

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****DEPARTMENT OF THE INTERIOR****National Park Service****Notice of Establishment of a National Parks Overflight Advisory Group**

**AGENCIES:** Federal Aviation Administration, DOT; and National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The National Park Service (NPS) and Federal Aviation Administration (FAA) in accordance with the National Parks Air Tour Management Act of 2000, announce the establishment of the National Parks Overflights Advisory Group (NPOAG). The NPOAG is formed to provide continuing advice and counsel with respect to commercial air tour operations over and near national parks. This notice informs the public of the establishment of the advisory group and delineates the nomination procedures.

**DATES:** The National Parks Overflights Advisory Group will be established on April 5, 2001.

**FOR FURTHER INFORMATION CONTACT:** Howard Nesbitt, Flight Standards Service, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591, telephone: (202) 493-4981, or Marvin Jensen, Soundscapes Office, National Park Service, 1201 Oak Ridge Drive, Suite 200, Ft. Collins, Colorado 80525, telephone: (970) 225-3563. Persons interested in serving on the advisory group should contact Mr. Nesbitt or Mr. Jensen on or before April 2, 2001.

**SUPPLEMENTARY INFORMATION:****Background**

The National Parks Air Tour Management Act of 2000 (the Act) was enacted on April 5, 2000, as Public Law 106-181 (Pub. L. 106-181). The Act applies to "commercial air tour operations" occurring over a unit of the national park system or tribal lands within or abutting a national park. A commercial air tour operation is defined in the Act as a "flight conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of any national park, or over tribal lands, during which the aircraft flies—(i) below a minimum altitude, determined by the Administrator in cooperation with the Director, above ground level (except solely for purposes of takeoff or

landing, or necessary for safe operation of aircraft as determined under the rules and regulations of the Federal Aviation Administration requiring the pilot-in-command to take action to ensure the safe operation of the aircraft) or (ii) less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary)." See Section 803 of the Act, to be codified at 49 U.S.C. Section 40128(f)(4)(A). In making the determination as to whether a flight is a commercial air tour operation, the Act lists eight factors that the Administrator may consider. *Id.* at 40128(f)(4)(B). The term "tribal land" is defined in the Act as "Indian Country (as that term is defined in section 1151 of title 18 of the U.S. Code) that is within or abutting a national park." The term "National Park" is defined in the Act as "any unit of the national park system." All commercial air tour operations must be conducted in accordance with the following: (1) Title 49 of the U.S. Code (U.S.C.) Section 40128; (2) conditions and limitations prescribed for that operator by the FAA; and (3) any applicable air tour management plans.

The Act states that "Before commencing commercial air tour operations over a national park or tribal lands, a commercial air tour operator shall apply to the Administrator for authority to conduct the operations over the park or tribal lands." See Section 803 of the Act, to be codified at 49 U.S.C. Section 40128(a)(2)(A). This application then triggers the process for the FAA and NPS to cooperatively develop an air tour management plan (ATMP) for that park or tribal land. The objective of the ATMP process is to "develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural and cultural resources, visitor experiences, and tribal lands." See Section 803 of the Act, to be codified at 49 U.S.C. Section 40128(b)(1)(B).

The Act also provides that "upon application for operating authority, the Administrator shall grant interim operating authority under 49 U.S.C. section 40128(c) to a commercial air tour operator for commercial air tour operations over a national park or tribal lands for which the operator is an existing commercial air tour operator. See Section 803 of the Act to be codified at 49 U.S.C. section 40128(c)(1). Such interim operating authority is subject to a number of requirements and limitations, including a limit on the number of commercial air tour operations that may be conducted on an

interim basis pending issuance of the ATMP for that park."

In accordance with Pub. L. 106-181, the FAA and NPS have prepared a notice of proposed rulemaking proposing an altitude that will complete the definition of a "commercial air tour operation". It can be expected that this NPRM will be issued shortly. In the meantime, to meet the mandate of the public law, the FAA and NPS publish this notice establishing the advisory group that will serve to advise and counsel the persons implementing the regulations when they are adopted.

**Advisory Group Requirements of Public Law 106-181**

Pub. L. 106-181 requires the establishment of the advisory group within 1 year after its enactment. The advisory group is to be comprised of a balanced group of representatives of general aviation; commercial air tour operations; environmental concerns; and Indian tribes. The Administrator and the Director (or their designees) are to serve as ex officio members of the group. Representatives of the Administrator and Director will serve alternating 1-year terms as chairman of the advisory group. The Administrator's representative will serve the first term, which will terminate at the end of the calendar year following the year in which the advisory group is established.

The advisory group will provide advice, information, and recommendations to the Administrator and the Director—

(1) On the implementation of this title [the Act] and the amendments made by this title;

(2) On commonly accepted quiet aircraft technology for use in commercial air tour operations over a national park or tribal lands, which will receive preferential treatment in a given air tour management plan;

(3) On other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) At the request of the Administrator and the Director, safety, environmental, and other issues related to commercial air tour operations over a national park or tribal lands.

Members of the advisory group may be allowed certain travel expenses as authorized by section 5703 of title 5, United States Code, for intermittent Government service.

**Public Participation in the Advisory Group**

The FAA and NPS invite members of the public who are interested in serving on the advisory group to contact the person listed under **FOR FURTHER**

**INFORMATION CONTACT.** Requests to participate should be made in writing and postmarked on or before April 12, 2001. The request should indicate whether or not they are a member or an official of a particular interest group. The request should also state whether or not they are proposing to represent air tour, conservation, or Native American interests while serving on the group. The term of service of advisory group members will be determined by the group itself once it is convened.

At this time all persons who anticipate being covered by the regulation are invited to submit their requests. Once an altitude is established the FAA will once again allow any parties who did not convey an interest because they didn't think they were within the scope of the act to indicate their interest. Membership of the advisory group will be representative of the balanced interests of overflights of national parks as enumerated by Pub. L. 106-181 discussed above. Membership will be limited in number to facilitate efficiency in advice and counsel.

Issued in Washington, DC on March 7, 2001.

**L. Nicholas Lacey,**

*Director, Flight Standards Service.*

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**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Intent To Prepare an Environmental Impact Statement and Hold Scoping Meetings for Phoenix Sky Harbor International Airport, Phoenix, AZ

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice to hold one (1) public scoping meeting and one (1) Governmental and Public Agency scoping meeting.

**SUMMARY:** The Federal Aviation Administration (FAA) is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for development of the proposed West Terminal Complex at the Phoenix Sky Harbor International Airport, Phoenix, Arizona. To ensure that all significant issues related to the proposed action are identified, one (1) public scoping meeting and one (1) governmental and public agency scoping meeting will be held.

**FOR FURTHER INFORMATION CONTACT:** Kevin B. Flynn, Supervisor, Arizona Standards Section, AWP-623, Airports Division, Federal Aviation

Administration, Western-Pacific Region, P.O. Box 92007, Los Angeles, California 90009-2007, Telephone: 310/725-3632. Comments on the scope of the EIS should be submitted to the address above and must be received no later than Wednesday, May 23, 2001.

**SUPPLEMENTARY INFORMATION:** The Federal Aviation Administration (FAA) will prepare an Environmental Impact Statement for development of the proposed West Terminal Complex at the Phoenix Sky Harbor International Airport (PHX), Phoenix, Arizona. The need to prepare an Environmental Impact Statement (EIS) is based on the procedures described in FAA Order 5050.4A Airport Environmental Handbook. PHX is a commercial service airport located within a standard metropolitan statistical area and the proposed development includes the development of a new terminal complex; and the proposed development is likely to be controversial. The alternatives to be evaluated in the EIS include, but will not necessarily be limited to, the No-Action Alternative; the Proposed Action Alternative; the Modification of Existing Facilities Alternative, and the Combination of Constructing New and Modifying Existing Facilities Alternative. Comments and suggestions are invited from Federal, State, and local agencies, and other interested parties to ensure that the full range of issues related to these proposed projects are addressed and all significant issues are identified. The FAA reserves the right to the option of converting the study to an Environmental Assessment (EA), if the agency finds that the projected environmental impacts would not be significant. If the EA option is selected, the FAA will then issue a Finding of No Significant Impact (FONSI), which will allow the City of Phoenix to implement the Proposed Action Alternative. Written comments and suggestions concerning the scope of the EIS may be mailed to the FAA informational contact listed above and must be received no later than Wednesday, May 23, 2001.

#### Public Scoping Meetings

The FAA will hold one (1) public and one (1) governmental agency scoping meeting to solicit input from the public and various Federal, State, and local agencies which have jurisdiction by law or have specific expertise with respect to any environmental impacts associated with the proposed project. The public scoping meeting will be held Monday, April 23, 2001, at the Holiday Inn Select Phoenix Airport, 4300 East

Washington Street, Phoenix, Arizona 85034. The meeting will be held from 5:00 p.m. to 8:00 p.m. local time. A scoping meeting will be held specifically for governmental and public agencies on Monday, April 23, 2001, at the Holiday Inn Select Phoenix Airport, 4300 East Washington Street, Phoenix, Arizona 85034. The meeting will be held from 1:00 p.m. to 3:00 p.m. local time.

Issued in Hawthorne, California on Wednesday, February 28, 2001.

**Herman C. Bliss,**

*Manager, Airports Division, Western-Pacific Region, AWP-600.*

[FR Doc. 01-6100 Filed 3-9-01; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. PE-2001-17]

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

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petition for exemption received and disposition of prior petition.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR, 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 April 2, 2001.

**ADDRESSES:** Send comments on any petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify the docket number FAA-2000-XXXX at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.