

should be familiar with them. Any flight condition that creates excessive angle of attack on the main rotor blades can produce a stall. Low main rotor RPM, aggressive maneuvering, high collective angle (often the result of high-density altitude, over-pitching [exceeding power available] during climb, or high forward airspeed) and slow response to the low main rotor RPM warning horn and light may result in main rotor stall. The effect of these conditions can be amplified in turbulence. Main rotor stall can ultimately result in contact between the main rotor and airframe. Additional information on main rotor stall is provided in the Robinson Helicopter Company Safety Notices SN-10, SN-15, SN-20, SN-24, SN-27, and SN-29.

Mast Bumping: Mast bumping may occur with a teetering rotor system when excessive main rotor flapping results from low "G" (load factor below 1.0) or abrupt control input. A low "G" flight condition can result from an abrupt cyclic pushover in forward flight. High forward airspeed, turbulence, and excessive sideslip can accentuate the adverse effects of these control movements. The excessive flapping results in the main rotor hub assembly striking the main rotor mast with subsequent main rotor system separation from the helicopter.

To avoid these conditions, pilots are strongly urged to follow these recommendations:

- (1) Maintain cruise airspeeds greater than 60 KIAS and less than 0.9 V_{ne}.
- (2) Use maximum "power-on" RPM at all times during powered flight.
- (3) Avoid sideslip during flight. Maintain in-trim flight at all times.
- (4) Avoid large, rapid forward cyclic inputs in forward flight, and abrupt control inputs in turbulence.

Emergency Procedures Section

(1) **RIGHT ROLL IN LOW "G" CONDITION**
Gradually apply aft cyclic to restore positive "G" forces and main rotor thrust. Do not apply lateral cyclic until positive "G" forces have been established.

(2) **UNCOMMANDED PITCH, ROLL, OR YAW RESULTING FROM FLIGHT IN TURBULENCE.**

Gradually apply controls to maintain rotor RPM, positive "G" forces, and to eliminate sideslip. Minimize cyclic control inputs in turbulence; do not overcontrol.

(3) **INADVERTENT ENCOUNTER WITH MODERATE, SEVERE, OR EXTREME TURBULENCE.**

If the area of turbulence is isolated, depart the area; otherwise, land the helicopter as soon as practical.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used when approved by the Manager, Rotorcraft Standards Staff, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Standards Staff.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Standards Staff.

(c) Special flight permits, pursuant to sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199), will not be issued.

(d) This amendment becomes effective on January 26, 1996.

Issued in Fort Worth, Texas, on December 11, 1995.

Daniel P. Salvano,
Manager, Rotorcraft Directorate, Aircraft Certification Service.
[FR Doc. 95-31139 Filed 12-21-95; 8:45 am]
BILLING CODE 4910-13-U

14 CFR Part 71

[Airspace Docket No. 95-ANM-17]

Establishment of Class E Airspace; Wray, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes the Wray, Colorado, Class E airspace. This action is necessary to accommodate a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) at Wray Municipal Airport, Wray, Colorado.

EFFECTIVE DATE: 0901 UTC, February 29, 1996.

FOR FURTHER INFORMATION CONTACT: James C. Frala, System Management Branch, ANM-535/A, Federal Aviation Administration, Docket No. 95-ANM-17, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone number: (206) 227-2535.

SUPPLEMENTARY INFORMATION:
History

On October 20, 1995, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace at Wray, Colorado, to accommodate a new GPS SIAP at Wray Municipal Airport (60 FR 54206). Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1 The Class E airspace listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of Federal Aviation Regulations establishes Class E airspace at Wray, Colorado. 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. Since there is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule 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 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the FAA amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ANM CO E5 Wray, CO [New]
Wray Municipal Airport, CO
(Lat. 40°06'00"N, long. 102°14'27"W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Wray Municipal Airport; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 40°12'00"N, long. 102°30'00"W; to lat. 40°16'00"N, long. 102°03'00"W; to lat. 39°45'00"N, long. 102°03'00"W; to lat. 39°45'00"N, long. 102°14'00"W; to lat. 40°00'00"N, long. 102°30'00"W; thence to point of beginning.

* * * * *

Issued in Seattle, Washington, on November 29, 1995.

Richard E. Prang,

Acting Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 95-31203 Filed 12-21-95; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

15 CFR Part 2301

[Docket Number 950613151-5304-02]

RIN 0660-XX02

Public Telecommunications Facilities Program (PTFP), National Endowment for Children's Educational Television (NECET), Telecommunications and Information Infrastructure Assistance Program (TIIAP)

AGENCY: National Telecommunications and Information Administration, Commerce.

ACTION: Final Policy Statement and Conforming Rule Amendments.

SUMMARY: The National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce, is publishing a Final Policy Statement modifying the interpretation of its policy on the use of NTIA-funded equipment and materials in connection with sectarian activities and making conforming rule amendments.

EFFECTIVE DATE: December 22, 1995.

FOR FURTHER INFORMATION CONTACT: Jana Gagner, (202) 482-1816.

SUPPLEMENTARY INFORMATION:

I. Introduction

On June 20, 1995, the National Telecommunications and Information Administration, U.S. Department of Commerce (NTIA), published a notice in the Federal Register proposing to modify NTIA's interpretation of its policy regarding the use of Federal grant funds awarded by NTIA in connection with sectarian activities.¹ Eight parties filed comments in response to the Notice.² Based on these comments and current jurisprudence, NTIA is hereby modifying its prior interpretation of its rules, which prohibited the use of

NTIA-funded equipment, facilities, and materials in connection with any sectarian activities, no matter how incidental.

Under its new interpretation, NTIA will retain its present requirement that grant funds not be used for purposes the "essential thrust of which are sectarian,"³ but will modify its interpretation of this requirement as follows. No more than an attenuated or incidental benefit may inure to a sectarian interest if a grantee uses NTIA-funded facilities in connection with a sectarian activity. In addition, the use must fall within the broad scope of a grant program's statutory purposes. A grantee cannot, however, use NTIA grant funds primarily to support sectarian interests.

For the reasons discussed below, NTIA believes that this approach is consistent with current jurisprudence.⁴ We also discuss below in greater detail the issues raised in the June Notice regarding NTIA's policy on sectarian activities,⁵ NTIA's interpretation of its prior policy, comments received by NTIA in response to the Notice, and the application of NTIA's new policy to each of its grant programs. Our discussion is informed by relevant First Amendment jurisprudence, including the recent Supreme Court holding in *Rosenberger v. Rector and Visitors of the University of Virginia*, 115 S.Ct. 2510 (1995).

II. Background

NTIA's Prior Policy. In 1979, the Public Telecommunications Facilities Program (PTFP) of the NTIA adopted a rule prohibiting funding for any equipment, facilities, and other materials that would be used for any purposes the essential thrust of which is sectarian.⁶ NTIA's interpretation of this rule has prohibited use of NTIA-funded facilities and materials in connection

³ 15 CFR 2301.22(d). "Sectarian" is defined at 15 CFR 2301.1 as "that which has the purpose or function of advancing or propagating a religious belief." The PTFP regulation at 15 CFR §2301.22(d) provides, "During the period in which the grantee possesses or uses the Federally funded facilities (whether or not this period extends beyond the Federal interest period), the grantee may not use or allow the use of the Federally funded equipment for purposes the essential thrust of which are sectarian." NTIA considers these phrases to mean the same thing.

⁴ See *Rosenberger v. Rector and Visitors of the University of Virginia*, 115 S.Ct. 2510 (1995); *Zobrest v. Catalina Foothills Sch. Dist. (Zobrest)*, 113 S.Ct. 2462 (1993); *Witters v. Washington Dep't of Services for the Blind*, 474 U.S. 481, 487 (1986); *Mueller v. Allen*, 463 U.S. 388 (1983).

⁵ Notice, *supra* note 1.

⁶ See 44 FR 30898 (1979) for explanation of NTIA's previous policy. PTFP's regulation regarding sectarian programming appears at 15 CFR 2301.22(d).

with any sectarian activity.⁷ In implementing this "bright-line" policy interpretation, NTIA relied upon *Lemon v. Kurtzman*.⁸

NTIA's policy interpretation did, however, permit the "presentation in an educational or cultural context of music or art with a religious theme [or] of programs about religion. It [also did] not preclude distribution of instructional programming of a secular nature to church-related educational institutions."⁹ In addition, sectarian-affiliated organizations could generally apply for grant funds,¹⁰ subject, of course, to the prohibition on the use of NTIA-funded equipment, facilities, and materials for purposes the essential thrust of which is sectarian. NTIA's two newer grant programs, the National Endowment for Children's Educational Television (NECET) and the Telecommunications and Information Infrastructure Assistance Program (TIIAP), also adopted the same policy and interpretation.¹¹

In enforcing this policy over the years, NTIA required grant applicants to certify that they would comply with its policy by signing an assurance to that effect.¹² By relying upon this assurance, NTIA avoided evaluating programming schedules for sectarian content as a routine practice. Such evaluation occurred only if information contained in the application itself suggested that the applicant would violate NTIA's policy, a complaint was filed with NTIA, or NTIA otherwise became aware of information that suggested that its policy was being or would be violated. By not routinely evaluating program content and information transmitted using NTIA-funded equipment and materials, NTIA avoided excessive Government entanglement with religion,

⁷ This interpretation stems from policy statement, *infra* fn. 11 and was applied in the Fordham case.

⁸ 403 U.S. 602 (1971). The constitutional test set forth in *Lemon*—and the consistency between NTIA's new policy interpretation and that test—are described in section III.A. of this policy statement, *infra*.

⁹ Public Telecommunications Facilities Program; Report and Order, 44 FR 30898, 30902 (1979) (Report and Order).

¹⁰ *Id.* at 30,900-30,901. Previously, organizations organized for primarily religious purposes were ineligible to apply for a PTFP planning grant, although their affiliates were eligible to apply. See 15 CFR 2301.4(b)(2). We are revising this rule to be consistent with the new policy adopted herein, such that applicant eligibility will be the same for both construction and planning grants. See the conforming amendments to §2301.4 (a) and (b).

¹¹ 60 FR 15636 (1995); 60 FR 8156 (1995).

¹² The applicant "will not use or allow the use of the facilities for essentially sectarian purposes for as long as the Applicant possesses or uses the facilities" Public Telecommunications Facilities Program, Grant Application, Assurances, no. 30, at 9.

¹ 60 FR 32,142 (1995).

² The following eight parties filed comments in response to the Notice: Representative Richard Burr, the Corporation for Public Broadcasting, Fordham University, National Public Radio, North Carolina Public Radio Association, Lisa Owens, Southern Public Radio, and Wake Forest University.