b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law. Specific limitations with respect to the FAA's approval of an airport Noise Compatibility Program are delineated in FAR Part 150, Section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Burlingame, California.

The City of Chico, California submitted to the FAA on December 16, 1992 the Noise Exposure Maps, descriptions, and other documentation produced during the Noise Compatibility Planning study conducted from August 1991 through March 1995. The Noise Exposure Maps were determined by the FAA to be in compliance with applicable requirements on April 23, 1993. Notice of this determination was published in the Federal Register on May 3, 1993. The study contains a proposed Notice Compatibility Program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions form the date of study completion and beyond the year 1996. It was requested that the FAA evaluate and approve this material as a Noise Compatibility Program as described in Section 104(b) of the Act. The FAA began its review of the program on March 22, 1996 and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained 15 proposed actions for noise mitigation on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program, therefore, was approved by the Associate Administrator for Airports effective September 18, 1996. Outright approval was granted for 13 of the specific program elements: Retention of existing altitude requirements; Existing posted directional signs; Existing planning and zoning consideration of noise; Existing requirement of avigation easements; Periodic noise exposure map updates; Overflight protection zone; Easement dedication; Notice of airport noise; Requirement for acoustical studies within the areas of CNEL 55dB and above; Preferential approach and departure flight tracks; Establish interagency coordination procedures/maintain public information; Post informational signs at takeoff end of runways; Noise abatement advisories; Flight training/compliance; Increased pilot awareness. One (1) element was disapproved for the purposes of Part 150 upon the finding that it is more properly categorized under Part 77. The other measure, a suggested modification to the VOR approach to Runway 31R was disapproved pending submission of adequate information to make the informed analysis concerning the effectiveness of this measure.

These determinations are set forth in detail in a Record of Approval endorsed by the Associate Administrator for Airports on September 18, 1996. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the Chico Municipal Airport, Chico, California.

Issued in Hawthorne, California on October 4, 1996.

Herman C. Bliss,

Manager, Airports Division, Western-Pacific Region.

[FR Doc. 96–26662 Filed 10–16–96; 8:45 am]

BILLING CODE 4910–13–M

[Docket No. 28611]

Finding of No Significant Impact

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Finding of no significant impact.

SUMMARY: The FAA prepared an Environmental Assessment (EA) to evaluate the Alaska Aerospace Development Corporation's (AADC) proposal to construct and operate a launch site at Narrow Cape on Kodiak Island, Alaska, and issued a proposed Finding of No Significant Impact (FONSI) for public comment on June 25, 1996, for 30 days. After reviewing and analyzing currently available data and information on existing conditions, project impacts, and measures to mitigate those impacts, and after considering public comments, the Office of the Associate Administrator for Commercial Space Transportation (AST) has determined that licensing the operation of the proposed launch site is not a major Federal action that would significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act (NEPA) of 1969. Therefore the preparation of an environmental impact statement is not required and AST is issuing a Finding of No Significant Impact (FONSI).

FOR A COPY OF THE KODIAK LAUNCH COMPLEX ENVIRONMENTAL ASSESSMENT CONTACT: Mr. Nikos Himaras, Office of the Associate Administrator for Commercial Space Transportation, Licensing and Safety Division, 400 Seventh Street, SW., Washington, D.C. 20590; phone (202) 366–2455; or refer to the following Internet address: http://www.dot.gov/dotinfo/faa/cst/cst.html.

DATES: The FAA made its proposed FONSI available for public comment on June 25, 1996, for 30 days.

Proposed Action

The FAA licenses the operation of non-Federal launch sites in the United States, such as AADC's proposed construction and operation of Kodiak Launch Complex (KLC), a commercial space launch site on Kodiak Island, Alaska, pursuant to 49 U.S.C. 70101–70119, formerly the Commercial Space Launch Act. Licensing the operation of a launch site is a proposed Federal action requiring environmental analysis by the FAA in accordance with the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* Upon receipt of a complete application, the Associate Administrator for Commercial Space Transportation must determine

whether to issue a license to AADC to operate. Environmental findings are required for a license evaluation.

A recently enacted Interstate Commerce Commission sunset legislation (Public Law 104–88) addresses National Environmental Policy Act applicability to licensing actions (see Page 1–5 of the EA). This provision does not affect preparation of the KLC EA but obviates the need for preparation of an environmental impact statement if the Department of the Army has issued a permit for the activity and the Army Corps of Engineers has found the activity has no significant impact. The Department of the Army Corps of Engineers proposes to find that the activity would have no significant impact and is holding permit issuance pending AST's issuance of the FONSI.

The launch site would be located on a 3,100-acre tract of state-owned land on a peninsula known as Narrow Cape. Construction for the project would involve (1) Upgrading about 3 km of gravel access road; (2) creating two laydown areas for construction equipment; (3) building a launch control center, a payload processing facility, the launch area, and a water pump house; and (4) use of existing quarry sites to obtain fill material. Construction would disturb approximately 43 acres, including about 1.5 acres of wetlands, most of which is adjacent to the gravel road leading to the launch complex.

To launch launch vehicles from KLC, fee-paying customers would (1) Transport launch vehicle components, payloads, associated parts, and staff to the site; (2) assemble vehicle components and payloads and prepare for launch; and (3) launch and track payloads into orbit. Operations would begin in 1998, and about 3 launch vehicles per year would be launched during the first four years. Anticipated frequency of use would increase to a maximum of 9 launches per year over the 22 years of operation. Materials would be transported to Kodiak Island by container ship, ocean barge, or airplane, and transported to the KLC by truck. Initially, approximately 100 people would be onsite for 6 weeks before a launch. Operations could eventually involve up to 14,000 person-days per year onsite. The KLC would provide the site for launching smaller solid rocket motor launch vehicles such as Lockheed Martin Launch Vehicles 1 and 2, Minuteman II (modified for commercial use), Taurus, and Conestoga.

Alternatives Considered

The alternatives available to AST consist of: (1) The proposed action, licensing the operation of a launch site at KLC, and (2) the no action alternative. AADC has conducted a state-wide siting survey that evaluated 27 alternative locations for a space launch facility. AST has given substantial weight to the preferences of AADC in selecting the proposed site, because AST's review indicates that there is no substantially superior alternative site, from an environmental standpoint, that is operationally feasible.

The KLC was designed to avoid impacts to wetlands to the extent practicable. The payload processing area and the access road to the launch area were re-sited to avoid wetland disturbance, and the launch control center was redesigned to minimize wetland impacts. The launch control center, however, must be located a minimum distance from the launch area and must have a direct view of the launch area. The only alternative for siting the launch control center to avoid completely wetlands would have required access road construction that would have affected more wetlands. The only alternative that would have avoided wetlands destruction in upgrading Pasagshak Point Road would have involved extensive road relocation, substantial destruction of non-wetland habitat, and prohibitive expense. Because of these factors, no practicable alternatives to the proposed construction were available and the proposed action includes all practicable measures to minimize harm to wetlands which may result from the project (See Section 4.5.1.1 of the EA). The Alaska District of the U.S. Army Corps of engineers issued a public notice regarding project construction and wetlands involvement on September 7, 1995, providing the public and appropriate state and Federal agencies an opportunity for early review of wetland impacts. The Alaska District of the U.S. Army Corps of Engineers also issued a permit evaluation and decision document regarding project construction and wetlands involvement on November 7, 1995, confirming that the proposed filling of 1.43 acres of wetlands with clean sand and gravel is not anticipated to measurably impact the substrate of the immediate vicinity of the project site. They further confirmed that the proposed action should have no appreciable impact on the drainage pattern of adjacent wetlands, the existing water quality, or stream flow in the area of the project site.

Environmental Consequences

Ecological Resources

Construction would disturb vegetation on 43 acres of the site. With the exception of wetlands, the disturbed areas are not considered high-quality habitat. The 1.5 acres of wetlands that would be disturbed constitute 0.2% of the 790 acres of wetlands on the 3,100-acre site. No practicable alternatives to disturbing wetlands are available and, based on the small areas involved, the wetland and vegetation losses are judged to be not significant.

Noise from construction activity would temporarily disturb areas immediately adjacent to roads and proposed new facilities, but the valuable wildlife habitats, mostly along the shoreline and offshore, would not be significantly affected. Construction activities could expose ducks and seabirds resting and feeding in the waters off Narrow Cape to peak noise levels of approximately 72 dBA, which is below the 80–90 dBA known to disturb water fowl and wildlife. The closest site believed to have a bald eagle nest is located at least 3,000 feet from construction activities, a distance substantially greater than the 660-foot buffer zone recommended by the Fish and Wildlife Service, United States Department of the Interior (DOI), to protect nesting eagles.

Launch vehicle launches would cause occasional noise levels sufficient to cause startle responses in birds and marine mammals. However, these brief disturbances, three to nine times per year, are not anticipated to have lasting or significant adverse impacts on wildlife, including threatened or sensitive species. Emissions from launch vehicle propulsion would be occasional and widely and rapidly dispersed, and no significant ecological effects would be expected. FAA has completed informal consultation with the National Marine Fisheries Service (NMFS) under Section 7(a) of the Endangered Species Act (ESA) of 1973, with respect to the Steller sea lion which is a threatened species. Based on current data, the FAA does not expect launch noise levels to greatly disturb or cause significant adverse impacts to Steller sea lions.

Noise

Launch noise would be audible on Kodiak Island for a distance of approximately 12 miles for approximately 1 minute. Sonic booms would be heard only on the open ocean. Given the infrequency and short duration of launches, no significant

adverse impacts to the public would be expected.

Safety

The proposed KLC facilities would be located so that launch vehicles would fly primarily over open water. A flight and operational safety program would be implemented to manage risks to workers and the public. All safety concerns will be addressed as part of AST's licensing process.

Visual and Cultural Resources

Construction and operation of the proposed KLC would affect the visual resources of Narrow Cape by placing five new man-made structures into a relatively isolated area. The largest of these, the launch service structure would be 170 feet high, 40 feet wide and 70 feet long, and, because of the relatively flat terrain, would be visible over most of the cape and from offshore. Because the site is isolated and has few viewers, the visual impacts are considered non-significant. Impacts to subsistence harvesting and archaeological or historic sites would be minor.

Air and Water

Air quality at the proposed KLC site is excellent, and the site area is designated an attainment area, as defined under the Clean Air Act and implementing regulations. Because of its location in an attainment area, no conformity review is required for the KLC. Impacts of construction to both air and water would be short-term and minor. Launch vehicle launch emissions of hydrogen chloride and aluminum oxide would slightly and temporarily degrade local air quality, and the hydrochloric acid (HCl) formed could be deposited in nearby surface waters. KLC will conduct smaller and fewer launches per year than have been conducted by the Air Force. Maximum concentrations of airborne HCl resulting from KLC launches would not exceed the Air Force ceiling value for general public exposure of 10 parts per million. Maximum concentrations of airborne particulates resulting from launches would not exceed the National Ambient Air Quality Standard of a 24-hour average of 150 micrograms per cubic meter for PM–10 (particulate matter less than 10 microns in diameter). The PM–10 standard is normally applied to point-source, industrial type emissions. KLC launches will be relatively infrequent with emissions that disperse quickly. The area is designated attainable for all pollutants. A determination of conformity with the State Air Quality Implementation Plan is not required pursuant to Section 176(c) of the Clean Air Act, 42 U.S.C. 7401 *et seq.*, as implemented by 40 CFR Part 51. The impacts of acid deposition in the nearby surface waters would be minor because of relatively low HCl emissions from the small rockets planned for launch at KLC, the small number of launches per year, and the apparent capacity of local streams and lakes for buffering acid inputs. Because rocket launch impacts to air and water would be relatively minor, occasional, and short-term, no significant impacts would be expected to occur.

Geology and Soil Resources

Soil erosion control practices, implemented under the Stormwater Pollution Prevention Plan, would keep impacts to soils minor. Changes in soil pH resulting from acid deposition from launch combustion products would be non-significant, because KLC soils already have relatively low pHs.

Socioeconomics

Construction of the proposed KLC would result in expenditures of $18–24 million on goods and services, which would have positive effects on the local and regional economies. Community resources and infrastructure are adequate to support the construction and operational workforces. No impacts to commercial fishing are anticipated, because launch activities at Narrow Cape will not cause restrictions on access to nearby waters. Launch operations will be closely coordinated with the U.S. Coast Guard; therefore, no impacts to Coast Guard activities are anticipated.

Section 4(f)

Impacts to recreational resources would be small. The site would be closed immediately before and during launch activities, but would remain open for recreational activities at all other times. No significant impacts to the Pasagshak State Recreation Area or the Kodiak National Wildlife Refuge, located about 4 miles and 40 miles respectively from the KLC site, would be expected because of the distances and the limited extent of construction and operational activities.

Land Use

The proposed action underwent a review for consistency with standards established under the Alaska Coastal Management Program (Alaska Administrative Code, Title Six, Chapter 80) and was issued a final consistency determination on January 18, 1996 (see attached letter from the State of Alaska to AADC).

Monitoring and Mitigation

As part of the licensing process for the KLC site, AADC is developing an enhanced KLC Natural Resources Management Plan that will address monitoring and mitigation activities for aspects of the site and environs, including special status species, as discussed in Section 5.13 of the EA.

To address concerns expressed by the U.S. Fish and Wildlife Service (FWS) about impacts on birds in the vicinity of the project, though this exceeds requirements under the NEPA and ESA, the AADC and FAA have agreed to enhance the existing KLC avian baseline survey and monitoring plan to further scientific research in this area. Avian species to be monitored are the bald eagle (protected under the Bald Eagle Protection Act), and migratory seabirds, seaducks, and shorebirds (protected under the Migratory Bird Treaty Act). The AADC shall, within 30 days of the issuance of the FONSI, consult with the Fish and Wildlife Service Field Supervisor (U.S. Fish and Wildlife Service, Ecological Services Anchorage Field Office, 605 West 4th Avenue, Room, G–62, Anchorage, Alaska 99501, 907–271–2787) and the FAA to initiate the enhancement of the KLC avian baseline survey and monitoring plan. The KLC avian baseline survey and monitoring plan, developed in cooperation with the Fish and Wildlife Service, will be completed as soon as possible to facilitate initiation of the surveying and monitoring activities, and will be submitted to the FAA for approval and incorporation into the KLC Natural Resources Management Plan for implementation. If monitoring detects adverse impacts greater than those identified in the EA, AADC would take appropriate action to mitigate these impacts. The FAA will consider the adequacy of the KLC Natural Resources Management Plan as part of its evaluation of AADC's license application. Per the FWS letter to AST dated October 2, 1996, FWS's concerns have been addressed and they do not object to the issuance of a FONSI.

Major Issues/Public Comments

The FAA received comments on the EA from three Federal agencies, three organizations, and nine individuals (all residents of Kodiak Island). The FAA has also discussed the issues of concern with the Coast Guard, the National Marine Fisheries Service (NMFS) and the U.S. Department of Interior, Fish and Wildlife Service (FWS). The major issues raised and the FAA's resolution of these are summarized as follows:

Access to coastal waters and airspace: Concerns were raised that launch activities would restrict access to waters important to navigation near Narrow Cape. The FAA notes that impacts to shipping, fishing, and Coast Guard boat patrols would be minimal, as no restrictions would be placed on waters near the launch site. With respect to airspace conflicts, AADC will use the established methods to warn flyers of the short and infrequent need to avoid airspace over the launch site, and that launch activity will be suspended if aircraft enter the avoidance zone by accident or under emergency conditions.

Impacts to Steller Sea Lions: In a letter dated August 21, 1996, NMFS concurred with FAA's opinion that launch noise will not cause reactions by Steller sea lions greater than minor behavioral changes. However, because this is based on predicted rather than measured noise levels, NMFS has requested, and AADC has agreed to perform, pre-launch monitoring of sea lion behavior and monitoring of noise levels at sea lion haulouts for at least the first five launches.

Impacts to migratory birds and other wildlife: The FWS raised issues regarding the adequacy of the baseline information regarding wildlife and the potential for adverse impacts to wildlife. The FWS requested that further studies be conducted at the project site to better predict impacts on fish and wildlife resources. AADC will perform monitoring that will generate additional biological information, and that the FAA's issuance of a launch operations license will consider the adequancy of AADC's Natural Resources Management Plan.

Air Quality Impacts: FAA responded to comments from the Environmental Protection Agency (EPA) Region 10 that were received 75 days beyond closing of the official comment period. EPA raised concerns regarding air quality modeling analyses and the application of models and guidelines in the EA. The modeling and air quality analyses were done using extremely conservative assumptions and input parameters such that FAA is confident of the reliability of these analyses in supporting the significance of potential anticipated impacts. Further, the Alaska Department of Environmental Conservation (ADEC) concurred and advised that no air permit or modeling requirements were necessary. The INPUFF model and U.S. Air Force guideline for exposure to HCl are relevant and appropriate for these analyses.

Determination

After careful and thorough consideration of the facts contained herein, the undersigned finds that the proposed Federal action is consistent with existing national environmental policies and objectives as set forth in Section 101(a) of the National Environmental Policy Act of 1969 (NEPA) and that it will not significantly affect the quality of the human environment or otherwise include any condition requiring consultation pursuant to Section 102(2)(c) of NEPA. Therefore, an Environmental Impact Statement for the proposed action is not required.

Issued in Washington, DC, on October 8, 1996.

Frank C. Weaver,

Associate Administrator for Commercial Space Transportation.

Attachments

FOR A COPY OF THE ATTACHMENTS OR OTHER REFERENCED MATERIAL CONTACT: Mr. Nikos Himaras, Office of the Associate Administrator for Commercial Space Transportation, Licensing and Safety Division, 400 Seventh Street, SW., Washington, D.C. 20590; phone (202) 366–2455; or refer to the following Internet address: http://www.dot.gov/dotinfo/faa/cst/cst.html.

[FR Doc. 96–26663 Filed 10–16–96; 8:45 am]

BILLING CODE 4910–13–P

[Summary Notice No. PE–96–50]

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 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 October 18, 1996. Late filed comments will be considered so far as possible without incurring expense or delay in the issuance of the final document.

ADDRESSES: Send comments or 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, DC. 20591.

Comments may also be sent electronically to the following internet address: nprmcmts@faa.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: Fred Haynes (202) 267–3939 or Marisa Mullen (202) 267–9681 Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 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).

Issued in Washington, D.C., on October 10, 1996.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 28707.

Petitioner: Bankair Inc.

Sections of the FAR Affected: 14 CFR 135.87(a) and 121.221(a)(4).

Description of Relief Sought: To permit Bankair Inc., to add 6 Lear Jet aircraft under 14 CFR 135 that do not meet all the cargo compartment certification requirements of 14 CFR 25. The aircraft, previously modified under FAA Field Approvals, will be used to carry bank paper (checks, notes, bonds) while awaiting issuance of its pending Supplemental Type Certificate (STC). The STC will allow 100 percent conversion from a passenger to cargo configuration.

[FR Doc. 96–26665 Filed 10–16–96; 8:45 am]

BILLING CODE 4910–13–M