

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Proposed Air Tour Routes for the Grand Canyon National Park**

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of availability of proposed commercial air tour routes for the Grand Canyon National Park and request for comments.

SUMMARY: This notice announces the availability of and requests comments on proposed commercial air tour routes for the Grand Canyon National Park (GCNP). The proposed commercial air tour routes are not being published in today's Federal Register because they are on very large and very detailed charts that would not publish well in the Federal Register. The proposed new routes, or modifications of existing commercial air tour routes, are related to airspace changes contained in a final rule affecting the special flight rules in the vicinity of GCNP and issued concurrently with this notice. The proposed commercial air tour routes are also related to a Notice of Proposed Rulemaking (NPRM) proposing the phase out of noisier aircraft operating in the vicinity of GCNP, also issued concurrently with this notice.

DATES: Comments must be received on or before January 30, 1997.

ADDRESSES: Comments on the proposed air tour routes may be delivered or mailed, in triplicate, to: Federal Aviation Administration, Attention: Dave Metzbower, Air Carrier Operations Branch, Flight Standards Service, AFS-220, 800 Independence Avenue, SW., Washington, DC 20591. Comments may be examined at the above address between 9 a.m. and 4 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Daniel V. Meier, Jr., Air Carrier Operations Branch, AFS-220, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267-3749 or Dave Metzbower, Air Carrier Operations Branch, AFS-220, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267-3724.

SUPPLEMENTARY INFORMATION: The proposed commercial air tour routes are not being published in today's Federal Register because they are on very large and very detailed charts that would not publish well in the Federal Register. A copy of the proposed air tour routes may be obtained by contacting Denise Cashmere at (202) 267-3717, by faxing a request to (202) 267-5229, or by

sending a request in writing to the Federal Aviation Administration, Air Transportation Division, AFS-200, 800 Independence Avenue, SW., Washington, DC 20591. Interested persons are invited to comment on the routes as they may desire. Commenters must identify that they are commenting on the proposed air tour routes for Grand Canyon National Park. All comments received on or before the closing date for comments will be considered by the Federal Aviation Administration before finalizing the air tour routes. Late-filed comments will be considered to the extent practicable.

Discussion

The FAA, in consultation with the NPS, has developed proposed air tour routes as a result of the final rule affecting the special flight rules in the vicinity of GCNP issued concurrently with this notice. The proposed air tour routes, which complement the final rule affecting the Special Flight Rules in the Vicinity of GCNP and the NPRM concerning noise limitations for aircraft operations in the vicinity of GCNP, will establish new routes or modify existing commercial air tour routes to accommodate airspace changes included in the final rule concerning GCNP. The final rule, which is to be effective May 1, 1997, and the NPRM are being issued concurrently with this notice. The final rule, in part, modifies the dimensions of the GCNP Special Flight Rules Area (SFRA); establishes new and modifies existing flight-free zones; establishes new and modifies existing flight corridors; and establishes reporting requirements for commercial sightseeing companies operating in the SFRA. The NPRM proposes to phase out noisier aircraft operating in the vicinity of GCNP.

The proposed routes were developed on the basis of airspace configurations, safety considerations, the goal of substantial restoration of natural quiet in the GCNP, economic considerations, and comments received in response to Notice No. 96-11, "Special Flight Rules in the Vicinity of Grand Canyon National Park" (61 FR 40120). Several commenters to Notice No. 96-11 noted that it was difficult to comment on the effects of the proposed changes since the proposed routes were not included in the notice. One commenter stated that the FAA and NPS have done only half of the task mandated under the Overflights Act (Pub. L. 100-91) since they have not yet proposed the air tour routes that will be flown.

Routes were not proposed concurrently with Notice No. 96-11 because it was necessary for the FAA to

develop the final rule in advance of the route structure. The FAA encourages persons who committed on Notice 96-11 to comment on the commercial air tour routes proposed today.

This notice provide interested persons an opportunity to comment on the proposed air tour routes. Before the proposed air tour routes for GCNP are finalized, the FAA and the National Park Service (NPS) will fulfill their responsibilities to consult with Native American tribes on a government-to-government basis. In this consultation process, FAA, in coordination with NBS, will consider feasible actions to mitigate any identified significant impacts to Native American cultural, religious, or historic sites.

History

Public Law 100-91 required the Department of the Interior (DOI) to submit to the FAA recommendations to protect resources in the Grand Canyon from adverse impacts associated with aircraft overflights. In December 1987, the DOI transmitted its "Grand Canyon Aircraft Management Recommendation" to the FAA. Public Law 100-91 required the FAA to prepare and issue a final plan for the management of air traffic above the Grand Canyon, implementing the recommendations of the DOI without change unless the FAA determined that executing the recommendations would adversely affect aviation safety. After the FAA determined that some of the DOI recommendations would adversely affect aviation safety, the recommendations were modified to address those concerns.

On May 27, 1988, the FAA issued Special Federal Aviation Regulation (SFAR) No. 50-2 revising the procedures for operation of aircraft in the airspace above the Grand Canyon (53 FR 20264, June 2, 1988). Public Law 100-91 also required the DOI to submit a report to Congress

"* * * discussing * * * whether [SFAR No. 50-2] has succeeded in substantially restoring the natural quiet in the park; and * * * such other matters, including possible revisions in the plan, as may be of interest." On September 12, 1994, the DOI submitted its final report and recommendations to Congress. This report, entitled "Report on Effects of Aircraft Overflights on the National Park System" (Report to Congress), was published in July 1995. The Report to Congress recommended numerous revisions to SFAR No. 50-2 in order to improve the natural quiet in the national parks. One recommendation was to modify SFAR-50-2 to effect and maintain the

substantial restoration of natural quiet at Grand Canyon National Park.

On June 15, 1995, the FAA published a final rule that extended the effective date of SFAR No. 50-2 to June 15, 1997 (60 FR 31608). This action allowed the FAA sufficient time to review thoroughly the NPS recommendations as to their impact on the safety of air traffic over GCNP.

In April 1996, President Clinton issued a memorandum for the heads of Executive Departments and Agencies (61 FR 18229). In his memorandum, the President directed the Secretary of Transportation to issue proposed regulations within 90 days to place appropriate limits on sightseeing aircraft

over the GCNP to reduce the noise immediately and make further substantial progress towards restoration of natural quiet while maintaining aviation safety in accordance with Public Law 100-91. In addition, the President directed that action on the rulemaking to accomplish those purposes should be completed by the end of 1996.

On July 31, 1996, the FAA published a Notice of Proposed Rulemaking (NPRM) to reduce the impact of aircraft noise on GCNP and to assist the National Park Service (NPS) in achieving its statutory mandate imposed by Public Law 100-91 to provide for the substantial restoration of natural quiet

and visitor experience in GCNP (Notice No. 96-11; 61 FR 40120).

The FAA held public meetings on September 16-20, 1996, in Scottsdale, AZ and Las Vegas, NV, to obtain additional comment on the NPRM and on the associated draft environmental assessment (EA). Comments and the transcripts of these meetings have been placed in the rulemaking docket (docket no. 28537) and the EA docket (docket no. 28653).

Issued in Washington, DC on December 24, 1996.

William J. White,

Acting Director, Flight Standards Service.

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