presenting this information as a set of guidelines suitable for use. However, we do not intend for this proposed policy to become a binding norm; it does not form a new regulation, and the FAA would not apply or rely on it as a regulation.

The FAA Aircraft Certification Offices (ACO's) and Flight Standards District Offices (FSDO's) that certify changes in type design and approve alterations in normal, utility, and acrobatic category airplanes should try to follow this policy when appropriate. Also, as with all advisory material, this statement of policy identifies one means, but not the only means, of compliance.

Because this proposed general statement of policy only announces what the FAA seeks to establish as policy, the FAA considers it to be an issue for which public comment is appropriate. Therefore, the FAA requests comments on the following proposed general statement of policy relevant to compliance with § 23.777 of the Federal Aviation Regulations (14 CFR 23.777), and other related regulations.

Background

How does part 23 address the automatic pilot (autopilot) and control wheel steering? The guidance on autopilots used in part 23 airplanes does not specifically address Control Wheel Steering (CWS). Before 1996, CWS was a term used by industry to describe a momentary autopilot interrupt mode. Holding the CWS switch depressed temporarily disconnected the autopilot pitch and roll servos so the airplane could be maneuvered. When the CWS switch was released, the autopilot servos would reengage in the same mode as previously selected.

One minor exception was where an autopilot dropped the vertical axis from the reengagement. But in no case was there a change to a mode that had not been selected.

What recent developments have led to this proposed policy? More recently, there have been some autopilots certificated that could be engaged from a CWS mode switch on the primary flight controls. Additionally, some autopilots were certificated that changed modes from what had been previously selected by depressing the CWS switch.

In some cases, these two installations could lead to inadvertent autopilot engagement or mode changes during critical phases of flight such as liftoff, approach, and landing flare. Inadvertent operation could then lead to confusion and a misperception of a flight control problem or an unintended loss of approach coupling.

Although not specifically pertinent to autopilot controls, § 23.777 of the Federal Aviation Regulations (14 CFR 23.777) requires that each cockpit control ''be located . . . to provide convenient operation and to prevent confusion and inadvertent operation.''

The Proposed Policy

In order to comply with the intent of § 23.777 of the Federal Aviation Regulations (14 CFR 23.777) as applicable to automatic pilots (autopilots) installed in part 23 airplanes, autopilots should be evaluated in accordance with the following:

Note: These characteristics are not applicable to ''go around'' mode switches which are allowed on throttles.

- The automatic pilot (autopilot) should not be engaged from a switch on the primary flight controls, unless that switch is protected so inadvertent engagement is not possible. Guards covering the switch, which can be moved to provide access to the switch, may be acceptable in some cases.
- Mode changes should not be made by using a switch on the primary flight controls unless some reliable means is provided to prevent unsafe conditions caused by inadvertent mode changes. Refer to § 23.1329(h) of the Federal Aviation Regulations (14 CFR 23.1329(h)).
- The autopilot disengage button should be the color red and be of different design from nearby switches so it is distinguishable by touch.

Issued in Kansas City, Missouri on January 2, 2001.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–1276 Filed 1–16–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2001–8669]

Crowley Maritime Corporation; Notice of Application for Written Permission Under Section 805(a) of the Merchant Marine Act, 1936, as Amended

AGENCY: Maritime Administration, Transportation.

ACTION: Notice of Application.

SUMMARY: Crowley Maritime Corporation (Crowley), by letter dated January 4, 2001, requests written permission under section 805(a) of the Merchant Marine Act, 1936, as amended (Act), to allow Marine Transport Corporation's (MTC) vessels CHEMICAL EXPLORER and CHEMICAL TRADER to continue to receive operating-differential subsidy (ODS) after MTC becomes a subsidiary of Crowley. This section 805(a) permission is necessary for these vessels to continue to receive ODS because Crowley, through its subsidiaries, owns and operates vessels engaged in the domestic inter-coastal or coastwise service.

DATES: You should submit your comments early enough to ensure that Docket Management receives them not later than close of business (5 p.m. est) on January 31, 2001.

ADDRESSES: Your comments should refer to docket number MARAD–2001–8669. You may submit your comments in writing to: Docket Clerk, U.S. DOT Dockets, Room PL–401, 400 7th Street, SW, Washington, DC 20590. You may also submit them electronically via the internet at *http://dmses.dot.gov/submit/.* You may call Docket Management at (202) 366–9324 and visit the Docket Room from 10 a.m. to 5 p.m., EST., Monday through Friday, except Federal Holidays. An electronic version of this document is available on the World Wide Web at *http://dms.dot.gov*.

FOR FURTHER INFORMATION CONTACT: You may call Edmond J. Fitzgerald, Director, Office of Insurance and Shipping Analysis, (202) 366–2400. You may send mail to Edmond J. Fitzgerald, Director, Office of Insurance and Shipping Analysis, Room 8117, Maritime Administration, 400 Seventh St., SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Comments

How Do I Prepare and Submit Comments?

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the docket number of this document in your comments. We encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents to your comments. There is no limit on the length of the attachments. Please submit two copies of your comments, including the attachments, to Docket Management at the address given above under **ADDRESSES**.

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelop containing your comments. Docket

Management will return the postcard by mail.

How do I submit confidential business information? If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, Maritime Administration, at the address given above under **FOR FURTHER INFORMATION CONTACT**. You should mark ''CONFIDENTIAL'' on each page of the original document that your would like to keep confidential. In addition, you should submit two copies, from which your have deleted the claimed confidential business information, to Docket Management at the address given under **ADDRESSES**. When you send comments containing information claimed to be confidential business information, you should include a cover letter setting forth with specificity the basis for any such claim.

Will the Agency Consider Late Comments?

We will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments that Docket Management receives after that date.

How Can I Read Comments Submitted by Other People?

You may read the comments received by Docket Management at the address given above under **ADDRESSES**. The hours of the Docket Room are indicated above in the same location. You may also see the comments on the Internet. To read the comments on the Internet, take the following steps: Go to the Docket Management System (DMS) Web page of the Department of Transportation (http//dmses.dot.gov/), click on the box labeled ''Search''. The docket number for this document is MARAD–2001–8669. After typing in the last four-digits of the docket number, click on ''search.'' On the next page, which contains the docket summary information for the docket you selected, click on the desired comments. You may download the comments.

Application Request

Crowley and its wholly owned subsidiary, Shiloh Acquisition, Inc. (Shiloh), entered into an Agreement of Merger with MTC dated December 20, 2000. As part of the process, Shiloh will make a Tender Offer to purchase all the shares of MTC on January 5, 2001, which offer will expire on February 5, 2001, at which time Crowley expects to have control of MTC and subsequently thereafter effect a complete merger between Shiloh and MTC, with MTC being the surviving corporation as a direct subsidiary of Crowley.

MTC, through its subsidiaries, Frances ODS Corporation and Julius ODS Corporation, has two operating-differential subsidy agreements with the Maritime Administration dated as of September 30, 1998, Contract No. MA/MSB–442 and Contract No. MA/MSB–440, respectively. Pursuant to these agreements, Frances ODS Corporation receives ODS for the SMT CHEMICAL EXPLORER and Julius ODS Corporation receives ODS for SMT CHEMICAL TRADER. The agreement for SMT CHEMICAL EXPLORER will terminate by its terms on September 18, 2001 and the agreement for SMT CHEMICAL TRADER will terminate by its terms on March 25, 2001. Frances ODS Corporation receives approximately $8,500 per day pursuant to the agreement for the SMT CHEMICAL EXPLORER and Julius ODS Corporation receives approximately $8,100 per day pursuant to the agreement for SMT CHEMICAL TRADER.

Crowley, through its subsidiaries, owns and operates vessels engaged in the domestic inter-coastal or coastwise service, and has provided as an attachment to its application: Schedule A—the fleet of tugs and barges operating on the West Coast and Alaska and the Gulf; Schedule B—the fleet of tugs and barges operating in the U.S.-Puerto Rico trade; Schedule C—the fleet of tugs and barges operating on the East Coast and Gulf; and , Schedule D—the fleet of oil tankers operating throughout the Jones Act trading areas. These schedules show the horsepower of the tugs, capacity of the barges and tankers as well as the general itineraries. Interested parties may review these schedules by reading the application which is part of the docket and is accessible electronically via the internet, or personally at the DOT Docket Room, as described above under how to read comments submitted by other people.

In connection with these domestic services, Crowley requests written permission of the Secretary of Transportation, pursuant to section 805(a) of the Act to allow the MTC subsidiaries to continue to receive ODS pursuant to the subsidy contracts referred to above after MTC becomes a wholly owned subsidiary of Crowley.

In deciding whether to grant Crowley's application for a waiver pursuant to section 805(a) of the Act, Crowley requests the Maritime Administration to consider the following:

First, continued receipt by the two subsidiaries of MTC of ODS will not leak to Crowley. The subsidy dollars received by the two MTC subsidiaries will be used for the purposes set forth in the section 603 of the Act, as financial aid for the operation of the two vessels, the CHEMICAL EXPLORER and CHEMICAL TRADER. Thus, the ODS payments will remain with and be used by the ODS contractors, Frances ODS Corporation and Julius ODS Corporation.

Second, the continued receipt of ODS will be for (i) a relatively small amount of money and (ii) for a very short period of time. Crowley expects to have control of and complete the merger process by early February 2001. If this timetable holds firm, it would mean that Juluis ODS Corporation will receive subsidy for approximately one and a half months and Frances ODS Corporation will receive subsidy for approximately six and a half months. During this short period of time, the subsidy payments will be used by the ODS contractors and not leaked to Crowley.

Third, Crowley has been an operator in the Jones Act trades for over 100 years and, operates a wide range of vessels throughout the entire Jones Act trade area. Receipt of (i) a relatively small amount of ODS, (ii) for a short period of time; and (iii) earmarked for use by the Julius ODS Corporation and Frances ODS Corporation in the operation of the CHEMICAL TRADER and CHEMICAL EXPLORER will not leak to any of Crowley's wide range of Jones Act operations. In addition, it should be noted that by reason of the Title XI Reserve Fund and Financial Agreement between MARAD and the Julius ODS Corporation and the Frances ODS Corporation, those companies are prohibited from dividending any monies to their corporate parent and will continue to be so restricted through the date of the last ODS payment on September 18, 2001. Thus, there is no way for MTC to leak the ODS payments to Crowley.

For the reasons set forth above, Crowley believes that the grant of the requested section 805(a) waiver will not result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or inter-coastal service or that it would be prejudicial to the objects and policy of the Act and a hearing on the matter is not needed.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in Crowley's request and desiring to submit comments

together with petition for leave to intervene should do so in accordance with the above instructions for submitting comments. The petition should state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petition for leave to intervene is received with the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations: (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or inter-coastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Programs No. 20.805 Operating-Differential Subsidies)

By Order of the Maritime Administrator.
Dated: January 11, 2001.

Joel C. Richard,

Secretary.

[FR Doc. 01–1359 Filed 1–16–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2000–8666]

ALASKA ROSE, BERING ROSE, and SEA WOLF—Applicability of Preferred Mortgage, Ownership and Control Requirements to Obtain a Fishery Endorsement

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a petition requesting MARAD to issue a determination that the ownership and control requirements and the preferred mortgage requirements of the American Fisheries Act of 1998 and 46 CFR Part 356 are in conflict with an international investment agreement.

SUMMARY: The Maritime Administration (MARAD, we, our, or us) is soliciting public comments on a petition from the owners and mortgagees of the vessels ALASKA ROSE—Official Number 610984, BERING SEA—Official Number 609823, and SEA WOLF—Official Number 609823 (hereinafter the ''Vessels''). The petition requests that MARAD issue a decision that the American Fisheries Act of 1998 (''AFA''), Division C, Title II, Subtitle I, Pub. L. 105–277, and our regulations at 46 CFR Part 356 (65 Fed. Reg. 44860 (July 19, 2000)) are in conflict with the U.S.-Japan Treaty and Protocol Regarding Friendship, Commerce and Navigation, 206 UNTS 143, TIAS 2863, 4 UST 2063 (1953) (''U.S.-Japan FCN'' or ''Treaty''). The petition is submitted pursuant to 46 CFR 356.53 and 213(g) of AFA, which provide that the requirements of the AFA and the implementing regulations will not apply to the owners or mortgagees of a U.S.-flag vessel documented with a fishery endorsement to the extent that the provisions of the AFA conflict with an existing international agreement relating to foreign investment to which the United States is a party. This notice sets forth the provisions of the international agreement that the Petitioner alleges are in conflict with the AFA and 46 CFR Part 356 and the arguments submitted by the Petitioner in support of its request. If MARAD determines that the AFA and MARAD's implementing regulations conflict with the U.S.-Japan FCN, the requirements of 46 CFR Part 356 and the AFA will not apply to the extent of the inconsistency. Accordingly, interested parties are invited to submit their views on this petition and whether there is a conflict between the U.S.-Japan FCN and the requirements of both the AFA and 46 CFR Part 356. In addition to receiving the views of interested parties, MARAD will consult with other Departments and Agencies within the Federal Government that have responsibility or expertise related to the interpretation of or application of international investment agreements.

DATES: You should submit your comments early enough to ensure that Docket Management receives them not later than February 16, 2001.

ADDRESSES: Comments should refer to the docket number that appears at the top of this document. Written comments may be submitted by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., S.W., Washington, D.C. 20590–0001. You may also send comments electronically via the Internet at http://dms.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except Federal Holidays. An electronic version of this document and all documents entered into this docket are available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: John T. Marquez, Jr. of the Office of Chief Counsel at (202) 366–5320. You may send mail to John T. Marquez, Jr., Maritime Administration, Office of Chief Counsel, Room 7228, MAR–222, 400 Seventh St., S.W., Washington, D.C., 20590–0001 or you may send e-mail to John.Marquez@marad.dot.gov.

SUPPLEMENTARY INFORMATION:

Background

The AFA was enacted in 1998 to give U.S. interests a priority in the harvest of U.S.-fishery resources by increasing the requirements for U.S. Citizen ownership, control and financing of U.S.-flag vessels documented with a fishery endorsement. MARAD was charged with promulgating implementing regulations for fishing vessels of 100 feet or greater in registered length while the Coast Guard retains responsibility for vessels under 100 feet.

Section 202 of the AFA, raises, with some exceptions, the U.S.-Citizen ownership and control standards for U.S.-flag vessels that are documented with a fishery endorsement and operating in U.S.-waters. The ownership and control standard was increased from the controlling interest standard (greater than 50%) of 2(b) of Shipping Act, 1916 (''1916 Act''), as amended, 46 App. U.S.C. 802(b), to the standard contained in 2(c) of the 1916 Act, 46 App. U.S.C. 802(c), which requires that 75 percent of the ownership and control in a vessel owning entity be vested in U.S. Citizens. In addition, section 204 of the AFA repeals the ownership grandfather ''savings provision'' in the Anti-Reflagging Act of 1987, Pub. L. 100–239, 7(b), 101 Stat 1778 (1988), which permits foreign control of companies owning certain fishing vessels.

Section 202 of the AFA also establishes new requirements to hold a preferred mortgage on a vessel with a fishery endorsement. State or federally chartered financial institutions must now comply with the controlling interest standard of 2(b) of the 1916 Act in order to hold a preferred mortgage on a vessel with a fishery endorsement. Entities other than state or federally chartered financial institutions must either meet the 75% ownership and control requirements of 2(c) of the 1916 Act or utilize an approved U.S.-Citizen Trustee that meets the 75% ownership and control requirements to hold the