5.a	All relevant instrument indications involved in the simulation of the helicopter (or set of helicopters) must automatically respond to control movement or external disturbances to the simulated helicopter or set of helicopters; e.g., turbulence or winds.		X	X	
5.b	Navigation equipment must be installed and operate within the tolerances applicable for the helicopter or set of helicopters. Level 5 only needs that navigation equipment necesary to fly an instrument approach. Level 6 must also include communication equipment (inter-phone and air/ground) like that in the helicopter, or set of helicopters, and, if appropriate to the operation being conducted, an oxygen mask microphone system.		X	X	
5.c	Installed systems must simulate the applicable helicopter (or set of helicopters) system operation both on the ground and in flight. At least one helicopter system must be represented. Systems must be operative to the extent that applicable normal, abnormal, and emergency operating procedures included in the sponor's training programs can be accomplished. Level 6 must simulate all applicable helicopter flight, navigation, and systems operation. Level 5 must have functional flight and navigational controls, displays, and instrumentation.	X	X	X	
5.d	The lighting environment for panels and instruments must be sufficient for the operation being conducted.	X	X	X	

TABLE D1A.—MINIMUM FTD REQUIREMENTS—Continued

<<<QPS requirements >>>					<<Information>> Notes
No.	General FTD requirements	FTD Level			
		4	5	6	
5.e	The FTD must provide control forces and control travel that correspond to the replicated helicopter or set of helicopters. Control forces must react in the same manner as in the helicopter or set of helicopters under the same flight conditions.			X	
5.f	The FTD must provide control forces and control travel of sufficient precision to manually fly an instrument approach. The control forces must react in the same manner as in the helicopter or set of helicopters under the same flight conditions.		X		
6. Instructor or Evaluator Facilities					
6.a	In addition to the flight crewmember stations, suitable seating arrangements for an instructor/check airman and FAA Inspector must be available. These seats must provide adequate view of crewmember's panel(s).	X	X	X	These seats need not be a replica of an aircraft seat and may be as simple as an office chair placed in an appropriate position.
6.b	The FTD must have instructor controls that permit activation of norma, abnormal, and emergency conditions, as may be appropriate. Once activated, proper system operation must result from system management by the crew and not require input from the instructor controls.	X	X	X	
7. Motion System					
7.a	The FTD may have a motion system; if desired, although it is not required. If installed, the motion system operation may not be distracting. The motion system standards set out in QPS FAA–S–120–40C for at least Level A simulators is acceptable.	X	X	X	
8. Visual System					
8.a	The FTD may have a visual system; if desired, although it is not required. If a visual system is installed, it must meet the following criteria: (1) Sinle channel, uncollimated display is acceptable. (2) Minimum field of view: 18° vertical/24° horizontal for the pilot flying. (3) Maximum paralax error: 10° per pilot. (4) Scene content may not be distracting. (5) Minimum distance from the pilot's eye position to the surface of a direct view display may not be less than the distance to any front panel instrument. (6) Minimum resolution of 5 arc-min. for both computed and displayed pixel size. (7) Maximum latency or through-put must not exceed 300 milliseconds. A statement of capability is required. A demonstration of latency or through-put is required. Visual system standards set out in QPS FAA–S–120–40C, for at least Level A simulators is acceptable. However, if additional authorizations (training, testing, or checking credits) are sought that require the use of a visual systems, the Level A simulator visual system standards apply.	X	X	X	
9. Sound System					
9.a	The FTD must simulate significant cockpit sounds resulting from pilot actions that correspond to those heard in the helicopter.			X	

Attachment 2 to Appendix D to Part 60—Flight Training Device (FTD) Objective Tests

Begin QPS Requirements

1. Test Requirements

a. The ground and flight tests required for qualification are listed in Table D2A Objective Evaluation. Computer generated FTD test results must be provided for each test except where an alternate test is specifically authorized by the NSPM. If a flight condition or operating condition is required for the test but does not apply to the helicopter being simulated or to the qualification level sought, it may be disregarded (*e.g.*, engine out climb capability for a single-engine helicopter). Each test result is compared against the validation data described in § 60.13, and in appendix B. The results must be produced on an appropriate recording device acceptable to the NSPM and must include FTD number, date, time, conditions, tolerances, and appropriate dependent variables portrayed in comparison to the validation data. Time histories are required unless otherwise indicated in Table D2A. All results must be labeled using the tolerances and units given.

b. Table D2A in this attachment sets out the test results required, including the parameters, tolerances, and flight conditions for FTD validation. Tolerances are provided for the listed tests because mathematical modeling and acquisition and development of reference data are often inexact. All tolerances listed in the following tables are applied to FTD performance. When two tolerance values are given for a parameter, the less restrictive may be used unless otherwise indicated.

c. Certain tests included in this attachment must be supported with a Statement of Compliance and Capability (SOC). In Table D2A, requirements for SOCs are indicated in the ''Test Details'' column.

d. When operational or engineering judgment is used in making assessments for flight test data applications for FTD validity, such judgment must not be limited to a single parameter. For example, data that exhibit rapid variations of the measured parameters may require interpolations or a ''best fit'' data section. All relevant parameters related to a given maneuver or flight condition must be provided to allow overall interpretation. When it is difficult or impossible to match FTD to helicopter data throughout a time history, differences must be justified by providing a comparison of other related variables for the condition being assessed.

e. It is not acceptable to program the FTD so that the mathematical modeling is correct only at the validation test points. Unless noted otherwise, tests must represent helicopter performance and handling qualities at operating weights and centers of gravity (CG) typical of normal operation. If a test is supported by aircraft data at one extreme weight or CG, another test supported by aircraft data at mid-conditions or as close as possible to the other extreme is necessary. Certain tests that are relevant only at one extreme CG or weight condition need not be repeated at the other extreme. The results of the tests for Level 6 are expected to be indicative of the device's performance and handling qualities throughout all of the following:

(1) The helicopter weight and CG envelope;

(2) The operational envelope; and

(3) Varying atmospheric ambient and environmental conditions—including the extremes authorized for the respective helicopter or set of helicopters.

f. When comparing the parameters listed to those of the helicopter, sufficient data must also be provided to verify the correct flight condition and helicopter configuration changes. For example, to show that control force is within the parameters for a static stability test, data to show the correct airspeed, power, thrust or torque, helicopter configuration, altitude, and other appropriate datum identification parameters must also be given. If comparing short period dynamics, normal acceleration may be used to establish a match to the helicopter, but airspeed, altitude, control input, helicopter configuration, and other appropriate data must also be given. If comparing landing gear change dynamics, pitch, airspeed, and altitude may be used to establish a match to the helicopter, but landing gear position must also be provided. All airspeed values must be properly annotated (*e.g.*, indicated versus calibrated). In addition, the same variables must be used for comparison (*e.g.*, compare inches to inches rather than inches to centimeters).

g. The QTG provided by the sponsor must clearly describe how the FTD will be set up and operated for each test. Each FTD subsystem may be tested independently, but overall integrated testing of the FTD must be accomplished to assure that the total FTD system meets the prescribed standards. A manual test procedure with explicit and detailed steps for completing each test must also be provided.

h. In those cases where the objective test results authorize a ''snapshot test'' or a ''series of snapshot test'' results in lieu of a time-history result, the sponsor or other data provider must ensure that a steady state condition exists at the instant of time captured by the ''snapshot.''

i. For previously qualified FTDs, the tests and tolerances of this attachment may be used in subsequent continuing qualification evaluations for any given test if the sponsor has submitted a proposed MQTG revision to the NSPM and has received NSPM approval.

j. Tests of handling qualities must include validation of augmentation devices. FTDs for highly augmented helicopters will be validated both in the unaugmented configuration (or failure state with the maximum permitted degradation in handling qualities) and the augmented configuration. Where various levels of handling qualities result from failure states, validation of the effect of the failure is necessary. For those performance and static handling qualities tests where the primary concern is control position in the unaugmented configuration, unaugmented data are not required if the design of the system precludes any affect on control position. In those instances where the unaugmented helicopter response is divergent and non-repeatable, it may not be feasible to meet the specified tolerances. Alternative requirements for testing will be mutually agreed upon by the sponsor and the NSPM on a case-by-case basis.

k. Some tests will not be required for helicopters using helicopter hardware in the FTD cockpit (*e.g.*, ''helicopter modular controller''). These exceptions are noted in Section 2 ''Handling Qualities'' in Table D2A of this attachment. However, in these cases, the sponsor must provide a statement that the helicopter hardware meets the appropriate manufacturer's specifications and the sponsor must have supporting information to that fact available for NSPM review.

l. For objective test purposes, ''Near maximum'' gross weight is a weight chosen by the sponsor or data provider that is not less than the basic operating weight (BOW) of the helicopter being simulated plus 80% of the difference between the maximum certificated gross weight (either takeoff weight or landing weight, as appropriate for the test) and the BOW. ''Light'' gross weight is a weight chosen by the sponsor or data provider that is not more than 120% of the BOW of the helicopter being simulated or as limited by the minimum practical operating weight of the test helicopter. ''Medium'' gross weight is a weight chosen by the sponsor or data provider that is approximately ±10% of the average of the numerical values of the BOW and the maximum certificated gross weight. (**Note:** BOW is the empty weight of the aircraft plus the weight of the following: Normal oil quantity; lavatory servicing fluid; potable water; required crewmembers and their baggage; and emergency equipment. (References: Advisory Circular 120–27, ''Aircraft Weight and Balance;'' and FAA–H–8083–1, ''Aircraft Weight and Balance Handbook.'').

TABLE D2A.—FLIGHT TRAINING DEVICE (FTD) OBJECTIVE TESTS

<<< QPS Requirements >>>		Tolerances	Flight conditions	Test details	FTD Level		<< Information >>
Test							Notes
No.	Title				5	6	
1. Performance							
1.a Engine Assessment							
1.a.1	Start Operations						
1.a.1.a ...	Engine start and acceleration (transient).	Light Off Time—±10% or ±1 sec.Torque—±5%Rotor Speed—±3% Fuel Flow—±10% Gas Generator Speed—±5% Power TurbineSpeed—±5% Gas TurbineTemp.—±30°C.	Ground with the Rotor Brake Used and Not Used.	Record each engine start from the initiation of the start sequence to steady state idle and from steady state idle to operating RPM.		X	
1.a.1.b ...	Steady State Idle and Operating RPM conditions.	Torque—±3% Rotor Speed—±1.5% Fuel Flow—±5% Gas Generator Speed—±2% Power Turbine Speed—±2% Turbine Gas Temp.—±20°C.	Ground	Record both steady state idle and operating RPM conditions. May be a series of snapshot tests.	X	X	
1.a.2	Power Turbine Speed Trim.	±10% of total change of power turbine speed.	Ground	Record engine response to trim system actuation in both directions.		X	
1.a.3	Engine and Rotor Speed Governing.	Torque—±5% Rotor Speed—±1.5%.	1) Climb ..... 2) Descent	Record results using a step input to the collective. May be conducted concurrently with climb and descent performance tests.		X	
1.b. In Flight							
	Performance and Trimmed Flight Control Positions.	Torque—±3% Pitch Attitude—±1.5° Sideslip Angle—±2° Longitudinal Control Position—±5% Lateral Control Position—±5% Directional Control Position—±5% Collective Control Position—±5%.	Cruise (Augmentation On and Off).	Record results for two gross weight CG combinations with varying trim speeds throughout the airspeed envelope. May be a series of snapshot tests.	X	X	
1.c. Climb							
	Performance and Trimmed Flight Control Positions.	Verticle Velocity—±100 fpm (61m/sec) or ±10% Pitch Attitude—±1.5° Sideslip Angle—±2° Longitudinal Control Position—±5% Lateral Control Position—±5% Directional Control Position—±5% Collective Control Position—±5%.	All engines operating. One engine inoperative. Augmentation System(s) On and Off.	Record results for two gross weight and CG combinations. The data presented must be for normal climb power conditions. May be a series of snapshot tests.	X	X	
1.d Descent							
1.d.1	Descent Performance and Trimmed Flight Control Positions.	Torque—±3% Pitch Attitude—±1.5° Sideslip Angle—±2° Longitudinal Control Position—±5%.	At or near 1,000 fpm rate of descent (RoD) at normal approach speed.	Record results for two gross weight and CG combinations. May be a series of snapshot tests.	X	X	

TABLE D2A.—FLIGHT TRAINING DEVICE (FTD) OBJECTIVE TESTS—Continued

<<< QPS Requirements >>>		Tolerances	Flight conditions	Test details	FTD Level		<< Information >>
Test							Notes
No.	Title				5	6	
		Lateral Control Position—±5% Directional Control Position—±5% Collective Control Position—±5%.	Augmentati on System(s) On and Off.	.....			
1.d.2	Autorotation Performance and Trimmed Flight Control Positions.	Torque—±3% Pitch Attitude—±1.5° Sideslip Angle—±2° Longitudinal Control Position—±5% Lateral Control Position—±5% Directional Control Position—±5% Collective Control Position—±5%.	Steady descents. Augmentation System(s) On and Off.	Record results for two gross weight conditions. Data must be recorded for normal operating RPM. (Rotor speed tolerance applies only if collective control position is full down.) Data must be recorded for speeds from approximately 50 kts. through at least maximum glide distance airspeed. May be a series of snapshot tests.	X	X	
1.e. Autorotation							
	Entry	Rotor Speed—±3% Pitch Attitude±2° Roll Attitude—±3° Yaw Attitude—±5° Airspeed—±5 kts. Vertical Velocity—±200 fpm (1.00 m/sec) or 10%.	1) Cruise; or 2) Climb.	Record results of a rapid throttle reduction to idle. If accomplished in cruise, results must be for the maximum range airspeed. If accomplished in climb, results must be for the maximum rate of climb airspeed at or near maximum continuous power..		X	
		.....	.....	.....			
2. Handling Qualities.							
2.a.	Start [here] Contro 1 System Mechanical Characteristics.	Contact the NSPM for clarification of any issue regarding helicopters with reversible controls.	.....	.....			
2.a.1.	Cyclic	Breakout—±0.25lbs. (0.112 daN) or 25%. Force—±1.0 lb. (0.224 daN) or 10%.	Ground; Static conditions. Trim On and Off. Friction Off Augmentation On and off.	Record results for an uninterrupted control sweep to the stops. (This test does not apply if aircraft hardware modular controllers are used.).	X	X	
2.a.2.	Collective and Pedals	Breakout—±0.5 lb. (0.224 daN) or 25%. Force —±1.0 lb. (0.224 daN) or 10%.	Ground; Static conditions. Trim On and Off. Friction Off Augmentation and On and Off.	Record results for an uninterrupted control sweep to the stops.	X	X	

TABLE D2A.—FLIGHT TRAINING DEVICE (FTD) OBJECTIVE TESTS—Continued

<<< QPS Requirements >>>		Tolerances	Flight conditions	Test details	FTD Level		<< Information >>
Test							Notes
No.	Title				5	6	
.....	.....	.....	.....	.....			
2.a.3.	Brake Pedal Force vs. Position..	±5 lbs. (2.224 daN) or 10% ..	Ground; Static conditions..	.....	X	X	
2.a.4.	Trim System Rate (all applicable systems).	Rate—±10%	Ground; Static conditions. Trim On Friction Off.	The tolerance applies to the recorded value of the trim rate.	X	X	
2.a.5.	Control Dynamics (all axes).	±10% of time for first zero crossing and ±10 (N+1)% of period thereafter. ±10% of amplitude of first overshoot. ±20% of amplitude of 2nd and subsequent overshoots greater than 5% of initial displacement ±1 overshoot.	Hover/Cruise Trim On Friction Off.	Results must be recorded for a normal control displacement in both directions in each axis (approximately 255 to 50% of full throw).		X	Control Dynamics for irreversible control systems may be evaluated in a ground/static condtion. Refer to paragraph 3 of this attachment for additional information. "N" is the sequential period of a full cycle of oscillation.
2.a.6	Freeplay	±0.10 in	Ground; Static conditions.	Record and compare results for all controls.	X	X	
2.b. Longitudinal Handling Qualities.							
2.b.1	Control Response	Pitch Rate—±10% or ±2/sec. Pitch Attitude Change—±10% or ±1.5°.	Cruise Augmentation On and Off.	Results must be recorded for two cruise airspeeds to include minimum power required speed Record data for a step control input. The Off-axis response must show correct trend for unaugmented cases.	X	X	
2.b.2	Static Stability	Longitudinal Control Position: ±10% of change from trim or ±0.25 in. (6.3 mm) or Longitudinal Control Force: ±0.5 lb. (0.223 daN) or ±10%.	Cruise or Climb. Autorotation. Augmentation On and Off.	Record results for a minimum of two speeds on each side of the trim speed. May be a series of snapshot tests.	X	X	
2.b.3	Dynamic Stability						
2.b.3.a. ..	Long Term Response	±10% of calculated period. ±10% of time to ½ or double amplitude, or ±0.02 of damping ratio.	Cruise Augmentation On and Off.	Record results for three full cycles (6 overshoots after input completed) or that sufficient to determine time to ½ double or amplitude, whichever is less. For non-periodic responses, the time history must be matched.	X	X	

TABLE D2A.—FLIGHT TRAINING DEVICE (FTD) OBJECTIVE TESTS—Continued

<<< QPS Requirements >>>		Tolerances	Flight conditions	Test details	FTD Level		<< Information >>
Test							Notes
No.	Title				5	6	
2.b.3.b ...	Short Term Response	±1.5° Pitch or ±2/sec. Pitch Rate. ±0.1 g Normal Acceleration.	Cruise or Climb. Augmentation On and Off.	Record results for at least two airspeeds.		X	
2.b.4	Maneuvering Stability ..	Longitudinal Control Position—±10% of change from trim or ±0.25 in. (6.3mm) or Longitudinal Control Forces—±0.5 lb. (0.223 daN) or ±10%.	Cruise or Climb. Augmentation On and Off.	Record results for at least two airspeeds. Record results for Approximately 30°–45° bank angle. The force may be shown as a cross plot for irreversible systems. May be a series of snapshot tests.		X	
2.b.5	Landing Gear Operating Times.	±1 sec	Takeoff (Retraction) Approach (Extension).	.....	X	X	
2.c. Lateral and Directional Handling Qualities.							
2.c.1	Control Response						
2.c.1.a ...	Lateral	Roll Rate—±10% or ±3°/sec. Roll Attitude Change—±10% or ±3°.	Cruise Augmentation On and Off.	Record results for at least two airspeeds, including the speed at or near the minimum power required airspeed. Record results for a step control input. The Off-axis response must show correct trend for unaugmented cases.	X	X	
2.c.1.b ...	(b) Directional	Yaw Rate—±10% or ±2°/sec. Yaw Attitude Change—±10% or ±2°.	Cruise Augmentation On and Off.	Record data for at least two Airspeeds, including the speed at or near the minimum power required airspeed Record results for a step control input. The Off-axis response must show correct trend for unaugmented cases.	X	X	

TABLE D2A.—FLIGHT TRAINING DEVICE (FTD) OBJECTIVE TESTS—Continued

<<< QPS Requirements >>>		Tolerances	Flight conditions	Test details	FTD Level		<< Information >>
Test							Notes
No.	Title				5	6	
2.c.2.	Directional Static Stability.	Lateral Control Position—±10% of change from trim or ±0.25 in. (6.3mm) or Lateral Control Force—±0.5 lb. (0.223 daN) or 10%. Roll Attitude—±1.5.. Directional Control Position—±10% of change from trim or ±0.25 in. (6.3mm) or Directional Control Force—±1 lb. (0.448 daN) or 10%.. Longitudinal Control Position—±10% of change from trim or ±0.25 in. (6.3mm). Vertical Velocity—±100 fpm (0.50m/sec) or 10%.	1) Cruise; ..... or 2) Climb (may use Descent instead of Climb if desired). Augmentation On and Off..	Record results for at least two sideslip angles on either side of the trim point.. The force may be shown as a cross plot for irreversible systems.. May be a series of snapshot test..	X	X	This is a steady heading sideslip test.
2.c.3.	Dynamic Lateral and Directional Stability.	.....	.....	.....			
2.c.3.a. ..	Lateral-Directional Oscillations.	±0.5 sec. or ±10% of period. ±10% of time to ½ or double amplitude or ±0.02 of damping ratio. ±20% or ±1 sec of time difference between peaks of bank and sideslip.	Cruise or Climb. Augmentation On/Off.	Record results for at least two airspeeds.. The test must be initiated with a cyclic or a pedal doublet input. Record results for six full cycles (12 overshoots after input completed) or that sufficient to determine time to ½ or double amplitude, whichever is less. For non-periodic response, the time history must be matched.	X	X	
2.c.3.b. ..	Spiral Stability	Correct Trend, ±2 bank or ±10% in 20 sec.	Cruise or Climb. Augmentation On and Off.	Record the results of a release from pedal only or cyclic only turns. Results must be recorded from turns in both directions.	X	X	
2.c.3.c. ..	Adverse/Proverse Yaw	Correct Trend, ±2 transient sideslip angle.	Cruise or Climb. Augmentation On and Off.	Record the time history of initial entry into cyclic only turns, using only a moderate rate for cyclic input. Results must be recorded for turns in both directions.	X	X	

3. Control Dynamics

Begin Information

a. The characteristics of a helicopter flight control system have a major effect on the handling qualities. A significant consideration in pilot acceptability of a helicopter is the ''feel'' provided through the cockpit controls. Considerable effort is expended on helicopter feel system design in order to deliver a system with which pilots will be comfortable and consider the helicopter desirable to fly. In order for an FTD to be representative, it too must present the pilot with the proper feel; that of the respective helicopter.

b. Recordings such as free response to an impulse or step function are classically used to estimate the dynamic properties of electromechanical systems. In any case, it is only possible to estimate the dynamic

properties as a result of only being able to estimate true inputs and responses. Therefore, it is imperative that the best possible data be collected since close matching of the FTD control loading system to the helicopter systems is essential. Control feel dynamic tests are described in the Table of Objective Tests in this appendix. Where accomplished, the free response is measured after a step or pulse input is used to excite the system.

c. For initial and upgrade evaluations, it is required that control dynamic characteristics be measured at and recorded directly from the cockpit controls. This procedure is usually accomplished by measuring the free response of the controls using a step or pulse input to excite the system. The procedure must be accomplished in hover, climb, cruise, and autorotation. For helicopters with irreversible control systems, measurements may be obtained on the ground. Proper pitot-static inputs (if appropriate) must be provided to represent airspeeds typical of those encountered in flight.

d. It may be shown that for some helicopters, climb, cruise, and autorotation have like effects. Thus, some tests for one may suffice for some tests for another. If either or both considerations apply, engineering validation or helicopter manufacturer rationale must be submitted as justification for ground tests or for eliminating a configuration. For FTDs requiring static and dynamic tests at the controls, special test fixtures will not be required during initial and upgrade evaluations if the sponsor's QTG shows both test fixture results and the results of an alternative approach, such as computer plots which were produced concurrently and show satisfactory agreement. Repeat of the alternative method during the initial evaluation would then satisfy this test requirement.

e. Control Dynamics Evaluations. The dynamic properties of control systems are often stated in terms of frequency, damping, and a number of other classical measurements which can be found in texts on control systems. In order to establish a consistent means of validating test results for FTD control loading, criteria are needed that will clearly define the interpretation of the measurements and the tolerances to be applied. Criteria are needed for both the underdamped system and the overdamped system, including the critically damped case. In the case of an underdamped system with very light damping, the system may be quantified in terms of frequency and damping. In critically damped or overdamped systems, the frequency and damping is not readily measured from a response time history. Therefore, some other measurement must be used.

f. Tests to verify that control feel dynamics represent the helicopter must show that the dynamic damping cycles (free response of the control) match that of the helicopter within specified tolerances. The method of evaluating the response and the tolerance to be applied are described below for the underdamped and critically damped cases.

g. Tolerances.

(1) Underdamped Response.

(a) Two measurements are required for the period, the time to first zero crossing (in case a rate limit is present) and the subsequent frequency of oscillation. It is necessary to measure cycles on an individual basis in case there are nonuniform periods in the response. Each period will be independently compared to the respective period of the helicopter control system and, consequently, will enjoy the full tolerance specified for that period.

(b) The damping tolerance will be applied to overshoots on an individual basis. Care must be taken when applying the tolerance to small overshoots since the significance of such overshoots becomes questionable. Only those overshoots larger than 5 percent of the total initial displacement will be considered significant. The residual band, labeled $T(A_d)$ on Figure 1 of this attachment is ±5 percent of the initial displacement amplitude, A_d, from the steady state value of the oscillation. Oscillations within the residual band are considered insignificant. When comparing simulator data to helicopter data, the process would begin by overlaying or aligning the simulator and helicopter steady state values and then comparing amplitudes of oscillation peaks, the time of the first zero crossing, and individual periods of oscillation. To be satisfactory, the simulator must show the same number of significant overshoots to within one when compared against the helicopter data. The procedure for evaluating the response is illustrated in Figure 1 of this attachment.

(2) Critically Damped and Overdamped Response. Due to the nature of critically damped responses (no overshoots), the time to reach 90 percent of the steady state (neutral point) value must be the same as the helicopter within ±10 percent. The simulator response must be critically damped also. Figure 2 of this attachment illustrates the procedure.

(3)(a) The following summarizes the tolerances, T, for an illustration of the referenced measurements. (See Figures 1 and 2, above)

$T(P_0)$ ±10% of P_0
$T(P_1)$ ±20% of P_1
$T(A)$ ±10% of A_1, ±20% of Subsequent Peaks
$T(A_d)$ ±10% of A_d = Residual Band
Overshoots ±1

(b) In the event the number of cycles completed outside of the residual band, and thereby significant, exceeds the number depicted in figure 1, the following tolerances (T) will apply:

$T(P_n)$ ±10%(n+1)% of P_n, where ''n'' is the next in sequence.

End Information

✖

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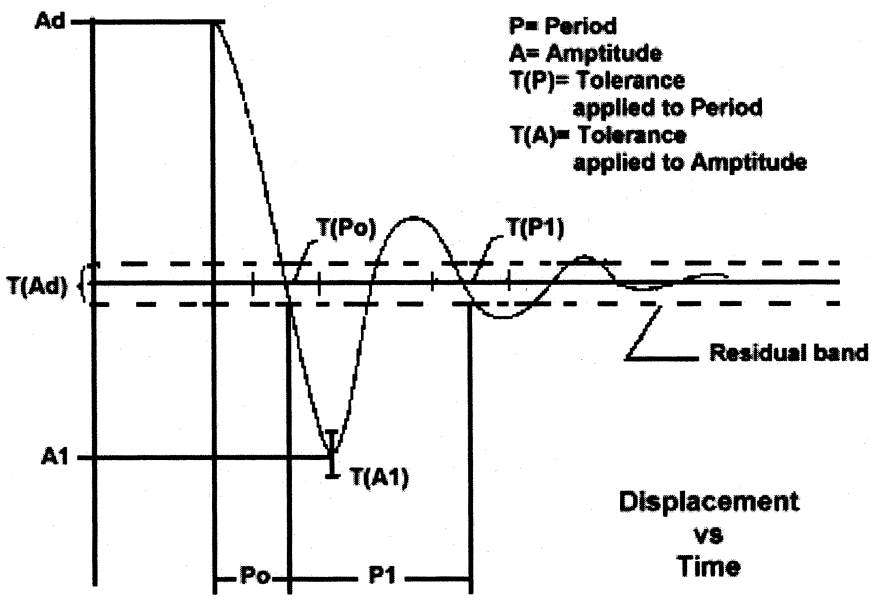
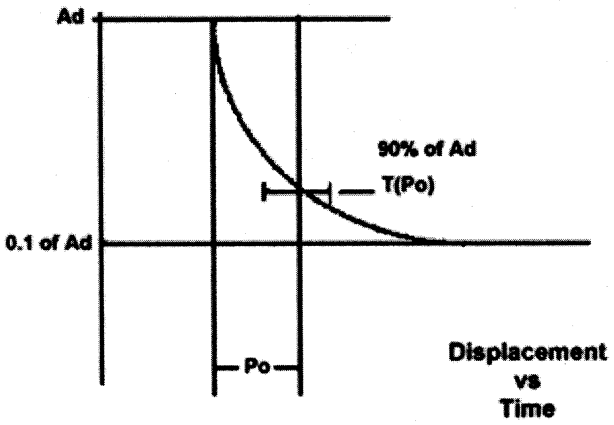
Attachment 2 to Appendix D to Part 60—
Figure 1. Under-Damped Step Response



Attachment 2 to Appendix D to Part 60—
Figure 2. Critically-Damped Step Response



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Attachment 3 to Appendix D to Part 60—Flight Training Device (FTD) Subjective Evaluation

1. Discussion

Begin Information

a. The subjective tests and the examination of functions provide a basis for evaluating the capability of the FTD to perform over a typical utilization period; determining that the FTD satisfactorily meets the appropriate training/testing/checking objectives and competently simulates each required maneuver, procedure, or task; and verifying correct operation of the FTD controls, instruments, and systems. The items in the list of operations tasks are for FTD evaluation purposes only. They must not be used to limit or exceed the authorizations for use of a given level of FTD as found in the Practical Test Standards or as may be approved by the TPAA. All items in the following paragraphs are subject to an examination of function.

b. The List of Operations Tasks addressing pilot functions and maneuvers is divided by flight phases. All simulated helicopter systems functions will be assessed for normal and, where appropriate, alternate operations. Normal, abnormal, and emergency operations associated with a flight phase will be assessed during the evaluation of maneuvers or events within that flight phase.

c. Systems to be evaluated are listed separately under ''Any Flight Phase'' to ensure appropriate attention to systems checks. Operational navigation systems (including inertial navigation systems, global positioning systems, or other long-range systems) and the associated electronic display systems will be evaluated if installed. The NSP pilot will include in his report to the TPAA, the effect of the system operation and any system limitation.

d. At the request of the TPAA, the NSP Pilot may assess the FTD for a special aspect of a sponsor's training program during the functions and subjective portion of an evaluation. Such an assessment may include a portion of a Line Oriented Flight Training (LOFT) scenario or special emphasis items in the sponsor's training program. Unless directly related to a requirement for the qualification level, the results of such an evaluation would not necessarily affect the qualification of the FTD.

End Information

TABLE D3A.—TABLE OF FUNCTIONS AND SUBJECTIVE TESTS LEVEL 6 FTD

<<< QPS Requirements >>>	
No.	Operations tasks
Tasks in this table are subject to evaluation if appropriate for the helicopter simulated as indicated in the SOQ Configuration List and/or for a Level 6 FTD. Items not installed or not functional on the FTD and, therefore, not appearing on the SOQ Configuration List, are not required to be listed as exceptions on the SOQ.	
1. Preflight Procedures	
1.a	Preflight Inspection (Cockpit Only) switches, indicators, systems, and equipment.
1.b	APU/Engine start and run-up.
1.b.1	Normal start procedures.
1.b.2	Alternate start procedures.
1.b.3	Abnormal starts and shutdowns.
1.b.4	Rotor engagement.
1.b.5	System checks.
2. Takeoff and Departure Phase	
2.a	instrument
2.b	Takeoff with engine failure after critical decision point (CDP).
3. Climb	
3.a	Normal.
3.b	One engine inoperative.
4. Inflight Maneuvers	
4.	Performance.
4.b	Flying qualities.
4.c	Turns.
4.c.1	Timed.
4.c.2	Normal.
4.c.3	Steep.
4.d	Accelerations and decelerations.
4.e	Abnormal/emergency procedures.
4.e.1	Engine fire.
4.e.2	Engine failure.
4.e.3	In-flight engine shutdown (and restart, if applicable).
4.e.4	Fuel governing system failures (e.g., FADEC malfunction).
4.e.5	Directional control malfunction (restricted to the extent that the maneuver may not terminate in a landing).
4.e.6	Hydraulic failure.
4.e.7	Stability augmentation system failure.
5. Instrument Procedures	
5.a	Holding.
5.b	Precision Instrument Approach.
5.b.1	All engines operating.
5.b.2	One or more engines inoperative.
5.b.3	Approach procedures:
5.b.4	PAR.
5.b.5	ILS.
5.b.6	Manual (raw data).
5.b.7	Flight director only.
5.b.8	Autopilot* and flight director (if appropriate) coupled.
5.c	Non-precision Instrument Approach.
5.c	Normal—All engines operating.
5.c	One or more engines inoperative.
5.c	Approach procedures:
5.c.1	NDB.
5.c.2	VOR, RNAV, TACAN, GPS.
5.c.3	ASR.
5.c.4	Helicopter only.
5.d	Missed Approach.
5.d.1	All engines operating.
5.d.2	One or more engines inoperative.

TABLE D3A.—TABLE OF FUNCTIONS AND SUBJECTIVE TESTS LEVEL 6 FTD—Continued

<<< QPS Requirements >>>	
No.	Operations tasks
5.d.3	Stability augmentation system failure.
6. Normal and Abnormal Procedures (any phase of flight)	
6.a	Helicopter and powerplant systems operation (as applicable).
6.a.1	Anti-icing/deicing systems.
6.a.2	Auxiliary power-plant.
6.a.3	Communications.
6.a.4	Electrical system.
6.a.5	Environmental system.
6.a.6	Fire detection and suppression.
6.a.7	Flight control system.
6.a.8	Fuel system.
6.a.9	Engine oil system.
6.a.10	Hydraulic system.
6.a.11	Landing gear.
6.a.12	Oxygen.
6.a.13	Pneumatic.
6.a.14	Powerplant.
6.a.15	Flight control computers.
6.a.16	Stability augmentation and control augmentation system(s).
6.b	Flight management and guidance system (as applicable).
6.b.1	Airborne radar.
6.b.2	Automatic landing aids.
6.b.3	Autopilot*.
6.b.4	Collision avoidance system.
6.b.5	Flight data displays.
6.b.6	Flight management computers.
6.b.7	Navigation systems.
7. Postflight Procedures	
7.a	Parking and Securing.
7.b	Engine and systems operation.
7.c	Parking brake operation.
7.d	Rotor brake operation.
7.e	Abnormal/emergency procedures.
8. Instructor Operating Station (IOS), as appropriate	
8.a	Power Switch(es).
8.b.1	Helicopter conditions.
8.b.2	Gross weight, center of gravity, fuel loading and allocation, etc.
8.b.3	Helicopter system status.
8.b.4	Ground crew functions (e.g., ext. power).
8.c	Airports and landing areas.
8.c.1	Number and selection.
8.c.2	Runway or landing area selection.
8.c.3	Preset positions (e.g., ramp, over FAF).
8.c.4	Lighting controls.
8.d	Environmental controls.
8.d.1	Temperature.
8.d.2	Climate conditions (e.g., ice, rain).
8.d.3	Wind speed and direction.
8.e	Helicopter system malfunctions.
8.e.1	Insertion/deletion.
8.e.2	Problem clear.
8.f	Locks, Freezes, and Repositioning.
8.f.1	Problem (all) freeze/release.
8.f.2	Position (geographic) freeze/release.
8.f.3	Repositioning (locations, freezes, and releases).
8.f.4	Ground speed control.
8.g	Sound Controls. On/off / adjustment.
8.h	Control Loading System (as applicable On/off/emergency stop.)
8.i	Observer Stations.
8.i.1	Position.
8.i.2	Adjustments.

* "Autopilot" means attitude retention mode of operation.

TABLE D3B—TABLE OF FUNCTIONS AND SUBJECTIVE TESTS

Level 5 FTD

<<< QPS Requirements >>>	
Item No.	Operations tasks
Tasks in this table are subject to evaluation if appropriate for the helicopter simulated as indicated in the SOQ Configuration List and/or for a Level 5 FTD. Items not installed or not functional on the FTD and, therefore, not appearing on the SOQ Configuration List, are not required to be listed as exceptions on the SOQ.	
1. Preflight Procedures	
1.a. Preflight Inspection (Cockpit Only) switches, indicators, systems, and equipment.	
1.b.	APU/Engine start and run-up.
1.b.1. ...	Normal start procedures.
1.b.2. ...	Alternate start procedures.
1.b.3. ...	Abnormal starts and shutdowns.
2. Climb	
2.a. Normal.	
3. Inflight Maneuvers	
3.a. Performance.	
3.b. Turns, Normal.	
4. Instrument Procedures	
4.a. Coupled instrument approach maneuvers (as applicable for the systems installed).	
5. Normal and Abnormal Procedures (any phase of flight)	
5.a. Normal system operation (Installed systems).	
5.b. Abnormal/Emergency system operation (installed systems).	
6. Postflight Procedures	
6.a. Parking and Securing.	
6.b. Engine and systems operation.	
6.c. Parking brake operation.	

TABLE D3B—TABLE OF FUNCTIONS AND SUBJECTIVE TESTS—Continued

Level 5 FTD

<<< QPS Requirements >>>	
Item No.	Operations tasks
6.d. Rotor brake operation.	
6.e. Abnormal/emergency procedures.	
7. Instructor Operating Station (IOS), as appropriate	
7.a. Power Switch(es).	
7.b. Preset positions (ground; air)	
7.c. Helicopter system malfunctions.	
7.c.1. ...	Insertion / deletion.
7.c.2. ...	Problem clear.
7.d. Control Loading System (as applicable On / off / emergency stop.	
7.e.	Observer Stations.
7.e1.	Position.
7.e.2. ...	Adjustments.

TABLE D3C.—TABLE OF FUNCTIONS AND SUBJECTIVE TESTS

Level 4 FTD

<<< QPS Requirements >>>	
Item number	Operations tasks
Tasks in this table are subject to evaluation if appropriate for the helicopter simulated as indicated in the SOQ Configuration List and/or for a Level 4 FTD. Items not installed or not functional on the FTD and, therefore, not appearing on the SOQ Configuration List, are not required to be listed as exceptions on the SOQ.	
1. Preflight Procedures.	
1.a. Preflight Inspection (Cockpit Only) switches, indicators, systems, and equipment.	
1.b. APU/Engine start and run-up.	
1.b.1. ...	Normal start procedures.
1.b.2. ...	Alternate start procedures.
1.b.3. ...	Abnormal starts and shutdowns.

TABLE D3C.—TABLE OF FUNCTIONS AND SUBJECTIVE TESTS—Continued

Level 4 FTD

<<< QPS Requirements >>>	
Item number	Operations tasks
2. Normal and Abnormal Procedures (any phase of flight).	
2.a. Normal system operation (Installed systems).	
2.b. Abnormal/Emergency system operation (installed systems).	
3. Postflight Procedures.	
3.a. Parking and Securing.	
3.b. Engine and systems operation.	
3.c. Parking brake operation.	
4. Instructor Operating Station (IOS), as appropriate.	
4.a. Power Switch(es).	
4.b. Preset positions (ground; air)	
4.c. Helicopter system malfunctions.	
4.c.1. ...	Insertion / deletion.
4.c.2. ...	Problem clear.

Attachment 4 to Appendix D to Part 60—Sample Documents

Table of Contents

Figure D4A—Sample Letter, Request for Initial, Upgrade, or Reinstatement Evaluation
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Figure D4E—Sample Statement of Qualification—Configuration List
Figure D4F—Sample Statement of Qualification—List of Qualified Tasks
Figure D4G—Sample Continuing Qualification Evaluation Requirements Page
Figure D4H—Sample MQTG Index of Effective FSTD Directives

BILLING CODE 491073–P

Attachment 4 to Appendix D to Part 60—

Figure D4A – Sample Letter, Request for Initial, Upgrade, or Reinstatement Evaluation INFORMATION

Date _____

Mr. Charles A. Spillner
Manager, National Simulator Program
Federal Aviation Administration
100 Hartsfield Centre Parkway
Suite 400
Atlanta, GA 30354

Dear Mr. Spillner:

RE: Request for Initial/Upgrade Evaluation Date

This is to advise you of our intent to request an (initial or upgrade) evaluation of our (FSTD Manufacturer), (Aircraft Type/Level) Flight Simulation Training Device (FSTD), (FAA ID Number, if previously qualified), located in (City, State) at the (Facility) on (Proposed Evaluation Date). (The proposed evaluation date shall not be more than 180 days following the date of this letter.) The FSTD will be sponsored by (Name of Training Center/Air Carrier), FAA Designator (4 Letter Code). The FSTD will be sponsored under the following options: (Select One)

☐ The FSTD will be used within the sponsor's FAA approved training program and placed on the sponsor's Training/Operations Specifications; or

☐ The FSTD will be used for dry lease only in accordance with Paragraph 3b, FSTD Guidance Bulletin 03-08.

We agree to provide the formal request for the evaluation (*Ref: Appendix 4, AC 120-40B*) to your staff as follows: (check one)

☐ For QTG tests run at the factory, not later, than 45 days prior to the proposed evaluation date with the additional "l/3 on-site" tests provided not later than 14 days prior to the proposed evaluation date.

☐ For QTG tests run on-site, not later than 30 days prior to the proposed evaluation date.

We understand that the formal request will contain the following documents:

10. Sponsor's Letter of Request (*Company Compliance Letter*).
11. Principal Operations Inspector (POI) or Training Center Program Manager's (TCPM) endorsement.
12. Complete QTG.

If we are unable to meet the above requirements, we understand this may result in a significant delay, perhaps 45 days or more, in rescheduling and completing the evaluation.

(The sponsor should add additional comments as necessary).

Please contact (Name Telephone and Fax Number of Sponsor's Contact) to confirm the date for this initial evaluation. We understand a member of your National Simulator Program staff will respond to this request within 14 days.

A copy of this letter of intent has been provided to (Name), the Principal Operations Inspector (POI) and/or Training Center Program Manager (TCPM).

Sincerely,

Attachment: FSTD Information Form
cc: POI/TCPM

ATTACHMENT 4 TO APPENDIX D TO PART 60—
Figure D4B – Sample Letter , Request for Initial, Upgrade, or Reinstatement Evaluation
Attachment: FSTD Information Form
INFORMATION

Date: ____			
Section 1. FSTD Information and Characteristics			
Sponsor Name:	____	**FSTD Location:**	
Address:	____ ____	**Physical Address:**	____ ____
City:	____	**City:**	____
State:	____	**State:**	____
Country:	____	**Country:**	____
ZIP:	____	**ZIP:**	____
Manager	____		
Sponsor ID No: *(Four Letter FAA Designator)*	____	**Nearest Airport:** *(Airport Designator)*	____
Type of Evaluation Requested:		☐ **Initial** ☐ **Upgrade** ☐ **Recurrent** ☐ **Special** ☐ **Reinstatement**	
Qualification Basis: ____	☐ **A**	☐ **B**	☐ **Interim C** ☐ **C** ☐ **D**
	☐ **6**	☐ **7**	☐ **Provisional Status**
Initial Qualification: (If Applicable)	**Date:** ____ **Level** ____	**Manufacturer's Identification/Serial No:**	____
Upgrade Qualification: (If Applicable)	**Date:** ____ **Level** ____ MM/DD/YYYY	☐ **eQTG**	
Other Technical Information:			
FAA FSTD ID No: (If Applicable)	____	**FSTD Manufacturer:**	____
Convertible FSTD:	☐ **Yes:**	**Date of Manufacture:**	____ MM/DD/YYYY
Related FAA ID No. (If Applicable)	____ ____ ____	**Sponsor FSTD ID No:** ____	
Aircraft model/series: ____		**Source of aerodynamic model:** ____	
Engine model(s) and data revision: ____		**Source of aerodynamic coefficient data:** ____	
FMS identification and revision level: ____		**Aerodynamic data revision number:** ____	
Visual system manufacturer/model: ____		**Visual system display:** ____	
Flight control data revision: ____		**FSTD computer(s) identification:** ____	
Motion system manufacturer/type: ____			
National Aviation Authority (NAA): (If Applicable)	____		____
NAA FSTD ID No:	____	**Last NAA Evaluation Date:**	____
NAA Qualification Level:	____		
NAA Qualification Basis:	____		

ATTACHMENT 4 TO APPENDIX D TO PART 60—
Figure D4B – Sample Letter , Request for Initial, Upgrade, or Reinstatement Evaluation
Attachment: FSTD Information Form
INFORMATION

Visual System Manufacturer and Type:	_____	**Motion System Manufacturer and Type:**	_____
Aircraft Make/Model/Series:	_____	**FSTD Seats Available:**	_____

Aircraft Equipment	**ENGINE TYPE(S):** _____	**Flight Instrumentation:** ☐ **EFIS** ☐ **HUD** ☐ **HGS** ☐ **EFVS** ☐ **TCAS** ☐ **GPWS** ☐ **Plain View** ☐ **GPS** ☐ **FMS Type:** _____ ☐ **WX Radar** ☐ **Other:** _____	Engine Instrumentation: ☐ **EICAS** ☐ **FADEC** ☐ **Other:** _____

Airport Models:	3.6.1 _____ *Airport Designator*	3.6.2_____ *Airport Designator*	3.6.3 _____ *Airport Designator*
Circle to Land:	3. 7.1 _____ *Airport Designator*	3. 7.2_____ *Approach*	3. 7.3 _____ *Landing Runway*
Visual Ground Segment	3.8.1 _____ *Airport Designator*	3.8 .2_____ *Approach*	3. 8.3 _____ *Landing Runway*

Section 2. Supplementary Information

FAA Training Program Approval Authority:		☐ **POI** ☐ **TCPM** ☐ **Other:** _____	
Name:	_____	**Office:**	_____
Tel:	_____	**Fax:**	_____
Email:	_____		

FSTD Scheduling Person:			
Name:	_____		
Address 1:	_____	**Address 2**	_____
City:	_____	**State:**	_____
ZIP:	_____	**Email:**	_____
Tel:	_____	**Fax:**	_____

FSTD Technical Contact:			
Name:	_____		
Address 1:	_____	**Address 2**	_____
City:	_____	**State:**	_____
ZIP:	_____	**Email:**	_____
Tel:	_____	**Fax:**	_____

ATTACHMENT 4 TO APPENDIX D TO PART 60—
Figure D4B – Sample Letter , Request for Initial, Upgrade, or Reinstatement Evaluation
Attachment: FSTD Information Form
INFORMATION

Section 3. Training, Testing and Checking Considerations		
Area/Function/Maneuver	Requested	Remarks
Private Pilot - Training / Checks: (142)	☐	____
Commercial Pilot - Training /Checks:(142)	☐	____
Multi-Engine Rating - Training / Checks (142)	☐	____
Instrument Rating -Training / Checks (142)	☐	____
Type Rating - Training / Checks (135/121/142)	☐	____
Proficiency Checks (135/121/142)	☐	____
CAT I: (RVR 2400/1800 ft. DH200 ft)	☐	____
CAT II: (RVR 1200 ft. DH 100 ft)	☐	____
CAT III * (lowest minimum) _____ RVR _____ ft. * *State CAT III (≤ 700 ft.), CAT IIIb (≤ 150 ft.), or CAT IIIc (0 ft.)*	☐	____
Circling Approach	☐	____
Windshear Training: (FSTD GB 03-05)	☐	____
Windshear Training IAW 121.409d (121 Turbojets Only) (FSTD GB 03-05)	☐	____
Generic Unusual Attitudes and Recoveries within the Normal Flight Envelope (FSTD GB 04-03)	☐	____
Specific Unusual Attitudes Recoveries (HBAT 95-10) (FSTD GB 04-03)	☐	____
Auto-coupled Approach/Auto Go Around	☐	____
Auto-land / Roll Out Guidance	☐	____
TCAS/ACAS I / II	☐	____
WX-Radar	☐	____
HUD (FSTD GB 03-02)	☐	____
HGS (FSTD GB 03-02)	☐	
EFVS (FSTD GB 03-03)	☐	
Future Air Navigation Systems (HBAT 98-16A)	☐	____
GPWS / EGPWS	☐	____
ETOPS Capability	☐	____
GPS	☐	____
SMGCS	☐	____
Helicopter Slope Landings	☐	____
Helicopter External Load Operations	☐	____
Helicopter Pinnacle Approach to Landings	☐	____
Helicopter Night Vision Maneuvers	☐	____
Helicopter Category A Takeoffs	☐	____

Attachment 4 to Appendix D to Part 60—
Figure D4C – Sample Qualification Test Guide Cover Page

INFORMATION

SPONSOR NAME

SPONSOR ADDRESS

FAA QUALIFICATION TEST GUIDE

(SPECIFIC HELICOPTER MODEL)

(*for example*)

(Vertiflite AB-320)

(FTD Identification Including Manufacturer, Serial Number, Visual System Used)

(FTD Level)

(Qualification Performance Standard Used)

(FTD Location)

FAA Initial Evaluation

Date: _____

_____ Date: _____
(Sponsor)

_____ Date: _____
Manager, National Simulator Program, FAA

Attachment 4 to Appendix D to Part 60—
Figure D4D – Sample Statement of Qualification - Certificate

INFORMATION

Federal Aviation Administration
National Simulator Program

Statement of Qualification

This is to certify that representatives of the National Simulator Program Completed an evaluation of the

Go-Fast Training Center
Vertiflite AB-320 Flight Training Device
FAA Identification Number 889

And found it to meet the standards set forth in
Part 60, Appendix D
Qualification Performance Standards

The Master Qualification Test Guide and the attached Configuration List and List of Qualified Tasks Provide the Qualification Basis for this device to operate at

Level 6

Until December 31, 2008

Unless sooner rescinded or extended by the National Simulator Program Manager

November 15, 2007 — (date)

I. B. Checkin, Jr. — (for the NSPM)

Attachment 4 to Appendix D to Part 60—
Figure D4E – Sample Statement of Qualification – Configuration List
INFORMATION

Date: ____			
Section 1. FSTD Information and Characteristics			
Sponsor Name:	____	**FSTD Location:**	
Address:	____ ____	**Physical Address:**	____ ____
City:	____	**City:**	____
State:	____	**State:**	____
Country:	____	**Country:**	____
ZIP:	____	**ZIP:**	____
Manager	____		
Sponsor ID No: *(Four Letter FAA Designator)*	____	**Nearest Airport:** *(Airport Designator)*	____
Type of Evaluation Requested:		☐ **Initial** ☐ **Upgrade** ☐ **Recurrent** ☐ **Special** ☐ **Reinstatement**	
Qualification Basis: ____	☐ **A**	☐ **B**	☐ **Interim C** ☐ **C** ☐ **D**
	☐ **6**	☐ **7**	☐ **Provisional Status**
Initial Qualification: (If Applicable)	**Date:** ____ **Level** ____	**Manufacturer's Identification/Serial No:**	____
Upgrade Qualification: (If Applicable)	**Date:** ____ **Level** ____ MM/DD/YYYY	☐ **eQTG**	
Other Technical Information:			
FAA FSTD ID No: (If Applicable)	____	**FSTD Manufacturer:**	____
Convertible FSTD:	☐ **Yes:**	**Date of Manufacture:**	____ MM/DD/YYYY
Related FAA ID No. (If Applicable)	____ ____ ____	**Sponsor FSTD ID No:** ____	
Aircraft model/series: ____		**Source of aerodynamic model:** ____	
Engine model(s) and data revision: ____		**Source of aerodynamic coefficient data:** ____	
FMS identification and revision level: ____		**Aerodynamic data revision number:** ____	
Visual system manufacturer/model: ____		**Visual system display:** ____	
Flight control data revision: ____		**FSTD computer(s) identification:** ____	
Motion system manufacturer/type: ____			
National Aviation Authority (NAA): (If Applicable)	____		____
NAA FSTD ID No:	____	**Last NAA Evaluation Date:**	____
NAA Qualification Level:	____		
NAA Qualification Basis:	____		

Attachment 4 to Appendix D to Part 60—
Figure D4E – Sample Statement of Qualification – Configuration List
INFORMATION

Visual System Manufacturer and Type:	_____	**Motion System Manufacturer and Type:**	_____
Aircraft Make/Model/Series:	_____	**FSTD Seats Available:**	_____

Aircraft Equipment	**ENGINE TYPE(S):** _____	**Flight Instrumentation:** ☐ **EFIS** ☐ **HUD** ☐ **HGS** ☐ **EFVS** ☐ **TCAS** ☐ **GPWS** ☐ **Plain View** ☐ **GPS** ☐ **FMS Type:** _____ ☐ **WX Radar** ☐ **Other:** _____	Engine Instrumentation: ☐ **EICAS** ☐ **FADEC** ☐ **Other:** _____

Airport Models:	3.6.1 _____ *Airport Designator*	3.6.2_____ *Airport Designator*	3.6.3 _____ *Airport Designator*
Circle to Land:	3. 7.1 _____ *Airport Designator*	3. 7.2_____ *Approach*	3. 7.3 _____ *Landing Runway*
Visual Ground Segment	3.8.1 _____ *Airport Designator*	3.8 .2_____ *Approach*	3. 8.3 _____ *Landing Runway*

Section 2. Supplementary Information

FAA Training Program Approval Authority:		☐ **POI** ☐ **TCPM** ☐ **Other:** _____	
Name:	_____	**Office:**	_____
Tel:	_____	**Fax:**	_____
Email:	_____		

FSTD Scheduling Person:			
Name:	_____		
Address 1:	_____	**Address 2**	_____
City:	_____	**State:**	_____
ZIP:	_____	**Email:**	_____
Tel:	_____	**Fax:**	_____

FSTD Technical Contact:			
Name:	_____		
Address 1:	_____	**Address 2**	_____
City:	_____	**State:**	_____
ZIP:	_____	**Email:**	_____
Tel:	_____	**Fax:**	_____

Section 3. Training, Testing and Checking Considerations

Area/Function/Maneuver	Requested	Remarks
Private Pilot - Training / Checks: (142)	☐	_____
Commercial Pilot - Training /Checks:(142)	☐	_____
Multi-Engine Rating - Training / Checks (142)	☐	_____
Instrument Rating -Training / Checks (142)	☐	_____
Type Rating - Training / Checks (135/121/142)	☐	_____
Proficiency Checks (135/121/142)	☐	_____
CAT I: (RVR 2400/1800 ft. DH200 ft)	☐	_____

Attachment 4 to Appendix D to Part 60—
Figure D4E – Sample Statement of Qualification – Configuration List
INFORMATION

CAT III * (lowest minimum) _____ RVR _____ ft. * *State CAT III (≤ 700 ft.), CAT IIIb (≤ 150 ft.), or CAT IIIc (0 ft.)*	☐	_____
Circling Approach	☐	_____
Windshear Training: (FSTD GB 03-05)	☐	_____
Windshear Training IAW 121.409d (121 Turbojets Only) (FSTD GB 03-05)	☐	_____
Generic Unusual Attitudes and Recoveries within the Normal Flight Envelope (FSTD GB 04-03)	☐	_____
Specific Unusual Attitudes Recoveries (HBAT 95-10) (FSTD GB 04-03)	☐	_____
Auto-coupled Approach/Auto Go Around	☐	_____
Auto-land / Roll Out Guidance	☐	_____
TCAS/ACAS I / II	☐	_____
WX-Radar	☐	_____
HUD (FSTD GB 03-02)	☐	_____
HGS (FSTD GB 03-02)	☐	
EFVS (FSTD GB 03-03)	☐	
Future Air Navigation Systems (HBAT 98-16A)	☐	_____
GPWS / EGPWS	☐	_____
ETOPS Capability	☐	_____
GPS	☐	_____
SMGCS	☐	_____
Helicopter Slope Landings	☐	_____
Helicopter External Load Operations	☐	_____
Helicopter Pinnacle Approach to Landings	☐	_____
Helicopter Night Vision Maneuvers	☐	_____
Helicopter Category A Takeoffs	☐	_____

Attachment 4 to Appendix D to Part 60—
Figure D4F – Sample Statement of Qualification – List of Qualified Tasks
INFORMATION

STATEMENT of QUALIFICATION
LIST of QUALIFIED TASKS

Go-Fast Training Center Vertiflite AB-320 -- Level C -- FAA ID# 888

The FTD is qualified to perform all of the Maneuvers, Procedures, Tasks, and Functions Listed in Appendix D, Attachment 1, Table D1B, Minimum FTD Requirements In Effect on [mm/dd/yyyy] except for the following listed Tasks or Functions.

(*Example*)

Excepted Tasks:

6.f. Fire Detection and Extinguisher System.
7.d Ditching.

Excepted Simulator Systems:

Remote IOS

Additional Qualified Tasks or Functions in addition to those listed in appendix D, Attachment 3, Table D1B, Minimum FTD Requirements.

(None)

Recurrent Evaluation Requirements ***Completed at conclusion of Initial Evaluation***	
Recurrent Evaluations to be conducted each _(fill in)__ months Allotting _____ hours of FTD time. Signed: _____ NSPM / Evaluation Team Leader	Recurrent evaluations are due as follows: _(month)__ and __(month)_ and __(month)_ (enter or strike out, as appropriate) _____ Date

Revision: Based on (enter reasoning):	
Recurrent Evaluations are to be conducted each _(fill in)__ months. Allotting _____ hours. Signed: _____ NSPM Evaluation Team Leader	Recurrent evaluations are due as follows: _(month)__ and __(month)_ and __(month)_ (enter or strike out, as appropriate) _____ Date

(Repeat as Necessary)

Index of Effective FSD Directives
Filed in this Section

Notification Number	**Received From: (TPAA/NSPM)**	**Date of Notification**	**Date of Modification Completion**

Continue as Necessary....

BILLING CODE 491073–C

Appendix E to Part 60—Qualification Performance Standards for Quality Management Systems for Flight Simulation Training Devices

Begin QPS Requirements

a. Not later than October 30, 2008 each current sponsor of an FSTD must submit to the NSPM a proposed Quality Management System (QMS) program as described in this

QPS appendix. The NSPM will review the program in order of receipt and notify the sponsor within 90 days of beginning the review regarding the acceptability of the program including any required adjustments. Within 6 months of the notification of acceptability, the sponsor must implement the program, conduct internal audit(s), make any required program adjustments as a result of any internal audit, and have the NSPM initial audit scheduled.

b. For first-time FSTD sponsors, not later than 120 days prior to the date scheduled for the initial FSTD evaluation, the sponsor must submit to the NSPM the proposed QMS program as described in this QPS appendix. The NSPM will review the program and notify the sponsor within 90 days of beginning the review regarding the acceptability of the program including any required adjustments. Within 6 months of the notification of acceptability, the sponsor must implement the program, conduct internal audit(s), make any required program adjustments as a result of any internal audit, and have the NSPM initial audit scheduled.

c. The Director of Operations for a Part 119 certificate holder, the Chief Instructor for a Part 141 certificate holder, or the equivalent for a Part 142 or Flight Engineer School sponsor must designate a management representative who has the responsibility and authority to establish and modify the sponsor's policies, practices, and procedures regarding the QMS program for the recurring qualification and the day-to-day use of each FSTD.

d. The minimum content required for an acceptable QMS is found in Table E1. The policies, processes, and/or procedures described in this table must be maintained in a Quality Manual and will serve as the basis for the following:

(1) The sponsor-conducted initial and on-going periodic assessments;

(2) The NSPM-conducted initial and on-going periodic assessments; and

(3) The continuing surveillance and analysis by the NSPM of the sponsor's performance and effectiveness in providing a satisfactory FSTD for use on a regular basis.

End QPS Requirements

Begin Information

e. When a person sponsors an FSTD maintained by a person other than a U.S. certificate holder, the sponsor remains responsible for the QMS program for that FSTD; however—

(1) If that FSTD is maintained under a qualification by a non-FAA regulatory authority and that authority and the NSPM have agreed to accept each other's simulator evaluations (*e.g.*, under a Bilateral Aviation Safety Agreement (BASA) and associated Simulator Implementation Procedures (SIP), such as the JAA of Europe), no additional requirements are necessary for QMS programs.

(2) If that FSTD is maintained under qualification of a regulatory authority where there is no BASA/SIP or that authority and the NSPM have not agreed to accept each other's qualification programs, the NSPM request additional information regarding those aspects of the sponsor's QMS program for maintaining the qualification standards for the FSTD.

End Information

Begin QPS Requirements

TABLE E1.—MINIMUM REQUIREMENTS FOR SATISFACTORY FSTD QUALITY MANAGEMENT SYSTEM

Number	QPS requirement	Information (Reference)
E1.1.	A QMS manual that sets out the policies, processes, and/or procedures outlined in this table. ..	§ 60.5(a).
E1.2.	A policy, process, and/or procedure specifying how the sponsor will identify deficiencies in the QMS.	§ 60.5(b).
E1.3.	A policy, process, and/or procedure specifying how the sponsor will document how the QMS program will be changed to address deficiencies when found.	§ 60.5(b).
E1.4.	A policy, process, and/or procedure specifying how the sponsor will address proposed program changes (for programs that do not meet the minimum requirements as notified by the NSPM) to the NSPM and receive approval prior to their implementation.	§ 60.5(c).
E1.5.	A policy, process, and/or procedure specifying how the sponsor will document that at least one FSTD is used within the sponsor's FAA-approved flight training program for the aircraft or set of aircraft at least once within the 12-month period following the initial/upgrade evaluation conducted by the NSP and at least once within each subsequent 12-month period thereafter.	§ 60.7(b)(5).
E1.6.	A policy, process, and/or procedure specifying how the sponsor will document that at least one FSTD is used within the sponsor's FAA-approved flight training program for the aircraft or set of aircraft at least once within the 12-month period following the first continuing qualification evaluation conducted by the NSP and at least once within each subsequent 12-month period thereafter.	§ 60.7(b)(6).
E1.7.	A policy, process, and/or procedure specifying how the sponsor will obtain an annual written statement from a qualified pilot (after having flown the subject aircraft or set of aircraft during the preceding 12-month period) that the performance and handling qualities of the subject FSTD represents the subject aircraft or set of aircraft (within the normal operating envelope). Required only if the subject FSTD is not used in the sponsor's FAA-approved flight training program for the aircraft or set of aircraft at least once within the preceding 12-month period.	§ 60.5(b)(7) and § 60.7(d)(2).
E1.8.	A policy, process, and/or procedure specifying how independent feedback(from persons recently completing training, evaluation, or obtaining flight experience; instructors and check airmen using the FSTD for training, evaluation or flight experience sessions; and FSTD technicians and maintenance personnel) will be received and addressed by the sponsor regarding the FSTD and its operation.	§ 60.9(b)(1).
E1.9.	A policy, process, and/or procedure specifying how and where the FSTDStatement of Qualification will be posted, or accessed by an appropriate terminal or display, in or adjacent to the FSTD.	§ 60.9(b)(2).
E1.10.	A policy, process, and/or procedure specifying how the sponsor's management representative (MR) is selected and identified by name to the NSPM.	§ 60.9(c) and appendix E, paragraph(d).
E1.11.	A policy, process, and/or procedure specifying the MR authority and responsibility for the following:	
E1.11.a.	Monitoring the on-going qualification of assigned FSTDs to ensure all matters regarding FSTD qualification are being carried out as provided for in 14 CFR part 60.	
E1.11.b.	Ensuring that the QMS is properly established, implemented, and maintained by overseeing the QMS policies, practices, and/or procedures and by and modifying when and where necessary.	§ 60.9(c)(2), (3), and (4).
E1.11.c.	Regularly briefing sponsor's management on the status of the on-going FSTD qualification program and the effectiveness and efficiency of the QMS.	

TABLE E1.—MINIMUM REQUIREMENTS FOR SATISFACTORY FSTD QUALITY MANAGEMENT SYSTEM—Continued

Number	QPS requirement	Information (Reference)
E1.11.d.	Serving as the primary contact point for all matters between the sponsor and the NSPM regarding the qualification of assigned FSTDs.	
E1.11.e.	Delegating the MR assigned duties to an individual at each of the sponsor's locations, when/if/where appropriate.	
E1.12.	A policy, process, and/or procedure specifying how the sponsor will:.	
E1.12.a.	Ensure that the data made available to the NSPM (the validation data package) includes the aircraft manufacturer's flight test data (or other data approved by the NSPM) and all relevant data developed after the type certificate was issued (e.g., data developed in response to an airworthiness directive) if such data results from a change in performance, handling qualities, functions, or other characteristics of the aircraft that must be considered for flight crewmember training, evaluation, or for meeting experience requirements of this chapter;	§ 60.13; QPS appendices A, B, C, and D.
E1.12.b.	Notify the NSPM within 10 working days of becoming aware that an addition to or a revision of the flight related data or airplane systems related data is available if this data is used to program and/or operate a qualified FSTD; and	
E1.12.c.	Maintain a liaison with the manufacturer of the aircraft being simulated (or with the holder of the aircraft type certificate for the aircraft being simulated if the manufacturer is no longer in business), and if appropriate, with the person having supplied the aircraft data package for the FFS for the purposes of receiving notification of data package changes.	
E1.13.	A policy, process, and/or procedure specifying how the sponsor will make available all special equipment and qualified personnel needed to accomplish or assist in the accomplishment of tests during initial, continuing qualification, or special evaluations.	§ 60.14.
E1.14.	A policy, process, and/or procedure specifying how the sponsor will submit to the NSPM a request to evaluate the FSTD for initial qualification at a specific level and simultaneously request the TPAA forward a concurring letter to the NSPM; including how the MR will use qualified personnel to confirm the following:	
E1.14.a.	That the performance and handling qualities of the FSTD represents those of the aircraft or set of aircraft within the normal operating envelope;	§ 60.15(a)–(d); § 60.15(b); § 60.15(b)(i); § 60.15(b)(ii); § 60.15(b)(iii).
E1.14.b.	The FSTD systems and sub-systems(including the simulated aircraft systems) functionally represent those in the aircraft or set of aircraft; and	
E1.14.c.	The cockpit represents the configuration of the specific type or aircraft make, model, and series aircraft being simulated, as appropriate.	
E1.15.	A policy, process, and/or procedure specifying how, for an initial evaluation, all of the subjective tests and all of the objective tests are accomplished at the sponsor's training facility, except as provided for in the applicable QPS.	§ 60.15(e).
E1.16.	A policy, process, and/or procedure specifying how, after the NSPM completes the evaluation for initial qualification, the sponsor will update the QTG with the results of the FAA-witnessed tests and demonstrations together with the results of all the objective tests and demonstrations described in the applicable QPS.	§ 60.15(h).
E1.17.	A policy, process, and/or procedure specifying how the sponsor will make the MQTG available to the NSPM upon request.	§ 60.15(i).
E1.18.	A policy, process, and/or procedure specifying how the sponsor will and apply to the NSPM for additional qualification(s) to the Statement of Qualification.	§ 60.16(a); § 60.16(a)(1)(i); § 60.16(a)(1)(ii).
E1.19.	A policy, process, and/or procedure specifying how the sponsor accomplishes all applicable QPS Attachment 2 objective tests each year in a minimum of four evenly spaced inspections as specified in the applicable QPS.	§ 60.19(a)(1) QPS appendices A, B, C, or D.
E1.20.	A policy, process, and/or procedure specifying how the sponsor completes and records a functional preflight check of the FSTD within the preceding 24 hours of FSTD use, including a description of the functional preflight.	§ 60.19(a)(2) QPS appendices A, B, C, or D.
E1.21.	A policy, process, and/or procedure specifying how the sponsor schedules with the NSPM continuing qualification evaluations not later than 60 days before the evaluation is due.	§ 60.19(b)(2).
E1.22.	A policy, process, and/or procedure specifying how the sponsor ensures that the FSTD has received a continuing qualification evaluation at the interval as described in the respective MQTG, allowing for the 1-month grace period before or after the calendar month required.	§ 60.19(b)(5)–(6).
E1.23.	A policy, process, and/or procedure describing that when a discrepancy is discovered the following is recorded in the FSTD discrepancy log:	
E1.23.a.	A description of each discrepancy is entered and remains in the log until the discrepancy is corrected; and	§ 60.19(c); § 60.19(c)(2)(i); § 60.19(c)(2)(ii).
E1.23.b.	A description of the corrective action taken for each discrepancy, the identity of the individual taking the action, and the date that action is taken.	§ 60.19(c)(2)(iii).
E1.24.	A policy, process, and/or procedure specifying how the discrepancy log is kept in a form and manner acceptable to the Administrator and is kept in or adjacent to the FSTD. (An electronic log that may be accessed by an appropriate terminal or display in or adjacent to the FSTD is satisfactory.)	
E1.25.	A policy, process, and/or procedure that requires each instructor, check airman, or representative of the Administrator conducting training, evaluation, or flight experience, and each person conducting the preflight inspection, who discovers a discrepancy, including any missing, malfunctioning, or inoperative components in the FSTD, to write or cause to be written a description of that discrepancy into the discrepancy log at the end of the FSTD preflight or FSTD use session.	§ 60.20.

TABLE E1.—MINIMUM REQUIREMENTS FOR SATISFACTORY FSTD QUALITY MANAGEMENT SYSTEM—Continued

Number	QPS requirement	Information (Reference)
E1.26.	A policy, process, and/or procedure specifying how the sponsor will (if operating an FSTD based on an interim qualification), within twelve months of the release of the final aircraft data package by the aircraft manufacturer (but no later than two years after the issuance of the interim qualification status the sponsor) apply for initial qualification based on the final aircraft data package approved by the aircraft manufacturer.	§ 60.21(c).
E1.27.	A policy, process, and/or procedure specifying how the sponsor determines whether an FSTD change qualifies as a modification as described in 14 CFR part 60.	§ 60.23(a)(1)–(2).
E1.28.	A policy, process, and/or procedure specifying how the sponsor will ensure the FSTD is modified in accordance with any FSTD Directive regardless of the original qualification basis.	§ 60.23(b).
E1.29.	A policy, process, and/or procedure specifying how, if an FSTD change is determined to be a modification as defined in 14 CFR part 60, the sponsor will notify the NSPM and TPAA of their intent to use the modified FSTD and to ensure that the modified FSTD will not be used prior to:	
E1.29.a.	Twenty-one days since the sponsor notified the NSPM and the TPAA of the proposed modification and the sponsor has not received any response from either the NSPM or the TPAA; or	§ 60.23(c)(1)(i),(ii), and (iv).
E1.29.b.	Twenty-one days since the sponsor notified the NSPM and the TPAA of the proposed modification and one has approved the proposed modification and the other has not responded; or	
E1.29.c.	The FSTD successfully completing any evaluation the NSPM may require in accordance with the standards for an evaluation for initial qualification or any part thereof before the modified FSTD is placed in service.	
E1.30	A policy, process, and/or procedure specifying how, after an FSTD modification is approved by the NSPM, the sponsor will:	
E1.30.a.	Post an addendum to the Statement of Qualification until such time as a permanent, updated statement is received from the NSPM and posted;	§ 60.23(d)–(e).
E1.30.b.	Update the MQTG with current objective test results and appropriate objective data for each affected objective test or other MQTG section that is affected by the modification; and	
E1.30.c.	File in the MQTG the direction to make the modification and the record of the modification completion.	
E1.31.	A policy, process, and/or procedure specifying how the sponsor will track the length of time a component has been missing, malfunctioning, or inoperative (MMI), including:	
E1.31.a.	How the sponsor will post a list of MMI components in or adjacent to the FSTD; and	§ 60.25(b)–(c), and QPS appendices A, B, C, or D.
E1.31.b.	How the sponsor will notify the NSPM if the MMI has not been repaired or replaced within 30 days.*	
E1.32.	A policy, process, and/or procedure specifying how the sponsor will notify the NSPM and how the sponsor will seek requalification of the FSTD if the FSTD is moved and reinstalled in a different location.	§ 60.27(a)(3).
E1.33.	A policy, process, and/or procedure specifying how the sponsor will maintain control of the following: (The sponsor must specify how these records are maintained in plain language form or in coded form; but if the coded form is used, the sponsor must specify how the preservation and retrieval of information will be conducted.)	
E1.33.a.	The MQTG and each amendment thereto;	§ 60.31.
E1.33.b.	A record of all FSTD modifications required by this part since the issuance of the original Statement of Qualification;	
E1.33.c.	Results of the qualification evaluations (initial and each upgrade) since the issuance of the original Statement of Qualification;	
E1.33.d.	Results of the objective tests conducted in accordance with this part for a period of 2 years;	
E1.33.e.	Results of the previous three continuing qualification evaluations, or the continuing qualification evaluations from the previous 2 years, whichever covers a longer period;	
E1.33.f.	Comments obtained in accordance with Section 60.9(b);	
E1.33.g.	A record of all discrepancies entered in the discrepancy log over the previous 2 years, including the following:	
E1.33.g.1.	A list of the components or equipment that were or are missing, malfunctioning, or inoperative;	
E1.33.g.2.	The action taken to correct the discrepancy;	
E1.33.g.3.	The date the corrective action was taken; and	
E1.33.g.4.	The identity of the person determining that the discrepancy has been corrected.	

*Note 1.—If the sponsor has an approved discrepancy prioritization system, this item is satisfied by describing how discrepancies are prioritized, what actions are taken, and how the sponsor will notify the NSPM if the MMI has not been repaired or replaced within the specified timeframe.

End QPS Requirements

Begin Information

f. Table E2 contains a sample Assessment Tool that the NSPM will use when conducting the desk assessment of a sponsor's request for initial evaluation of the required elements of a QMS program.

g. Table E3 contains a sample Assessment Tool that the NSPM will use when conducting the on-site practical evaluation of a sponsor's request for initial and continuing evaluation of the required elements of a QMS program.

h. Table E4 contains a sample Assessment Tool that the NSPM will use when conducting the desk assessment of a sponsor's request for initial evaluation of the voluntary elements of a QMS program.

i. Table E5 contains a sample Assessment Tool that will be used by the NSPM when conducting the on-site practical evaluation of a sponsor's request for initial and continuing evaluation of the voluntary elements of a QMS program.

j. Additional Information.

(1) In addition to specifically designated QMS evaluations, the NSPM will evaluate the sponsor's QMS program as part of regularly scheduled FSTD continuing qualification evaluations and no-notice FSTD evaluations, focusing in part on the effectiveness and viability of the QMS program and its contribution to the overall capability of the FSTD to meet the requirements of this part.

(2) The sponsor, through the MR, may delegate duties associated with maintaining the qualification of the FSTD (*e.g.*, corrective and preventive maintenance, scheduling for and the conducting of tests and/or inspections, functional preflight checks) but retains the responsibility and authority for the day-to-day qualification of the FSTD. One person may serve in this capacity for more than one FSTD, but one FSTD would not have more than one person serving in this capacity.

(3) The QMS requirements should not be interpreted to preclude a given QMS program from being applicable to more than one certificate holder (*e.g.*, part 119 and part 142 or two part 119 certificate holders) and should not be interpreted to preclude an individual from being a Management Representative (MR) for more than one certificate holder (*e.g.*, part 119 and part 142 or two part 119 certificate holders) as long as the other QMS program requirements and the other MR requirements are respectively met for each such certificate holder.

(4) Standard Measurements for Flight Simulator Quality: A quality system tied to measurement of FSTD performance will improve and maintain training quality. One acceptable means of measuring FSTD performance is ARINC report 433 (as amended), entitled ''Standard Measurements for Flight Simulator Quality. ARINC report 433 is a widely accepted industry standard.

(6) The NSPM will use the results of the assessment(s) of the voluntary portions of the QMS program (as described in Tables E4 and E5) to determine whether or not a sponsor or a FSTD may have the interval between NSPM-conducted evaluations extended and what the extension might be.

k. While the FAA does not mandate any specific QMS program format, the following subparagraphs outline those factors that would be typically found in an acceptable QMS program.

(1) Establishment of a Quality Policy. This is a formal written Quality Policy Statement that is a commitment by the sponsor outlining what the Quality System will achieve.

(2) The selected MR should be someone who has overall authority and responsibility for monitoring the on-going qualification of assigned FSTDs to ensure that all matters regarding FSTD qualification are being carried out as required by this part and ensuring that the QMS program is properly established, implemented, and maintained. The MR should regularly:

(i) Brief the sponsor's management regarding the status of on-going qualification processes; and

(ii) Serve as the primary contact point for all matters between the sponsor and the NSPM regarding the qualification of the assigned FSTDs.

(iii) Oversee the day-to-day quality control.

(3) The system and processes outlined in the QMS should enable the sponsor to monitor compliance with all applicable regulations and ensure correct maintenance and performance of the FSTD.

(4) A QMS program, together with a statement acknowledging completion of a periodic review by the MR, should include the following:

(i) A maintenance facility that provides suitable FSTD hardware and software tests and maintenance capability.

(ii) A recording system in the form of a technical log in which defects, deferred defects, and development projects are listed, assigned and reviewed within a specified time period.

(iii) Routine maintenance of the FSTD and performance of the QTG tests with adequate staffing to cover FSTD operating periods.

(iv) A planned internal assessment schedule and a periodic review should be used to verify that corrective action was complete and effective. The assessor should have adequate knowledge of FSTDs and should be acceptable to the NSPM.

(5) The MR should receive appropriate Quality System training and brief other personnel on the procedures.

TABLE E2.—INFORMATION SIMULATION QUALITY MANAGEMENT SYSTEM (SQMS) ASSESSMENT TOOL—INITIAL (DESK)

Element No.	Basic (Part 60 required) elements	Rating see element assessment table			Comments
	Does the sponsor have . . .	N	P	Y	
E.2.1	A QMS program approved by the NSPM including a Quality Management System Manual that sets out the policies, processes, and/or procedures required by 14 CFR part 60 and part 60, appendix E.				
E.2.2	A policy, process, and/or procedure specifying how the sponsor will identify deficiencies in the QMS.				
E.2.3	A policy, process, and/or procedure specifying how the sponsor will document how the QMS program will be changed to address deficiencies when found.				
E.2.4	A policy, process, and/or procedure specifying how the sponsor will propose program changes to the NSPM and receive approval prior to their implementation.				
E.2.5	A policy, process, and/or procedure specifying how the sponsor will document that at least one FSTD is used within the sponsor's FAA-approved flight training program for the aircraft or set of aircraft at least once within the 12-month period following the initial/upgrade evaluation conducted by the NSP and at least once within each subsequent 12-month period thereafter.				
E.2.6	A policy, process, and/or procedure specifying how the sponsor will document that at least one FSTD is used within the sponsor's FAA-approved flight training program for the aircraft or set of aircraft at least once within the 12-month period following the first continuing qualification evaluation conducted by the NSP and at least once within each subsequent 12-month period thereafter.				

TABLE E2.—INFORMATION SIMULATION QUALITY MANAGEMENT SYSTEM (SQMS) ASSESSMENT TOOL—INITIAL (DESK)—Continued

Element No.	Basic (Part 60 required) elements Does the sponsor have . . .	Rating see element assessment table			Comments
		N	P	Y	
E.2.7	A policy, process, and/or procedure specifying how the sponsor will obtain an annual written statement from a qualified pilot (after having flown the subject aircraft or set of aircraft during the preceding 12-month period) that the performance and handling qualities of the subject FSTD represents the subject aircraft or set of aircraft (within the normal operating envelope). Required only if the subject FSTD is not used in the sponsor's FAA-approved flight training program for the aircraft or set of aircraft at least once within the preceding 12-month period.				
E.2.8	A policy, process, and/or procedure specifying how independent feedback (from persons recently completing training, evaluation, or obtaining flight experience; instructors and check airmen using the FSTD for training, evaluation or flight experience sessions; and FSTD technicians and maintenance personnel) will be received and addressed by the sponsor regarding the FSTD and its operation.				
E.2.9	A policy, process, and/or procedure specifying how and where the FSTD Statement of Qualification will be posted, or accessed by an appropriate terminal or display, in or adjacent to the FSTD.				
E.2.10	A policy, process, and/or procedure specifying how the sponsor's management representative (MR) is selected and identified by name to the NSPM.				
E.2.11	A policy, process, and/or procedure specifying the MR's authority and responsibility for the following:				
E.2.11.a	Monitoring the on-going qualification of assigned FSTDs to ensure all matters regarding FSTD qualification are being carried out as provided for in 14 CFR part 60.				
E.2.11.b	Ensuring that the QMS is properly established, implemented, and maintained by overseeing the QMS policies, practices, and/or procedures and by and modifying when and where necessary.				
E.2.11.c	Regularly briefing sponsor's management on the status of the on-going FSTD qualification program and the effectiveness and efficiency of the QMS. (designate maximum interval).				
E.2.11.d	Serving as the primary contact point for all matters between the sponsor and the NSPM regarding the qualification of assigned FSTDs.				
E.2.11.e	Delegating the MR assigned duties to an individual at each of the sponsor's locations, when/if/where appropriate.				
E.2.12	A policy, process, and/or procedure specifying how the sponsor will:				
E.2.12.a	Ensure that the data made available to the NSPM (the validation data package) includes the aircraft manufacturer's flight test data (or other data approved by the NSPM) and all relevant data developed after the type certificate was issued (e.g., data developed in response to an airworthiness directive) if such data results from a change in performance, handling qualities, functions, or other characteristics of the aircraft that must be considered for flight crew member training, evaluation, or for meeting experience requirements of this chapter.				
E.2.12.b	Immediately notify the NSPM when an addition to or a revision of the flight related data or airplane systems related data is available if this data is used to program and/or operate a qualified FFS, including technical information about this data to the NSPM relative to the data's significance for training, evaluation, or flight experience activities in the FFS.				
E.2.12.c	Maintain a liaison with the manufacturer of the aircraft being simulated (or with the holder of the aircraft type certificate for the aircraft being simulated if the manufacturer is no longer in business), and/or, if appropriate, with the person having supplied the aircraft data package for the FFS for the purposes of receiving notification of data package changes..				
E.2.13.	A policy, process, and/or procedure specifying how the sponsor will make available all special equipment and qualified personnel needed to accomplish or assist in the accomplishment of tests during initial, continuing qualification, or special evaluations.				
E.2.14	A policy, process, and/or procedure specifying how the sponsor will submit to the NSPM a request to evaluate the FSTD for initial qualification at a specific level and simultaneously request the TPAA forward a concurring letter to the NSPM; including how the MR will use qualified personnel to confirm the following:				

TABLE E2.—INFORMATION SIMULATION QUALITY MANAGEMENT SYSTEM (SQMS) ASSESSMENT TOOL—INITIAL (DESK)—Continued

Element No.	Basic (Part 60 required) elements	Rating see element assessment table			Comments
	Does the sponsor have . . .	N	P	Y	
E.2.14.a	That the performance and handling qualities of the FSTD represents those of the aircraft or set of aircraft within the normal operating envelope.				
E.2.14.b	The FSTD systems and sub-systems (including the simulated aircraft systems) functionally represent those in the aircraft or set of aircraft.				
E.2.14.c	The cockpit represents the configuration of the specific type; or aircraft make, model, and series aircraft being simulated, as appropriate.				
E.2.15	A policy, process, and/or procedure specifying how, for an initial evaluation, all of the subjective tests and all of the objective tests are accomplished at the sponsor's training facility, except as provided for in the applicable QPS.				
E.2.16	A policy, process, and/or procedure specifying how, after the NSPM completes the evaluation for initial qualification, the sponsor will update the QTG with the results of the FAA-witnessed tests and demonstrations together with the results of all the objective tests and demonstrations described in the applicable QPS.				
E.2.17	A policy, process, and/or procedure specifying how the sponsor will make the MQTG available to the NSPM upon request.				
E.2.18	A policy, process, and/or procedure specifying how the sponsor will apply to the NSPM to add (an) additional qualification(s) to the Statement of Qualification.				
E.2.19	A policy, process, and/or procedure specifying how the sponsor accomplishes all applicable QPS Attachment 2 objective tests each year in a minimum of four evenly spaced inspections as specified in the applicable QPS.				
E.2.20	A policy, process, and/or procedure specifying how the sponsor completes a functional preflight check of the FSTD within the preceding 24 hours of FSTD use.				
E.2.21	A policy, process, and/or procedure specifying how the sponsor schedules with the NSPM continuing qualification evaluations not later than 60 days before the evaluation is due.				
E.2.22	A policy, process, and/or procedure specifying how the sponsor ensures that the FSTD has received a continuing qualification evaluation at the interval as described in the respective MQTG, allowing for the 1-month grace period before or after the calendar month required.				
E.2.23	A policy, process, and/or procedure describing that when a discrepancy is discovered the following is recorded in the FSTD discrepancy log:				
E.2.23.a	A description of each discrepancy is entered and remains in the log until the discrepancy is corrected.				
E.2.23.b	A description of the corrective action taken for each discrepancy, the identity of the individual taking the action, and the date that action is taken.				
E.2.24	A policy, process, and/or procedure specifying how the discrepancy log is kept in a form and manner acceptable to the Administrator and is kept in or adjacent to the FSTD. (An electronic log that may be accessed by an appropriate terminal or display in or adjacent to the FSTD is satisfactory.)				
E.2.25	A policy, process, and/or procedure that requires each instructor, check airman, or representative of the Administrator conducting training, evaluation, or flight experience for flight crew members, and each person conducting the preflight inspection, who discovers a discrepancy, including any missing, malfunctioning, or inoperative components in the FSTD, to write or cause to be written a description of that discrepancy into the discrepancy log at the end of the FSTD preflight or FSTD use session.				
E.2.26	A policy, process, and/or procedure specifying how the sponsor will (if operating an FSTD based on an interim qualification), within twelve months of the release of the final aircraft data package by the aircraft manufacturer (but no later than two years after the issuance of the interim qualification status the sponsor) apply for initial qualification based on the final aircraft data package approved by the aircraft manufacturer.				
E.2.27	A policy, process, and/or procedure specifying how the sponsor determines whether an FSTD change qualifies as a modification as described in 14 CFR part 60.				

TABLE E2.—INFORMATION SIMULATION QUALITY MANAGEMENT SYSTEM (SQMS) ASSESSMENT TOOL—INITIAL (DESK)—Continued

Element No.	Basic (Part 60 required) elements	Rating see element assessment table			Comments
	Does the sponsor have . . .	N	P	Y	
E.2.28	A policy, process, and/or procedure specifying how the sponsor will ensure the FSTD is modified in accordance with any FSTD Directive regardless of the original qualification basis.				
E.2.29	A policy, process, and/or procedure specifying how, if an FSTD change is determined to be a modification as defined in 14 CFR part 60, the sponsor will notify the NSPM and TPAA of their intent to use the modified FSTD and to ensure that the modified FSTD will not be used prior to:				
E.2.29.a	Twenty-one days since the sponsor notified the NSPM and the TPAA of the proposed modification and the sponsor has not received any response from either the NSPM or the TPAA.				
E.2.29.b	Twenty-one days since the sponsor notified the NSPM and the TPAA of the proposed modification and one has approved the proposed modification and the other has not responded.				
E.2.29.c	The FSTD successfully completing any evaluation the NSPM may require in accordance with the standards for an evaluation for initial qualification or any part thereof before the modified FSTD is placed in service.				
E.2.30	A policy, process, and/or procedure specifying how, after a FSTD modification is approved by the NSPM, the sponsor will:				
E.2.30.a	Post an addendum to the Statement of Qualification until such time as a permanent, updated statement is received from the NSPM and posted.				
E.2.30.b	Update the MQTG with current objective test results and appropriate objective data for each affected objective test or other MQTG section that is affected by the modification.				
E.2.30.c	File in the MQTG the direction to make the modification and the record of the modification completion.				
E.2.31	A policy, process, and/or procedure specifying how the sponsor will track the length of time a component has been missing, malfunctioning, or inoperative (MMI), including:				
E.2.31.a	How the sponsor will post a list of MMI components in or adjacent to the FSTD.				
E.2.31.b	How the sponsor will notify the NSPM if the MMI has not been repaired or replaced within 30 days; or if the sponsor has a discrepancy prioritization system, describe how discrepancies are prioritized and how the sponsor will notify the NSPM if the MMI has not been repaired or replaced within the specified timeframe.				
E.2.32	A policy, process, and/or procedure specifying how the sponsor will notify the NSPM and how the sponsor will seek re-qualification of the FSTD if the FSTD is moved and reinstalled in a different location.				
E.2.33	A policy, process, and/or procedure specifying how the sponsor will maintain control of the following documents: [The sponsor must specify how these records are maintained in plain language form or in coded form; but if the coded form is used, the sponsor must specify how the preservation and retrieval of information will be conducted.]				
E.2.33.a	The MQTG and each amendment thereto.				
E.2.33.b	A record of all FSTD modifications required by this part since the issuance of the original Statement of Qualification.				
E.2.33.c	Results of the qualification evaluations (initial and each upgrade) since the issuance of the original Statement of Qualification..				
E.2.33.d.	Results of the objective tests conducted in accordance with this part for a period of 2 years.				
E.2.33.e	Results of the previous three continuing qualification evaluations, or the continuing qualification evaluations from the previous 2 years, whichever covers a longer period.				
E.2.33.f	Comments obtained in accordance with this part for a period of at least 90 days.				
E.2.33.g	A record of all discrepancies entered in the discrepancy log over the previous 2 years, including the following:				
E.2.33.g.1	A list of the components or equipment that were or are missing, malfunctioning, or inoperative.				
E.2.33.g.2	The action taken to correct the discrepancy.				
E.2.33.g.3	The date the corrective action was taken.				
E.2.33.g.4	The identity of the person determining that the discrepancy has been corrected.				

TABLE E.3.—INFORMATION (SQMS) ASSESSMENT TOOL—ON-SITE

Element number	Basic (Part 60 Required) Elements	Rating See Element Assessment Table			Comments
		N	P	Y	
	There is evidence that the element is: (1) Being utilized/applied as is appropriate/necessary; (2) Being utilized/applied *as stated/specified/defined in the QMS;* (3) Achieving/producing effective results.				
E.3.1.	The Quality Management System Manual sets our current QMS policies, processes and/or procedures.				
E.3.2.	The policy, process, and/or procedure specifying how the sponsor will identify deficiencies in the QMS.				
E.3.3.	The policy, process, and/or procedure specifying how the sponsor will document how the QMS program will be changed to address deficiencies when found.				
E.3.4.	The policy, process, and/or procedure specifying how the sponsor will propose program changes to the NSPM and receive approval prior to their implementation.				
E.3.5.	The policy, process, and/or procedure specifying how the sponsor will document that at least one FSTD is used within the sponsor's FAA-approved flight training program for the aircraft or set of aircraft at least once within the 12-month period following the initial/upgrade evaluation conducted by the NSP and at least once within each subsequent 12-month period thereafter.				
E.3.6.	The policy, process, and/or procedure specifying how the sponsor will document that at least one FSTD is used within the sponsor's FAA-approved flight training program for the aircraft or set of aircraft at least once within the 12-month period following the first continuing qualification evaluation conducted by the NSP and at least once within each subsequent 12-month period thereafter.				
E.3.7.	The policy, process, and/or procedure specifying how the sponsor will obtain an annual written statement from a qualified pilot (after having flown the subject aircraft or set of aircraft during the preceding 12-month period) that the performance and handling qualities of the subject FSTD represents the subject aircraft or set of aircraft (within the normal operating envelope). Required only if the subject FSTD is not used in the sponsor's FAA-approved flight training program for the aircraft or set of aircraft at least once within the preceding 12-month period.				
E.3.8.	A policy, process, and/or procedure specifying how independent feedback (from persons recently completing training, evaluation, or obtaining flight experience; instructors and check airmen using the FSTD for training, evaluation or flight experience sessions; and FSTD technicians and maintenance personnel) will be received and addressed by the sponsor regarding the FSTD and its operation.				
E.3.9.	The policy, process, and/or procedure specifying how and where the FSTD Statement of Qualification will be posted, or accessed by an appropriate terminal or display, in or adjacent to the FSTD.				
E.3.10.	The policy, process, and/or procedure specifying how the sponsor's management representative (MR) is selected and identified by name to the NSPM.				
E.3.11.	The policy, process, and/or procedure specifying the MR's authority and responsibility for the following:				
E.3.11.a.	Monitoring the on-going qualification of assigned FSTDs to ensure all matters regarding FSTD qualification are being carried out as provided for in 14 CFR part 60.				
E.3.11.b.	Ensuring that the QMS is properly established, implemented, and maintained by overseeing the QMS policies, practices, and/or procedures and by and modifying when and where necessary.				
E.3.11.c.	Regularly briefing sponsor's management on the status of the on-going FSTD qualification program and the effectiveness and efficiency of the QMS. (designate maximum interval).				
E.3.11.d.	Serving as the primary contact point for all matters between the sponsor and the NSPM regarding the qualification of assigned FSTDs.				
E.3.11.e.	Delegating the MR assigned duties to an individual at each of the sponsor's locations, when/if/where appropriate.				
E.3.12.	A policy, process, and/or procedure specifying how the sponsor will:				
E.3.12.a.	Ensure that the data made available to the NSPM (the validation data package) includes the aircraft manufacturer's flight test data (or other data approved by the NSPM) and all relevant data developed after the type certificate was issued (e.g., data developed in response to an airworthiness directive) if such data results from a change in performance, handling qualities, functions, or other characteristics of the aircraft that must be considered for flight crew member training, evaluation, or for meeting experience requirements of this chapter.				
E.3.12.b.	Immediately notify the NSPM when an addition to or a revision of the flight related data or airplane systems related data is available if this data is used to program and/or operate a qualified FFS, including technical information about this data to the NSPM relative to the data's significance for training, evaluation, or flight experience activities in the FFS.				
E.3.12.c.	Maintain a liaison with the manufacturer of the aircraft being simulated (or with the holder of the aircraft type certificate for the aircraft being simulated if the manufacturer is no longer in business), and/or, if appropriate, with the person having supplied the aircraft data package for the FFS for the purposes of receiving notification of data package changes.				
E.3.13.	A policy, process, and/or procedure specifying how the sponsor will make available all special equipment and qualified personnel needed to accomplish or assist in the accomplishment of tests during initial, continuing qualification, or special evaluations.				

TABLE E.3.—INFORMATION (SQMS) ASSESSMENT TOOL—ON-SITE—Continued

Element number	Basic (Part 60 Required) Elements	Rating See Element Assessment Table			Comments
		N	P	Y	
E.3.14.	A policy, process, and/or procedure specifying how the sponsor will submit to the NSPM a request to evaluate the FSTD for initial qualification at a specific level and simultaneously request the TPAA forward a concurring letter to the NSPM; including how the MR will use qualified personnel to confirm the following:				
E.3.14.a.	That the performance and handling qualities of the FSTD represent those of the aircraft or set of aircraft within the normal operating envelope.				
E.3.14.b.	The FSTD systems and sub-systems (including the simulated aircraft systems) functionally represent those in the aircraft or set of aircraft.				
E.3.14.c.	The cockpit represents the configuration of the specific type; or aircraft make, model, and series aircraft being simulated, as appropriate.				
E.3.15.	A policy, process, and/or procedure specifying how, for an initial evaluation, all of the subjective tests and all of the objective tests are accomplished at the sponsor's training facility, except as provided for in the applicable QPS.				
E.3.16.	A policy, process, and/or procedure specifying how, after the NSPM completes the evaluation for initial qualification, the sponsor will update the QTG with the results of the FAA-witnessed tests and demonstrations together with the results of all the objective tests and demonstrations described in the applicable QPS.				
E.3.17.	A policy, process, and/or procedure specifying how the sponsor will make the MQTG available to the NSPM upon request.				
E.3.18.	A policy, process, and/or procedure specifying how the sponsor will apply to the NSPM to add (an) additional qualification(s) to the Statement of Qualification.				
E.3.19.	A policy, process, and/or procedure specifying how the sponsor accomplishes all applicable QPS Attachment 2 objective tests each year in a minimum of four evenly spaced inspections as specified in the applicable QPS.				
E.3.20.	A policy, process, and/or procedure specifying how the sponsor completes a functional preflight check of the FSTD within the preceding 24 hours of FSTD use.				
E.3.21.	A policy, process, and/or procedure specifying how the sponsor schedules with the NSPM continuing qualification evaluations not later than 60 days before the evaluation is due.				
E.3.22.	A policy, process, and/or procedure specifying how the sponsor ensures that the FSTD has received a continuing qualification evaluation at the interval as described in the respective MQTG, allowing for the 1-month grace period before or after the calendar month required.				
E.3.23.	A policy, process, and/or procedure describing that when a discrepancy is discovered the following is recorded in the FSTD discrepancy log:				
E.3.23.a.	A description of each discrepancy is entered and remains in the log until the discrepancy is corrected.				
E.3.23.b.	A description of the corrective action taken for each discrepancy, the identity of the individual taking the action, and the date that action is taken.				
E.3.24	A policy, process, and/or procedure specifying how the discrepancy log is kept in a form and manner acceptable to the Administrator and is kept in or adjacent to the FSTD. (An electronic log that may be accessed by an appropriate terminal or display in or adjacent to the FSTD is satisfactory.).				
E.3.25.	A policy, process, and/or procedure that requires each instructor, check airman, or representative of the Administrator conducting training, evaluation, or flight experience for flight crew members, and each person conducting the preflight inspection, who discovers a discrepancy, including any missing, malfunctioning, or inoperative components in the FSTD, to write or cause to be written a description of that discrepancy into the discrepancy log at the end of the FSTD preflight or FSTD use session.				
E.3.26.	A policy, process, and/or procedure specifying how the sponsor will (if operating an FSTD based on an interim qualification), within twelve months of the release of the final aircraft data package by the aircraft manufacturer (but no later than two years after the issuance of the interim qualification status the sponsor) apply for initial qualification based on the final aircraft data package approved by the aircraft manufacturer.				
E.3.27.	A policy, process, and/or procedure specifying how the sponsor determines whether an FSTD change qualifies as a modification as described in 14 CFR part 60..				
E.3.28.	A policy, process, and/or procedure specifying how the sponsor will ensure the FSTD is modified in accordance with any FSTD Directive regardless of the original qualification basis.				
E.3.29.	A policy, process, and/or procedure specifying how, if an FSTD change is determined to be a modification as defined in 14 CFR part 60, the sponsor will notify the NSPM and TPAA of their intent to use the modified FSTD and to ensure that the modified FSTD will not be used prior to:				
E.3.29.a.	Twenty-one days since the sponsor notified the NSPM and the TPAA of the proposed modification and the sponsor has not received any response from either the NSPM or the TPAA.				
E.3.29.b.	Twenty-one days since the sponsor notified the NSPM and the TPAA of the proposed modification, and one has approved the proposed modification and the other has not responded.				
E.3.29.c.	The FSTD successfully completing any evaluation the NSPM may require in accordance with the standards for an evaluation for initial qualification or any part thereof before the modified FSTD is placed in service.				

TABLE E.3.—INFORMATION (SQMS) ASSESSMENT TOOL—ON-SITE—Continued

Element number	Basic (Part 60 Required) Elements	Rating See Element Assessment Table			Comments
		N	P	Y	
E.3.30.	A policy, process, and/or procedure specifying how, after a FSTD modification is approved by the NSPM, the sponsor will:				
E.3.30.a.	Post an addendum to the Statement of Qualification until such time as a permanent, updated statement is received from the NSPM and posted.				
E.3.30.b.	Update the MQTG with current objective test results and appropriate objective data for each affected objective test or other MQTG section that is affected by the modification.				
E.3.30.c.	File in the MQTG the direction to make the modification and the record of the modification completion.				
E.3.31.	A policy, process, and/or procedure specifying how the sponsor will track the length of time a component has been missing, malfunctioning, or inoperative (MMI), including:				
E.3.31.a.	How the sponsor will post a list of MMI components in or adjacent to the FSTD.				
E.3.31.b.	How the sponsor will notify the NSPM if the MMI has not been repaired or replaced within 30 days; or if the sponsor has a discrepancy prioritization system, describe how discrepancies are prioritized and how the sponsor will notify the NSPM if the MMI has not been repaired or replaced within the specified timeframe.				
E.3.32.	A policy, process, and/or procedure specifying how the sponsor will notify the NSPM and how the sponsor will seek re-qualification of the FSTD if the FSTD is moved and reinstalled in a different location.				
E.3.33.	A policy, process, and/or procedure specifying how the sponsor will maintain control of the following documents: The sponsor must specify how these records are maintained in plain language form or in coded form; but if the coded form is used, the sponsor must specify how the preservation and retrieval of information will be conducted.].				
E.3.33.a.	The MQTG and each amendment thereto.				
E.3.33.b.	A record of all FSTD modifications required by this part since the issuance of the original Statement of Qualification.				
E.3.33.c.	Results of the qualification evaluations (initial and each upgrade) since the issuance of the original Statement of Qualification.				
E.3.33.d.	Results of the objective tests conducted in accordance with this part for a period of 2 years.				
E.3.33.e.	Results of the previous three continuing qualification evaluations, or the continuing qualification evaluations from the previous 2 years, whichever covers a longer period.				
E.3.33.f.	Comments obtained in accordance with this part for a period of at least 90 days.				
E.3.33.g.	A record of all discrepancies entered in the discrepancy log over the previous 2 years, including the following:				
E.3.33.g.1.	A list of the components or equipment that were or are missing, malfunctioning, or inoperative.				
E.3.33.g.2.	The action taken to correct the discrepancy.				
E.3.33.g.3.	The date the corrective action was taken.				
E.3.33.g.4.	The identity of the person determining that the discrepancy has been corrected.				

TABLE E.4.—INFORMATION SQMS ASSESSMENT TOOL—INITIAL (DESK)

Element number	EXPANDED (voluntary) elements	Rating see element assessment table			Comments
	Does the sponsor have . . .	N	P	Y	
QUALITY MANAGEMENT SYSTEM MANUAL:					
V.4.1.	Quality Management System Manual documentation includes:				
V.4.1.a. ..	The scope of the SQMS, including:				
V.4.1.a.1.	Responsibilities Matrix, or the equivalent, designating responsibility, by position, name or title, for approval and control of SQMS functions/elements.				
V.4.1.a.2.	Documented SQMS policies, processes and procedures listed in V.4.10, or reference to them.				
V.4.1.a.3.	A description of the sequence and interaction of the documented SQMS processes.				
V.4.2.	Quality Management System Manual established as a controlled document that includes provision for identification of current revision status and the date of last revision imprinted on each page concerned.				
QUALITY POLICY AND QUALITY OBJECTIVES:					
V.4.3.	A quality policy that:				
V.4.3.a. ..	Is appropriate to the purpose of the organization.				
V.4.3.b. ..	Includes the concept of continual SQMS improvement.				
V.4.3.c. ..	Provides a framework for establishing and reviewing quality objectives.				
V.4.4.	Quality objectives that:				
V.4.4.a. ..	Have been established for relevant SQMS functions at relevant levels within the organization.				

TABLE E.4.—INFORMATION SQMS ASSESSMENT TOOL—INITIAL (DESK)—Continued

Element number	EXPANDED (voluntary) elements Does the sponsor have . . .	Rating see element assessment table			Comments
		N	P	Y	
V.4.4.b. ..	Include the ultimate objective of providing the continuous presentation of a qualified FSTD, or FSTDs, for credible flight training, evaluation and/or meeting experience requirements.				
V.4.4.c. ..	Are measurable and consistent with the Quality Policy.				
MANAGEMENT COMMITMENT:					
V.4.5.	A policy, process, and/or procedure that specifies how management will:				
V.4.5.a. ..	Ensure that the quality policy is communicated and understood at appropriate levels of the organization.				
V.4.5.b. ..	Ensure that employees are aware of the relevance and importance of their activities and how they contribute to the achievement of the quality objectives.				
V.4.5.c. ..	Ensure that the resources (human and financial) necessary to achieve the quality objectives are identified, planned and available.				
V.4.5.d. ..	Document management resource planning output.				
V.4.5.e. ..	Conduct and record periodic management reviews (stated minimum interval required) to:				
	(1) Evaluate planned resource allocation and				
	(2) Take action to ensure continuing suitability and effectiveness of the:.				
V.4.5.e.1.	Quality policy.				
V.4.5.e.2.	Quality objectives.				
V.4.5.f. ...	Verify implementation of proper corrective action/managed change on assessment deficiencies.				
V.4.5.g. ..	Record the results of corrective action/managed change on assessment deficiencies and report the results to the NSPM.				
DOCUMENT/RECORD CONTROL					
V.4.6.	A Master List of internal and external documents that are *actively* utilized in the SQMS to ensure effective operation and control of the processes (identified, as applicable, by publisher/originator, title/description, volume no./form no., revision no./version, effective date)..				
	Note: By implementing a policy, process or procedure that categorizes inactive/unused documents as ''archived,'' these documents: (1) May be left off of the Master List, (2) Must be controlled and (3) Must be added to the Master List if/when they are subsequently activated [re: V.4.7.h.]..				
V.4.7.	A policy, process, and/or procedure that specifies how the sponsor will provide for:				
V.4.7.a. ..	Approval of documents for adequacy prior to use.				
V.4.7.b. ..	Periodic review, updating, re-approval of documents (where necessary).				
V.4.7.c. ..	Identification of current document revision status including the date of last revision on each page concerned.				
V.4.7.d. ..	Ensuring that current relevant versions of applicable documents are available at point-of-use.				
V.4.7.e. ..	Suitable identification of obsolete documents if they are retained for any purpose.				
V.4.7.f. ...	Preventing the unintended use of obsolete documents.				
V.4.7.g. ..	Ensuring that external-origin documents are identified & their distribution/accessibility controlled.				
V.4.7.h. ..	Protection and storage/archiving of records/documents.				
V.4.8.	A policy, process, and/or procedure specifying how the sponsor will retain the following for a period of two years (The sponsor must specify whether these records are maintained in plain language form or in coded form. If the coded form is used, the sponsor must specify how the preservation retrieval of information will be conducted.):				
V.4.8.a. ..	A record of training time lost due to FSTD discrepancies.				
V.4.8.b. ..	A record of the two most recent NSPM assessments.				
V.4.8.c. ..	A record of the two most recent Sponsor assessments.				
V.4.8.d. ..	SQMS Corrective Action records and/or Managed Change documentation (Including change pertaining to assessment findings)				
ASSIGNMENT of PERSONNEL/TRAINING					
V.4.9.	A policy, process or procedure specifying how the sponsor will, for those performing inspection, testing, engineering and normal, preventative and corrective maintenance on FSTDs:				
V.4.9.a. ..	Identify the necessary skill requirements.				
V.4.9.b. ..	Assign personnel that satisfy the identified skill requirements based upon experience, skills, education or training				
V.4.9.c. ..	Maintain appropriate ongoing records of skill, experience, education and/or training qualifications for assigned personnel.				
V.4.9.d. ..	Evaluate the adequacy/appropriateness of the skill requirements and the effectiveness of sponsor-provided training, referencing, in part, the criteria for workmanship specified in V.4.11.d.				
POLICY, PROCESS and/or PROCEDURE CONTROL					
V.4.10. ...	Documented policies, processes and/or procedures for *essential QMS functions* that directly affect quality, including the relevant/essential sequence and interaction of these processes (Supported by diagrams/flow charts/maps at sponsor's discretion) to include:				

TABLE E.4.—INFORMATION SQMS ASSESSMENT TOOL—INITIAL (DESK)—Continued

Element number	EXPANDED (voluntary) elements Does the sponsor have . . .	Rating see element assessment table			Comments
		N	P	Y	
V.4.10.a.	Scheduling and tracking inspection, testing, engineering and normal and preventative maintenance on FSTDs to verify that the specified qualification requirements for the FSTD are met.				
V.4.10.b.	A policy, process, and/or procedure specifying how the sponsor will determine FSTD training, evaluation, and/or flight experience restrictions, including: (1) Implementation, status notification and coordination with the sponsor's training organization, other users and TPAA and (2) Removal of the restrictions.				
V.4.11. ...	A policy, process, and/or procedure specifying how the sponsor will implement controlled conditions to provide:				
V.4.11.a.	A suitable work environment.				
V.4.11.b.	Approval of equipment.				
V.4.11.c.	Availability of suitable equipment and suitable equipment maintenance.				
V.4.11.d.	Compliance with documented procedures and/or reference standards/codes set out in the Quality Management System Manual.				
V.4.11.e.	Criteria for workmanship (e.g., written standards, representative samples or illustrations).				
V.4.12. ...	A policy, process, and/or procedure specifying how the sponsor will ensure use of current, valid measuring and monitoring devices, including:				
V.4.12.a.	Recording the basis for their periodic, or prior to use, calibration.				
V.4.12.b.	Protecting them from damage and safeguarding them from adjustments that would invalidate their calibration.				
V.4.13. ...	A policy, process, and/or procedure that specifies how the sponsor will record NSPM assessments.				
INTERNAL ASSESSMENT					
V.4.14. ...	A policy, process, and/or procedure that specifies how the sponsor will conduct internal assessments to determine that the SQMS: (1) Has been effectively implemented and maintained, (2) Conforms to regulatory standards and (3) Conforms to SQMS requirements in accordance with documented procedures, as follows:				
V.4.14.a.	Responsibilities and requirements for conducting assessments.]				
V.4.14.b.	Assessment frequency (at least annually).				
V.4.14.c.	Assessment scope.				
V.4.14.d.	How assessments are conducted and recorded.				
V.4.14.e.	Personnel other than those who control/perform the activity, process, procedure or practice being assessed conduct the assessment (Authorization to deviate from this standard may be approved by the NSPM for those sponsors that have limited personnel resources).				
V.4.14.f.	When, how and by whom the results of such assessments and the associated corrective action/managed change are reported to Responsible Management and the NSPM.				
CORRECTIVE ACTION/MANAGED CHANGE (For Other Than FSTD Operational Discrepancies)					
V.4.15. ...	A policy, process, and/or procedure that specifies how a perceived need for change will:				
V.4.15.a.	Be validated (determined), and if valid, be activated as a Change Initiative.				
	If processed as a **Corrective Action:**				
V.4.15.b.	Determine the cause.				
V.4.15.c.	Determine and implement corrective action.				
V.4.15.d.	Record the action taken.				
V.4.15.e.	Evaluate the effectiveness of the action taken.				
V.4.15.f.	Record the results of this evaluation.				
V.4.15.g.	Evaluate the need for further action to prevent recurrence.				
	If processed as a **Managed Change:**				
V.4.15.h.	Analyze and determine action on the Change Initiative.				
V.4.15.i.	Establish the Scope of Change.				
V.4.15.j.	Develop a Change Plan.				
V.4.15.k.	Review the Change Plan.				
V.4.15.l.	Implement the Approved Change Plan.				
V.4.15.m.	Evaluate the implemented change.				
V.4.15.n.	Review the evaluation.				

TABLE E.5.—INFORMATION—SQMS ASSESSMENT TOOL—ON-SITE

Element number	EXPANDED (Voluntary) Elements	Rating—See Element Assessment Table			Comments (Designate N/A Elements)
		N	P	Y	
	There is evidence that the element is: (4) (1) Being utilized/applied as is appropriate/necessary;				

TABLE E.5.—INFORMATION—SQMS ASSESSMENT TOOL—ON-SITE—Continued

Element number	EXPANDED (Voluntary) Elements	Rating—See Element Assessment Table			Comments (Designate N/A Elements)
		N	P	Y	
	(4) (2) Being utilized/applied *as stated/specified/defined in the QMS;* (4) (3) Achieving/producing effective results.				
QUALITY MANAGEMENT SYSTEM MANUAL:					
V.5.1.	Quality Management System Manual contains*current:*				
V.5.1.a.	Responsibilities Matrix, or the equivalent, designating responsibility by position, name or title for approval and/or control of essential QMS functions/elements.				
V.5.1.b.	Documented SQMS processes and procedures listed in V.5.10, or reference to them.				
V.5.1.c.	Descriptions of the sequence and interaction of the documented SQMS processes.				
V.5.2.	The Quality Management System Manual is being properly controlled and includes identification of current revision status and the date of last revision imprinted on each page concerned.				
QUALITY POLICY AND QUALITY OBJECTIVES:					
V.5.3.	Currently stated quality policy:				
V.5.3.a.	Is appropriate for the organization.				
V.5.3.b.	Includes the concept of continual SQMS improvement.				
V.5.4.	Current written quality objectives:				
V.5.4.a.	Exist for relevant QMS functions at relevant levels within the organization.				
V.5.4.b.	Include the *"ultimate objective"* of providing continuous presentation of a qualified FSTD, or FSTDs, for credible flight training, evaluation and/or meeting experience requirements.				
V.5.4.c.	Are measurable and consistent with the Quality Policy.				
MANAGEMENT COMMITMENT:					
V.5.5.	Management is using their stated SQMS method(s) to:				
V.5.5.a.	Communicate and ensure that the quality policy is understood at appropriate levels of the organization.				
V.5.5.b.	Ensure that employees are aware of the relevance and importance of their activities and how they contribute to the achievement of the quality objectives.				
V.5.5.c.	Allocate resources (human and financial), using documented resource planning output, and implement action necessary to achieve planned operational results/quality objectives.				
V.5.5.d.	Document resource planning output.				
V.5.5.e.	Conduct periodic recorded management reviews (in compliance with stated minimum interval) to evaluate and take action (corrective action/managed change) to ensure continuing suitability and effectiveness of the:				
v.5.5.e.1.	Quality policy.				
v.5.5.e.2.	Quality objectives.				
V.5.5.f.	Verify implementation of proper corrective action/managed change on assessment deficiencies.				
V.5.5.g.	Record the results of corrective action/managed change on assessment deficiencies and report the results to the NSPM.				
DOCUMENT/RECORD CONTROL					
V.5.6.	Internal and external documents:				
V.5.6.a.	That are *actively* utilized in the SQMS to ensure effective operation and control of the processes are:				
v.5.6.a.1.	On the Master List of Documents, including documents originally categorized as "archived" that have been activated.				
V.5.6.a.2.	Adequately identified by publisher/originator, title/description, volume no./form no., revision no./version, or effective date..				
V.5.6.b.	That are *inactive/unused* are being controlled according to the approved "archiving" policy [re: V.5.7.h.].				
V.5.7.	Stated SQMS method(s) for:				
V.5.7.a.	Approval of documents for adequacy prior to issue.				
V.5.7.b.	Periodically (where necessary) reviewing documents and records and updating/re-approving them.				
V.5.7.c.	Maintaining current revision(s) and entering revision status and the date of last revision on each page concerned.				
V.5.7.d.	Maintaining current relevant versions of applicable documents at point-of-use.				

TABLE E.5.—INFORMATION—SQMS ASSESSMENT TOOL—ON-SITE—Continued

Element number	EXPANDED (Voluntary) Elements	Rating—See Element Assessment Table			Comments (Designate N/A Elements)
		N	P	Y	
V.5.7.e.	Suitably identifying and designating obsolete documents if they are retained for any purpose.				
V.5.7.f.	Preventing unintended use of obsolete documents.				
V.5.7.g.	Identifying and controlling distribution/accessibility of documents of external origin.				
V.5.7.h.	Adequately protecting and storing/archiving records/documents.				
V.5.8.	Documents/records have been retained for *two years*, in plain language form or in coded form, as follows:				
V.5.8.a.	Training time lost due to FSTD discrepancies.				
V.5.8.b.	Two most recent NSPM assessments.				
V.5.8.c.	Two most recent Sponsor assessments.				
V.5.8.d.	SQMS Corrective Action records and/or Managed Change documentation (Including change pertaining to assessment findings).				
V.5.8.e.	Documented Management Resource Planning output and review.				
ASSIGNMENT of PERSONNEL/TRAINING					
V.5.9.	Stated SQMS method(s) for:				
V.5.9.a.	Assignment of personnel to perform inspection, testing, engineering and normal, preventative and corrective maintenance on FSTDs based upon experience, skills, education or training that satisfies the identified skill requirements.				
V.5.9.b.	Maintaining appropriate records of experience, skills, education or training to indicate that the qualifications of the assigned personnel satisfy the stated skill requirements.				
V.5.9.c.	Evaluating the: (1) Adequacy/appropriateness of the identified skill requirements and (2) Effectiveness of sponsor-provided training, utilizing, in part, the criteria for workmanship specified in V.5.11.d.				
POLICY, PROCESS and/or PROCEDURE CONTROL					
V.5.10.	Documented policies, processes and/or procedures for essential SQMS functions, including the relevant/essential sequence and interaction of these processes (Supported by diagrams/flow charts/maps at sponsor's discretion) to include:				
V.5.10.a.	Scheduling and tracking inspection, testing, engineering and normal and preventative maintenance on FSTDs to verify that the specified qualification requirements for the FSTD are met.				
V.5.10.b.	Determination of *FSTD training, evaluation, and/or flight experience restrictions,* including their implementation, status notification and coordination with the sponsor's training organization, other users and TPAA and removal of the restrictions.				
V.5.11.	Implementation of controlled conditions that provide:				
V.5.11.a.	A suitable work environment.				
V.5.11.b.	Approval of equipment.				
V.5.11.c.	Availability of suitable equipment and suitable equipment maintenance.				
V.5.11.d.	Compliance with documented procedures and/or reference standards/codes as set out in the Quality Management System Manual.				
V.5.11.e.	Utilization of criteria for workmanship (*e.g.*, written standards, representative samples/illustrations).				
V.5.12.	Implementation of controlled conditions that provide availability of current, valid measuring/monitoring devices that are consistent with measurement requirements, including:				
V.5.12.a.	Recording the basis for the periodic, or prior to use, calibration of measurement devices.				
V.5.12.b.	Protection of measurement devices from damage and safeguarding them from adjustments that would invalidate their calibration.				
V.5.13.	The method used to record NSPM assessments, including all recommendations and corrective action/managed change taken.				
INTERNAL ASSESSMENT					
V.5.14.	Internal assessments have been conducted to determine that: (1) The SQMS has been effectively implemented and maintained, (2) Conforms to regulatory standards and (3) Conforms to SQMS requirements in accordance with documented procedures, including:.				
V.5.14.a.	Assignment of responsibilities and requirements for conducting assessments.				
V.514.b.	Assessment frequency.				

TABLE E.5.—INFORMATION—SQMS ASSESSMENT TOOL—ON-SITE—Continued

Element number	EXPANDED (Voluntary) Elements	Rating—See Element Assessment Table			Comments (Designate N/A Elements)
		N	P	Y	
V.5.14.c.	Adequate assessment scope.				
V.5.14.d.	Assessment methodology and recording.				
V.5.14.e.	Personnel, other than those who control/perform the activity, process, procedure or practice being assessed, conducted the assessment (Note any NSPM approved authorization to deviate from this requirement for sponsors that have limited personnel resources).				
V.5.14.f.	Reporting assessment results to Responsible Management and the NSPM.				
CORRECTIVE ACTION/MANAGED CHANGE (For Other Than FSTD Operational Discrepancies)					
V.5.15.	The policy, process, and/or procedure that specifies how a perceived need for change will:				
V.5.15.a.	Be validated (determined), and if valid, be activated as a Change Initiative.				
	If processed as a Corrective Action:				
V.5.15.b.	Determine the cause.				
V.5.15.c.	Determine and implement corrective action.				
V.5.15.d.	Record the action taken.				
V.5.15.e.	Evaluate the effectiveness of the action taken.				
V.5.15.f.	Record the results of this evaluation.				
V.5.15.g.	Evaluate the need for further action to prevent recurrence.				
—.					
	If processed as a Managed Change:.				
V.5.15.h.	Analyze and determine action on the Change Initiative.				
V.5.15.i.	Establish the Scope of Change.				
V.5.15.j.	Develop a Change Plan.				
V.5.15.k.	Review the Change Plan.				
V.5.15.l.	Implement the Approved Change Plan.				
V.5.15.m.	Evaluate the implemented change.				
V.5.15.n.	Review the evaluation.				

Continuation Sheet

Sponsor _____ Program _____ Date _____ Page No. _____ I or O _____

FAA Element Number	Sponsor Item Number	Action*		Comments	Resolved#	
		Status/Category	Date		Status/Category	Date

(Continue as Necessary)

***ACTION**
Rating / Status Codes:
Rating = Yes (Y); Partial (P); None (N)
Status = Advisory (A); Question (Q); Request (R); Observation (O)

#RESOLVED
Rating / Status Codes:
Rating = Yes (Y)
Status = Corrected or Acceptable (OK)

ELEMENT ASSESSMENT TABLE		
Rating/Measurement Standard		
Criteria: Complete, adequate, appropriate, accurate, clearly defined – flow chart, diagram, description		
NONCOMPLIANCE/NONCONFORMITY (N)	PARTIAL COMPLIANCE/CONFORMITY (P)	ACCEBTABLE COMPLIANCE/CONFORMITY (Y)
Corrective Action Required	Corrective Action Required	No Corrective Action Required
There is no evidence of: A. Compliance/Conformity. B. A written description.	There is evidence of: A. A partial compliance/conformity. B. An incomplete written description.	There is evidence of: A. Adequate compliance/conformity. B. An adequate written description
C. Identification, definition, documentation (flow chart, diagram, description)	*C. The process or procedure is:* *(a) Identified/defined inadequately,* *or* *(b) Documented inadequately.*	*C. The process or procedure is:* *(a) Identified/defined adequately,* *or* *(b) Documented adequately*
D. Implementation of a process or procedure.	*D. The process or procedure is:* *(a) Implemented inadequately/inappropriately,* *or* *(b) Not current as defined/documented.*	*D. The process or procedure is:* *(a) Implemented adequately/appropriately,* *or* *(b) Current as defined/documented.*
E. Effectiveness of a process or procedure.	*E. Of inadequate or partial effectiveness of a process or procedure.*	*E. Of adequate effectiveness of a process or procedure.*

End Information

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Appendix F to Part 60—Definitions and Abbreviations for Flight Simulation Training Devices

Begin Information

1. The definitions presented below in *Italic type face* are repeated from the regulatory definitions found in part 1 or part 60, as indicated. In the event that a discrepancy exists between a definition found here, and one found in part 1 or part 60, the part 1 or part 60 definition prevails.

End Information

Begin QPS Requirements

2. Definitions.

1st Segment—is that portion of the takeoff profile from liftoff to gear retraction.

2nd Segment—is that portion of the takeoff profile from after gear retraction to initial flap/slat retraction.

3rd Segment—is that portion of the takeoff profile after flap/slat retraction is complete.

Aircraft data package—is a combination of the various types of data used to design, program, manufacture, modify, and test the FSTD.

Airspeed—is calibrated airspeed unless otherwise specified and is expressed in terms of nautical miles per hour (knots).

Altitude—is pressure altitude (meters or feet) unless specified otherwise.

Angle of attack—is the angle between the airplane longitudinal axis and the relative wind vector projected onto the airplane plane of symmetry.

Automatic Testing—is FSTD testing wherein all stimuli are under computer control.

Bank—is the airplane attitude with respect to or around the longitudinal axis, or roll angle (degrees).

Breakout—is the force required at the pilot's primary controls to achieve initial movement of the control position.

Certificate holder—A person issued a certificate under parts 119, 141, or 142 of this chapter or a person holding an approved course of training for flight engineers in accordance with part 63 of this chapter. (Part 60)

Closed Loop Testing—is a test method for which the input stimuli are generated by controllers, which drive the FSTD to follow a pre-defined target response.

Computer Controlled Airplane—is an airplane where all pilot inputs to the control surfaces are transferred and augmented by computers.

Control Sweep—is movement of the appropriate pilot controller from neutral to an extreme limit in one direction (Forward, Aft, Right, or Left), a continuous movement back through neutral to the opposite extreme position, and then a return to the neutral position.

Convertible FSTD—is an FSTD in which hardware and software can be changed so that the FSTD becomes a replica of a different model, usually of the same type aircraft. The same FSTD platform, cockpit shell, motion system, visual system, computers, and necessary peripheral equipment can thus be used in more than one simulation.

Critical Engine Parameter—is the parameter, which is the most accurate measure of propulsive force.

Deadband—is the amount of movement of the input for a system for which there is no reaction in the output or state of the system observed.

Distance—is the length of space between two points and is expressed in terms of nautical miles unless specified otherwise.

Discrepancy—as used in this part, means an aspect of the FSTD that is not correct with respect to the aircraft being simulated. This includes missing, malfunctioning, and/or inoperative components that are required to be present and operate correctly for training, evaluation, and experience functions to be creditable. It also includes errors in the documentation used to support the FSTD (*e.g.,* errors in, or information missing from, the MQTG, required statements from appropriately qualified personnel).

Downgrade—is a permanent change in the qualification level of an FSTD to a lower level.

Driven—is a test method where the input stimulus or variable is positioned by automatic means, generally a computer input.

Electronic Copy of the MQTG—an electronic copy of the MQTG provided by an electronic scan presented in a Portable Document File (PDF), or similar format, acceptable to the NSPM.

Electronic Master Qualification Test Guide—is an electronic version of the MQTG (eMQTG), where all objective data obtained from airplane testing, or another approved source, together with correlating objective test results obtained from the performance of the FSTD and a description of the equipment necessary to perform the evaluation for the initial and the continuing qualification evaluations is stored, archived, or presented in either reformatted or digitized electronic format.

Engine—as used in this part, means the appliance or structure that supplies propulsive force for movement of the aircraft: *i.e.,* the turbine engine for turbine powered aircraft; the turbine engine and propeller assembly for turbo-propeller powered aircraft; and the reciprocating engine and propeller assembly for reciprocating engine powered aircraft. For purposes of this part, engine failure is the failure of either the engine, or propeller assembly, to provide thrust higher than idle power thrust due to a failure of either the engine or the propeller assembly.

Evaluation—With respect to an individual, the checking, testing, or review associated with flight crewmember qualification, training, and certification under parts 61, 63, 121, or 135 of this chapter. With respect to an FSTD, the qualification activities (*e.g.,* the objective and subjective tests, the inspections, or the continuing qualification evaluations) associated with the requirements of this part. (Part 60)

Fictional Airport—is a visual model of an airport that is a collection of non-''real world'' terrain, instrument approach procedures, navigation aids, maps, and visual modeling detail sufficient to enable completion of an Airline Transport Pilot Certificate or Type Rating.

Flight experience—Flight experience means recency of flight experience for landing credit purposes. (Part 60)

Flight simulation training device (FSTD) means a full flight simulator (FFS) or a flight training device (FTD). (Part 1)

Flight test data—(a subset of Objective data) Aircraft data collected by the aircraft manufacturer (or other supplier of data that are acceptable to the NSPM) during an aircraft flight test program. (Part 60)

Flight training device (FTD) means a replica of aircraft instruments, equipment, panels, and controls in an open flight deck area or an enclosed aircraft cockpit replica. It includes the equipment and computer programs necessary to represent aircraft (or set of aircraft) operations in ground and flight conditions having the full range of capabilities of the systems installed in the device as described in part 60 of this chapter and the qualification performance standard (QPS) for a specific FTD qualification level. (Part 1)

Free Response—is the response of the FSTD after completion of a control input or disturbance.

Frozen—is a test condition where one or more variables are held constant with time.

FSTD Approval—is the extent to which an FSTD may be used by a certificate holder as authorized by the FAA. It takes into account aircraft to FSTD differences and the training ability of the organization.

FSTD Directive—A document issued by the FAA to an FSTD sponsor, requiring a modification to the FSTD due to a recognized safety-of-flight issue and amending the qualification basis for the FSTD. (Part 60)

FSTD Latency—is the additional time beyond that of the response time of the aircraft due to the response of the FSTD.

FSTD Performance—The overall performance of the FSTD includes aircraft performance (*e.g.,* thrust/drag relationships, climb, range) as well as flight and ground handling. (Part 60)

Full flight simulator (FFS) means a replica of a specific type; or make, model, and series aircraft cockpit. It includes the assemblage of equipment and computer programs necessary to represent aircraft operations in ground and flight conditions, a visual system providing an out-of-the-cockpit view, a system that provides cues at least equivalent to those of a three-degree-of-freedom motion system, and has the full range of capabilities of the systems installed in the device as described in part 60 of this chapter and the qualification performance standards (QPS) for a specific FFS qualification level. (Part 1)

Generic Airport—is a Class III visual model that combines correct navigation aids for a real world airport with a visual model which does not correctly depict that same airport.

Grandfathering—as used in this part, means the practice of assigning a qualification basis for an FSTD, based on the period of time during which a published set of standards governed the requirements for the initial and continuing qualification of

FSTDs. Each FSTD manufactured during this specified period of time is ''grandfathered,'' or is ''held to the standards'' that are, or were, in effect during that time period. The grandfathered standards remain applicable to each FSTD manufactured during the stated time period, regardless of any subsequent modification to those standards and regardless of the sponsor, as long as the FSTD remains continuously qualified or is maintained in a non-qualified status in accordance with the specific requirements and time periods set out in this part. Each FSTD manufactured prior to the beginning date (or manufactured after the ending date) of a designated grandfather time period would have as its qualification basis, the standards in effect during the time period prior to, or subsequent to, the designated period.

Gross Weight—For objective test purposes:

Basic Operating Weight—(BOW) is the empty weight of the aircraft plus the weight of the following: normal oil quantity; lavatory servicing fluid; potable water; required crewmembers and their baggage; and emergency equipment.

Near Maximum Gross Weight—is a weight chosen by the sponsor or data provider that is not less than the basic operating weight (BOW) of the airplane being simulated plus 80% of the difference between the maximum certificated gross weight (either takeoff weight or landing weight, as appropriate for the test) and the BOW.

Light Gross Weight—is a weight chosen by the sponsor or data provider that is not more than 120% of the BOW of the airplane being simulated or as limited by the minimum practical operating weight of the test airplane.

Medium Gross Weight—is a weight chosen by the sponsor or data provider that is approximately ±10% of the average of the numerical values of the BOW and the maximum certificated gross weight.

Ground Effect—is the change in aerodynamic characteristics due to modification of the airflow past the aircraft caused by the proximity of the Earth's surface to the airplane.

Hands Off—is a test maneuver conducted without pilot control inputs.

Hands On—is a test maneuver conducted with pilot control inputs as required.

Heave—is FSTD movement with respect to or along the vertical axis.

Height—is the height above ground level (or AGL) expressed in meters or feet.

''In Use'' Runway—as used in this part, means the runway that is ''active,'' (is currently ''selected'' and able to be used for takeoffs and landings) and has the surface lighting and markings required by this part.

Integrated Testing—is testing of the FSTD such that all aircraft system models are active and contribute appropriately to the results where none of the models used are substituted with models or other algorithms intended for testing only.

Irreversible Control System—is a control system in which movement of the control surface will not backdrive the pilot's control in the cockpit.

Locked—is a test condition where one or more variables are held constant with time.

Manual Testing—is FSTD testing conducted without computer inputs except for initial setup and all modules of the simulation are active.

Master Qualification Test Guide (MQTG)—The FAA-approved Qualification Test Guide with the addition of the FAA-witnessed test results, applicable to each individual FSTD. (Part 60)

Medium—is the normal operational weight for a given flight segment.

National Simulator Program Manager (NSPM)—The FAA manager responsible for the overall administration and direction of the National Simulator Program (NSP), or a person approved by that FAA manager. (Part 60)

Nominal—is the normal operating configuration, atmospheric conditions, and flight parameters for the flight segment specified.

Non-Normal Control—is a term used in reference to Computer Controlled Airplanes and is the state where one or more of the intended control, augmentation, or protection functions are not fully working. NOTE: Specific terms such as ALTERNATE, DIRECT, SECONDARY, or BACKUP may be used to define an actual level of degradation.

Normal Control—is a term used in reference to Computer Controlled Airplanes and is the state where the intended control, augmentation, and protection functions are fully working.

Objective data—Quantitative data, acceptable to the NSPM, used to evaluate the FSTD.

Objective test—A quantitative measurement and evaluation of FSTD performance. (Part 60)

Pitch—is the airplane attitude with respect to, or around, the lateral axis expressed in degrees.

Power Lever Angle (PLA)—is the angle of the pilot's primary engine control lever(s) in the cockpit. This may also be referred to as THROTTLE or POWER LEVER.

Predicted data—Estimations or extrapolations of either existing flight test data or data from other simulation models using engineering analyses, engineering simulations, design data, and/or wind tunnel data. (Part 60)

Protection Functions—are systems functions designed to protect an airplane from exceeding its flight maneuver limitations.

Pulse Input—is a step input to a control followed by an immediate return to the initial position.

Qualification level—The categorization of an FSTD established by the NSPM, based on the FSTDs demonstrated technical and operational capabilities as set out in this part. (Part 60)

Qualification Performance Standard (QPS)—The collection of procedures and criteria published by the FAA to be used when conducting objective tests and subjective tests, including general FSTD requirements, for establishing FSTD qualification levels. The QPS are published in the appendices to this part, as follows: Appendix A, for Airplane Simulators; Appendix B, for Airplane Flight Training Devices; Appendix C, for Helicopter Simulators; Appendix D, for Helicopter Flight Training Devices; Appendix E, for Quality Management Systems for Flight Simulation Training Devices; and Appendix F, for Definitions and Abbreviations for Flight Simulation Training Devices. (Part 60)

Qualification Test Guide (QTG)—The primary reference document used for evaluating an aircraft FSTD. It contains test results, statements of compliance and capability, the configuration of the aircraft simulated, and other information for the evaluator to assess the FSTD against the applicable regulatory criteria. (Part 60)

Quality Management System (QMS)—the aviation standard for flight simulation quality-systems that can be used for external quality-assurance purposes. It is a collection of generic and independent requirements unrelated to any specific industry or economic sector. It is not designed to enforce uniformity of quality systems, but to identify the processes needed, determine the sequence and interaction of these processes, determine criteria and methods required to ensure the effective operation and control of these processes, ensure the availability of information necessary to support the operation and monitoring of these processes, measure, monitor and analyze these processes, and implement the actions necessary to achieve planned results. The design and implementation of a specific quality management system is influenced by the varying needs of the individual sponsor, their particular objectives, the flight simulation products and services supplied, and the processes and specific practices employed.

Real-World Airport—as used in this part in reference to airport visual models, means a computer generated visual depiction of an airport that exists in reality.

Representative—When used as an adjective in this part, means typical, demonstrative, or characteristic of, or with respect to, the feature being described. For example:

1. ''Representative sampling of tests'' means a sub-set of the complete set of all tests such that the sample includes one or more of the tests in each of the major categories, the results of which would provide the evaluator a typical, or overall, understanding of the performance and/or handling characteristics of the FSTD.

2. ''Representative airport model'' (or ''ground/airborne traffic,'' ''lights,'' ''runway/taxiway markings,'' ''terrain,'' ''weather phenomena'') means a computer generated visual depiction of a real-world or fictional airport (or traffic, lights, markings, terrain, weather phenomena.) that is typical or characteristic of an airport (or traffic, lights, markings, terrain, weather phenomena) regularly used or seen by the sponsor, or the sponsor's client using the FSTD, in normal operations.

Reversible Control System—is a control system in which movement of the control surface will backdrive the pilot's control in the cockpit.

Roll—is the airplane attitude with respect to, or around, the longitudinal axis expressed in degrees.

Set of aircraft—Aircraft that share similar handling and operating characteristics and

similar operating envelopes and have the same number and type of engines or power plants. (Part 60)

Sideslip Angle—is the angle between the relative wind vector and the airplane plane of symmetry. (note: this definition replaces the current definition of ''sideslip.'')

Simulation Quality Management System (SQMS)—consists of the required and voluntary elements of a quality management system for FSTD continuing qualification.

Snapshot—is a presentation of one or more variables at a given instant of time.

Special Evaluation—is an evaluation of the FSTD for purposes other than initial, upgrade, or continuing qualification. Circumstances that might indicate the need for a special evaluation would include, but not necessarily be limited to, the following: after the FSTD is moved and reinstalled at another location; after an update to FSTD software or hardware that might affect performance or flying qualities; after a substantial update to FSTD avionics packages (e.g., autopilot, flight management systems); after substantial modifications to FSTD configuration; after a complaint is received from a credible source indicating that the FSTD does not perform or handle like the aircraft it simulates.

Sponsor—A certificate holder who seeks or maintains FSTD qualification and is responsible for the prescribed actions as set out in this part and the QPS for the appropriate FSTD and qualification level. (Part 60)

Statement of Compliance and Capability (SOC)—is a declaration that specific requirements have been met. It must declare that compliance with the requirement is achieved and explain how the requirement is met (e.g., gear modeling approach, coefficient of friction sources). It must also describe the capability of the FSTD to meet the requirement (e.g., computer speed, visual system refresh rate). In doing this, the statement must provide references to needed sources of information for showing compliance, rationale to explain how the referenced material is used, mathematical equations and parameter values used, and conclusions reached.

Step Input—is an abrupt control input held at a constant value.

Subjective test—A qualitative assessment of the performance and operation of the FSTD. (Part 60)

Surge—is FSTD movement with respect to or along the longitudinal axis.

Sway—is FSTD movement with respect to or along the lateral axis.

Time History—is a presentation of the change of a variable with respect to time.

Training Program Approval Authority (TPAA)—A person authorized by the Administrator to approve the aircraft flight training program in which the FSTD will be used. (Part 60)

Training Restriction—is a temporary condition where, due to a Missing, Malfunctioning, or Inoperative (MMI) Component condition, the FSTD may continue to be used at the qualification level indicated on its SOQ but restricted from accomplishing the task for which the correct function of the MMI component is required.

Transport Delay or ''Throughput''—is the total FSTD system processing time required for an input signal from a pilot primary flight control until motion system, visual system, or instrument response. It is the overall time delay incurred from signal input until output response. It does not include the characteristic delay of the airplane simulated.

Upgrade—The improvement or enhancement of an FSTD for the purpose of achieving a higher qualification level. (Part 60)

Validation Data—Objective data used to determine if the FSTD performance is within the tolerances prescribed in the QPS.

Validation Test—An objective test whereby FSTD parameters are compared to the relevant validation data to ensure that the FSTD performance is within the tolerances prescribed in the QPS.

Visual Data Base—is a display that may include one or more visual models.

Visual Model—is a collection of one or more visual scenes of an airport or portion(s) of an airport.

Visual System Response Time—is the interval from a control input to the completion of the visual display scan of the first video field containing the resulting different information.

Yaw—is airplane attitude with respect to, or around, the vertical axis expressed in degrees.

3. Abbreviations.

AFM Approved Flight Manual.
AlL Above Ground Level (meters or feet).
AOA Angle of Attack (degrees).
APD Aircrew Program Designee.
CCA Computer Controlled Airplane.
cd/m^2 candela/meter^2, 3.4263 candela/m^2 = 1 ft-Lambert.
CFR Code of Federal Regulations.
cm(s) centimeter, centimeters.
daN decaNewtons, one (1) decaNewton = 2.27 pounds.
deg(s) degree, degrees.
DOF Degrees-of-freedom.
eMQTG Electronic Master Qualification Test Guide.
EPR Engine Pressure Ratio.
FAA Federal Aviation Administration (U.S.).
fpm feet per minute.
ft foot/feet, 1 foot = 0.304801 meters.
ft-Lambert foot-Lambert, 1 ft-Lambert = 3.4263 candela/m^2.
g Acceleration due to Gravity (meters or feet/sec^2); 1 g = 9.81 m/sec^2 or 32.2 feet/sec^2.
G/S Glideslope.
IATA International Airline Transport Association.
ICAO International Civil Aviation Organization.
IGE In ground effect.
ILS Instrument Landing System.
IQTG International Qualification Test Guide.
km Kilometers 1 km = 0.62137 Statute Miles.
kPa KiloPascal (Kilo Newton/Meters2). 1 psi = 6.89476 kPa.
kts Knots calibrated airspeed unless otherwise specified, 1 knot = 0.5148 m/sec or 1.689 ft/sec.
lb(s) pound(s), one (1) pound = 0.44 decaNewton.
LDP Landing decision point.
M,m Meters, 1 Meter = 3.28083 feet.
Min(s) Minute, minutes.
MLG Main Landing Gear.
Mpa MegaPascals (1 psi = 6894.76 pascals).
ms millisecond(s).
N NORMAL CONTROL Used in reference to Computer Controlled Airplanes.
nm Nautical Mile(s) 1 Nautical Mile = 6,080 feet.
NN NON-NORMAL CONTROL Used in reference to Computer Controlled Airplanes.
N1 Low Pressure Rotor revolutions per minute, expressed in percent of maximum.
N2 High Pressure Rotor revolutions per minute, expressed in percent of maximum.
N3 High Pressure Rotor revolutions per minute, expressed in percent of maximum.
NWA Nosewheel Angle (degrees).
OGE Out of ground effect.
PAPI Precision Approach Path Indicator System.
Pf Impact or Feel Pressure, often expressed as ''q.''
PLA Power Lever Angle.
PLF Power for Level Flight.
psi pounds per square inch.
QPS Qualification Performance Standard.
RAE Royal Aerospace Establishment.
R/C Rate of Climb (meters/sec or feet/min).
R/D Rate of Descent (meters/sec or feet/min).
REIL Runway End Identifier Lights.
RVR Runway Visual Range (meters or feet).
s second(s).
sec(s) second, seconds.
sm Statute Mile(s) 1 Statute Mile = 5,280 feet.
SOC Statement of Compliance and Capability.
Tf Total time of the flare maneuver duration.
Ti Total time from initial throttle movement until a 10% response of a critical engine parameter.
TIR Type Inspection Report.
T/O Takeoff.
Tt Total time from Ti to a 90% increase or decrease in the power level specified.
VASI Visual Approach Slope Indicator System.
VGS Visual Ground Segment.
V_1 Decision speed.
V_2 Takeoff safety speed.
Vmc Minimum Control Speed.
Vmca Minimum Control Speed in the air.
Vmcg Minimum Control Speed on the ground.
Vmcl Minimum Control Speed—Landing.
Vmu The speed at which the last main landing gear leaves the ground.
V_R Rotate Speed.
V_s Stall Speed or minimum speed in the stall.
WAT Weight, Altitude, Temperature.

End QPS Requirements

PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

■ 7. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(g), 1153, 40101, 40102, 40103, 40113, 41721, 44105, 44106, 44111, 44701–44717, 44722, 44901, 44903, 44904, 44906, 44912, 44914, 44936, 44938, 46103, 46105.

■ 8. Revise Appendix H to part 121 to read as follows:

Appendix H to Part 121—Advanced Simulation

This appendix provides guidelines and a means for achieving flightcrew training in advanced airplane simulators. The requirements in this appendix are in addition to the simulator approval requirements in § 121.407. Each simulator used under this appendix must be approved as a Level B, C, or D simulator, as appropriate.

Advanced Simulation Training Program

For an operator to conduct Level C or D training under this appendix all required simulator instruction and checks must be conducted under an advanced simulation training program approved by the Administrator for the operator. This program must also ensure that all instructors and check airmen used in appendix H training and checking are highly qualified to provide the training required in the training program. The advanced simulation training program must include the following:

1. The operator's initial, transition, upgrade, and recurrent simulator training programs and its procedures for re-establishing recency of experience in the simulator.

2. How the training program will integrate Level B, C, and D simulators with other simulators and training devices to maximize the total training, checking, and certification functions.

3. Documentation that each instructor and check airman has served for at least 1 year in that capacity in a certificate holder's approved program or has served for at least 1 year as a pilot in command or second in command in an airplane of the group in which that pilot is instructing or checking.

4. A procedure to ensure that each instructor and check airman actively participates in either an approved regularly scheduled line flying program as a flight crewmember or an approved line observation program in the same airplane type for which that person is instructing or checking.

5. A procedure to ensure that each instructor and check airman is given a minimum of 4 hours of training each year to become familiar with the operator's advanced simulation training program, or changes to it, and to emphasize their respective roles in the program. Training for simulator instructors and check airmen must include training policies and procedures, instruction methods and techniques, operation of simulator controls (including environmental and trouble panels), limitations of the simulator, and minimum equipment required for each course of training.

6. A special Line Oriented Flight Training (LOFT) program to facilitate the transition from the simulator to line flying. This LOFT program must consist of at least a 4-hour course of training for each flightcrew. It also must contain at least two representative flight segments of the operator's route. One of the flight segments must contain strictly normal operating procedures from push back at one airport to arrival at another. Another flight segment must contain training in appropriate abnormal and emergency flight operations.

Level B

Training and Checking Permitted

1. Recency of experience (§ 121.439).

2. Night takeoffs and landings (Part 121, Appendix E).

3. Landings in a proficiency check without the landing on the line requirements (§ 121.441).

Level C

Training and Checking Permitted

1. For all pilots, transition training between airplanes in the same group, and for a pilot in command the certification check required by § 61.153 of this chapter.

2. Upgrade to pilot-in-command training and the certification check when the pilot—

a. Has previously qualified as second in command in the equipment to which the pilot is upgrading;

b. Has at least 500 hours of actual flight time while serving as second in command in an airplane of the same group; and

c. Is currently serving as second in command in an airplane in this same group.

3. Initial pilot-in-command training and the certification check when the pilot—

a. Is currently serving as second in command in an airplane of the same group;

b. Has a minimum of 2,500 flight hours as second in command in an airplane of the same group; and

c. Has served as second in command on at least two airplanes of the same group.

4. For all second-in-command pilot applicants who meet the aeronautical experience requirements of § 61.159 of this chapter in the airplane, the initial and upgrade training and checking required by this part, and the certification check requirements of § 61.153 of this chapter.

Level D

Training and Checking Permitted

Except for the requirements listed in the next sentence, all pilot flight training and checking required by this part and the certification check requirements of § 61.153(g) of this chapter. The line check required by § 121.440, the static airplane requirements of appendix E of this part, and the operating experience requirements of § 121.434 must still be performed in the airplane.

Issued in Washington, DC, on August 28, 2006.

Marion C. Blakey,

Administrator.

[FR Doc. 06–8677 Filed 10–27–06; 8:45 am]

BILLING CODE 4910–13–P

Federal Register

Monday,
October 30, 2006

Part III

Environmental Protection Agency

40 CFR Parts 52 and 81

Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of California; PM–10; Determination of Attainment for the San Joaquin Valley Nonattainment Area; Determination Regarding Applicability of Certain Clean Air Act Requirements; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R09–OAR–2006–0583, FRL–8234–1]

Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of California; PM–10; Determination of Attainment for the San Joaquin Valley Nonattainment Area; Determination Regarding Applicability of Certain Clean Air Act Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing its determination that the San Joaquin Valley nonattainment area (SJV or the Valley) in California has attained the National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM–10). This determination is based upon monitored air quality data for the PM–10 NAAQS during the years 2003–2005. The SJV continues to attain the PM–10 NAAQS in 2006 based on the latest available quality assured data. EPA is also finalizing its determination that, because the SJV has attained the PM–10 NAAQS, certain Clean Air Act (CAA or the Act) requirements are not applicable for as long as the SJV continues to attain the PM–10 NAAQS.

DATES: *Effective Date:* This rule is effective October 30, 2006.

ADDRESSES: You can inspect copies of the docket for this action at EPA's Region IX office during normal business hours by appointment at the following locations:

Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, Room B–102, 1301 Constitution Avenue, NW. (Mail Code 6102T), Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Doris Lo, EPA Region IX, (415) 972–3959, *lo.doris@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

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I. Summary of Proposed and Final Actions

On July 19, 2006, EPA proposed to determine that the SJV has attained the 24-hour and annual NAAQS for PM–10 (71 FR 40952).[1] The proposed determination was based upon monitored air quality data during the years 2003–2005 which indicated that there were no violations during that time. This data is summarized in table 1 in the proposed rule. 71 FR at 40953–54. EPA also based its proposed determination on monitored air quality data indicating the area continued to attain in 2006. EPA also proposed to determine that certain Clean Air Act (CAA or the Act) requirements were not applicable for as long as the SJV continued to attain the PM–10 NAAQS. Specifically, for the SJV, EPA proposed to determine that the CAA section 172(c)(9) contingency measure requirement for the area is suspended. For a more detailed discussion of the related background for the SJV and of the proposal, please refer to the proposed rule.

In this notice EPA is finalizing its determination that the SJV has attained the NAAQS, based upon three years of complete, quality-assured monitored air quality data for 2003–2005, and based upon its determination that the area continues to attain the PM–10 NAAQS in 2006 based on quality assured data submitted to EPA's AQS Database through July 31, 2006. See AQS Report AMP350 titled ''SJV PM–10 SLAMS Raw Data Report January 2003–July 2006'' included in the docket for this notice. In finalizing its determination, EPA has also reviewed preliminary monitoring data for monitors in the SJV that has become available since July 31, 2006.

EPA learned recently of preliminary data indicating that exceedances of the standard were monitored on September 22, 2006 at State and Local Air Monitoring Station (SLAMS) monitors in Corcoran (215 μg/m^3), Bakersfield-Golden State Hwy. (157 μg/m^3), and Oildale (162 μg/m^3).[2] The California Air Resources Board (CARB) and the San Joaquin Valley Air Pollution Control District (District) have informed EPA that, based on preliminary analysis, they believe that these exceedances are due to high wind and wildfire natural events. CARB notified EPA that it intends to flag these data as caused by natural events and to request that EPA concur with these flags. As such the data would not be included for consideration in a determination of attainment for the SJV, pursuant to EPA's Natural Events Policy.[3] Because these data, which were collected using manual reference method samplers, are preliminary and have not been quality-assured, and because EPA believes that they may qualify as caused by natural events, and thus be excluded from consideration in an attainment determination, EPA is proceeding to finalize its determination that the area is in attainment. If, after the data is quality-assured, and after further evaluating CARB's request with respect to these data, EPA determines that the data do not qualify for exclusion under EPA's natural events policy, and EPA further believes that if included that they would establish that the area is in violation of the NAAQS, EPA will proceed with appropriate rulemaking action to withdraw its determination of attainment.

EPA is also finalizing its determination that, because the SJV has attained the PM–10 NAAQS, certain requirements, and specifically the contingency measure requirement of section 172(c)(9) of the Clean Air Act, do not apply to the SJV area for so long as the area continues to attain the NAAQS.

II. Public Comments and EPA Responses

EPA received one comment letter in support of our proposal from the District stating that the determination is a result of ''nearly two decades of intense efforts to reduce emissions of PM–10 and its precursors.'' The District also states that

[1] On September 21, 2006, EPA signed a final rule revoking the annualPM–10 standard. That revocation will be effective 60 days from publication of the rule in the **Federal Register**. Since the revocation will not be effective until after our attainment determination for the SJV, we are taking final action determining that the area has attained both the annual and 24-hour PM–10 standard.

[2] 24-hour PM–10 exceedances were also recorded on September 22, 2006 with the automated equivalent (Beta Attenuation Mass/Tapered Element Oscillating Microbalance) PM–10 analyzers operated at the Bakersfield-Golden and Corcoran sites, as well as the Beta Attenuation Mass monitor at the Tracy site. See response to comment 15 below.

[3] EPA's NEP Memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation to Regional Air Directors, ''Areas Affected by PM–10 Natural Events'', May 30, 1996.

''emissions of PM–10 and its precursors have decreased by about 24% since 1990'' which is significant given the population growth. Finally the District states that this determination ''does not in any way imply or allow the District or CARB to relax air quality strategies'' and will allow the District to better dedicate resources for upcoming plans that will focus on PM–2.5 and ozone attainment.

EPA received one adverse comment letter from Earthjustice, representing Medical Advocates for Healthy Air, Sierra Club, Latino Issues Forum, Steven and Michele Kirsch Foundation, the Center for Biological Diversity, El Comite para el Bienestar de Earlimart/ The Committee for the Well Being of Earlimart, Fresno Metro Ministry and the Coalition for Clean Air. EPA also received approximately 2000 adverse comment letters from individual citizens. Many of these comments were form letters that contained identical comments. EPA addresses all of the specific comments raised by Earthjustice in its responses to comments numbers 1 to 24. EPA is responding to many of the individual citizens' comments in responses to comments numbers 25 and 26 and in the context of the responses to Earthjustice, since they raised many of the same issues.

A. Environmental Justice

Comment 1: EPA received comments arguing that its process for making this determination did not adequately consider EPA's environmental justice mission: ''[t]o achieve equal environmental protection so no segment of the population, regardless of race, ethnicity, culture or income bears an undue burden of environmental pollution and to ensure that the benefits of environmental protection are shared by everyone.'' The principal environmental justice commenter, Earthjustice, argues that most sources of PM–10 pollution in the Valley are located in agricultural areas where population densities are low, but percentages of minority and low-income residents are high. The comment claims that EPA has not adequately investigated whether such areas, particularly in the western part of the Valley, are in attainment and is not adequately monitoring those areas. Without more thorough investigation and monitoring of air quality in the western part of the Valley, the comment concludes, EPA cannot ''carry out its environmental justice mandate.''

Response: EPA is committed to environmental justice, and a November 2005 memorandum by Administrator Johnson has reiterated EPA's ''ongoing commitment to ensure environmental justice for all people, regardless of race, color, national origin, or income.'' EPA believes that this attainment determination is fully consistent with that commitment, and ensures environmental protection for all residents of the Valley, including residents of the western part of the Valley, and regardless of race, color, national origin, or income.

The gist of the environmental justice argument is that EPA has not adequately investigated and analyzed air quality in minority and low-income communities in the western part of the Valley. Although that is framed as an environmental justice argument, it is really a challenge to the adequacy of the legal basis for EPA's determination that the entire Valley is in attainment. As explained more fully elsewhere, EPA has an adequate factual and legal basis for that determination, and has assessed air quality through monitored data that is representative of all areas of the Valley, including the west side, minority and low income communities addressed in the comment. Thus, the commenter is mistaken in claiming that EPA failed to investigate those areas adequately, or that such a purported failure prevented the Agency from adequately implementing environmental justice.

Similarly, EPA rejects claims that the monitoring conducted by the State and District is deficient. As explained more fully elsewhere, the District's monitoring network provides for adequate and accurate assessments of air quality throughout the Valley, including minority and low income communities in the western area.

Comment 2: Commenters, principally Earthjustice, assert that low income and minority populations were not provided an adequate opportunity to comment on the rule. Earthjustice asserts that ''the concerned people of the Valley'' sought an ''opportunity to be heard,'' and unsuccessfully requested that EPA hold a hearing. That comment also points out that many west side residents ''do not speak English, do not own computers, and do not have the time or expertise to draft public comments.''

Response: EPA believes that interested parties were given adequate opportunities to comment on the proposed determination of attainment. Section 553(c) of the Administrative Procedure Act (APA), which governs informal rulemaking actions, such as determinations of attainment, does not require EPA to provide for a hearing. Section 553 (c) states that:

> The agency shall give interested persons an opportunity to participate in the rulemaking through submission of written data, views, or arguments with or without opportunity for oral presentation.

EPA does not, as a matter of standard practice, conduct hearings on determinations of attainment. EPA does not believe a hearing was needed in this case, or would have been an appropriate use of the Agency's limited resources. EPA also does not agree with the commenters' implicit suggestion that, without a hearing, Valley residents had no forum for expressing their concerns.

EPA believes that the opportunity to provide written comments was sufficient for providing input from the public. That gave interested parties an opportunity to present data, views and arguments through written comments. No showing has been made that the opportunity to provide written comments precluded meaningful public participation. To the contrary, EPA received comments that identified and expansively discussed the concerns of minority and low income communities in the Valley. Thus, EPA does not agree with the suggestion that Valley residents, or anyone else, did not have adequate input into Agency decision making.

B. The Clean Data Policy

Comment 3: The commenter contends that EPA cannot use its Clean Data Policy to exempt the District from subpart 4 requirements. The commenter notes that EPA cites to two EPA memoranda incorporated into EPA's Phase 2 8-hour ozone implementation rule, and relies on other attainment findings and redesignations that interpret the Clean Data Policy to justify waiving CAA requirements for PM–10 areas. The commenter argues that EPA provides none of its own analysis for proposing that the attainment determination will relieve the District of the obligation to comply with CAA requirements for reasonably available control measures (''RACM''), attainment demonstrations, reasonable further progress (''RFP'') and contingency measures. The commenter also alleges that EPA improperly expands the Clean Data Policy by claiming that the District will no longer be subject to the RACM requirements of the Act. The commenter further contends that even if one were to accept EPA's argument, it would not apply to the SJV because as a serious PM–10 nonattainment area the Valley is subject to the BACM requirements of section 189(b)(1)(B). The commenter notes that EPA's Addendum to the General Preamble makes clear that unlike RACM, determinations of BACM

are not tied to what is necessary for attainment. The commenter points out that the proposal correctly omits BACM from the list of CAA requirements waived under the Clean Data Policy, but requests that the final rule should be explicit that the BACM requirement is maintained.

Response: As noted in the proposal, EPA has previously approved all of the serious area PM–10 attainment plan requirements for the SJV except for the contingency measure requirements of CAA section 172(c)(9). See 69 FR 30006 (May 26, 2004) approving the 2003 PM–10 Plan for the SJV. In that action, EPA approved the RFP, attainment and RACM/BACM demonstrations for the SJV. Thus the issue of whether these requirements should be suspended is not before us, except insofar as our reasoning for why the contingency measures requirement is suspended rests on the rationale for suspending the attainment demonstration and RFP requirements. Nevertheless, as explained below, EPA believes that once the area attains the standards the RFP, attainment and RACM demonstrations would not be needed even though they have already been approved.

That said, EPA is correct in applying the Clean Data Policy in its determination of attainment in the SJV, and affirms the Agency's interpretation of subparts 1 and 4 of part D of the CAA. As EPA noted in its proposal, the Clean Data Policy has been applied in the context of the 1-hour and 8-hour ozone standards as well as in a number of PM–10 rulemakings. EPA's discussion of the application of the Clean Data Policy is set forth at length in its proposed rulemaking on Weirton, West Virginia 71 FR 27440, 27443–27445 (May 11, 2006), as well as in the memoranda and rulemakings cited therein. As we explained in that notice, the reasons for relieving an area that has attained the relevant standard of certain part D, subpart 1 and 2 obligations, apply equally as well to part D, subpart 4, which contains specific attainment demonstration and RFP provisions for PM–10 nonattainment areas.

EPA's analysis of the Clean Data Policy as it applies to PM–10 areas was contained in the documents cited in the proposal. Contrary to commenter's contention, the fact that EPA's analysis was provided in prior memoranda and rulemakings does not detract from the fact that it is EPA's own analysis. Indeed, EPA's consistency in the application of its interpretation lends it added weight. We reiterate here that EPA's analysis of its legal interpretation can be found in its ''Final Rule to Implement the 8-hour Ozone National Ambient Air Quality Standard—Phase 2'' (Phase 2 Final Rule) 70 FR 71612, 71645–71646 (November 29, 2005) and the rulemakings and memoranda cited therein, the May 10, 1995 memorandum from John S. Seitz, entitled ''Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard,'' the December 14, 2004 memorandum from Stephen D. Page, entitled, ''Clean Data Policy for the Fine Particle National Ambient Air Quality Standards,'' and rulemakings concerning the application of the policy to PM—10 areas—71 FR 6352, 6354 (February 8, 2006); 71 FR 13021, 13024 (March 14, 2006); and 71 FR 27440, 27443–27444 (May 11, 2006).

Furthermore, three U.S. Circuit Courts of Appeals have upheld EPA rulemakings applying EPA's interpretation of subparts 1 and 2 with respect to clean data for ozone. *Sierra Club* v. *EPA*, 99 F.3d 1551 (10th Cir. 1996); *Sierra Club* v. *EPA*, 375 F.3d 537 (7th Cir. 2004); *Our Children's Earth Foundation* v. *EPA*, No. 04–73032 (9th Cir. June 28, 2005) (Memorandum Opinion). EPA has also set forth its legal rationale for the Clean Data Policy in briefs filed in these cases, and hereby incorporates those briefs insofar as relevant here. See *Sierra Club* v. *EPA*, No. 95–9541 (10th Cir.), *Sierra Club* v. *EPA*, No. 03–2839, 03–3329 (7th Cir.), *Our Children's Earth Foundation* v. *EPA*, No. 04–73032 (9th Cir.).[4]

As EPA noted in those memoranda and rulemakings, EPA believes it is reasonable to interpret the provisions regarding attainment demonstrations, reasonable further progress, RACM requirements, contingency measures, and other related requirements as being suspended and as not requiring further submissions to achieve attainment for so long as the area is in fact attaining the standards. Under the policy, EPA is not granting an exemption from any applicable requirements under part D. Rather, EPA has interpreted these provisions as not requiring submissions for so long as the area remains in attainment with the standard. This is not a waiver of requirements that by their terms apply; it is a determination that certain requirements are written so as to be operative only if the area is not attaining the standards. Thus, in making its determination of attainment, EPA is also concluding that certain subpart 4 and subpart 1 requirements are no longer applicable for so long as the area remains in attainment.

[4] These briefs are in the docket for this rulemaking.

With respect to the requirement for attainment demonstrations, EPA believes that the statutory requirement for an attainment demonstration—a SIP revision which identifies the level of future reductions needed to achieve the NAAQS and any additional adopted measures needed to achieve these reductions '' is written so as to be inapplicable once the NAAQS is attained. Section 189(a)(1)(B) requires that the plan provide for ''a demonstration (including air quality modeling) that the [SIP] will provide for attainment by the applicable attainment date. * * *'' Section 189(b)(1) further requires that serious PM–10 nonattainment areas submit:

> (A) A demonstration (including air quality modeling)—
>
> (I) that the plan provides for attainment of the national ambient air quality standard by the applicable attainment date, or (ii) for any area for which the State is seeking, pursuant to section 188(e), an extension of the attainment date beyond the date set forth in section 188(c), that attainment by that date would be impracticable, and that the plan provides for attainment by the most expeditious alternative date practicable.

If an area is already monitoring attainment, EPA believes that Congress intended no requirement for an area to make a further submission containing additional measures to achieve attainment. Since the SJV area is already in attainment, there is no need for it to submit a plan demonstrating how the area will reach attainment had it not already done so. This is consistent with the interpretation of the section 172(c)(1) attainment demonstration requirement that EPA provided in the General Preamble and the Page memorandum, and of the section 182(b) and (c) requirements set forth in the Seitz memorandum. As EPA stated in the General Preamble, no other measures to provide for attainment would be needed by areas seeking redesignation to attainment since ''attainment will have been reached.'' 57 FR at 13564.

We note that the commenter offered no specific critique of EPA's interpretation of the Clean Data Policy with regard to the attainment demonstration requirement. In addition, EPA's conclusion is consistent with the rule of statutory construction that statutes should be construed to avoid absurd results and favor public convenience. Because the SJV has already reached attainment based on existing measures, no additional measures to demonstrate attainment are required. Thus, under the language of section 172(c)(1), section 189(a)(1)(B) and section 189(b)(1), an attainment

demonstration would be the empty set. EPA therefore believes that, in the context of evaluating whether the contingency measure requirement is suspended, because the SJV area is attaining the standard, the attainment demonstration requirement would also be suspended for so long as the area remains in attainment, had it not already been approved.

As for the suspension of the RACM requirement, it does not have significance in the context of the SJV, because, as the commenter notes, BACM, which goes beyond RACM, has already been approved for the SJV, and BACM would not be suspended by the determination of attainment because as petitioner notes the BACM requirement is not tied to attainment needs. Thus EPA need not further address whether the requirement for RACM is suspended in accordance with the Clean Data Policy.

Comment 4: The commenter alleges that EPA relies heavily on the proposed redesignation of Weirton, West Virginia, to provide the analysis for waiving the RFP requirements for PM–10 areas. The requirements for PM–10 areas are found in CAA section 189(c)(1). The commenter argues that EPA's analysis ignores the plain language of the CAA. The commenter claims that the decisions in *Our Children's Earth Foundation* v. *EPA*, No. 04–73032 (9th Cir. June 28, 2005) (Memorandum Opinion) and *Sierra Club* v. *EPA*, 99 F.3d 1551, 1555 (10th Cir. 1996) upheld EPA's interpretation based on the Court's finding of ambiguity in the statutory language in sections 172(c)(1), (2), and (9) and section 182(b)(1)(A)(I). The commenter asserts that, unlike those provisions, the language of section 189(c)(1) is perfectly clear. The commenter contends that milestones are to be set to show reasonable further progress and an area is required to submit revisions demonstrating that it has achieved those milestones every three years until the area is ''redesignated.'' The commenter concludes that there is no ambiguity and that appeals to policy objections cannot rewrite clear language into something ambiguous.

The commenter adds that references in the Weirton notice to other provisions in section 189 are unavailing. Section 189(c)(3) requires areas that fail to achieve a milestone to submit revisions to assure the next milestone will be met. The commenter asserts that this obligation continues through the final milestone. Where there is ''no next milestone'' the final revision must ensure that the area will attain the NAAQS. The commenter states that nothing in these requirements is internally inconsistent or prevents areas from complying with the plain language of section 189(c)(2).

The commenter contends that arguments that this amounts to ''overcontrol'' are without merit. The commenter argues that a key distinction between a finding of attainment and redesignation is that a redesignation requires EPA to find that ''the improvement in air quality is due to permanent and enforceable reductions in emissions.'' CAA section 107(d)(3)(E)(iii). The commenter argues that since EPA is not making such a finding, it is rational for Congress to have insisted that an area continue to reduce emissions until that showing can be made and the area can be redesignated.

Response: EPA's interpretation does not ''waive'' requirements nor does it ignore the plain language of the statute. With respect to RFP, it has been EPA's longstanding interpretation that the general provisions of part D, subpart 1 of the Act (sections 171 and 172) do not require the submission of SIP revisions concerning RFP for areas already attaining the ozone NAAQS. In the General Preamble, we stated:

> [R]equirements for RFP will not apply in evaluating a request for redesignation to attainment, since, at a minimum, the air quality data for the area must show that the area has already attained. A showing that the State will make RFP toward attainment will, therefore, have no meaning at that point.

57 FR at 13564. EPA believes that the same reasoning applies to the PM–10 provisions of part D, subpart 4.

Section 171(1) (section 7501 (1)) states that for purposes of part D of title I, RFP ''means such annual incremental reductions in emissions of the relevant air pollutant as are required by this part or may reasonably be required by the Administrator for the purpose of assuring attainment of the applicable national ambient air quality standard by the applicable date.'' Thus, whether dealing with the general RFP requirement of section 172(c)(2), the ozone-specific RFP requirements of sections 182(b) and (c), or the specific RFP requirements for PM–10 areas of part D, subpart 4, section 189(c)(1), the stated purpose of RFP is to ensure progress towards attainment by the applicable attainment date. Section 189(c)(1) states that:

> Plan revisions demonstrating attainment submitted to the Administrator for approval under this subpart shall contain quantitative milestones which are to be achieved every 3 years until the area is redesignated to attainment and which demonstrates reasonable further progress, as defined in section 7501a(1) of this title, toward attainment by the applicable date.

Although this section states that revisions shall contain milestones to be achieved ''until the area is redesignated to attainment,'' it further specifies that these are milestones that ''demonstrate reasonable further progress, as defined in section 7501(1) of this title, toward attainment by the attainment date.'' They are also to be included in ''plan revisions demonstrating attainment.'' Thus such milestones have the purpose of showing reasonable further progress ''toward attainment by the applicable date,'' as defined in section 171. It is therefore clear from the language of the statute that once the area has attained the standard, no further milestones are necessary or meaningful. By definition, the ''reasonable further progress'' provision requires only such reductions in emissions as are necessary to attain the NAAQS by the attainment date. This interpretation is supported by language in section 189(c)(3), which mandates that a state that fails to achieve a milestone must submit a plan that assures that the state achieve the next milestone or attain the NAAQS if there is no next milestone. Section 189(c)(3) assumes that the requirement to submit and achieve milestones does not continue after attainment of the NAAQS. Thus, once attainment has been reached, there are no further milestones to be achieved, even though the area has not yet been redesignated to attainment, for so long as the area remains in attainment. The commenter is therefore incorrect in asserting that section 189(c)(1) is ''perfectly clear'' in requiring additional RFP milestones after attainment has been reached.

In the General Preamble, we noted with respect to section 189(c) that ''the purpose of the milestone requirement is to 'provide for emission reductions adequate to achieve the standards by the applicable attainment date' (H.R. Rep. No. 490 101st Cong., 2d Sess. 267 (1990)).'' 57 FR 13539 (April 16, 1992). If an area has in fact attained the standards, the stated purpose of the RFP requirement will already have been fulfilled—the only milestones that are required are those that demonstrate reasonable further progress toward attainment, as defined by section 171. Thus we believe that it is a distinction without a difference that section 189(c)(1) speaks of the RFP requirement as one to be achieved until an area is ''redesignated to attainment,'' as contrasted to section 172(c)(2), which is silent on the period to which the requirement pertains, or the ozone nonattainment area RFP requirements in

sections 182(b)(1) or 182(c)(2), which refer to the RFP requirements as applying until the ''attainment date,'' since section 189(c)(1) makes clear that the milestones that are to be achieved are those that demonstrate RFP toward attainment by the applicable attainment date, and since section 189(c)(1) defines RFP by reference to section 171(1) of the Act. Reference to section 171(1) makes clear that, as with the general RFP requirements in section 172(c)(2) and the ozone-specific requirements of section 182(b)(1) and 182(c)(2), the PM-specific RFP requirements may only be required ''for the purpose of ensuring attainment of the applicable national ambient air quality standard by the applicable date.'' 42 U.S.C. 7501(1). EPA interprets the RFP requirements, in light of the language of section 189(c)(1) and the definition of RFP in section 171(1) incorporated therein, to be a requirement that no longer applies so long as the standard has been attained.

Similarly, the requirements of section 189(c)(2) with respect to milestones no longer apply so long as an area has attained the standard. Section 189(c)(2) provides in relevant part that:

> Not later than 90 days after the date on which a milestone applicable to the area occurs, each State in which all or part of such area is located shall submit to the Administrator a demonstration * * * that the milestone has been met.

Where the area has attained the standard and there are no further milestones, there is no further requirement to make a submission showing that such milestones have been met. As noted above, this is consistent with the position that EPA took with respect to the general RFP requirement of section 172(c)(2) in the April 16, 1992 General Preamble and also in the May 10, 1995 Seitz memorandum with respect to the requirements of sections 182(b) and (c). In the May 10, 1995 Seitz memorandum EPA also noted that section 182(g), the milestone requirement of Subpart 2, which is analogous to provisions in section 189(c), is suspended upon a determination that an area has attained. The memorandum, also citing additional provisions related to attainment demonstration and RFP requirements, stated

> Inasmuch as each of these requirements is linked with the attainment demonstration or RFP requirements of section 182(b)(1) or 182(c)(2), if an area is not subject to the requirement to submit the underlying attainment demonstration or RFP plan, it need not submit the related SIP submission either.

1995 Seitz memorandum at 5.

That the requirements for redesignation of an area require EPA to find that the improvement in air quality is due to permanent and enforceable emission controls does not undermine EPA's interpretation that when EPA determines an area is in attainment, the requirement for further emission reductions beyond that necessary for attainment is suspended for so long as the area remains in attainment. EPA does not contend that a determination of attainment is equivalent to a redesignation, which requires additional showings beyond the fact of attainment before changing the designation of an area from nonattainment to attainment. A determination of attainment merely suspends certain requirements for so long as the area remains in attainment. That permanent emission reductions are required for a redesignation does not indicate that Congress intended an area to keep reducing emissions beyond the attainment level until an area is redesignated. There is no statutory support for the proposition that an area must keep reducing emissions below the level needed for attainment until that area is redesignated. EPA's construction of the statute recognizes the public interest in reducing burdens on states and sources within states associated with adopting and implementing additional control measures that are no longer necessary to attain the NAAQS. EPA has construed the statutory provisions as not requiring certain additional emission reductions above and beyond what was needed to attain the NAAQS.

EPA again notes that it has already approved a demonstration of reasonable further progress for the SJV. In the context of considering whether a determination of attainment suspends the contingency measures requirement of section 172(c)(9), however, EPA concludes that the RFP requirements of sections 172(c)(2) and 189(c) would also be suspended for so long as the SJV remains in attainment, had they not already been approved.

Comment 5: The commenter contends that contingency measures are needed to ensure both reasonable further progress and attainment. Waiver of the requirement for these measures in section 172(c))(9) was premised on the argument that the RFP requirement of section 172(c)(2) was tied to attainment and thus with an attainment finding there was no longer a purpose for contingency measures. The commenter asserts that because the RFP requirements of section 189(c)(2) cannot be waived for PM–10 nonattainment areas, the contingency measure requirements of section 172(c)(9) continue to have purpose. The commenter claims that they are needed as interim, stop gap measures to protect public health pending the SIP revisions required under section 189(c)(3). See 59 FR 42015.

Response: CAA Section 172(c)(9) provides that SIPs in nonattainment areas:

> Shall provide for the implementation of specific measures to be undertaken if the area fails to make reasonable further progress, or to attain the [NAAQS] by the attainment date applicable under this part. Such measures shall be included in the plan revision as contingency measures to take effect in any such case without further action by the State [or EPA].

This requirement is referred to as ''the contingency measures'' requirement, and is inextricably tied to the attainment and reasonable further progress requirements. Where sufficient progress has been made based on existing controls so that an area has already achieved attainment by the attainment date, it has no need to rely on ''contingency measures'' to come into attainment by the attainment date, or to assure progress towards attainment.

We have thus interpreted the contingency measures requirement of sections 172(c)(9) (and 182(c))(9) in subpart 2 of part D) as no longer applying when an area has attained the standard because those ''contingency measures are directed at ensuring RFP and attainment by the applicable date.'' 57 FR at 13564; May 10, 1995 Seitz memo at 5–6. As explained at length in the responses to comments above and in the memoranda and rulemakings cited above, the requirements for RFP and attainment demonstrations no longer apply once an area has attained the standard. Thus it follows that the requirement for contingency measures to be triggered in the event RFP or attainment is not reached is also suspended for as long as the area attains the standard. As EPA stated in its Addendum to the General Preamble for Serious PM–10 Areas, ''[s]ection 172(c)(9) requires that SIP's provide for the implementation of specific measures to be undertaken if the Administrator finds that the nonattainment area has failed to make RFP toward attainment or to attain the primary NAAQS by the applicable statutory deadline.'' 59 FR 42014–42015 (August 16, 1994). Where the area has attained the standards, as EPA has shown in responses to comments above, the attainment demonstration requirements and RFP requirement under section 189(c)(1) and (2) are suspended, and thus the

contingency measure requirements of section 172(c)(9) are also suspended.

The commenter is incorrect in its assertion that the RFP provisions under section 189 remain applicable despite a determination that the area has attained the standards. As EPA has demonstrated in its response to comment 4 above, once the area has attained the standards, the RFP milestone requirements in section 189 are suspended for so long as the area remains in attainment. Thus no contingency measures are required to assure those requirements are met. Because EPA is finalizing its determination that the SJV area has attained the standards, it is also finalizing its determination that the requirement for contingency measures under section 172(c)(9) is suspended for so long as the area remains in attainment.

C. New Particulate Matter (PM) NAAQS

Comment 6: The commenter argues that the most troubling implications of EPA's proposed finding is EPA's proposal to revoke the PM–10 standards altogether and eliminate monitors in areas that are found to be in attainment. The commenter contends that the reasonableness of EPA's Clean Data Policy is premised in part on the assurance of the Clean Air Act that EPA will eventually demonstrate that air quality has been permanently resolved due to the controls being implemented and that contingency measures will be in place as part of a plan to maintain clean air once an area has been redesignated to attainment. The commenter argues that under EPA's then current proposal for coarse PM, these assurances will be eliminated. The commenter states that EPA proposes to revoke the PM–10 standard ''everywhere except in areas where there is at least one monitor that is located in an urbanized area with a minimum population of 100,000 people and that violates the 24-hour PM–10 standard based on the most recent three years of data.'' 71 FR at 2674. The commenter further states that, with the proposed attainment finding, EPA is making the determination that the PM–10 standard will be revoked in the Valley without the Act's protections. The commenter is also concerned about the potential for EPA to refuse to consider data collected by monitors in rural areas. The commenter believes that EPA should provide an explanation as to why its determination is reasonable when there will be no safety net to recover from the decision if EPA is wrong.

Response: The commenter's concerns are misplaced. First, EPA's responses to comments above indicate that its decision is reasonable, in accordance with its prior interpretations of the CAA, and in accordance with the statute. EPA reiterates that a determination of attainment results merely in a suspension of requirements for so long as the area remains in attainment. If the area violates the standard, then the requirements and protections of the Act again apply to ensure that the area attains and makes reasonable further progress towards attainment.

Second, as noted above, on September 21, 2006, the EPA Administrator signed a final rulemaking which, among other things, revoked only the annual PM–10 standard, but left intact the 24-hour PM–10 NAAQS. The EPA did not finalize its proposal to revoke the 24-hour PM–10 NAAQS. The final rulemaking did not revoke any designations under the 24-hour PM–10 standard, and all requirements for the 24-hour standard and all designations under that standard remain in place. Based on the most recent three years of data, all areas that monitored nonattainment for the annual standard also monitored nonattainment for the 24-hour standard. Thus the commenter is incorrect in contending that the determination of attainment would relieve the SJV of the protections of the PM–10 NAAQS. Should EPA determine that the SJV violates the 24-hour PM–10 NAAQS, it would again become subject to any requirements that had been suspended during its period of attainment. In addition, the area would still retain the incentive to be redesignated to attainment for the 24-hour 'PM–10 NAAQS in order to be relieved of nonattainment NSR offset requirements and to avoid further attainment planning requirements should the area monitor a violation of the standard in the future, and the provisions for a maintenance plan pursuant to CAA sections 107(d)(3)(E) and 175A would still apply to any redesignation request. Thus these assurances of and motivation for continued attainment are not eliminated, and the ''safety net'' cited by the commenter remains in place.

The commenter also cites to a portion of the proposed rule on Ambient Air Monitoring which discusses a five-part suitability test to determine whether potential PM–10–2.5 monitoring sites were suitable for comparison to the proposed NAAQs. 71 FR 2710, 2736 (January 17, 2006). In the final monitoring rule signed September 27, 2006 and available at *http://www.epa.gov/air/particles/actions.html,* EPA is not adopting the five-part suitability test or the proposed PM–10–2.5 monitoring network design. EPA had proposed the five-part suitability test along with certain minimum monitoring requirements and monitor placement criteria for the primary purpose of determining compliance with the proposed PM–10–2.5 particulate NAAQS. EPA proposed as the indicator for the NAAQS any ambient mix of PM–10–2.5 that is dominated by resuspended dust from high-density traffic on paved roads and PM generated by industrial sources and construction sources, but excluded any ambient mix of PM–10–2.5 that is dominated by rural windblown dust and soils and PM generated by agricultural and mining sources. The proposed level for the PM–10–2.5 NAAQS was selected so as to be of equal stringency to the 24 hour PM–10 NAAQS. However, in its recent rule revising the NAAQS EPA stated that it is not adopting the proposed PM–10–2.5 standard and instead, will be retaining the current 24 hour PM–10 standard. Therefore, EPA also did not adopt the proposed PM–10–2.5 monitoring network design, including the five-part suitability test to which the commenter cites above. Thus the commenter's concerns about this aspect of the rule have not been realized.

D. EPA Policy on Special Purpose Monitoring Data

Comment 7: The commenter states that EPA's use of an August 22, 1997 memorandum from John Seitz on the use of special purpose monitoring data is based on an illogical reading and is an insufficient substitution for a reasoned determination. The commenter states that nothing in the CAA provides for this intermediate step of an attainment determination to be made independently of a redesignation under CAA section 107(d)(3)(E). The commenter contends that to the extent such a determination can be defended, it is subject to the rational basis standard of the Administrative Procedures Act. The commenter cites language from the 1997 Seitz memorandum that discusses the types of data EPA must consider before redesignating an area from nonattainment to attainment and concludes that the Agency cannot reasonably ignore data that falls short of specific part 58 requirements without explaining why those requirements undermine the validity of the data.

Response: The commenter contends that an ''attainment determination is a beast of EPA's own creation'' and that it must be defended on a rational basis. In fact, attainment determinations have a basis in the statute: see *e.g.,* section

107(d)(3)(E)(i), as well as sections 179(c), 188(b)(2) and 181(b)(2), but there is nothing that restricts EPA to making determinations of attainment in the context solely of those provisions. Indeed, as noted earlier, both the 9th and 10th U.S. Circuit Courts of Appeals have upheld EPA's authority to make attainment determinations outside the context of redesignation proceedings, and have also upheld EPA's interpretation of the statutory consequences of such determinations. *Sierra Club* v. *EPA,* 99 F.3d 1551 (10th Cir. 1996), *Our Children's Earth Foundation* v. *EPA,* No. 04–73032 (9th Cir. June 28, 2005 (memorandum opinion). Nothing in the Act compels EPA to wait until an area meets all the requirements for redesignation before EPA makes a determination that the area is in attainment with the standard with the effect that the requirements for certain statutory provisions relating to attainment are suspended by their own terms. Indeed, section 179(c) of the Act requires EPA to make an attainment determination within six months after an area's applicable attainment date whether or not EPA has made a finding with respect to redesignation. EPA's interpretation of the Act's provisions not to require, once attainment has been reached, certain plan submissions whose purpose is to assure attainment, is not at odds with the requirements for redesignation. EPA's rationale for issuing attainment determinations is set forth at length in the responses to comments on the Clean Data Policy, above. In making determinations of attainment, which are subject to notice and comment rulemaking, EPA is governed by the Clean Air Act and its regulations.

Similarly, in identifying the data that should be considered in making a determination of attainment, EPA is subject to regulatory provisions that set forth criteria defining what constitutes an adequate monitoring schedule, methodology, and quality assurance for data that will justify reliance upon it. 40 CFR 58.14 applies to Special Purpose Monitors (SPMs), and requires that if intended to be used for purposes of demonstrating attainment or nonattainment, they must meet the requirements for State and Local Air Monitoring Stations (SLAMS) set forth in 40 CFR 58.13 and 58.22 as well as in appendices A and E of part 58. While EPA cited to the Seitz memorandum in its proposal, EPA is not, as commenters contend, hiding behind a non-binding policy memorandum. Rather, that memorandum cited to the regulations applicable to data from special purpose monitors intended for use in attainment determinations. These regulations are designed to ensure that the data is accurate and reliable enough to be the basis for a formal determination as to whether an area has attained the relevant standard. The 1997 Seitz memorandum states that ''[the] Agency policy on the use of special purpose monitoring data for any regulatory purpose, with the exception of fine particulate matter data (PM–2.5) is that all quality assured and valid data meeting 40 CFR part 58 requirements must be considered within the regulatory process.'' 1997 Seitz memorandum at 1. EPA's regulations under 40 CFR part 58 provide for quality assurance and control requirements to ensure that regulatory decisions are based on reliable and accurate information.

Conversely, it follows that data that does not meet these quality assurance criteria should not be considered, since basing regulatory decisions on data that has not been shown to be reliable would not further the public interest nor be consistent with EPA regulations on special purpose monitors. See 40 CFR 58.14. As set forth below in other responses to comments, EPA's decision to consider data from monitors that meets quality assurance criteria and its concomitant decision to exclude data that does not meet these criteria is based on its regulations, has a rational basis, and is designed to result in determinations that reflect accurate and reliable data.

Here, the data from certain SPMs did not meet the quality assurance requirements of part 58, and therefore were not included for consideration in the determination of attainment. If in the future additional data that has been quality assured demonstrate that the area is in fact not attaining the standard, EPA will withdraw its determination of attainment. Until that time, there is no compelling reason for EPA not to proceed with an attainment finding based on all quality assured data where such data demonstrates that the SJV has attained the PM–10 standard.

In EPA's Revisions to Ambient Air Monitoring Regulations, a final rule signed on September 27, 2006, EPA issued revised regulations concerning SPMs, and clarified that data from such monitors would not be used for attainment/nonattainment determinations if the monitors had not met the requirements of appendix A.

Section 58.20(b) of the revised regulation provides in part:

> [a]ny SPM data collected by an air monitoring agency using a Federal reference method(FRM), Federal equivalent method (FEM), or approved regional method (ARM) must meet the requirements of section 58.11, section 58.12, and appendix A to this part or an approved alternative to appendix A to this part * * *

Section 58.20 (c) provides that:

> [a]ll data from an SPM using an FRM, FEM or ARM which has operated for more than 24 months is eligible for comparison to the relevant NAAQS, subject to the conditions of section 58.30, unless the air monitoring agency demonstrates that the data came from a particular period during which the requirements of appendix A or an approved alternative, appendix C, or appendix E were not met in practice.

Thus EPA's new monitoring regulations make plain that SPM data from a period during which appendix A is not complied with are not eligible for comparison to the NAAQS and EPA action in this case is consistent with that requirement.

E. Adequacy of the SJV Monitoring Network

One commenter and numerous individual citizens raised a number of issues regarding the adequacy of the PM–10 monitoring network in the SJV. In a final rule approving the serious area PM–10 attainment plan for the SJV, EPA evaluated the adequacy of this network and concluded that it meets all applicable statutory and regulatory requirements and is adequate to support the technical evaluation of the PM–10 nonattainment problem in the plan. 69 FR 30006, 30032–30033. EPA supported this conclusion in a technical support document accompanying the final rule, ''Evaluation of the Adequacy of the Monitoring Network for the San Joaquin Valley, California for the Annual and 24-Hour PM–10 Standards''; Bob Pallarino, EPA Region 9, Air Division; September 22, 2003 (2003 TSD). Nevertheless, EPA responds below to the specific comments raised regarding the network in connection with its proposed attainment determination for the SJV.

Comment 8: The commenter states that CAA Section 110(a)(2)(B) requires States to establish appropriate air monitoring networks and that appendix D of 40 CFR part 58 identifies a minimum of six objectives that a SLAMS network should be designed to meet, as well as spatial representativeness criteria in developing the network. The District fails to address all six criteria in its annual Monitoring Network Reports (leaving out monitoring for regional pollutant transport and for impacts on rural and remote places) and the existing monitors represent only two of the six spatial

scales established in the regulations when three are required. Since the District fails to meet these basic requirements, EPA should address the adequacy of the monitoring network before making an attainment determination, including whether system audits were conducted as required by 40 CFR 58.2.5 (sic). EPA's only evaluation of the network was in the 2003 TSD in which EPA identified several deficiencies in the Valley's PM–10 monitoring network but signed off on the network in spite of the deficiencies.

Response: Pollutant monitoring networks are designed to serve a number of purposes. While the primary purpose of a monitoring network is to determine an area's attainment status with regard to the NAAQS, there are a variety of other purposes networks serve, including determining maximum concentration locations; determining the effectiveness of air pollution control programs; evaluating the effects of air pollution levels on public health; tracking the progress of SIPs; providing dispersion modeling support; developing responsible, cost-effective control strategies; reconciling emission inventories; and developing air quality trends.[5]

The six monitoring objectives[6] in EPA's regulations were developed to assist in designing monitoring networks to meet these various objectives. Clearly, monitoring to ''determine the welfare-related impacts in more rural and remote areas (such as visibility impairment and effects on vegetation)'' or monitoring to assess regional transport of pollution are not directly related to determining whether or not an area is in attainment of the NAAQS. These are important objectives in terms of maximizing the utility of the monitoring network. However, when determining whether the SJV is attaining the PM–10 NAAQS, it is more important to demonstrate that the PM–10 network has monitors sited to capture the maximum concentrations expected to occur in the Valley and the representative concentrations of PM–10 throughout the area that the population of the SJV are breathing. As discussed in the 2003 TSD, the SJV PM–10 SLAMS network meets the two primary and most important objectives by siting most of its monitors to assess representative concentrations in areas of high population and monitoring in the area where the maximum PM–10 concentrations are expected to occur. Thus the fact that the District did not address the two objectives above is not a significant factor in determining whether the SJV is in attainment of the PM–10 NAAQS.

The commenter states that EPA regulations at 40 CFR part 58, appendix D, require networks to use at least three spatial scales[7] in establishing a monitoring network. However, the regulations do not in fact require the use of any minimum number of spatial scales for PM–10 SLAMS or National Air Monitoring Station (NAMS)[8] networks. Section 1 of appendix D discusses the relationship between monitoring objectives and spatial scales of representativeness. As our regulations state in this section, ''[p]roper siting of a monitoring station requires precise specification of the monitoring objective which usually includes a desired spatial scale of representativeness.''

Table 1 of appendix D ''illustrates the four basic monitoring objectives and the scales of representativeness that are *generally most appropriate for that objective.*'' Emphasis added. Appendix D, section 1, table 1. It is clear from this language that EPA did not intend to dictate specific spatial scales for each objective. However, it is important to ensure that the spatial scale of the site is appropriate for the monitoring objective that site is intended to meet. For example, a site that is intended to represent typical population exposure should be a neighborhood or urban scale site, not a microscale site. While a microscale site can be used to monitor for highest concentration, a middle or neighborhood scale site would also satisfy this monitoring objective.[9]

With respect to the system audit programs described in 40 CFR part 58, appendix A, section 2.5, it is important to note that this type of audit, commonly referred to as a technical system audit (TSA, is a qualitative review of an agency's overall air monitoring operations designed to determine whether what the monitoring organization says is going to be performed in its quality management plan, quality assurance project plan, and standard operating procedures are performed as specified. A TSA is required to be ''on site'' in the sense of taking place at the monitoring organization facilities, either at one or more locations where monitoring activities are performed or where monitoring-related documents and records are kept, but it need not involve a visit to an actual monitoring site. When a discrepancy is identified, EPA asks the monitoring organization to correct the discrepancy and tracks the monitoring organization's efforts until the correction is made. Significantly, EPA does not disqualify any data already collected based on the results of a TSA, although the monitoring organization in principle might do so itself. See ''Quality Assurance Handbook for Air Pollutant Measurement Systems, Volume II, Part 1, section 15 (EPA–454/R–98–004, August 1998) and ''EPA Requirements for Quality Assurance Project Plans'' (EPA/240/B–01/003 March 2001) at B–4.

In contrast, the measurement quality checks described in appendix A, sections 3.1, 3.2, 3.3 and 3.4, are quality control checks in which quantitative data generated by quality control samplers or independent standards are compared against the routine monitors operated by the air monitoring agency in order to evaluate instrument performance or laboratory procedures. Id. at B–3. When determining whether data generated by air quality monitors can be considered to be valid and accurate for the purpose of determining whether an area has attained the NAAQS, measurement quality checks are critical.

As a mechanism for helping to ensure that data generated by air quality monitors is valid and accurate and thus suitable for determining whether an area has attained the NAAQS, it is the measurement quality checks that are most important. These checks create an incentive for continuous attention to

[5] ''SLAMS/NAMS/PAMS Network Review Guidance'' EPA–454/R–98/003, March 1998, section 1.0.

[6] The six monitoring objectives as discussed in 40 CFR part 58, appendix D, section 1 are (1) to determine highest concentrations expected to occur in the area covered by the network; (2) to determine representative concentrations in areas of high population density; (3) to determine the impact on ambient pollution levels of significant sources or source categories; (4) to determine general background concentrations; (5) to determine the extent of regional transport among populated areas; and in support of the secondary standards; and (6) to determine the welfare-related impacts in more rural and remote areas (such as visibility impairment and effects on vegetation).

[7] See 40 CFR part 58, appendix D, section 1, for a discussion of spatial scales and their applicability in monitoring network design.

[8] The NAMS area subset of the SLAMS ambient air quality monitoring network.

[9] While Table 6 in 40 CFR part 58, appendix D, section 5 could be interpreted to mean that three spatial scales are required for PM–10 NAMS sites, EPA's purpose here was to summarize the spatial scales which would be appropriate for NAMS sites, *i.e.* microscale, middle scale, and neighborhood scale sites are appropriate scales for PM–10 NAMS sites, but urban and regional scale sites are not. This is because the objectives for NAMS sites are to monitor in areas where the pollutant concentration and population exposure are expected to be the highest. Furthermore, EPA's recently signed rule revising the monitoring regulations at 40 CFR part 58, reiterates EPA's intention that urban and regional scales are not appropriate for PM–10 monitoring and the most important spatial scales for monitoring PM–10 are the middle and neighborhood scales.

proper operation and maintenance of each monitor, can identify problems with specific monitors so that the problems can be corrected, and provide a basis for the monitoring organization to disqualify data already collected if specific audit findings are found to be outside of acceptable limits. EPA discusses these evaluations with respect to the SJV monitoring network below in response to comment 13.

EPA Regional Offices are required by appendix A to perform TSAs of State reporting organizations once every three years. A reporting organization, as defined in 40 CFR part 58, appendix A, section 3.0.2, is a State, subordinate organization within a State, or other organization that is responsible for a set of stations that monitors the same pollutant and for which data quality assessments can be pooled. States must define one or more reporting organizations for each pollutant such that each monitoring station in the State SLAMS network is included in one, and only one, reporting organization.

California has designated four reporting organizations within the State: CARB, the South Coast Air Quality Management District, the Bay Area Air Quality Management District, and the San Diego Air Pollution Control District. All other air quality districts in the State, including the San Joaquin Valley Air Pollution Control District, are included in the CARB reporting organization. CARB and the Districts in its reporting organization represent one of the largest and most experienced air quality reporting organizations in the nation.

EPA has audited certain aspects of the CARB monitoring program recently. EPA's Office of Air Quality Planning and Standards (OAQPS) performed measurement quality checks and TSAs of the CARB PM laboratories in October 2002 and March 2004. These evaluations and audits confirmed that the laboratories used by CARB and the San Joaquin Valley Air Pollution Control District for weighing PM filters were operating consistently with appendix A requirements. No deficiencies for the PM lab were noted. Overall good laboratory practices were observed during this TSA. See Technical Memorandum on CARB Laboratory Audit to Jim Homolya, EPA, OAQPS, from Michael S. Clark, National Air and Radiation Environmental Laboratory, February 26, 2003 and Technical Memorandum on CARB Laboratory Audit to Jim Homolya, EPA, OAQPS, from Eric Boswell, National Air and Radiation Environmental Laboratory, dated April 22, 2004. Moreover, CARB Quality Assurance Section also conducts its own internal audits of the PM laboratory.

In October 2004, EPA Region 9 performed a technical evaluation of the CARB 'Through-the-Probe' (TTP) audit program for gaseous pollutants to establish system equivalence between the CARB and EPA TTP programs and to independently review the CARB TTP program. See ''Review of California Air Resources Board's 'Through-the-Probe' Audit Program'', October 6–7, 2004. The TTP audit is a procedure for performing measurement quality checks of gaseous analyzers and is the primary tool used by CARB to fulfill its audit responsibility for these types of analyzers in 40 CFR part 58, appendix A, section 3.2. While EPA's audit of the CARB TTP program focused on gaseous pollutant performance audits, the audit served as an on-site TSA with respect to CARB's corrective action procedures used by CARB following a performance audit failure of a PM–10 monitor, as CARB's corrective action procedures are common to all pollutants including PM–10. We have since evaluated the CARB TTP program three additional times in June 2005, October 2005 and April 2006. See memorandums to Catherine Brown, USEPA Region 9 from Kevin Woodruff, ESAT TTP Task Manager, dated July 8, 2005, May 8, 2006, and May 18, 2006.

CARB has conducted its own TSA-like assessment of the District's monitoring program. CARB's oversight includes routine annual performance audits of PM–10 SLAMS monitors, verification that sites meet EPA siting criteria and periodic assessments of the District's air monitoring program. See the CARB's Annual Data Quality Reports and the San Joaquin Valley Air Pollution Control District Program Review, Report of Findings and Recommendations, by CARB Stationary Source Division, October 2005. Audit information for individual monitoring stations in the CARB reporting organization is available at the CARB Web site *http://www.arb.ca.gov/qaweb/*. The Web site includes maps of each site, site photographs, and a detailed survey of the physical parameters and conditions at each site. These activities, while performed by CARB, are very similar to the field operation portion of EPA's TSAs.

Region 9 continues to keep informed of CARB and its Districts' monitoring program developments through our ability to review revisions to quality assurance (QA) documents and the other information described above on the CARB QA Web site. EPA believes that these activities as well as the on-site activities described above, EPA's evaluation in the 2003 TSD, and the performance audits described below, can and should be considered to substantially meet the requirements of appendix A and are sufficient to ensure that the data produced by the PM–10 SLAMS network operating in the SJV is adequate for EPA to base our finding of attainment.

Furthermore, the District and CARB annually certify that the data in EPA's Air Quality System (AQS) database is correct and accurate. EPA also annually reviews the precision and accuracy data (precision and accuracy data are discussed in more detail in the response to comment 13 below) submitted along with the PM–10 concentration data by CARB and the District.

As stated above, in the 2003 TSD EPA determined that the PM–10 monitoring network for the SJV, which includes monitors operated by both CARB and the District, meets all applicable statutory and regulatory requirements. EPA Region 9 uses the following four criteria to evaluate whether agencies operate approvable networks: (1) The SLAMS network used EPA approved samplers to collect data, (2) the agency has a quality assurance plan in place that meets EPA requirements, (3) the agency operates the required number of monitoring sites designated as NAMS, and (4) the monitoring network is designed in accordance with the requirements of 40 CFR part 58, appendices D and E. These criteria are based on requirements in 40 CFR part 58 and on EPA guidance documents.[10]

The only deficiency in The District's PM–10 network that EPA has identified relates to the number of sites designated as NAMS. In the 2003 TSD at 5, we stated:

> According to EPA regulations, the [District] should have a minimum of 11 sites designated as NAMS sites, based on the average PM–10 concentrations during the years 1999–2001 and the 2000 census population data. * * * The number of monitoring sites in the [SJV] designated as NAMS is less than that required in EPA regulations. However * * * EPA has been de-emphasizing the difference between NAMS and SLAMS sites. * * * EPA is planning to revise the regulations at 40 CFR part 58, Appendix D, which discusses the NAMS requirement, to eliminate the designation of sites as either NAMS or SLAMS.

[10] These guidance documents include ''PM–10 SIP Development Guideline'', EPA–450/2–86–001, June 1987; ''Network Design and Optimum Site Exposure Criteria for Particulate Matter'', EPA–450/4–87–009/ May 1987; ''Guidance For Network Design and Optimum Site Exposure For PM–2.5 and PM–10'', EPA–454/R–99–022, December 1997; ''SLAMS/NAMS/PAMS Network Review Guidance'', EPA–454/R–98–003, March 1998.

In footnote 3 in the 2003 TSD, EPA explained that:

> EPA, in partnership with State and local air agencies, has been developing a National Monitoring strategy which no longer makes a distinction between NAMS and SLAMS sites. The strategy, once codified in EPA regulations, will simply establish a certain minimum number of monitoring sites in a metropolitan area, still based on population and pollutant concentration severity. The current network in the [SJV] will easily meet these minimum requirements.

At the time we evaluated the SJV PM–10 monitoring network, we believed, in light of the de-emphasis on the difference between NAMS and SLAMS sites, that it would be unreasonable to find the network inadequate because of this technical deficiency which EPA was planning to eliminate. In fact, in our final Ambient Air Monitoring rule signed on September 27, 2006 that amends 40 CFR part 58 we did eliminate the NAMS designation requirement completely. Elimination of the NAMS requirement does not affect the number of monitors operating in the PM–10 network. Sites designated as NAMS simply convert to SLAMS sites. Based on the above, we believe the data produced by the SLAMS network is technically sound and can be used to determine the SJV's attainment status. EPA wants to emphasize, however, that the action today is simply an assessment of the data collected at the District's PM–10 monitoring stations from 2003–2005, and continuing into 2006. This attainment determination does not preclude any future assessments of the PM–10 monitoring network, addition of new monitoring sites, or shut down of any existing sites.

Comment 9: The commenter states that the monitoring network does not meet the basic objectives laid out by federal regulation and leaves vast portions of the Valley completely unmonitored. The commenter asserts that EPA must address this deficiency before making an attainment determination. The commenter states that the majority of the PM–10 monitoring takes place along the Highway 99 corridor which captures most of the SJV's major urban centers, but entirely overlooks the eastern and western portions of the SJV. The western portion of the SJV should be of particular concern to the District and EPA as it is an area of widespread poverty and environmental injustice, as well as being an area of intense agricultural activity.

Response: We disagree with the commenter's contention that the network fails to meet the basic monitoring objectives described in 40 CFR part 58, appendix D, section 1. EPA regulations do not prescribe the size of an area's PM–10 monitoring network or the exact placement of monitors. 40 CFR part 58, appendix D, section 1, ''SLAMS Monitoring Objectives and Spatial Scales'' states:

> It should be noted that this appendix contains no criteria for determining the total number of stations in SLAMS networks * * *. The optimum size of a particular SLAMS network involves trade offs among data needs and available resources that EPA believes can best be resolved during the network design process.[11]

It is unreasonable and cost prohibitive to require a monitoring agency to operate a monitoring station in every location expected to have high levels of a particular pollutant. The District operates SLAMS in a variety of areas that represent typical emission scenarios in the SJV including urban areas of dense population, industrial areas, and rural areas dominated by agricultural emission sources. See 2003 TSD at 5.

The monitoring network in the SJV has both neighborhood and middle scale sites. As stated previously in this notice (see response to comment 8 and footnote 7), these spatial scales are the most important in monitoring for PM–10. Monitoring sites that are representative of middle scale impacts cannot only represent the area immediately around the monitoring site but also areas of similar emission characteristics. Similarly, neighborhood scale sites can represent not only the immediate neighborhood but also neighborhoods of similar types in the city or area. Furthermore, neighborhood stations provide the most relevant information about trends and compliance with standards because they often represent conditions in areas where people commonly live and work for periods comparable to those specified in the NAAQS. See 40 CFR part 58, appendix D, sections 2.8.0.4 and 2.8.0.5.

Most of the monitors in the SJV network are neighborhood scale sites with the objective of assessing population exposure. Since the majority of the SJV's population resides in urbanized areas along the Highway 99 corridor and since many of the emission sources are mobile or traffic-related, we believe this is an appropriate focus of the monitoring network. 2003 TSD at page 5.

The District also monitors in locations in addition to the Highway 99 locations, e.g. Corcoran, Taft, and Hanford.[12] Thus, the District network does represent the source types that make up the majority of emission sources in the western and eastern portions of the SJV. The monitoring locations at Corcoran and Hanford are both rural locations surrounded by agricultural sources of PM–10. Since it is not feasible for the District to monitor in every rural location, these sites can be viewed as representative of other unmonitored locations in the Valley.

Comment 10: The commenter points out that back in the 1990s, there were at least four monitoring sites in what can be considered the rural west side. These sites, located at Los Banos, Five Points, Kern Wildlife Refuge, and Kettleman City, were all shut down in the mid-1990s with little or no explanation, consultation with EPA or public notification, as required by 40 CFR 58.26(e). These monitors were mentioned in passing in the District's 1994 Air Monitoring Network Report as ''not necessary'' and ''resource intensive'' and were to be closed to ''redirect resources.'' The commenter notes that the Five Points monitor monitored sizeable violations until 1993, the year it disappeared from the District's network.

Response: The public notification requirement in 40 CFR 58.26(e) cited by the commenter was part of the monitoring regulation revisions made to implement the PM–2.5 NAAQS (62 FR 38833 (July 18, 1997)) and applies only to that pollutant:

> After 3 years following September 16, 1997 or once a monitoring area has been determined to violate the NAAQS, then changes to an MPA monitoring network affecting the valuating locations shall require public review and notification.

''MPA'' stands for ''Monitoring Planning Area'' and ''means a contiguous geographic area * * * having a common area that *is used for planning monitoring locations for PM 2.5*'' Emphasis added. 40 CFR 58.1.

Moreover, EPA generally defers to a State or local agency's judgment in determining which SLAMS to operate in a network as long as the overall monitoring objectives in our regulations are being met. However, EPA would object if an agency discontinued a design value site or a site with unique source characteristics that is violating the NAAQS.

In 1993–1994 the District and CARB operated 18 monitoring sites in the

[11] See also ''SLAMS/NAMS/PAMS Network Review Guidance'' EPA–454/R–98/003, March 1998, section 2.1.2.

[12] See ''State and Local Air Monitoring Network Report—2005'' San Joaquin Valley Unified Air Pollution Control District. Planning Division, August 2005.

Valley. Three sites were shut down at the end of 1993: Los Banos, Kern Wildlife Refuge, and Five Points. Los Banos and Kern Wildlife Refuge were never in violation of the PM–10 NAAQS so the District's decision to shut them down for any of the reasons cited by the commenter would not have been questioned by EPA.

The Kettleman City monitor continued to run until 1996. This monitor did record 5 exceedances of the 24-hour PM–10 NAAQS during the period 1990 to 1993 but was in attainment of the PM–10 NAAQS from 1994 to 1996 when it was discontinued.

While Five Points was a violating monitor, it was not unique in that there were other monitors in the Valley that operated in areas subject to the same type of agricultural emission sources. In the year that it was shut down there were significantly higher and more frequent exceedances of the NAAQS at the Corcoran monitoring site. Consequently, there was no restriction preventing the District from discontinuing it. In addition, because this site was in a largely uninhabited area it was not as useful as other sites in the network for assessing population exposure to PM–10 air pollution.

The Corcoran monitoring site has always been one of the highest-reading sites [13] in the District's PM–10 network and that site has run continuously [14] since the PM–10 NAAQS has been in existence. The Corcoran site is very similar to the Five Points site in terms of the surrounding land use (agricultural). During the period 1986 to 1993 the Five Points site recorded six exceedances of the 24-hour NAAQS, and only one year that exceeded the annual NAAQS (1988 with a 52 μg/m^3). In comparison, during the same time period, Corcoran showed 21 observed exceedances of the 24-hour NAAQS and exceeded the annual NAAQS every year during that time period (the maximum annual concentration was 70.2 μg/m^3 in 1991). The Corcoran site also monitors in an area where there is greater population, which makes it a more desirable site.

Comment 11: The commenter and other individual citizens state that the unmonitored (since mid-1990s) west side of Highway 99 is a large area of the SJV where monitoring is needed in order to understand the impacts of PM–10 pollution on the rural communities affected by intense agricultural operations and to fulfill federal monitoring objectives.

Response: As stated previously, the District does monitor in areas of intense agricultural activity that are similar to and thus representative of conditions in other rural communities, including the western portion of the District. There may be site-specific reasons to monitor on the west side of the Valley for reasons beyond measuring attainment of the NAAQS, e.g. reporting more specific air quality information for people living and working in the western portion of the Valley for other health-related purposes. However, EPA believes that for the purposes of determining attainment, the current monitoring network, since it meets the requirements and objectives of the federal monitoring regulations, is representative of conditions throughout the Valley and thus is adequate for making an attainment determination.

Comment 12: The commenter asserts that while the District claims that PM–10 levels in the SJV have greatly improved, these improvements come from a monitoring network that has gotten significantly smaller. In 1993, the commenter claims that there were 22 sites monitoring for PM–10 across a wider swath of the SJV, while today there are only 15 sites concentrated along Highway 99. Given this narrow slice of the SJV under surveillance, it is unreasonable for EPA to declare the area in attainment of PM–10 without first making a meaningful evaluation of the adequacy of the monitoring network.

Response: As stated above, EPA evaluated the SJV PM–10 monitoring network in 2003 and found it to be adequate under EPA regulations and guidance. 2003 TSD. That said, the District's claim that PM–10 levels in the Valley have improved is correct. The improvement in air quality is clearly evident from an examination of the air quality data for the last 19 years. The document ''United States Environmental Protection Agency Quicklook Criteria Parameters'' dated October 5, 2006 provides a summary of PM–10 data collected in the SJV since 1987.

While the monitoring network has seen a reduction in the number of sites over this time period, from a high of 23 monitoring sites in 1990 to the current 15 sites that have made up the District network since 1999, most monitoring networks evolve over time and vary in size. Most of the sites shut down by the District during the past 19 years were in attainment of the PM–10 NAAQS for the previous three years. Some discontinued sites were replaced by new, nearby sites (Fresno, Drummond replaced Fresno, Olive; Fresno, 1st Street replaced Fresno, Cal State; Bakersfield, California Ave. replaced Bakersfield, Chester Street; Taft College replaced Taft, 10th Street; Corcoran, Patterson replaced Corcoran, Van Dorsten; Hanford, Irwin replaced Hanford, Lacey; Merced, M Street replaced Merced, E Street; Modesto, 14th Street replaced Modesto, City Center).[15] Some sites were shut down and not replaced (Fresno Five Points, Kern Wildlife Refuge, Kettleman City, Madera Library, Madera Health Dept., Los Banos, Modesto I street, Crows Landing). Generally these sites were in attainment of the PM–10 NAAQS.[16] Other new sites were established where previously there were no monitors. (Fresno, Clovis; Bakersfield, Golden State Hwy.; Stockton, Wagner; Turlock). The following table summarizes the monitoring sites in the Valley that have been operational over the past 19 years and illustrates that the monitors in the current network are not less representative of air quality throughout the SJV than the network that existed in 1993.

[13] The Corcoran site has had multiple PM–10 monitoring instruments in operation during its history, including three federal reference method (FRM) high volume samplers, a beta attenuation mass (BAM) analyzer, and a tapered element oscillating microbalance (TEOM) analyzer. At present, the site operates three FRM high volume samplers and a TEOM analyzer. The BAM and TEOM analyzers are not FRMs but have been designated as federal equivalent method (FEM) monitors by EPA. Two of the three FRM samplers have been designated by the District as the primary, or SLAMS, samplers for the Corcoran monitoring site. The third FRM is operated for quality control purposes.

FRMs are manual samplers that pull air through a filter for 24 hours (midnight to midnight). The filters are then weighed in a lab and a PM concentration is calculated based on the mass increase of the filter and the volume of air drawn through it. The two primary FRMs operate on a staggered one in six day schedule such that a sample is collected once every three days.

[14] The original Corcoran site was located on Van Dorsten Avenue and ran from 1986 to 1998. The current Corcoran site at Patterson Avenue began monitoring in 1997 and continues at this time. The Patterson Avenue site is approximately 1.1 miles north of the Van Dorsten Avenue site and has similar site characteristics.

[15] CARB recommends that Districts perform ''parallel monitoring'' when proposing to relocate a monitoring site. While parallel monitoring is not a required activity when relocating a site, parallel monitoring data is often the best way to determine if important monitoring objectives for the existing site will be satisfactorily continued at the replacement site. See the document ''Site Relocation and Parallel Monitoring Guidelines'' June 1997, California Air Monitoring and Technical Advisory Committee.

[16] Two sites shut down were in violation of the 24-hour PM–10 NAAQS. Fresno Five Points, which was discontinued in 1993, had recorded a single exceedance of 190 μg/m^3 in 1993, but had no exceedances in 1991 and 1992. Crows Landing in Stanislaus County, which was discontinued in 1991, had a single exceedance in 1990 of 180 μg/m^3, but recorded no exceedances in 1989 or 1991.

Site	Year																		
	87	88	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05
Fresno Olive	X	X	X	X															
Fresno Drummond			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Fresno 1st St				X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Fresno Cal State	X	X	X	X															
Fresno Five Points	X	X	X	X	X	X	X												
Fresno Clovis					X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Bakersfield Chester	X	X	X	X	X	X	X	X											
Bakersfield Golden								X	X	X	X	X	X	X	X	X	X	X	X
Bakersfield CA Ave								X	X	X	X	X	X	X	X	X	X	X	X
Oildale	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Kern Wildlife Refuge			X	X	X	X	X												
Taft 10th Street	X	X	X	X															
Taft College				X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Cocoran Van Dorsten	X	X	X	X	X	X	X	X	X	X	X	X							
Corcoran Patterson										X	X	X	X	X	X	X	X	X	X
Hanford Lacey	X	X	X	X	X	X	X												
Hanford Irwin							X	X	X	X	X	X	X	X	X	X	X	X	X
Kettleman City	X	X	X	X	X	X	X	X	X	X									
Madera Library	X		X	X	X	X	X	X	X	X									
Madera Health Dept.			X	X															
Los Banos		X	X	X	X	X	X												
Merced E Street		X	X	X	X	X	X	X	X	X									
Merced M Street													X	X	X	X	X	X	X
Stockton Hazelton	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Stockton Wagner										X	X	X	X	X	X	X	X	X	X
Modesto I Street			X	X	X	X	X	X	X	X	X	X							
Modesto City Center	X	X	X	X															
Modesto 14th Street			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Turlock								X	X	X	X	X	X	X	X	X	X	X	X
Crows Landing		X	X	X	X														
Visalia	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

X indicates the site was operational in that year.
Source: EPA's AQS Database.

Comment 13: The commenter states that, in addition to their failure to demonstrate the adequacy of the network, EPA and the District have also failed to provide records attesting to the proper functioning and maintenance of the particular monitors used to determine attainment. While EPA uses claims of improper maintenance to ignore data from continuous monitors, it never establishes that the data it is considering is in fact reliable and comes from a properly maintained network. The commmenter further claims that the record before EPA fails to demonstrate that the network complies with 40 CFR part 58 and therefore EPA must collect additional information as required by regulations and provide it to the public before it can cherry pick the data to be used for the attainment determination.

Response: Contrary to the commenter's contention, the FRM data on which EPA is basing its attainment decision is reliable and from instruments that are properly functioning and maintained in accordance with 40 CFR 58 and its appendices. EPA's confidence in the data is based on records submitted by the State that demonstrate that the network operations which produced the data meet, or in some cases exceed, the requirements in our regulations at 40 CFR part 58.

EPA and its regulations provide for different types of requirements to assure the quality of data, depending upon the types of equipment used to measure PM–10. There are two categories of instruments that can be used to measure PM–10 concentrations in the ambient air, manual reference method samplers and automated equivalent method or continuous analyzers.[17]

A manual reference method sampler provides a 24 hour average concentration value for PM–10 in the ambient air. A manual reference method sampler uses a filter medium through which ambient air is drawn at a near constant flow rate for a period of 24 hours (midnight to midnight). This flow rate through the filter is an important parameter and must be recorded accurately. Monitoring the actual flow rate to verify that the designed flow rate is being maintained during the 24-hour period is important because the inlet of the sampler will ensure the needed separation of particles 10 microns or less in diameter from larger particles only if the proper flow rate is maintained. Also, the flow rate measurement provides us with the total volume of air drawn through the filter during the 24-hour period. The total volume of air is needed to calculate the PM–10 concentration.

The filters used in PM–10 manual reference method samplers are weighed in a laboratory before they are installed in the sampler and weighed again after air has been drawn through the sampler for 24 hours. The pre-sampled mass of the filter is subtracted from the post-sampled mass and the result is the total mass of PM–10 collected. This total mass is divided by the total volume of air to determine the 24 hour average PM–10 concentration. In the best case a manual sampler can provide a 24 hour average concentration in about two days from the day a sample was collected. In practice and depending on a number of factors (e.g. how many filters the lab has to process, the distance between the laboratory and the monitoring site, on what day of the week a sample was taken) processing the filters in a laboratory and calculating the concentration can take a few weeks, on average.

Automated equivalent methods or continuous analyzers, such as Beta Attenuation Mass (BAM) or Tapered Element Oscillating Microbalance (TEOM) monitors, use one of two alternative measurement approaches (beta ray attenuation or mass-dependent oscillation frequency) to avoid the need to collect PM–10 on a filter medium that must subsequently be weighed in a laboratory. Continuous analyzers report PM–10 concentrations over short intervals in near real time. The analyzers can be (and typically are) configured to report the average 24 hour PM–10 concentration just as a manual reference method does.

As discussed elsewhere in this action, the SJV PM–10 SLAMS network consists of 15 monitoring sites using manual reference method samplers. These samplers operate on a once every six day schedule except for the site at Corcoran, which operates once every three days because it has two samplers operating on staggered once every six day schedules. Corcoran's sampling frequency is twice that of other sites in the SJV PM–10 SLAMS network because it is historically the highest reading PM–10 site in the network.

One of the goals in any data collection effort is to be able to quantify measurement uncertainty. Measurement uncertainties are the errors associated with the ambient air monitoring agency, including errors associated with the field, preparation and laboratory measurement phases. At each measurement phase, errors can occur, that in most cases are additive. Air quality monitoring agencies aim to control measurement uncertainty to an acceptable level through the use of various quality control and evaluation techniques. Two of the primary checks used to evaluate measurement uncertainty are precision and accuracy checks. We will discuss each of these procedures below in more detail. An important point to understand is that in addition to allowing an evaluation of the uncertainty in the data that has been collected, these checks can reveal equipment or procedural problems that can be corrected. They can also lead a monitoring agency to disqualify or withdraw data collected in a period before a check revealed a problem, on the reasonable assumption that the data was affected by the problem.

EPA regulations at 40 CFR part 58, appendix A, section 3.0.1 states that ''All ambient monitoring methods or analyzers used in SLAMS shall be tested periodically, as described in this section, to quantitatively assess the quality of the SLAMS data.'' Precision checks are a measurement of mutual agreement among individual measurements of the same property usually under prescribed similar conditions, expressed generally in terms of standard deviation. There are different ways to determine the precision of PM–10 monitoring networks depending on whether the network utilizes manual reference methods or automated equivalent methods. Precision checks of manual and automated methods are addressed in 40 CFR part 58, Appendix A, sections 3.3 and 3.1, respectively.

The SJV PM–10 SLAMS network is a subset of the larger California PM–10 SLAMS network.[18] Section 3.3 of Appendix A discusses how to establish the precision of a PM–10 network made up of manual method samplers, which applies to the SJV PM–10 SLAMS network. The requirement is to operate a certain number of collocated monitoring sites, i.e., duplicate samplers, depending on the total number of samplers in the network: 1 collocated site for networks consisting of up to five sites, 2 collocated sites for networks consisting of 6 to 20 sites, and 3 collocated sites for networks of 20 or more sites. These collocated samplers must run on the same days as the primary samplers and must be run on at least a once every six days schedule.

The California State PM–10 SLAMS network consists of 97 monitoring sites and has five collocated sites located at Bakersfield, Visalia, Taft, Corcoran, and Sacramento. The first four of these listed collocated monitoring sites are located in the SJV. If the SJV PM–10 network was evaluated separately from the rest of the State network, EPA regulations would only require two collocated precision sites. From this perspective, there are twice the number of collocated precision sites as required by EPA regulations. Each of these samplers will produce a pair of concentrations on a

[17] All equipment designated by EPA as approved for NAAQS comparisons can be found in the document ''List of Designated Reference and Equivalent Methods'', USEPA, National Exposure Research Laboratory, July 26, 2006 available at the Web site *http://www.epa.gov/ttn/amtic/files/ambient/criteria/ref0706.pdf.*

[18] For the purposes of EPA quality assurance requirements, the California PM–10 SLAMS network is defined as those PM–10 monitors designated as SLAMS in the CARB document ''California State and Local Air Monitoring Network Plan—2005'' Planning and Technical Support Division, Air Quality Branch, October 2006 with the exception of PM–10 SLAMS monitors operated by the South Coast AQMD, the Bay Area AQMD, and the San Diego APCD.

given sampling day.[19] These concentrations must be greater than 20 μg/m³ in order to be used in determining the precision of the network. According to the CARB QA manual, if concentrations are below 80 μg/m³, the two paired values must be within 5 μg/m³ of each other, or further investigation and corrective action are required. If the concentrations are greater than 80 μg/m³ they must be within ±7 percent of each other.[20] These acceptance criteria are consistent with EPA criteria in the guidance document ''Quality Assurance Handbook for Air Pollution Measurement Systems, Volume II: Part 1, Ambient Air Quality Monitoring Program Quality System Development'', (EPA–454/R–98–004, August 1998).

EPA's QA guidance cited above provides a target for the system-wide precision performance, taken across all pairs of collocated data. EPA regulations at 40 CFR part 58, appendix A section 5.3 requires 95 percent upper and lower probability limits be used to evaluate the collocated data. The target given in the guidance for the 95th percentile upper and lower limits for reporting organizations is 15 percent. The annual precision summary statistics for the CARB PM–10 SLAMS network meet these requirements as shown in the AQS Report ''P/A Reporting Organization Summary, AMP 240.''

Establishing precision for automated equivalent method analyzers, such as BAM or TEOM monitors, consists of performing a bi-weekly one point precision check of an analyzer's operational flow rate. See 40 CFR part 58, appendix A, section 3.1. The check is made using a flow rate transfer standard. The actual flow rate measured by the transfer standard and the indicated flow rate of the analyzer (the flow rate as measured by the analyzer's own flow rate meter) are reported to the AQS database. In the case of the automated equivalent analyzers operated by the District as special purpose monitors rather than as SLAMS monitors, these precision checks were not made in accordance with Appendix A section 3.1 and therefore EPA cannot have the same confidence in these data as we have in the SLAMS data. Without performing the precision checks, the District may have overlooked operational problems and allowed them to affect the data from the special purpose monitors, and without the precision check data we have no way to evaluate the acceptability of the data.

The other primary data quality control (QC) check for proper operation and maintenance of a monitor is the accuracy check. As with the precision checks, there are two different procedures for determining the accuracy of PM–10 monitors depending on whether we are checking a manual reference method or an automated equivalent (continuous) analyzer. These two procedures are addressed in 40 CFR part 58, Appendix A, sections 3.4 and 3.2 respectively.

For the SJV PM–10 SLAMS network that used manual reference method samplers, the procedures in section 3.4 are used to determine accuracy. The procedure entails auditing the flow rate of each sampler annually such that 25 percent of the network[21] is audited each calendar quarter. An independent auditor (i.e., not the person who regularly operates the sampler) using dedicated equipment (i.e., not the flow meter built into the sampler) audits the flow rate of the sampler and reports the actual flow rate and the indicated (sampler) flow rate. Two measurement quality parameters are calculated from these measurements: The percent difference in the flow rate measurements by the sampler's own flow rate meter and the auditor's dedicated flow rate meter, and the percent difference between the actual flow rate created by the sampler and the flow rate it was designed to have. Percent differences beyond acceptance limits can cause an incorrect measurement of PM–10 concentrations. As the QA oversight agency, CARB's QA section performs the accuracy audits of the SJV PM–10 SLAMS network. These accuracy audits were performed by CARB as required by EPA regulations, and showed that the monitors were operating within the accepted control limits, i.e., the flow rates had not deviated enough from their design flow rates to require any corrective action on the part of the CARB or District monitoring staff. The results of the accuracy checks performed by CARB were submitted to EPA and are shown in the AQS Report ''P/A Reporting Organization Summary, AMP 240.'' The following table summarizes the accuracy results for the individual audits of the PM–10 monitors in the SJV. The table shows the date of each audit (one per year) the differences in the flow rate measurement by the sampler's own flow rate meter (% Diff.) and the difference between the actual flow rate created by the sampler and the flow rate it was designed to have (% Diff. Design). This information shows that the monitors operated in the SJV PM–10 SLAMS network are performing within the acceptance criteria established by EPA in its QA guidance, which sets a target confidence interval for the 95th percentile upper and lower limits aggregated across the reporting organization of 20 percent, over a three year period. The CARB PM–10 SLAMS network easily meets this target based on the small differences shown in the table below. CARB's performance of these audits at the required frequencies and subsequent submittal of the results of the audits to EPA's AQS database meets the requirements of 40 CFR part 58, appendix A, section 3.4.

	Audit date	Sampler ID	% Diff.	% Diff. design
Bakersfield-Golden	6/4/2003	4121	0.0	−6.8
	7/13/2004	2456	6.8	−4.3
	10/5/2005	4121	5.3	−5.7
Clovis	6/18/2003	7380	−2.2	0.7
	7/29/2004	4040	−2.9	3.0
	11/7/2005	4040	0.3	−0.5

[19] Because it operates on a one in three day sampling schedule and is also a collocated precision site, the Corcoran monitoring site has three manual reference method samplers in operation, two that run concurrently and a third that runs on the staggered one in six day schedule that enables the site to produce data every three days.

[20] State of California Air Resources Board, Air Monitoring Quality Assurance, Volume I, Quality Assurance Plan, Monitoring and Laboratory Division, June 2005.

[21] In this case, 25 percent of the network applies to the California State PM–10 SLAMS network not the SJV PM–10 SLAMS network.

	Audit date	Sampler ID	% Diff.	% Diff. design
Corcoran-Patterson	2/4/2003	1885	−2.6	7.0
	2/4/2003	4645	2.0	−2.0
	2/4/2003	4120	−8.0	3.0
	3/11/2004	1885	−0.7	0.5
	3/11/2004	4645	1.3	−1.5
	3/11/2004	4120	−0.7	0.5
	1/26/2005	1885	0.0	−0.7
	1/26/2005	4645	0.3	−1.0
	1/26/2005	4120	0.0	0.0
Fresno—Drummond	2/19/2003	4069	1.8	−2.2
	2/25/2004	4069	−2.3	−0.7
	3/1/2005	4069	4.3	−1.0
Hanford	2/4/2003	3048	−8.7	−2.5
	3/10/2004	1884	2.5	−1.3
	1/25/2005	1884	0.0	−3.8
Merced-M St.	3/4/2003	4756	−5.3	7.5
	2/26/2004	4756	2.8	−3.5
	1/25/2005	4756	6.8	−8.0
Stockton—Wagner—Holt	6/18/2003	3519	0.0	0.5
	12/16/2004	3519	0.3	−2.2
	11/28/2005	3519	4.8	−7.0
Taft	2/3/2003	8008	−11.7	7.2
	2/3/2003	7787	−5.4	6.5
	3/15/2004	8008	−9.0	−2.2
	3/15/2004	7787	−4.3	9.5
	3/14/2005	8008	5.2	−4.0
	3/14/2005	7787	3.6	−2.5
Turlock	3/11/2003	4161	−1.0	−1.8
	3/2/2004	4161	−8.5	6.3
	2/24/2005	3519	0.0	−3.8
Bakersfield-CA	3/11/2003	20018176	−0.2	2.0
	3/11/2003	20018177	0.0	2.2
	3/16/2004	20018176	−2.2	3.8
	3/16/2004	20018177	−2.2	3.8
	3/8/2005	20018176	0.3	−0.3
	3/8/2005	20018177	1.0	−0.7
Fresno-First	6/16/2003	20018504	1.0	2.5
	7/28/2004	7660	−1.7	4.3
	7/26/2005	7660	0.7	1.5
Modesto-14th St	3/3/2003	20003727	−1.3	−3.0
	3/3/2004	20003727	−2.0	2.5
	2/23/2005	20003727	0.5	0.0
Oildale	3/12/2003	20004244	1.8	−0.3
	3/17/2004	20004244	−1.0	2.8
	3/10/2005	20004244	1.0	−1.0
Stockton-Hazelton	11/19/2003	20004282	1.0	0.5
	12/16/2004	20004282	0.5	0.0
	12/1/2005	20004282	0.8	−1.8
Visalia	6/12/2003	7471	0.0	1.3
	6/12/2003	7678	1.3	0.0
	7/27/2004	7471	−1.7	4.7
	7/27/2004	7678	−1.4	4.3
	7/28/2005	7471	0.5	2.2
	7/28/2005	7678	2.8	0.0

The accuracy audit for the automated equivalent analyzer is similar to that for manual reference methods. See 40 CFR part 58, appendix A, section 3.2.2. Like the audit performed for the manual reference methods the audit required for automated analyzers is a field audit. However, as discussed in this notice, no accuracy audits of the automated analyzers operated by the District were performed, and therefore EPA cannot assess the accuracy of these monitors. Because the flow-related components of the manual reference method samplers and of the automated equivalent analyzers are different in design and materials, the good performance of the manual samplers cannot be extrapolated to the automated analyzers.

Additionally, annual certifications of quality control standards (e.g., a flow rate meter) are critical in order to insure that the checks and measurements being made are traceable to National Institute of Standards and Technology (NIST) standards. See 40 CFR part 58, appendix A, section 2.3.3. This certification is achieved by transferring the accuracy or authority of a primary standard to a field-usable standard. Also, calibrations of the internal flow rate meters of PM–10 samplers, which are generally performed annually or after sampler repairs, also ensure that these meters are functioning correctly. The following table lists the calibration dates of the internal flow rate meters of the SLAMS monitors in the SJV network. Calibrations of the flow rate meters are usually performed when a sampler is first installed at a site or after repair. While EPA regulations and guidance do

not specify a frequency for performing calibrations of flow rate meters, performing them annually regardless of whether the instrument required it demonstrates a good operation practice by the District and CARB.

	Sample ID	Cal. date
Bakersfield-Golden	4121	2/27/2003
	2456	5/25/2004
	4121	12/15/2004
Clovis	7380	3/13/2003
	4040	7/27/2004
	4040	10/6/2005
Corcoran-Patterson	1885	10/28/2002
	4645	1/30/2003
	4120	10/28/2002
	1885	11/12/2003
	4645	12/9/2003
	4120	12/9/2003
	1885	10/5/2004
	4645	1/5/2005
	4120	9/2/2004
Fresno-Drummond	4069	11/12/2002
	4069	2/24/2004
	4069	12/21/2004
Hanford	3048	10/14/2002
	1884	10/15/2003
	1884	8/4/2004
Merced-M St	4756	10/9/2002
	4756	2/10/2004
	4756	12/9/2004
Stockton-Wagner—Holt	3519	2/20/2003
	3519	9/10/2004
	3519	7/20/2005
Taft	8008	11/19/2002
	7787	10/25/2002
	8008	2/26/2004
	7778	2/26/2004
	8008	8/18/2004
	7778	8/18/2004
Turlock	4161	1/23/2003
	4161	7/16/2003
	3519	2/23/2005
Bakersfield—CA	20018176	3/7/2002
	20018177	3/7/2002
	20018176	3/9/2004
	20018177	3/9/2004
	20018176	6/3/2004
	20018177	6/16/2004
Fresno—First	20018504	6/13/2003
	7660	1/21/2004
	7660	2/28/2005
Modesto—14th St	20003727	1/17/2003
	20003727	2/10/2004
	20003727	2/11/2005
Oildale	20004244	2/27/2003
	20004244	1/8/2004
	20004244	1/31/2005
Stockton—Hazelton	20004282	11/12/2003
	20004282	12/9/2004
	20004282	11/9/2005
Visalia	7471	5/20/2003
	7678	5/20/2003
	7471	5/20/2003
	7678	5/20/2003
	7471	11/24/2004
	7678	11/24/2004

As detailed above, CARB has certified and submitted quarterly [22] to EPA's AQS database, all the supporting QA data for the SJV SLAMS PM–10 network, including data collected by the collocated precision network and all required audit data. This data shows that the operation and maintenance of the SLAMS network met the requirements of sections 3.3 and 3.4 of Appendix A Part 58. By contrast the required number of precision checks and independent flow rate audits were not performed on the automated equivalent (BAM and TEOM) method monitors pursuant to sections 3.1.2 and 3.2.2 nor was data on the precision checks that were performed on the BAM monitors submitted to the AQS database as required by 40 CFR part 58, appendix A, section 4.1.[23] Thus EPA is not, as the commenter contends, ''cherry picking'' data, but rather relying for its determination on data that has met the requirements for reliability under its regulations.

F. Data Not Included in Determining Attainment

1. Data From September 3, 2004 High Wind Event

Comment 14: The commenter questions the validity of waiving the September 3, 2004 exceedance as a Natural Events Action Plan (NEAP) [24] event and states that there is no technical basis for ignoring the exceedance and that best available control measures (BACM) were not being implemented for the largest sources of dust in the Valley on that date. The commenter notes that removal of the flag puts the Valley right at the limit of violations allowed under the NAAQS and should make EPA wary to find the PM–10 problem solved in the Valley.

Response: The exceedance in question occurred at the Corcoran-Patterson Avenue monitoring site. EPA notes in its proposed rule that ''[t]his exceedance was flagged by CARB as a high wind natural event [and] EPA concurred with CARB's request to exclude this data from consideration in attainment findings on July 7, 2005.'' However, ''even if EPA had not concurred with the exclusion of this data, the Corcoran site would still attain the 24-hour NAAQS because the expected number of exceedances [25] is less than or equal to one per year, averaged over the three year period 2003–2005.'' 71 FR 40952, 40954. In other words, EPA believes that it need not address here the issue of whether or not the September 3, 2004 exceedance should be flagged, because in any event the SJV would still be attaining the PM–10 standards. In addition, whether the SJV is ''at the limit'' of exceedances allowed under the NAAQS is not a criterion for making an attainment determination. Areas are either attaining or not attaining. EPA found that the area would still be attaining even if this exceedance were included, and on that basis determined that the area was in attainment. As noted above, EPA believes that preliminary data indicating a September 22, 2006 exceedance at the Corcoran monitor should also not be included in this attainment determination for the reasons stated previously relating to quality assured data and natural events.

Nevertheless, EPA notes that the attainment determination does not mean the air quality problem is solved in the SJV. In order to be redesignated as a PM–10 attainment area, the District and CARB will need to address CAA section 107(d)(3)(E) requirements. In addition, the SJV is nonattainment for the PM–2.5 and 8-hour ozone standards and will need to achieve substantial further reductions in pollution levels to attain these NAAQS. The commenter's implicit concern is that EPA's action will somehow allow the SJV to relax its efforts to reduce air pollution; however, EPA does not believe that is the case.

2. Data From BAM and TEOM Monitors

Comment 15: The commenter states that there are four Beta Attenuation Mass (BAM) monitors (designated by EPA as federal equivalent methods and also referred to as ''special purpose monitors'') in the Valley that monitor PM–10 concentrations and that two of these monitors (Bakersfield-Golden State Highway and Corcoran-Patterson Avenue) have recorded multiple exceedances of the Federal PM–10 standard from 2003 to 2005. The commenter states that all valid data from special purpose monitors must be considered within the regulatory process and that EPA's rationale (that the District did not perform quality control checks every two weeks and that CARB did not perform independent field audits of the BAM sampler) for not considering data from the Corcoran BAM monitor is not adequate.

Response: The District and CARB have operated automated equivalent (continuous) method monitors in the SJV at a number of PM–10 SLAMS sites. The following table summarizes the type (BAM or TEOM), location and history of operation of the PM–10 continuous monitors operated in the Valley.

Monitoring site	BAM operational period	TEOM operational period
Bakersfield Golden State Hwy	7/28/2005–8/8/2006	8/27/2006–Present.
Corcoran	Before 1/1/2003–7/22/06	1/1/2003–3/31/2005. 8/24/2006–Present.
Fresno 1st Street	Before 1/1/2003–Present	Before 1/1/2003–Present.
Stockton	NA	Before 1/1/2003–June 28, 2005.
Tracy	10/25/2005–9/26/2006	10/1/2006–Present.

[22] EPA regulations require the submittal of precision and accuracy data on a quarterly basis, as it does for the pollutant concentration data. See 40 CFR 58.35 and 40 CFR part 58, appendix A, section 4.1.

[23] The District did perform some precision checks of the BAM monitor at Corcoran but these were considerably fewer than required in EPA regulations. See response to comment 15. Section 3.1.2 requires the checks to be performed at a designated frequency and the data submitted to the AQS database.

[24] See memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation to Regional Air Directors, ''Areas Affected by PM–10 Natural Events,'' May 30, 1996.

[25] EPA determines attainment of the 24 hour PM–10 NAAQS based on the number of ''expected'' exceedances in a given year. Because most manual PM–10 samplers do not operate every day but on a one in six day schedule, EPA regulations at 40 CFR part 50, Appendix K require an adjustment to the observed or actual number of exceedances to account for days that are not sampled. In the simplest case, when a monitor operating once every six days, with 100% data capture, records a single observed exceedance, that exceedance would be adjusted to six expected exceedances. In the specific case of the Corcoran monitoring site and its one in three day schedule, EPA calculated the expected exceedances, based on the single observed exceedance on September 3, 2004, to be three over a three year period which averages to one exceedance per year. This expected exceedance rate of one per year shows that the Corcoran site is still in attainment of the 24-hour NAAQS. See 40 CFR part 50, Appendix K, section 3.1 for a complete discussion on how EPA adjusts data.

EPA regulations at 40 CFR part 50, appendix K, section 2.3 address the data requirements that must be met in order for EPA to determine the attainment status of a particular monitoring site. In general EPA needs three years worth of monitoring data in order to declare a site in attainment of the NAAQS. Of the four BAM monitors operated in the Valley, only Fresno 1st Street and Corcoran have been in operation long enough to have accumulated three years of data.[26] The Bakersfield-Golden State Highway site operated a BAM monitor from July 28, 2005 to August 8, 2006. The BAM was replaced by a TEOM monitor on August 27, 2006. The Tracy site operated a BAM monitor from October 26, 2005 to September 26, 2006. The Tracy BAM was replaced by a TEOM monitor on October 1, 2006. EPA's attainment determination is based on three complete years of data from 2003–2005. Therefore, the data from these BAM and TEOM monitors at Bakersfield Golden State Highway and Tracy cannot be used to determine that these sites are in attainment.

Furthermore, the BAM monitor at Tracy did not record any exceedances of the 24-hour PM–10 NAAQS in 2005, though an exceedance was recorded on September 22, 2006 (160 μg/m^3). The Bakersfield-Golden State Highway automated equivalent monitors recorded three exceedances of the NAAQS during their operation, a value of 156 μg/m^3 on November 22, 2005 and a value of 180 μg/m^3 on November 23, 2005 (recorded on BAM monitors). Another exceedance (169 μg/m^3) was recorded by the Bakersfield-Golden State Highway TEOM on September 22, 2006.[27] Under 40 CFR 50.6, ''[t]he standards are attained when the expected number of days per calendar year with a 24-hour average concentration above 150 μg/m^3 * * * is equal or less than one.'' Therefore, because neither the Tracy nor the Bakersfield-Golden State Highway BAM monitor has averaged more than one exceedance per year, the exceedances recorded at these monitors do not show that the area is in violation of the 24-hour NAAQS. Even if the Bakersfield-Golden State Highway BAM and TEOM data are considered together (and even if they were quality-assured data not subject to natural events), the exceedances recorded at these monitors would not show that the area is in violation of the standard. See Responses 18 and 19.

Automated equivalent analyzers are also operated at the Fresno 1st site and the Corcoran site. See table on BAM and TEOM operating histories above. The Fresno 1st site has operated both a BAM monitor and a TEOM monitor for long enough that there is a three year data set for both analyzers. Neither the BAM nor the TEOM operated at Fresno 1st Street recorded any exceedances of the 24-hour NAAQS during the 2003–2005 period, and both continue to show attainment through October 11, 2006.

The Corcoran site operated both a BAM monitor and a TEOM monitor during its history. See the table above on BAM and TEOM operating histories. The automated equivalent analyzers operated at the Corcoran site did record exceedances[28] as summarized in the following table:

CORCORAN AUTOMATED EQUIVALENT ANALYZER—PM–10 EXCEEDANCES 2003–2006

Date (type of analyzer)	Concentration (μg/m^3)
10/10/2003 (BAM)	182
10/18/2003 (BAM)	156
10/21/2003 (BAM)	157
10/28/2003 (BAM)	158
9/3/2004 (BAM)	*217
11/21/2005 (BAM)	166
11/22/2005 (BAM)	177
11/23/2005 (BAM)	185
11/26/2005 (BAM)	166
2/27/2006 (BAM)	179
9/22/2006 (TEOM)	**261

*The manual reference method monitor at Corcoran also recorded an exceedance of the NAAQS on this day that the State flagged as a high wind event under EPA's Natural Events Policy.

**As noted previously the District and CARB have informed EPA that they believe that exceedances recorded on September 22, 2006 are due to high wind and wildfire natural events.

However, the data was not considered by EPA in its attainment determination because the District did not perform the flow rate checks of the BAM monitors as required by EPA regulations at 40 CFR part 58, appendix A, section 3.1.2 and CARB did not perform independent flow rate audits as required by 40 CFR part 58 appendix A, section 3.2.2. See Response to comments 7 and 13 above.[29]

In determining which data to use in regulatory actions, EPA needs to determine whether the data meets our basic requirements. If it does not then we cannot use the data in regulatory decisions. During the three-year period of 2003–2005, the District only performed 10 of the 78 required bi-weekly flow rate checks and CARB never performed an independent audit of the BAM monitor's flow rate, which is required annually. While the commenter implies that this is a minor

[26] While it is necessary to have three years of representative monitoring data to demonstrate that a monitor is attaining the standard, 40 CFR part 50, appendix K, section 2.3(c) states that there are less stringent data requirements for showing that a monitor has failed to attain. Since the 24-hour PM–10 standard is violated once a monitor averages more than one expected exceedance per year (averaged over three years), a monitor with four or more observed or expected exceedances has violated the 24-hour NAAQS even if there is less than three years of data (four exceedances divided by three years is greater than one per year).

[27] As noted previously the District and CARB have informed EPA that they believe that exceedances recorded on September 22, 2006 are due to high wind and wildfire natural events.

[28] An exceedance is defined as a daily value that is above the level of the 24-hour standard (150 μg/m^3) after rounding to the nearest 10 μg/m^3 (i.e. values ending in 5 or greater are to be rounded up. See 40 CFR part 50, appendix K, section 1.0.

[29] Under 40 CFR 58.14, because the District did not intend that data from these continuous monitors would be used for determining attainment or nonattainment, flow rate checks and audits were not required to be conducted. See May 8, 2006 letter to Wayne Nastri, Regional Administrator, EPA Region 9, from Catherine Witherspoon, Executive Officer, CARB with attached letter dated April 24, 2006 to Catherine Witherspoon, Executive Officer, CARB from Seyed Sadredin, Executive Director/Air Pollution Control Officer, San Joaquin Valley Air Pollution Control District.

deficiency, EPA believes the lack of QA/QC raises significant questions about the reliability of the Corcoran BAM monitor data and therefore concluded that it would not be appropriate to rely on data from this monitor that did not meet our regulatory requirements.

Comment 16: The commenter states that EPA cannot ignore the Corcoran BAM monitor data due to the lack of precision check of the flow meter. The commenter states that 40 CFR part 58, appendix A, section 3.1.2.2 offers an alternative procedure at section 3.1.2.2.1 for complying with the section 3.1.2 requirement for a precision check of the operational flow rate of the analyzer. The alternative procedure involves checking the BAM monitor's internal flow meter (vs. using an external flow rate transfer standard) and requires an external audit of the flow rate at least every six months, records of the past three audits showing that the flow meter is stable, and no indication of improper operation. Section 3.1.2.2.2 even allows for the precision check to be carried out remotely. The commenter states that EPA has not analyzed whether the District properly maintained the Corcoran-Patterson Avenue BAM monitor in accordance with section 3.1.2.2 and that the District's maintenance records show regular weekly maintenance, including checks of the on-screen flow rate, and also show regular external flow audits.

Response: As stated above, there are two routine quality assurance checks that need to be made to monitoring instruments to ensure that the data they are producing is reliable. One of these is a precision check. The precision check for automated PM–10 analyzers, of which the BAM monitor is one, is addressed in 40 CFR part 58, appendix A, section 3.1.2. See response to comment 13. This section requires a one-point precision check to be performed at least once every two weeks. There are two procedures that can be used to satisfy this requirement. The standard procedure is explained in section 3.1.2.1 of appendix A and the alternative procedure is explained in section 3.1.2.2 of appendix A. One of our reasons for not using data from the Corcoran BAM monitor is that the District did not perform the precision checks of its BAM monitor and submit the resulting QA data to the AQS database. The District performed neither the standard procedure nor the alternative procedure.

The commenter implies that EPA rejected the Corcoran BAM monitor data even though the District had performed the sanctioned alternative procedure. This is not true. EPA reviewed all the maintenance records from the Corcoran-Patterson Avenue site and found that neither precision check was being performed. While the operator did check the BAM monitor's internal flow rate indicator routinely, the other requirements of 40 CFR part 58, appendix A, section 3.1.2.2 were not being met, i.e., the flow rate meter was not audited every six months and there was no documentation that the flow meter is stable, verifiable, and accurate to ±4 percent (sections 3.1.2.2.1.1, 3.1.2.2.1.2, 3.1.2.2.1.3). See also response to comment 13 above. As stated in that response the precision check is one of the critical measurement quality checks that are needed to ensure that the device is performing as designed.

Comment 17: The commenter states that EPA also cannot dismiss the Corcoran BAM data because CARB did not perform independent field audits as described in section 3.2.2 without explaining why these audits are important in determining the reasonableness of the data. Moreover, the commenter also states that EPA must demonstrate that the FRM monitors were appropriately audited or explain why it is reasonable for the FRM monitors to not be audited while excluding the BAM monitor data due to this oversight. EPA needs a compelling rational basis for continuing to exclude all of the BAM data or EPA must consider the data in determining the Valley's attainment status.

Response: Regular audits of monitoring equipment are important in establishing the validity and accuracy of the data collected by an agency. Section 2.11.7.0 of EPA's QA Guidance document ''Quality Assurance Handbook,'' Volume II, Part II, September 1997, states that:

> [t]he primary goal of an auditing program is to identify system errors that may result in suspect or invalid data. The efficiency of the monitoring system (i.e., labor input vs. valid data output) is contingent upon effective quality assurance (QA) activities. This true assessment of the accuracy and efficiency of the PM–10 measurement system can only be achieved by conducting an audit under the following guidelines:
>
> • Without special preparation or adjustment of the system to be audited.
>
> • By an individual with a thorough knowledge of the instrument or process being evaluated, but not by the routine operator.
>
> • With accurate, calibrated NIST-traceable transfer standards that are completely independent of those used for routine calibration and QC flow checks.
>
> • With complete documentation of audit information for submission to the operating agency. The audit information includes, but is not limited to, types of instruments and audit transfer standards, instrument model and serial numbers, transfer-standard traceability, calibration information, and collected audit data.
>
> The audit procedures described in this section produce two quantitative estimates of a PM–10 sampler's performance: The audit flow-rate percentage difference and the design flow-rate percentage difference. The audit flow-rate percentage difference determines the accuracy of the sampler's indicated flow rate by comparing it with a flow rate from the audit transfer standard. The design flow-rate percentage difference determines how closely the sampler's flow rate matches the inlet design flow rate under normal operational conditions.

It is not clear to EPA why the commenter believes the FRM monitoring network operations do not meet EPA requirements. As discussed previously, the PM–10 SLAMS monitoring network meets EPA's QA requirements, including the requirement for independent field audits. See also Response to Comment 13 above.

Comment 18: The commenter states that neither EPA nor the District addresses the violations recorded at the Bakersfield BAM monitor. No attempt is made to discredit the data coming from that BAM monitor and no rational basis is provided by EPA for completely disregarding those data.

Response: The Bakersfield Golden State Highway BAM monitor never recorded any violations of the NAAQS. As explained above, the Bakersfield Golden State Highway automated equivalent method analyzers recorded three exceedances since the District began operation of these monitors at the site in July 28, 2005 while sampling every day. According to 40 CFR part 50, appendix K, this does not constitute a violation of the NAAQS and therefore we did not discuss it in our proposal. Since there are no violations at this BAM monitor, EPA did not need to determine whether the data was usable in making the attainment determination for the SJV. See response to comment 15.

Comment 19: The commenter states that EPA does not justify ignoring data from the three tapered element oscillating microbalance (TEOM) monitors that were operated in the Valley during the 2003–2005 time period.

Response: The three TEOM monitors operated during the 2003–2005 period were located at Fresno 1st Street, Stockton Hazelton Street, and Corcoran Patterson Avenue. The TEOMs at Fresno and Stockton were operated by CARB as special purpose monitors that supplement the SLAMS high volume FRM samplers. The Corcoran TEOM was operated by the District, also as a special purpose monitor. In addition, as

discussed in response to comment 15 above, the District now operates TEOMs at its Tracy, Bakersfield-Golden State Hwy. and Corcoran monitoring sites.

CARB has submitted and certified the TEOM data from the Stockton site to EPA's AQS database up to the date June 28, 2005, which is when CARB discontinued the operation of this TEOM. During the 2003 to 2005 period, the TEOM at Stockton recorded a single exceedance of the 24-hour NAAQS. Because of its everyday sampling schedule, this single exceedance at Stockton does not constitute a violation of the NAAQS. See response to comment 15.

No data from any other TEOMs operating in the San Joaquin Valley PM–10 network has been submitted to AQS. However, EPA has obtained data from these TEOMs from 2003–2005 as well as a portion of 2006 and these data show no violations of the PM–10 NAAQS have been recorded for this period.

As discussed above in response to comment 15 EPA is aware of TEOMs currently operating at four monitoring sites in the San Joaquin PM–10 network: Bakersfield-Golden State Highway, Corcoran, Fresno 1st Street and Tracy. Two of these TEOMs, Fresno and Tracy,[30] recorded no exceedances of the NAAQS. Two other TEOMS, Bakersfield and Corcoran, recorded exceedances on September 22, 2006, which, as noted above, is a date associated with a high wind and fire event. This is the only exceedance day we are aware of for these TEOMS. All data EPA has received from the District and CARB collected by BAMs and TEOMs have been included in the Docket. Thus, in sum these TEOM monitors would not show that the area is in violation of the standard.

Comment 20: The commenter states that EPA must also consider all publicly available data, including ''data available from other sources including those special purpose monitors operated by third parties'' (1997 Seitz memo) and that EPA has not made any assertion regarding data from third party monitors. If such data exists, EPA must consider it or must explain why it is reasonable to exclude this information.

Response: The commenter has not provided any data from any so-called ''third party monitors.'' Nor is EPA aware of any data available from third parties that meets our regulatory requirements and could be used in this action.

Comment 21: The commenter maintains that ''[t]hese continuous monitors demonstrate an ongoing PM–10 problem in the Valley'' and that monitoring professionals within EPA and CARB know that these monitors provide the most accurate, realistic picture of Valley air quality. These monitors are used for detailed air quality studies, public health alerts, and modeling in the State implementation plan. In fact, CARB performed a comparison study of BAM technology versus FRM technology and found that, far from the dramatic picture the District paints of wildly inaccurate monitor readings, BAM monitors enjoy ''good precision'' and may actually capture certain semi-volatile pollutants that FRM monitors do not.

Response: The CARB study cited by the commenter is one that compared PM–2.5 BAM and PM–2.5 FRM performance. PM–2.5 is a different pollutant from PM–10 even though both are based on particulates, but the type of particles that make up PM–10 versus PM–2.5 can be very different. The issue for EPA is not what type of equipment was used by the State or District to collect PM–10 data, but whether the data and the monitors used to collect it met EPA's quality assurance requirements.

The BAM monitor is a designated Federal equivalent method for PM–10. If the District had performed the appropriate QA procedures, as discussed elsewhere in this action, EPA would have considered the BAM data when making our attainment finding.

Comment 22: If EPA now wants to ignore and dismiss this data, EPA needs to provide a reasonable explanation, not hide behind technicalities it picks and chooses in order to support its political agenda. EPA's proposal provides none of the necessary technical analysis needed to give this reasonable basis. As a result, commenters are unable to provide meaningful comment on that basis. EPA must prepare a supplemental notice of proposed rulemaking to provide the missing analysis.

Response: EPA did provide a reasonable explanation for not using the BAM data in its decision to find that the SJV has attained the PM–10 NAAQS. As set forth in the proposal to this action, the BAM data did not meet our QA/QC requirements. The SLAMS data from the FRM network met our requirements. Thus EPA believes it does not need to prepare a supplemental notice of proposed rulemaking because the substance of its analysis was adequately included in its proposal.

G. Representativeness of Data

Comment 23: The commenter states that ''EPA should determine whether conditions of [the] last three years are typical'' or ''whether conditions during this period are representative of normal conditions for the Valley.'' The commenter points to a 1997 progress report and statements made by the District recommending caution regarding any improvements in monitored PM–10 levels in the SJV. The commenter also cites a Pittsburgh-Beaver Valley, Pennsylvania area rule (61 FR 28061, 28063) in which EPA revoked an attainment determination and pointed to the varied number of exceedances over the preceding years and the failure of the area to adequately reduce emissions as grounds for not dismissing new data indicating a continued pollution problem. Finally, the commenter notes that the District recently argued to EPA and the Ninth Circuit Court of Appeals that there was absolutely no way the SJV could attain the PM–10 standard by 2006, further emphasizing the need to evaluate whether the conditions of the last few years are an anomaly.

Response: The requirement to determine that clean air is the result of permanent and enforceable emissions reductions is a criterion for the redesignation of an area to attainment under CAA section 107(d)(3)(E).[31] This criterion need not be met for a determination of attainment or for the suspension of the associated RFP, attainment demonstration, and/or contingency measure requirements.

That aside, we believe that the attainment determination itself addresses in part the concern about unusually favorable meteorological conditions. We have long recognized that yearly variations in meteorological conditions can have a profound effect on ambient PM–10 concentrations. In setting the PM–10 standards in 1987, we changed the form of the 24-hour and annual standards to a statistical form which is based on exceedances and annual averages over 3 consecutive years. EPA stated that ''[t]he problem of

[30] The Tracy TEOM began monitoring on October 1, 2006.

[31] The redesignation of an area to attainment under CAA section 107(d)(3)(E) is a separate process from a finding of attainment. Unlike an attainment finding where we need only determine that the area has had the prerequisite number of clean years, a redesignation requires multiple determinations. Under section 107(d)(3)(E) these determinations are: (1) We must determine, at the time of the redesignation, that the area has attained the relevant NAAQS; (2) The state must have a fully approved SIP for the area; (3) We must determine that the improvements in air quality are due to permanent and enforceable reductions in emissions resulting from implementation of the SIP and applicable federal regulations and other permanent and enforceable reductions; (4) We must have fully approved a maintenance plan for the area under section 175A; (5) The state must have met all the nonattainment area requirements applicable to the area.

year-to-year variability is * * * reduced by averaging three years of data.'' See proposed and final actions promulgating the PM–10 standards at 49 FR 10408, 10413 (March 20, 1984) and 52 FR 24635, 24639–24641 (July 1, 1987).

In the case of the Pittsburgh-Beaver Valley, Pennsylvania area rule (61 FR 28061, 28063), EPA revoked an attainment determination due to violations of the ozone NAAQS that occurred after the determination was made. In response to a comment suggesting that EPA should ignore the violations due to year-to-year variability, EPA stated that ''[b]ecause the area has not adequately reduced its VOC and NO_X emissions, it is subject to ozone exceedances whenever meteorological conditions are conducive to ozone formation.'' The commenter on our proposed attainment determination for the SJV implies that because EPA recognizes year-to-year variability in data and that both the SJV and the Pittsburgh-Beaver Valley areas had variable data over the years, EPA should address whether conditions were typical or normal before making the attainment determination for SJV. However, the SJV has 3 recent years (2003–2005) of clean data whereas the Pittsburgh-Beaver Valley area did not have clean data at the time of the attainment determination revocation.

The 2003 PM–10 Plan demonstrates attainment of the PM–10 standards by 2010. 69 FR 30006. The 2003 PM–10 Plan's attainment demonstration is based on air quality modeling of emissions reductions from State and District measures. As such it is a prediction of what ambient conditions will be in the future. In contrast, as discussed above, a determination of attainment, based on monitored air quality data, reflects actual ambient conditions over a three year period. Given the margin of error in air quality modeling, particularly for PM–10, a disparity between modeling and monitored data is not unusual. While, as stated above, the three year requirement does to a certain extent address anomalous meteorological conditions, an analysis of whether ''* * * the improvements in air quality are due to permanent and enforceable reductions in emissions * * *'' is primarily addressed as a prerequisite for redesignation of an area to attainment under CAA section 107(d)(3)(E) to ensure that reductions will remain in place even where weather variations occur.

Finally, the commenter also points to statements made in a SJV 1997 PM–10 progress report in which the District discusses the favorable meteorological conditions (i.e., rain) during 1993–1998 which may or may not have led to fewer PM–10 exceedances. However, our PM–10 attainment determination is based on the years 2003–2005. Again, whether or not 2003–2005 was a period of normal conditions and whether the SJV could continue to demonstrate attainment under all predicted weather conditions is a criterion that must be addressed in connection with a redesignation, but not for an attainment determination.

Comment 24: The commenter contends that EPA's decision is not reasonable, and that EPA has never attempted to make an attainment determination based on so few years of monitoring and in the face of such countervailing evidence. The commenter further contends that EPA is motivated by a desire to avoid legal deadlines.

Response: As set forth above, in responses to comments, EPA believes that its decision is a reasonable one, based on three complete years of quality-assured data, and supported by the evidence. Moreover, the commenter is wrong in alleging that EPA has never before based a determination of attainment on three years of data. EPA has in numerous instances done so. See, for example, 60 FR 37366 (July 20, 1995) (Grand Rapids), 66 FR 1925 (January 10, 2001) and 66 FR 53094 (October 19, 2001) (Pittsburgh-Beaver Valley), 66 FR 27583 (May 17, 2001) and 66 FR 53655 (October 23, 2001) (Louisville), 68 FR 25418, 25429 (May 12, 2003) (St. Louis), 69 FR 21717 (April 22, 2004) (Bay Area). The commenter's speculation as to EPA's motivation is irrelevant. EPA's determination that the SJV area has attained the standards is, as shown elsewhere in this notice, supported by quality assured data and in compliance with statutory and regulatory requirements.

H. Other Comments

Comment 25: Approximately two thousand commenters sent letters (all via e-mail except one via postcard) to EPA stating that they are concerned about the attainment determination. All commenters were specifically concerned about the air quality in the Valley, about a monitoring network that reads only once every six days and does not account for the agriculture-heavy west side and about EPA ignoring violations from monitors. Commenters were also concerned that the finding would relieve EPA and the District of obligations to continue to address the particulate matter problem and air pollution problems in general. Many commenters provided personal accounts of health issues (e.g., asthma, difficulty breathing, hospital visits, use of inhalers) while living in the San Joaquin Valley.

Response: As noted above, the comments of individual citizens raised many of the same issues set forth in the comments of Earthjustice, and EPA has addressed those comments in the context of its responses to Earthjustice. Like the commenters, EPA is concerned about the air quality of the SJV and the health of its residents. The SJV is a nonattainment area for ozone as well as for PM–10 and PM–2.5. In general in the SJV, ozone is a summertime problem and PM is a fall and wintertime problem. EPA has invested significant resources in developing clean air plans and measures to reduce the air pollution in the SJV to levels considered safe by Federal standards. EPA's determination that the SJV has attained the PM–10 standards does not in any way relieve the District, State, or EPA of any of the strategies currently in place to achieve cleaner air.[32] CARB and the District have stated this in their request for an attainment determination (May 8, 2006 letter to Wayne Nastri, Regional Administrator, EPA Region 9, from Catherine Witherspoon, Executive Officer, CARB) and the District has restated it in its comment letter in connection with this rulemaking (August 14, 2006 letter to Doris Lo, EPA Region 9, from Seyed Sadredin, Executive Director/Air Pollution Control Officer, San Joaquin Valley Unified Air Pollution Control District). The measures and commitments approved by EPA in the 2003 PM–10 Plan continue to be implemented, and EPA expects more strategies and measures that will lead to further reductions as the District and CARB develop plans to meet the more stringent PM–2.5 NAAQS and the 8-hour ozone standard.

Furthermore, while some monitors may only take ambient air quality readings once every six days, the data from these monitors is adjusted to account for the days that are not monitored. Thus, as a simplified example, if a one in six day monitor records an exceedance of the PM–10 NAAQS, that exceedance must be multiplied by six to account for the days it did not monitor. In addition, EPA disagrees with the commenter's assertion that the agricultural sources of the western side of the Valley are not accounted for. The Corcoran monitoring

[32] In addition, CARB or the District cannot revise their SIP to drop any SIP-approved strategies unless they can demonstrate that the revision will not ''* * * interfere with any applicable requirement concerning attainment and reasonable further progress * * * or any other applicable requirement * * *'' of the Act. See section 110(l) of the CAA.

site does monitor emissions from agricultural sources and is thus representative of air quality levels in the western portion of the Valley. In addition, the agricultural regulations for the SJV are applicable to sources throughout the Valley, including those in the western portion of the SJV. Finally, EPA does not ignore actual violations, but as discussed in response to comments above, certain data purporting to show exceedances of the PM–10 standard may be excluded in determining whether an actual violation has occurred for various reasons, including the need to assure that data are reliable and accurate.

Comment 26: One commenter sent pictures of dust from combines on an agricultural field and stated that incentives were needed to help keep the dust on the ground. The commenter also discussed dusty conditions during the almond and cotton harvest in November 2005 throughout the SJV. The commenter is a farmer and believes that farmers are doing a good job of keeping dust (laden with pesticides and other residues) on the ground during the growing season because it benefits the farmer, but that there are no incentives for controlling the dust from roads. Finally, the commenter is concerned that even with the new NAAQS in the future, the attainment determination will lead to relaxation of enforcement and monitoring when more progressive and innovative steps are needed.

Response: The SJV has requirements that control dust from agricultural sources such as those discussed by the commenter. See District Rules 4550 and 8081. These requirements cover almond, cotton and other types of farming operations in the SJV and include measures that reduce dust from roads. The new more stringent PM–2.5 standards will lead to additional measures; however, even without these new standards, because the 24-hour PM–10 standard remains in effect, the enforcement of measures to reduce PM–10 and monitoring of PM–10 will still be required (see also above response to comment 14).

III. Final Action

Based on 2003–2005 quality-assured data meeting the requirements of 40 CFR part 50, appendix K, as well as data showing continued attainment, EPA is finalizing its determination that the SJV has attained the 24-hour and annual PM–10 NAAQS. The SJV continues to attain the PM–10 NAAQS in 2006 based on all available quality assured data. This action does not constitute a redesignation to attainment under CAA section 107(d)(3), because we do not yet have an approved maintenance plan as required under section 175(A) of the CAA or a determination that the area has met the other CAA requirements for redesignation. The classification and designation status in 40 CFR part 81 remains serious nonattainment for this area until such time as California meets the CAA requirements for redesignation of the SJV to attainment.

Consistent with the Agency's Clean Data Policy and its interpretation that the attainment determination suspends certain requirements as set forth in detail above, EPA is also finalizing its finding that the contingency measure requirements of CAA section 172(c)(9) no longer apply to the San Joaquin Valley PM–10 nonattainment area for so long as the area continues to attain the PM–10 NAAQS. If we subsequently determine, after notice and comment rulemaking in the **Federal Register**, that the area has violated the standard (prior to a redesignation to attainment), the requirement for contingency measures would once again be applicable.

IV. Effective Date of This Final Action

The EPA finds that there is good cause for this action to become effective immediately upon publication because a delayed effective date is unnecessary due to the nature of this action, which is a determination, based on air quality data, that certain Act requirements do not apply for so long as the area continues to attain the standard. The immediate effective date for this action is authorized under both 5 U.S.C. 553(d)(1) which provides that rulemaking actions may become effective less than 30 days after publication if the rule ''grants or recognizes an exemption or relieves a restriction'' and 5 U.S.C. 553(d)(3), which allows an effective date less than 30 days after publication ''as otherwise provided by the agency for good cause found and published with the rule.''

V. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely makes a determination based on air quality data, suspends certain requirements, and imposes no additional requirements. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Because this rule does not impose any additional enforceable duty, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely makes a determination based on air quality data and suspends certain requirements, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply because it would be inconsistent with applicable law for EPA, when determining the attainment status of an area, to use voluntary consensus standards in place of promulgated air quality standards and monitoring procedures that otherwise satisfy the provisions of the Clean Air Act. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate,

the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 29, 2006. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: October 17, 2006.

Laura Yoshii,

Acting Regional Administrator, Region 9.

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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AGRICULTURE DEPARTMENT

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Implementing open meetings within the Inter-American Foundation; clarifying amendments; published 10-30-06

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Boeing; published 9-25-06

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Weather Takeoff Minimums; Miscellaneous Amendments; published 10-30-06

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National Highway Traffic Safety Administration

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Agricultural Marketing Service

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Fees and charges increase; comments due by 11-6-06; published 10-6-06 [FR E6-16528]

AGRICULTURE DEPARTMENT

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Loan and purchase programs:

Sugar program; marketing of sugar derived from imported beet thick juice; comments due by 11-7-06; published 9-8-06 [FR E6-14881]

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Kenai Peninsula subsistence resource region; comments due by 11-9-06; published 9-27-06 [FR 06-08280]

Kenai Peninsula; subsistence resource region; comments due by 11-9-06; published 8-14-06 [FR 06-06905]

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Eastman Kodak Co.; x-ray film, color paper, digital media, inkjet paper, entertainment imaging, and health imaging; Open for comments until further notice; published 7-25-06 [FR E6-11873]

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Industry and Security Bureau

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html*.

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H.R. 6061/P.L. 109–367
Secure Fence Act of 2006 (Oct. 26, 2006; 120 Stat. 2638)

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63 (63.6580–63.8830)	(869–060–00150–6)	32.00	July 1, 2006
63 (63.8980–End)	(869–060–00151–4)	35.00	[7]July 1, 2006
64–71	(869–060–00152–2)	29.00	July 1, 2006
72–80	(869–060–00153–1)	62.00	July 1, 2006
81–85	(869–060–00154–9)	60.00	July 1, 2006
86 (86.1–86.599–99)	(869–060–00155–7)	58.00	July 1, 2006
86 (86.600–1–End)	(869–060–00156–5)	50.00	July 1, 2006
87–99	(869–060–00157–3)	60.00	July 1, 2006
100–135	(869–060–00158–1)	45.00	July 1, 2006
136–149	(869–060–00159–0)	61.00	July 1, 2006
150–189	(869–060–00160–3)	50.00	July 1, 2006
190–259	(869–060–00161–1)	39.00	July 1, 2006
260–265	(869–060–00162–0)	50.00	July 1, 2006
266–299	(869–060–00163–8)	50.00	July 1, 2006
300–399	(869–060–00164–6)	42.00	July 1, 2006
400–424	(869–060–00165–4)	56.00	[8]July 1, 2006
425–699	(869–060–00166–2)	61.00	July 1, 2006
700–789	(869–060–00167–1)	61.00	July 1, 2006
790–End	(869–060–00168–9)	61.00	July 1, 2006
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–060–00169–7)	24.00	July 1, 2006
101	(869–060–00170–1)	21.00	[11] July 1, 2006
102–200	(869–060–00171–9)	56.00	July 1, 2006
201–End	(869–060–00172–7)	24.00	July 1, 2006
42 Parts:			
1–399	(869–056–00173–8)	61.00	Oct. 1, 2005
400–429	(869–056–00174–6)	63.00	Oct. 1, 2005
430–End	(869–056–00175–4)	64.00	Oct. 1, 2005
43 Parts:			
1–999	(869–056–00176–2)	56.00	Oct. 1, 2005
1000–end	(869–056–00177–1)	62.00	Oct. 1, 2005
44	(869–056–00178–9)	50.00	Oct. 1, 2005
45 Parts:			
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500–1199	(869–056–00171–9)	56.00	Oct. 1, 2005
1200–End	(869–056–00182–7)	61.00	Oct. 1, 2005
46 Parts:			
1–40	(869–056–00183–5)	46.00	Oct. 1, 2005
41–69	(869–056–00184–3)	39.00	[9]Oct. 1, 2005
70–89	(869–056–00185–1)	14.00	[9]Oct. 1, 2005
90–139	(869–056–00186–0)	44.00	Oct. 1, 2005
140–155	(869–056–00187–8)	25.00	Oct. 1, 2005
156–165	(869–056–00188–6)	34.00	[9]Oct. 1, 2005
166–199	(869–056–00189–4)	46.00	Oct. 1, 2005
200–499	(869–056–00190–8)	40.00	Oct. 1, 2005
500–End	(869–056–00191–6)	25.00	Oct. 1, 2005
47 Parts:			
0–19	(869–056–00192–4)	61.00	Oct. 1, 2005
20–39	(869–056–00193–2)	46.00	Oct. 1, 2005
40–69	(869–056–00194–1)	40.00	Oct. 1, 2005
70–79	(869–056–00195–9)	61.00	Oct. 1, 2005
80–End	(869–056–00196–7)	61.00	Oct. 1, 2005
48 Chapters:			
1 (Parts 1–51)	(869–056–00197–5)	63.00	Oct. 1, 2005
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2 (Parts 201–299)	(869–056–00199–1)	50.00	Oct. 1, 2005
3–6	(869–056–00200–9)	34.00	Oct. 1, 2005
7–14	(869–056–00201–7)	56.00	Oct. 1, 2005
15–28	(869–056–00202–5)	47.00	Oct. 1, 2005

Title	Stock Number	Price	Revision Date
29–End	(869–056–00203–3)	47.00	Oct. 1, 2005
49 Parts:			
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186–199	(869–056–00206–8)	23.00	Oct. 1, 2005
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300–399	(869–056–00208–4)	32.00	Oct. 1, 2005
400–599	(869–056–00209–2)	64.00	Oct. 1, 2005
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1000–1199	(869–056–00211–4)	28.00	Oct. 1, 2005
1200–End	(869–056–00212–2)	34.00	Oct. 1, 2005
50 Parts:			
1–16	(869–056–00213–1)	11.00	Oct. 1, 2005
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17.95(c)–end	(869–056–00215–7)	32.00	Oct. 1, 2005
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17.99(i)–end and 17.100–end	(869–056–00217–3)	47.00	Oct. 1, 2005
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CFR Index and Findings Aids	(869–060–00050–0)	62.00	Jan. 1, 2006
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 2005, through January 1, 2006. The CFR volume issued as of January 1, 2005 should be retained.

[5] No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2006. The CFR volume issued as of April 1, 2000 should be retained.

[6] No amendments to this volume were promulgated during the period April 1, 2005, through April 1, 2006. The CFR volume issued as of April 1, 2004 should be retained.

[7] No amendments to this volume were promulgated during the period July 1, 2004, through July 1, 2005. The CFR volume issued as of July 1, 2004 should be retained.

[8] No amendments to this volume were promulgated during the period July 1, 2004, through July 1, 2005. The CFR volume issued as of July 1, 2003 should be retained.

[9] No amendments to this volume were promulgated during the period October 1, 2004, through October 1, 2005. The CFR volume issued as of October 1, 2004 should be retained.

[10] No amendments to this volume were promulgated during the period April 1, 2005, through April 1, 2006. The CFR volume issued as of April 1, 2005 should be retained.

[11] No amendments to this volume were promulgated during the period July 1, 2005, through July 1, 2006. The CFR volume issued as of July 1, 2005 should be retained.