

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]

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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

the alternatives in the NPRM. In preparing the final EA, the FAA considered the public comments on environmental issues. Those comments were limited in number, and mainly addressed the NPRM itself. The majority of comments on the Draft EA were favorable to the implementation of the NPRM as it applies to a total of air tour operations in RMNP, e.g., citing excessive noise, reduced safety, and loss of quality wilderness experience if tour operations were allowed. A minority of commenters, virtually all representing aviation interests, voiced opposition to any regulation of overflights at RMNP, e.g., citing unreasonable interference with interstate and intrastate commerce, FAA's lack of statutory authority to implement the NPRM, and that air tourism creates less pollution than ground visitors. In response to comments, the FAA has decided to take temporary action here, complete a review of the temporary ban within twenty-four months, and proceed to consider a national rule that will supersede any temporary ban that remains in effect.

The FAA by issuance of the proposed Final Rule would temporarily ban operators from conducting commercial air tour operations within the RMNP Special Flight Rules Area (SFRA). The ban on commercial air tour operations is the preferred alternative for a temporary period because it appears to be the most efficient and viable method of preserving the natural enjoyment of the visitors to RMNP. In application and result it would assure that the environment relative to air tour operators will not be degraded while the benefits of a temporary ban are evaluated or relevant national standards are developed. Within twenty-four months of the effective date of this temporary ban, the FAA, in conjunction with the National Park Service (NPS), will complete a review of the temporary ban and publish its findings in the Federal Register. The FAA will determine whether the ban continues to be necessary to meet the objectives of the FAA and NPS. If the Proposed Final Rule is not repealed by a separate rulemaking, it will expire as soon as a general rule on national standards is adopted.

Purpose

National parks are unique resources that have been provided special protection by law. The FAA and the NPS recognize that commercial aviation sightseeing tours, once initiated in national parks, tend to increase to levels that potentially adversely affect visitor enjoyment and park values.

The special flight rules in the vicinity of the RMNP seek to preserve the natural environment of RMNP from potential future overflights by commercial sightseeing aviation tour operators. Several operators have recently explored the possibility of conducting tour flights over RMNP and the park has identified potential impacts from such activities. The NPS has also determined that such impacts would not be acceptable given the particular circumstances at the park, and has identified a need to take preventive action.

Experience demonstrates a trend of increased commercial air tour overflight at other national parks. In addition, the Governor of Colorado, members of the Colorado congressional delegation, and other officials have requested regulatory action to place a preemptive ban on air tour operations to preserve visitor enjoyment.

The RMNP rule is being adopted to respond to the very unique circumstances surrounding this park, as explained in detail in the proposed Final Rule and Final EA. Among the unique circumstances is that it has a high percentage of elevations above 10,000 feet above ground level (AGL) and has roads that afford numerous opportunities for viewing its vistas. Park officials estimate that fifty percent of the park can be seen from 149 miles of its roads. It features Trail Ridge Road, the highest continuous paved road in the country, which offers spectacular vistas that encompass approximately 415 square miles of parkland. Further, there is strong local support for a ban on air tour overflights.

Environmental Impacts

The FAA has prepared the EA for the proposed Final Rule consistent with FAA Order 1050.1D, Para. 35. The major categories of concern are noise, wildlife, historic and cultural resources, and air quality. Since there are no tours at present, modified Alternative 1, the temporary ban, would maintain the existing environment relative to such operations. Based upon consultation with the US Fish and Wildlife Service, there are no concerns about potential impacts on threatened or endangered species. Based upon consultation with the Colorado State Historic Preservation Society, in its capacity as the State Historic Preservation Office for Colorado, there are no potentially significant effects on historic or cultural properties. The requirement to determine conformity with the State Air Quality Implementation Plan pursuant to Section 176(c) of the Clean Air Act as amended in 1990, does not apply

because the area is designated attainment for all criteria pollutants. Modified Alternative 1, the temporary ban, should have a beneficial impact by reducing potential emissions. Implementation of the other alternatives and the No Action Alternative should not appreciably affect air quality. Regarding Section 4(f) of the Department of Transportation Act, Section 4(g) is not triggered because the proposed Final Rule does not involve construction activity so as to cause actual, physical use of RMNP. Further, the proposed Final Rule potentially reduces rather than increase noise levels, and accordingly does not substantially interfere with the use and value of RMNP, resulting in a constructive use. The EA has not disclosed potentially significant direct or indirect impacts affecting the quality of the human environment. Based on this EA, it has been determined that no additional environmental analysis is required and that all aspects of the proposed Federal action are consistent with a Finding of No Significant Impact.

Alternatives

The FAA completed an analysis of various alternatives identified in the Proposed Final Rule, including an explanation for the selection of a modified Alternative 1 as the Preferred Alternative. Modified Alternative 1 is a temporary ban, which is to expire upon adoption of a national rule on air tour standards as explained above. In developing alternatives for study in this EA, the FAA was guided by the purposes and need for this rulemaking and its statutory mission and objectives, as well as those of the NPS. Alternatives other than the temporary ban that were considered were a limit on commercial aviation sightseeing tour below 2,000 feet AGL in RMNP, and voluntary agreements. The "no action" alternative, the continued possibility of air tour operators to conduct tour flights over RMNP, was also considered. It was found to have no significant environmental impacts. However, it does not meet the FAA's and NPS objective to initiate preventive action to preserve the natural enjoyment of visitors to the RMNP.

Conclusion

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, as amended (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.

Dated: January 6, 1997.

Nancy B. Kalinowski,
Manager, Planning and Analysis Division,
ATA-200, Air Traffic Airspace Management,
FAA Headquarters.

[FR Doc. 97-664 Filed 1-10-97; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-97-1]

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 January 30, 1997.

ADDRESSES: Send comments on 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, DC 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT:

Fred Haynes (202) 267-3939 or Angela Anderson (202) 267-9681 Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 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, DC, on January 7, 1997.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 28679.

Petitioner: King County Department of Public Safety.

Sections of the FAR Affected: 14 CFR 135 and 49 CFR § 41102.

Description of Relief Sought: To permit King County Department of Public Service to be reimbursed for the use of its military surplus Bell UH-1H and OH-58C helicopters for law enforcement operations in support of other political subdivisions that are not of a common treasury with King County.

Dispositions of Petitions

Docket No.: 10633

Petitioner: FAA Technical Center

Sections of the FAR Affected: 14 CFR 91.117(a), 91.119(c), 91.159(a), and 91.303(e)

Description of Relief Sought/Disposition: To permit the FAA Technical Center to conduct flight operations in support of its research and development projects without meeting certain FAA regulations governing: 1) aircraft speed, 2) minimum safe altitudes, 3) cruising altitudes for flights conducted under visual flight rules, and 4) aerobatic flight. *GRANT, November 22, 1996, Exemption No. 1200B.*

Docket No.: 23495.

Petitioner: U.S. Army Aeronautical Service Agency.

Sections of the FAR Affected: 14 CFR 91.209 (a) and (b).

Description of Relief Sought/Disposition: To continue to permit the Army to conduct certain military training operations at night without lighted aircraft position lights. *GRANT, November 22, 1996, Exemption No. 3946E.*

Docket No.: 26695.

Petitioner: Comair Aviation Academy.
Sections of the FAR Affected: 14 CFR 141.65.

Description of Relief Sought/Disposition: To allow Comair Aviation academy to recommend graduates of its approved flight instructor-airplane certification course for flight instructor certificates without those graduates

taking the FAA flight test. *GRANT, November 14, 1996, Exemption No. 5523C.*

Docket No.: 28445.

Petitioner: Aircraft Braking Systems Corporation.

Sections of the FAR Affected: 14 CFR 43.9(a)(4), 43.11(a)(3), appendix B to part 43, and 145.57(a).

Description of Relief Sought/Disposition: To allow the petitioner to use computer-generated electronic signatures in lieu of physical signatures to satisfy approval for return-to-service signature requirements. *GRANT, October 31, 1996, Exemption No. 6542.*

Docket No.: 28563.

Petitioner: Mercer County Community College.

Sections of the FAR Affected: 14 CFR 141.91.

Description of Relief Sought/Disposition: To permit the petitioner to provide ground school courses over interactive television simultaneously to three institutions while notifying only one Flight Standards District Office (FSDO), instead of notifying each FSDO having jurisdiction over the individual satellite base. *DENIAL, November 12, 1996, Exemption No. 6543.*

Docket No.: 28628.

Petitioner: William W. Webb.

Sections of the FAR Affected: 14 CFR 91.109(a).

Description of Relief Sought/Disposition: To allow the petitioner to conduct certain flight instruction in Beechcraft Bonanza airplanes equipped with a functioning throwover control wheel in place of functional dual controls. *GRANT, November 21, 1996, Exemption No. 6544.*

[FR Doc. 97-662 Filed 1-10-97; 8:45 am]

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[Summary Notice No. PE-97-2]

Petitions for Exemptions; 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),