

the total amount of benefits payable on the worker's record did not exceed the family maximum and that Anthony's child's benefits should not be reduced.

*Statement As To How Parisi Differs From Social Security Policy*

Section 203(a) of the Act establishes a limit, derived from the worker's primary insurance amount, on the total monthly benefits to which dependents or survivors may be entitled on the basis of one worker's earnings record (the family maximum). Under SSA's regulations implementing section 203(a) of the Act (20 CFR 404.403 and 404.404), the benefits of each claimant entitled on a worker's earnings record are reduced proportionately so that the total benefits of those entitled on the record in one month do not exceed the family maximum. In calculating total monthly benefits, SSA includes all benefits of the claimants who are entitled on the worker's record without considering whether the benefits are actually due or payable.

The *Parisi* court held that, when computing a reduction under the family maximum pursuant to section 203(a) of the Act, SSA should not include the monthly benefit that would otherwise be payable to the spouse if payment of that spouse's benefit is precluded by section 202(k)(3)(A) of the Act due to the spouse's simultaneous entitlement to a higher benefit on the spouse's own earnings record.

*Explanation of How SSA Will Apply The Parisi Decision Within The Circuit*

This Ruling applies only to cases involving claimants whose benefits are reduced because of the family maximum and who reside in Maine, New Hampshire, Massachusetts, Rhode Island or Puerto Rico at the time of the determination or decision at any administrative level, i.e., initial, reconsideration, ALJ hearing or Appeals Council.

When the total benefits due or payable for any month on the earnings record of a worker exceed the maximum amount under section 203(a) of the Act (the family maximum applies) and a person entitled on the worker's earnings record is simultaneously entitled to benefits on another earnings record, SSA will consider only the amount of monthly dependent's or survivor's benefits actually due or payable to the simultaneously-entitled person when determining the amount of the benefit reduction because of the family maximum. Adjudicators will continue to apply SSA's other policies for

applying and calculating the family maximum reduction.

[FR Doc. 97-667 Filed 1-10-97; 8:45 am]

BILLING CODE 4190-29-F

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Noise Exposure Map Notice; Receipt of Noise Compatibility Program and Request for Review, Washington National Airport, Washington, DC

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

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by the Metropolitan Washington Airport Authority (MWAA) for the Washington National Airport (DCA) under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96-193) and 14 CFR part 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for DCA under part 150 in conjunction with the noise exposure maps and that this program will be approved or disapproved on or before July 3, 1997.

**EFFECTIVE DATE:** The effective date of FAA's determination on the noise exposure maps and of the start of its review of the associated noise compatibility program is January 3, 1997. The public comment period ends March 3, 1997.

**FOR FURTHER INFORMATION CONTACT:** Frank Squeglia, Environmental Specialist, FAA Eastern Regional Office, Airports Division, AEA-610, Fitzgerald Building, JFK International Airport, Jamaica, NY 11430; (718) 553-3325. Comments on the proposed noise compatibility program should also be submitted to the above office.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA finds that the noise exposure maps submitted for DCA are in compliance with applicable requirements of Part 150, effective January 3, 1997. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before July 3, 1997. This notice also announces the availability of this program for public review and comment.

Under Section 103 to Title I of the Aviation Safety and Noise Abatement

Act of 1979 (hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the way in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The MWAA submitted to the FAA on October 9, 1990, noise exposure maps, description and other documentation which were produced during an airport noise compatibility planning study from 1985 to 1990. The original document was dated August 1990. It was requested that the FAA review this material as the noise exposure maps, as described in Section 103(a)(1) of the act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under Section 104(b) of the Act. FAA's preliminary review of the Study in accordance with 14 CFR Part 150.31 required changes to the Study.

On March 30, 1994, MWAA submitted its revised Part 150 Noise Compatibility Program (NCP), dated December 1993, to the FAA. The FAA's preliminary review of the revised NCP raised concerns about the use of the 1989 Noise Exposure Map (NEM) as the base case NEM and use of the "1994 Noise Exposure Map: Improved Fleet Mix and Enhanced Compliance," shown in the revised document as Figure V-3, as the "five-year" NEM. FAA and Authority staff have discussed this matter and recommend the use of this 1994 NEM as the base case NEM, and the use of the "All Stage 3 Operations" NEM, shown in Attachment 1 of the document as Figure 8, for the five-year forecast NEM. These uses of the 1994 NEM and the "All Stage 3 Operations" NEM are consistent with the guidelines set forth in 14 CFR Part 150.21 (a) and (a)(1). MWAA has presented an Addendum, dated November 22, 1996,

to the revised December 1993, part 150 Noise Compatibility Program for Washington National Airport. The Addendum includes reasonable justification for the use of the above stated NEM's as the official Maps.

The FAA has completed its review of the Addendum and the NEM's and related descriptions submitted by the MWA. The specific maps as identified in the Addendum are the "1994 Noise Exposure Map: Improved Fleet Mix and Enhanced Compliance as the base case/current NEM shown in the revised NCP as Figure V-3, and the "All Stage 3 Operations" NEM shown in Attachment 1 of the NEM as Figure 8 as the five-year forecast NEM. The FAA has determined that these maps for DCA are in compliance with applicable requirements. This determination is effective January 3, 1997. FAA's determination on an airport operator's NEM is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of FAR Part 150.

Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a NCP or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a NEM submitted under Section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of Section 107 of the Act. These functions are inseparable from the ultimate land-use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure Maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the maps depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under Section 103 of the Act.

The FAA has relied on the certification by the airport operator under Section 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for DCA,

also effective on January 3, 1997.

Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before July 3, 1997.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR Part 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land-use authorities, will be considered by the FAA to the extent practicable. The public comment period ends March 3, 1997. Copies of the noise exposure maps, the FAA's evaluation of the maps and the proposed noise compatibility program are available for examination at the following locations:

FAA—National Headquarters, 800 Independence Ave., SW, APP-600, Washington, DC 20591

FAA—Eastern Region, Fitzgerald Federal Bldg., JFK Int'l Airport, Airports Division, AEA-600, Jamaica, NY 11430

Airport Manager's Office, Rm. 260, Washington National Airport, Washington, DC 20001

Neil Phillips, Manager, Noise Abatement, Metropolitan Washington Airports Authority, 44 Canal Center Plaza, Alexandria, VA 22314.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Jamaica, New York on January 3, 1997.

William DeGraaff,  
Manager, Airports Division.

[FR Doc. 97-791 Filed 1-10-97; 8:45 am]

BILLING CODE 4910-13-M

### Notice of Finding of No Significant Impact

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

**ACTION:** Notice of Finding of No Significant Impact.

**SUMMARY:** Notice is hereby given that the Federal Aviation Administration (FAA) has made a finding of no significant impact (FONSI) based on an Environmental Assessment (EA) for Special Flight Rules in the vicinity of the Rocky Mountain National Park (RMNP).

**FOR FURTHER INFORMATION CONTACT:** Mr. William J. Marx, Federal Aviation Administration, Office of Air Traffic Airspace Management, Environmental Programs Division, ATA-300, 800 Independence Avenue, SW, Washington, DC 20591; Telephone: (202) 267-3075.

### SUPPLEMENTARY INFORMATION:

#### Proposed Action

On April 22, 1996, President Clinton issued a Memorandum for Heads of Executive Departments and Agencies, in which he announced his Earth Day initiative, *Parks for Tomorrow*. Included in that initiative was the directive to the Secretary of Transportation, in consultation with appropriate officials, to consider a rulemaking to address the potential adverse impacts on RMNP and its visitors of overflights by sightseeing aircraft. The President's announcement also directed that the value of the natural quiet and the natural experience of the park be factors in any rulemaking action, along with protection of public health and safety. The Presidential Memorandum also required the FAA to issue a notice of proposed rulemaking (NPRM) establishing national standards for air tour operations over national parks.

The proposed rule for RMNP was to be issued within 90 days. On May 15, 1996 (61 FR 24382), the FAA published a NPRM that proposed several methods of preserving the natural park experience of RMNP by restricting aircraft-based sightseeing flights: (1) A total ban (2) limits on operations, and (3) voluntary agreements. The NPRM indicated that the FAA would select a viable alternative based on comments received and other pertinent information, identify a proposed alternative for final rulemaking, and if rulemaking was selected, issue an EA for public comment. The NPRM indicated that the EA would evaluate the alternatives identified for detailed study and assess the current condition and the preferred alternative.

To enhance opportunities for public participation, the FAA reopened the comment period on the NPRM to allow comment on a Draft EA that addressed