

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 adequacy 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>.

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[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.

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