

hour. The applicant will need to define a process for screening military engine operating and maintenance records to insure their accuracy.

For engines lacking complete, accurate time in service (TIS) and operating records, the time remaining on life limited parts is considered unknown, therefore, such parts are considered not airworthy and will be required to be removed. For those engines having accurate TIS and service history records, the applicant will be required to develop a conversion factor(s) to convert TIS of past engine usage in military service to the equivalent civil engine cycles which will include cumulative partial cycles. The procedure for such conversions must be submitted to and approved by the FAA. The applicant will need to use the published life limit in civil engine manuals for all life limited engine hardware to establish the remaining cycles. If applicable, the applicant must also develop procedures approved by the FAA to account for anticipated additional life to be consumed from other aircraft operating modes, such as external load and repetitive heavy lift operations, that are not considered in the published life in the civil engine manuals.

e. Continued Airworthiness

The applicant will be required to provide Instructions for Continued Airworthiness in accordance with § 33.4 or the civil counterpart engine manuals acceptable to the FAA. The applicant will be responsible for maintaining pertinent information concerning continued airworthiness of the engines, such as future ADs and service difficulties. In addition, the type certificate holder is responsible for corrective actions of service difficulties including support of all accident, incident, and service difficulty engineering investigations.

f. Identification Marking

The existing military identification marking (data plate) should remain attached to the engine. A supplemental data plate, in compliance with the requirements of part 45, will be used to further identify the applicant's engine.

g. Airworthiness Directives (AD's)

The applicant would be required to comply with all FAA AD's pertaining to the civil equivalent engine and certain military Time Compliance Technical Orders (i.e., the military equivalent to AD) that are approved by the FAA for the engines.

h. Overhaul

The engine will need to be in newly overhauled condition according to civil engine manuals by a maintenance facility certified by the FAA.

Post Certification Activity

The design evaluation does not end with the issuance of the type certificate. Regulations require type certificate holders to submit various reports and data on the aircraft's service experience and to perform periodic inspections and maintenance necessary to assure continued airworthiness. The FAA continues to monitor the safety performance of a design after the type design is approved and the aircraft is introduced into service through the various reports and data that the FAA receives and with postcertification design reviews when necessary. The airworthiness standards such as part 29, and the operational standards, such as parts 91 and 135, are amended from time to time to incorporate new technologies and to upgrade the existing level of safety. If an unsafe condition is found as a result of service experience and that condition is likely to exist or develop in other products of the same type, the FAA issues an AD under part 39 to require a change to the type design or to define special inspection or operational limitations. In effect, these are retroactive applications of required type design changes.

Issued in Fort Worth, Texas, on June 20, 1997.

Eric Bries,

Acting Manager, Aircraft Certification Service, Rotorcraft Directorate.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Kistler Aerospace Corp.; Intent To Prepare an Environmental Assessment

AGENCY: Federal Aviation Administration (FAA), Associate Administrator for Commercial Space Transportation, DOT.

ACTION: Notice of Intent to Prepare an Environmental Assessment.

SUMMARY: This Notice provides information to Federal, state, and local agencies, affected Native American tribes, and other interested persons on the Federal Aviation Administration's (FAA) intent to prepare an environmental assessment (EA) of Kistler Aerospace Corporation's (Kistler) proposed launch vehicle operations at

the Nevada Test Site (NTS). The FAA, as lead Federal agency, will prepare the EA in accordance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*) and the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1508), as part of its licensing process for the proposed Kistler project. The U.S. Department of Energy (DOE) is responsible for administering the NTS, and will be a cooperating agency in the development of the EA. Kistler proposes to use private funds to construct and operate facilities for purposes of conducting commercial space launch test and operational flights of the Kistler K-1, a reusable two-stage aerospace vehicle, at Area 18 of the DOE NTS, located in Nye County, Nevada. Proposed operations include suborbital and orbital test flights (launch and reentry). Kistler plans to launch communications and other commercial satellites as well as government satellites into low earth orbits.

Background

The Federal Aviation Administration (FAA) and the Department of Energy (DOE) are cooperating agencies in the preparation of an environmental assessment (EA) of Kistler Aerospace Corporation's (Kistler's) proposed operations at the Nevada Test Site (NTS) to determine whether those operations would have significant impacts on the environment. The EA will cover construction of facilities, ground activities (component testing, transportation and storage of fuels and explosives, etc.), pre-flight vehicle and payload preparation activities, launch, reentry and recovery/landing operations.

The FAA is the lead Federal agency in preparing the EA because of its licensing authority for commercial launch activities under 49 U.S.C. Subtitle IX, Ch. 701, formerly the Commercial Space Launch Act of 1984, as amended (CSLA). The CSLA authorizes the Secretary of Transportation to oversee, license and coordinate U.S. commercial space launch activities. Under the CSLA, the Secretary exercises this authority in a manner that ensures the protection of public health and safety, the safety of property, and national security and foreign policy interests of the United States. The Secretary has delegated this authority to the Administrator of the Federal Aviation Administration, who in turn has redelegated this authority to the Associate Administrator for Commercial Space Transportation (AST). Kistler intends to apply for a

license to conduct launch operations from NTS. Because licensing Kistler's operations is a major Federal action, compliance with NEPA is required.

The DOE is a cooperating agency regarding the proposed action because it is responsible for operating and managing the NTS. The Record of Decision for the Environmental Impact Statement for the NTS and Off-Site Locations in the State of Nevada, prepared by DOE and issued December 9, 1996, found that non-defense research activities, like the Kistler project, are an appropriate use for the NTS.

The Nevada Test Site Development Corporation (NTSDC) is a nonprofit Nevada corporation formed at the direction of Nevada Governor Miller to encourage economic development projects at NTS. DOE has designated NTSDC as a community reuse organization and issued grants to NTSDC in support of that organizational purpose. Under a use permit to be issued by the DOE to the NTSDC, the NTSDC may sub-permit use of a particular site on the NTS.

The EA will be provided for review to the States of Nevada, Utah, and Idaho because of overflights by the Kistler K-1 vehicle during proposed orbital launches and to other interested Federal, state, local, and private entities.

Proposed Action

The Proposed Action is licensing Kistler for the purpose of conducting commercial launch activities involving reentry/recovery activities as part of the launch mission. The operations will be conducted from a proposed site which would include newly-constructed facilities and infrastructure for testing and operating the Kistler K-1 reusable launch vehicle. The function of K-1 will be to launch satellites and other payloads into prescribed orbits for commercial and government customers. Under the proposed action, the FAA would license Kistler to conduct flight tests involving launches of its reusable launch vehicles and their recovery at the site and, as appropriate, determine approval for ongoing launch/flight operations at NTS for the purpose of launching communications and other commercial satellites as well as government satellites into low earth orbits. The FAA would also evaluate reentry and recovery/landing operations as part of launch missions. The activities within the NTS will include the conduct of launch and recovery operations utilizing a vehicle processing facility, a launch pad, and vehicle landing/recovery area. One to three suborbital test flights, followed by one to three orbital test flights would be

conducted, with the first test flight scheduled for 1998. Following successful test flights, and upon issuance of required FAA approvals, Kistler plans to begin commercial operations, on northerly (84-92 degree inclination) and northeasterly headings (52-60 degree inclinations). The northerly flights would overfly the states of Nevada and Idaho before entering low earth orbit. The northeasterly flights would overfly the states of Nevada, Utah, and Wyoming before entering low earth orbit. Operating plans estimate 6 test launches in 1998—3 suborbital and 3 orbital, and a commercial launch capability of one launch per week by 2005, depending on commercial market requirements.

Alternative Sites

Proposed locations for the Kistler facilities are being identified by DOE through a siting process that considers existing and planned land uses at the NTS. Site selection within the NTS also takes into consideration alternatives proposed by Kistler and concerns raised by other users of the NTS. Included among the alternatives under consideration are the no action alternative and Area 18, which is in the northwest section of the NTS. The FAA will independently review the site selection process with respect to feasibility and environmental considerations and determine whether there are additional alternatives that are reasonable for detailed study in the EA.

If the environmental assessment process does not identify significant environmental impacts, AST will issue a Finding of No Significant Impact (FONSI). The FAA would make the FONSI available for public review for 30 days by announcing its availability in the **Federal Register** because of the unprecedented nature of the proposed action. Any questions and comments regarding the EA may be directed to FAA, Attn: Mr. Nikos Himaras, Commercial Space Transportation, FAA, DOT, 400 Seventh Street, Room No. 5402a, SW., Washington, DC 20590. He may also be reached at his Internet address of: nick.himaras@faa.dot.gov.

Issued in Washington, DC on June 24, 1997.

Patricia Grace Smith,

Acting Associate Administrator for Commercial Space Transportation.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-97-35]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of the FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before July 22, 1997.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC-200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, D.C. 20591..

Comments may also be sent electronically to the following internet address: 9-NPRM-CMNTSfaa.dot.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT: Heather Thorson (202) 267-7470 or Angela Anderson (202) 267-9681 Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).