



Federal Register

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Part VII

Department of Transportation

Federal Aviation Administration

14 CFR Parts 61, 63, 65, 108, 121, and
135

Advanced Qualification Program; Final
Rule

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 61, 63, 65, 108, 121, and 135**

[Docket No. FAA-2000-7497; Amendment No. 61-107, 63-30, 65-41, 108-18, 121-280 and 135-78]

RIN 2120-AH01

Advanced Qualification Program

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is establishing a new termination date for Special Federal Aviation Regulation (SFAR) No. 58 (55 FR 40275; October 2, 1990), which provides for the approval of an alternate method (known as "Advanced Qualification Program" or "AQP") for qualifying, training and certifying, and otherwise ensuring the competency of crewmembers, aircraft dispatchers, other operations personnel, instructors, and evaluators who are required to be trained or qualified under 14 CFR parts 121 and 135. This action will establish a new termination date, October 2, 2005, for SFAR 58 to allow time for the FAA to complete the rulemaking process that will incorporate SFAR 58 into the Federal Aviation Regulations.

DATES: Effective October 2, 2000.

FOR FURTHER INFORMATION CONTACT: Thomas M. Longridge, Advanced Qualification Program Branch, AFS-230, Air Transportation Division, Flight Standards Service, Federal Aviation Administration, P.O. Box 20027, Dulles International Airport, Washington, DC 20041-2027; telephone (703) 661-0260.

SUPPLEMENTARY INFORMATION:**Availability of Final Rules**

An electronic copy of this document may be downloaded using a modem and suitable communications software from the FAA regulations section of the FedWorld electronic bulletin board service (telephone: (703) 321-3339) of the Government Printing Office's (GPO) electronic bulletin board service (telephone: (202) 512-1661).

Internet users may reach the FAA's web page at <http://www.faa.gov/avr/arm/nprm/nprm.htm> or the GPO's web page at <http://www.access.gpo.gov/nara> for access to recently published rulemaking documents.

Any person may obtain a copy of this document by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue SW.,

Washington, DC 20591, or by calling (202) 267-9680. Communications must identify the amendment number or docket number of this final rule.

Persons interested in being placed on the mailing list for future rulemaking documents should request from the above office a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, requires the FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. Therefore, any small entity that has a question regarding this document may contact their local FAA official. Internet users can find additional information on SBREFA on the FAA's web page at <http://www.faa.gov/avr/arm/sbrefa.htm> and may send electronic inquiries to the following Internet address: 9-AWA-SBREFA@faa.gov.

Background

On June 8, 2000, the FAA issued a notice of proposed rulemaking (NPRM) proposing to extend the expiration date of SFAR 58 (65 FR 37836; June 16, 2000). The comment period closed on July 17, 2000, and no comments were received. The amendment is adopted as proposed.

Good Cause Justification for Immediate Adoption

The reasons that justified the original issuance of SFAR 58 still exist. Therefore, it is in the public interest to establish a new expiration date for SFAR 58 of October 2, 2005. If the FAA publishes a final rule incorporating SFAR 58 into the regulations before this expiration date, SFAR 58 will be rescinded concurrently. Ordinarily under the Administrative Procedure Act, a substantive rule must be served or published not less than 30 days before its effective date except, among other things, if the agency finds "good cause" for making it effective sooner. See 5 U.S.C. Section 553(d)(3). The FAA finds that the continuation of SFAR 58 is necessary to permit continued training under this program and to avoid the confusion that would result if the program were discontinued or temporarily suspended because of the general legal requirement to publish a rule at least 30 days before it becomes effective.

For these reasons, and because as a voluntary program AQP imposes no

additional burden on any person, the FAA finds "good cause" for making this amendment, which extends the termination date for the SFAR by 5 years, effective immediately upon issuance.

Economic Summary

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs each Federal agency to propose or adopt a regulation only if the agency makes a reasoned determination that the benefits of the regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 required agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (19 U.S.C. section 2531-2533) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade Act requires agencies to consider international standards. The Trade Act directs agencies, where appropriate, to use those international standards as the basis of U.S. standards. And fourth, the Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules. This requirement applies only to rules that include a Federal mandate on State, local, or tribal governments or the private sector, likely to result in a total expenditure of \$100 million or more in any one year (adjusted for inflation). In conducting these analyses, FAA had determined this rule: (1) Has benefits that justify its costs, is not a "significant regulatory action" as defined in the Executive Order, and is not "significant" as defined in DOT's Regulatory Policies and Procedures; (2) will not have a significant impact on a substantial number of small entities; (3) has no impact on international trade; and (4) does not impose an unfunded mandate on state, local, or tribal governments or on the private sector.

AQP is not mandatory; consequently, those operators who choose to participate in the program would do so only if it was in their best interest. Enough operators have found it in their best interest that AQP has become an important means for meeting the requirements for air carrier training programs. AQP gives air carriers flexibility in meeting the safety goals of the training programs in 14 CFR parts 121 and 135 without sacrificing any of the safety benefits derived from those programs. Thus, extending AQP for another 5 years will not impose any additional costs nor decrease the

present level of safety. Because this final rule extends an existing, voluntary program that has become an important means for some operators to comply with training requirements, the FAA finds that a detailed regulatory evaluation is not necessary.

Initial Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) establishes "as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation." To achieve that principle, the Act requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The Act covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the determination is that it will, the agency must prepare a regulatory flexibility analysis as described in the Act.

However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

This rulemaking allows certain air carriers to continue participating in a voluntary, alternative method for qualifying, training and certifying, and otherwise ensuring competency of crewmembers, aircraft dispatchers, and other operational personnel, instructors, and evaluators who are required to be trained or qualified under 14 CFR parts 121 and 135. As such, this rulemaking will not impose any additional cost on those air carriers. Consequently, the FAA certifies that the rule will not have a significant economic impact on a substantial number of small air carriers.

International Trade Impact Analysis

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic

objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. In addition, consistent with the Administration's belief in the general superiority and desirability of free trade, it is the policy of the Administration to remove or diminish to the extent feasible, barriers to international trade, including both barriers affecting the export of American goods and services to foreign countries and barriers affecting the import of foreign goods and services into the United States.

In accordance with the above statute and policy, the FAA has assessed the potential effect of this final rule and has determined that it will have only a domestic impact and therefore no effect on any trade-sensitive activity.

Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. The FAA has determined that this action will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, the FAA has determined that this final rule will not have federalism implications.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (the Act), enacted as Pub. L. 104-4 on March 22, 1995, requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of any Federal mandate in a proposed or final agency rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any one year. Section 204(a) of the Act, 2 U.S.C. 1534(a), requires the Federal agency to develop an effective process to permit timely input by elected officers (or their designees) of State, local, and tribal governments on a "significant intergovernmental mandate." A "significant intergovernmental mandate" under the Act is any provision in a Federal agency regulation that will impose an enforceable duty upon State, local, and tribal governments, in the aggregate, of \$100 million (adjusted annually for inflation) in any one year. Section 203 of the Act, 2 U.S.C. 1553, which supplements section 204(a), provides

that before establishing any regulatory requirements that might significantly or uniquely affect small governments, the agency shall have developed a plan that, among other things, provides for notice to potentially affected small governments, if any, and for a meaningful and timely opportunity to provide input in the development of regulatory proposals.

The FAA determines that this final rule does not contain a significant intergovernmental or private sector mandate as defined by the Act.

International Trade

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activity that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and where appropriate, that they be the basis for U.S. standards. In addition, consistent with the Administration's belief in the general superiority and desirability of free trade, it is the policy of the Administration to remove or diminish, to the extent feasible, barriers to international trade, including both barriers affecting the export of American goods and services to foreign countries and barriers affecting the import of foreign goods and services into the U.S.

In accordance with the above statute and policy, the FAA has assessed the potential effect of this final rule and has determined that it will have only a domestic impact and therefore no effect on any trade-sensitive activity.

Environmental Analysis

FAA Order 1050.1D defines FAA actions that may be categorically excluded from preparation of a National Environmental Policy Act (NEPA) environmental impact statement. In accordance with FAA Order 1050.1D, appendix 4, paragraph 4(j), this rulemaking action qualifies for categorical exclusion.

Energy Impact

The energy impact of the notice has been assessed in accordance with the Energy Policy and Conservation Act (EPCA) Pub. L. 94-163, as amended (42 U.S.C. 6362) and FAA Order 1053.1. It has been determined that the final rule is not a major regulatory action under the provisions of the EPCA.

List of Subjects**14 CFR Part 61**

Air safety, Air transportation,
Aviation safety, Safety.

14 CFR Part 63

Air safety, Air transportation, Airmen,
Aviation safety, Safety, Transportation.

14 CFR Part 65

Airman, Aviation safety, Air
transportation, Aircraft.

14 CFR Part 108

Airplane operation security, Aviation
security, Aviation safety, Air
transportation, Air carriers, Airlines,
Security measures, Transportation,
Weapons.

14 CFR Part 121

Aircraft pilots, Airmen, Aviation
safety, Pilots, Safety.

14 CFR Part 135

Air carriers, Air transportation,
Airmen, Aviation safety, Safety, Pilots.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends SFAR 58 (14 CFR parts 61, 63, 65, 108, 121, and 135) of Title 14, Code of Federal Regulations, as follows:

1. The authority citation for part 61 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44703, 44707, 44709–44711, 45102–45103, 45301–45303.

2. The authority citation for part 63 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40108, 40113, 44701–44703, 44710, 44712, 44714, 44716, 44717, 44722, 45303.

3. The authority citation for part 65 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44703, 44707, 44709–44711, 45102–45103, 45301–45302.

4. The authority citation for part 108 continues to read as follows:

Authority: 49 U.S.C. 106(g); 5103, 40113, 40119, 44701–44702, 44705, 44901–44905, 44907, 44913–44914, 44932, 44935–44936, 46105.

5. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 44901, 44903–44904, 449112, 46105.

6. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44705, 44709, 44711–44713, 44715–44717, 44722.

7. In part 121, SFAR 58 is amended by revising paragraph 13 to read as follows:

Special Federal Aviation Regulation No. 58—Advanced Qualification Program

* * * * *

13. Expiration. This Special Federal Aviation Regulation terminates on October 2, 2005, unless sooner terminated.

Issued in Washington, DC, on September 29, 2000.

Jane F. Garvey,
Administrator.

[FR Doc. 00–25632 Filed 10–6–00; 8:45 am]

BILLING CODE 4910–13–M



Federal Register

Wednesday,
October 11, 2000

Part IV

Department of Transportation

Federal Aviation Administration

14 CFR Part 135
Service Difficulty Reports; Final Rule

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 135**

[Docket No. 28293; Amendment No. 135-78]

RIN 2120-AF71

Service Difficulty Reports**AGENCY:** Federal Aviation Administration, DOT.**ACTION:** Final rule; technical amendment.

SUMMARY: The Federal Aviation Administration (FAA) is making minor technical changes to a final rule published in the *Federal Register* on September 15, 2000 (65 FR 56192). That final rule amends the reporting requirements for air carriers and certificated domestic and foreign repair station operators concerning failures malfunctions, and defects of aircraft engines, systems, and components. In that final rule the FAA neglected to make conforming amendments to sections not amended by the final rule.

EFFECTIVE DATES: Effective on January 16, 2001.

FOR FURTHER INFORMATION CONTACT: Jose E. Figueroa, AFS-300, Flight Standards Service, Federal Aviation Administration, 800 Independence Ave., Washington, DC 20591, telephone (703) 661-0522.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) published in the *Federal Register* of September 15, 2000 (65 FR 56192) a document that amended the regulations on reporting service difficulties. The FAA neglected to include a revision to 14 CFR 135.411 to clearly address the applicability of one newly adopted section to part 135 operations. When the provisions of § 135.415 were expanded into revised § 135.415 and new § 135.416, the appropriate changes to § 135.411 were not made to reflect the existence of the new § 135.416. The only change in this amendment is to add a reference to new § 135.416 to existing § 135.411 in two places. This document makes the appropriate amendatory change to clearly reflect that new § 135.416 as well as current §§ 134.415 and 135.417 apply to all operations under part 135. This amendment will not impose any additional restrictions on operators affected by these regulations.

Technical Amendment

The technical amendment will correct the omission of § 135.416 from the applicability paragraphs of § 135.411.

List of Subjects in 14 CFR Part 135

Air taxis, Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Accordingly, Title 14 of the Code of Federal Regulations (CFR) part 135 is amended as follows:

PART 135—OPERATING REQUIREMENTS: COMMUTER AND ON-DEMAND OPERATIONS AND RULES GOVERNING PERSONS ON BOARD SUCH AIRCRAFT

1. The authority citation of part 135 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44702, 44705, 44709, 44711-44713, 44715-44717, 44722.

2. Amend § 135.411 by revising the first sentence of paragraph (a)(1) and paragraph (a)(2) to read as follows:

§ 135.411 Applicability.

(a) * * *

(1) Aircraft that are type certificated for a passenger seating configuration, excluding any pilot seat, of nine seats or less, shall be maintained under parts 91 and 43 of this chapter and §§ 135.415, 135.416, 135.417, and 135.421. * * *

(2) Aircraft that are type certificated for a passenger seating configuration, excluding any pilot seat, of ten seats or more, shall be maintained under a maintenance program in §§ 135.415, 135.416, 135.417, and 135.423 through 135.443.

* * * * *

Issued in Washington, DC on October 3, 2000.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

[FR Doc. 00-25951 Filed 10-10-00; 8:45 am]

BILLING CODE 4910-13-M



Federal Register

Thursday,
January 4, 2001

Part IV

Department of Transportation

Federal Aviation Administration

14 CFR Parts 91, 93, 121, 135

Modification of the Dimensions of the
Grand Canyon National Park Special
Flight Rules Area and Flight Free Zones;
Final Rule

Commercial Routes for the Grand Canyon
National Park; Notice

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 91, 93, 121, 135****[Docket No. FAA-1999-5926]****RIN 2120-AG74****Modification of the Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zones****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Delay of effective date.

SUMMARY: On April 4, 2000, the FAA published two final rules for Grand Canyon National Park (GCNP). One rule limited the number of commercial air tour operations in the GCNP Special Flight Rules Area (SFRA); the other modified the airspace of the SFRA. The Commercial Air Tour Limitations final rule was effective on May 4, 2000. The airspace modifications were scheduled to become effective December 1, 2000. On November 20, 2000, the FAA published a final rule delaying the effective date of the Airspace Modification Final Rule until December 28, 2000, so that the FAA could investigate further new safety issues raised by the air tour operators. The FAA has completed its investigation and based on that investigation is delaying the Airspace Modification final rule pending resolution of some safety issues on the east end of the GCNP SFRA. In a companion document in this *Federal Register* the FAA also delays the implementation of the routes in GCNP.

DATES: The final rule Modification of the Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zones, was issued on March 28, 2000, and published in the *Federal Register* on April 4, 2000 (65 FR 17735). It was scheduled to become effective on December 1, 2000. The FAA delayed the effective date of the final rule until December 28, 2000 (65 FR 69846; November 20, 2000). The FAA is now delaying the final rule until April 1, 2001. This action does not affect the Commercial Air Tour Limitations final rule that became effective May 4, 2000.

ADDRESSES: You may view a copy of the final rules, Commercial Air Tour Limitations in the Grand Canyon National Park Special Flight Rules Area and Modification of the Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zones, through the Internet at: <http://dms.dot.gov>, by selecting docket

numbers FAA-99-5926 and FAA-99-5927. You may also review the public dockets on these regulations in person in the Docket Office between 9 and 5, Monday through Friday, except Federal holidays. The Docket Office is on the plaza level of the Nassif Building at the Department of Transportation, 400 7th St., SW., Room 401, Washington, DC, 20590.

As an alternative, you may search the *Federal Register's* Internet site at http://www.access.gpo.gov/su_docs for access to the final rules.

You may also request a paper copy of the final rules from the Office of Rulemaking, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC, 20591, or by calling (202) 267-9680.

FOR FURTHER INFORMATION CONTACT: Howard Nesbitt, Flight Standards Service, (AFS-200), Federal Aviation Administration, Seventh and Maryland Streets, SW., Washington, DC 20591; Telephone: (202) 493-4981.

SUPPLEMENTARY INFORMATION:**Background**

On April 4, 2000, the Federal Aviation Administration published two final rules, the Modification of the Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zones (Air Space Modification), and the Commercial Air Tour Limitation in the Grand Canyon National Park Special Flight Rules Area (Commercial Air Tour Limitation). See 65 FR 17736, 65 FR 17708; April 4, 2000. The FAA also simultaneously published a notice of availability of Commercial Routes for the Grand Canyon National Park (Routes Notice). See 65 FR 17698, April 4, 2000. The Commercial Air Tour Limitations final rule became effective on May 4, 2000. The Air Space Modification final rule and the routes set forth in the Routes Notice were scheduled to become effective December 1, 2000. The Final Supplemental Environmental Assessment for Special Flight Rules in the Vicinity of Grand Canyon National Park (SEA) was completed on February 22, 2000, and the Finding of No Significant Impact was issued on February 25, 2000.

On May 8, 2000, The United States Air Tour Association and seven air tour operators (hereinafter collectively referred to as the Air Tour Providers) filed a petition for review of the two final rules before the United States Court of Appeals for the District of Columbia Circuit. The FAA, The Department of Transportation, the Department of Interior, the National

Park Service and various federal officials were named as respondents in this action. On May 30, 2000, the Air Tour Providers filed a motion for stay pending review before the Court of Appeals. The federal respondents in this case filed a motion for summary denial on grounds that petitioners had not exhausted their administrative remedies. The Court granted the federal respondents summary denial on July 19, 2000. The Grand Canyon Trust, the National Parks and Conservation Association, the Sierra Club, the Wilderness Society, Friends of the Grand Canyon and Grand Canyon River Guides, Inc. (The Trust) filed a petition for review of the same rules on May 22, 2000. The Court, by motion of the federal respondents, consolidated that case with that of the Air Tour Providers. The Hualapai Indian Tribe of Arizona filed a motion to intervene in the Air Tour Providers petition for review on June 23, 2000. The Court granted that motion on July 19, 2000.

On July 31, 2000, the Air Tour Providers filed a motion for stay before the FAA. Both the Hualapai Indian Tribe and the Trust filed oppositions to the Air Tour Providers' stay motion. On October 11, 2000, (65 FR 60352) the FAA published a disposition of the stay request, denying the stay. On October 25, 2000, the Air Tour Providers filed a Motion for Stay and Emergency Relief Pending Review of an Agency Order with the Court of Appeals. The federal respondents filed their Opposition to Petitioner's Motion for Stay Pending Review and Notification of Administrative Stay of Route and Airspace Rules on November 2, 2000. The FAA issued an administrative stay of the routes and airspace until December 28, 2000, so that it could further investigate some new safety allegations raised by the Air Tour Providers during the course of litigation.

Agency Action

In the Air Tour Providers' motion filed October 25, 2000, the Air Tour Providers raised some specific safety allegations about the routes in the Dragon Corridor (Green Route 2 and 2R), the routes north of the Zuni Point Corridor (Green 1; Black 1) and east of the Desert View Flight Free Zone (Black 2 and Green 3). These safety issues were not previously understood by the FAA. The FAA has investigated the allegations and determined that additional measures need to be taken with regard to the east end of the GCNP SFRA to ensure the safest routes possible. Because of the interrelationship between the routes and the airspace in the GCNP SFRA, it is

necessary to stay the Airspace Modification final rule pending the resolution of the safety issues. The FAA is staying the Airspace Modification final rule until the east end route issues are resolved. In a parallel change, SFAR 50-2 is reinstated and extended until April 1, 2001; it is republished in this *Federal Register*. The FAA intends on having these issues resolved by or before April 1, 2001.

The FAA intends on implementing the entire route system by spring 2001, in time for summer tour season. In the event the FAA cannot resolve the east end routes in a timely manner, it will likely implement some or all of the west end routes (Blue Direct North, Blue Direct South, Green 4, Blue 2 and the Brown routes as shown on the April 4, 2000 map) by spring 2001. Elsewhere in the *Federal Register*, the FAA publishes a notice delaying the effective date of the routes published on April 4, 2000. Additionally, on December 13, 2000, the FAA published a notice of availability of routes so that interested parties may obtain a copy of a map depicting the proposed modifications to the routes.

Immediate Effective Date

The FAA finds that good cause exists under 5 U.S.C. 553(d) for this final rule to become final rule upon issuance. The FAA and NPS must implement new air tour routes, flight-free zones, and flight corridors at the same time in order to transition to a new operating environment in GCNP. The FAA has determined that because new safety concerns have been raised that need to be investigated further, it is paramount that this rule become effective immediately.

Economic Evaluation

In issuing the final rule for the Modification of the Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zone, the FAA prepared a cost benefit analysis of the rule. A copy of the regulatory evaluation is located in docket Number 99-5926, Amendment No. 93-80. This delay of the effective date for the final rule will not affect that evaluation, although the delay in the implementation of the FFZs may be temporarily cost relieving for air tour operators.

Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended, the FAA completed a final regulatory flexibility analysis of the final rule. This extended delay of the effective date will not affect that supplemental analysis.

Federalism Implications

This amendment will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this amendment would not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (the Act), enacted as Public Law 104-4 on March 22, 1995, requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of any Federal mandate in a proposed or final agency rule that may result in the expenditure of \$100 million or more (when adjusted annually for inflation) in any one year by State, local, and tribal governments in the aggregate, or by the private sector. Section 204(a) of the Act, 2 U.S.C. 1534(a), requires the Federal agency to develop an effective process to permit timely input by elected officers (or their designees) of State, local, and tribal governments on a proposed "significant intergovernmental mandate." A "significant intergovernmental mandate" under the Act is any provision in a Federal agency regulation that would impose an enforceable duty upon State, local, and tribal governments in the aggregate of \$100 million (adjusted annually for inflation) in any one year. Section 203 of the Act, 2 U.S.C. 1533, which supplements section 204(a), provides that, before establishing any regulatory requirements that might significantly or uniquely affect small governments, the agency shall have developed a plan, which, among other things, must provide for notice to potentially affected small governments, if any, and for a meaningful and timely opportunity for these small governments to provide input in the development of regulatory proposals. The FAA has determined that this rule will not impose any unfunded mandates.

List of Subjects

14 CFR Part 91, 121, 135

Aircraft, Airmen, Aviation safety

14 CFR Part 93

Air traffic control, Airports, Navigation (Air)

Adoption of Amendments

Accordingly, the Federal Aviation Administration (FAA) amends 14 CFR parts 91, 93, 121, and 135 as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40109, 40113, 44502, 44514, 44701, 44719, 46301.

PART 121—[AMENDED]

1a. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 41706, 44101, 44701-44702, 44705, 44709-44711, 44713, 44716-44717, 44722, 44901, 44903-44904, 44912, 46105.

PART 135—[AMENDED]

1b. The authority citation for Part 135 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44702, 44705, 44709, 44711-44713, 44915-44717, 44722.

2. In Parts 91, 121, and 135, SFAR 50-2 is reinstated and republished, and section 9 is revised. The map that accompanied SFAR 50-2 is not reinstated, but a note regarding its availability is added. The republished, revised, and added text reads as follows:

Special Federal Aviation Regulations

SFAR No. 50-2—Special Flight Rules in the Vicinity of the Grand Canyon National Park, AZ

Section 1. Applicability. This rule prescribes special operating rules for all persons operating aircraft in the following airspace, designated as the Grand Canyon National Park Special Flight Rules Area:

That airspace extending upward from the surface up to but not including 14,500 feet MSL within an area bounded by a line beginning at lat. 36°09'30" N., long. 114°03'00" W.; northeast to lat. 36°14'00" N., long. 113°09'30" W.; thence northeast along the boundary of the Grand Canyon National Park to lat. 36°24'47" N., long. 112°52'00" W.; to lat. 36°30'30" N., long. 112°36'15" W. to lat. 36°21'30" N., long. 112°00'00" W. to lat. 36°35'30" N., long. 111°53'10" W., to lat. 36°53'00" N., long. 111°36'45" W. to lat. 36°53'00" N., long. 111°33'00" W.; to lat. 36°19'00" N., long. 111°50'50" W.; to lat. 36°17'00" N., long. 111°42'00" W.; to lat. 35°59'30" N., long. 111°42'00" W.; to lat. 35°57'30" N., long. 112°03'55" W.; thence counterclockwise via the 5 statute mile radius of the Grand Canyon Airport airport reference point (lat. 35°57'09" N., long. 112°08'47" W.) to lat. 35°57'30" N., long. 112°14'00" W.; to lat. 35°57'30" N., long. 113°11'00" W.; to lat. 35°42'11" N., long. 113°11'00" W.; to 35°38'30" N., long. 113°27'30" W.; thence counter

the 5 statute mile radius of the Peach Springs VORTAC to lat. 35°41'20" N., long. 113°36'00" W.; to lat. 35°55'25" N., long. 113°49'10" W.; to lat. 35°57'45" N., 113°45'20" W.; thence northwest along the park boundary to lat. 36°02'20" N., long. 113°50'15" W.; to 36°00'10" N., long. 113°53'45" W.; thence to the point of beginning.

Section 3. Aircraft operations: general. Except in an emergency, no person may operate an aircraft in the Special Flight Rules Area under VFR on or after September 22, 1988, or under IFR on or after April 6, 1989, unless the operation—(a) is conducted in accordance with the following procedures:

Note: The following procedures do not relieve the pilot from see-and-avoid responsibility or compliance with FAR 91.119.

(1) Unless necessary to maintain a safe distance from other aircraft or terrain—

(i) Remain clear of the areas described in Section 4; and

(ii) Remain at or above the following altitudes in each sector of the canyon:

Eastern section from Lees Ferry to North Canyon and North Canyon to Boundary Ridge: as prescribed in Section 5.

Boundary Ridge to Supai Point (Yumtheska Point): 10,000 feet MSL.

Western section from Diamond Creek to the Grant Wash Cliffs: 8,000 feet MSL.

(2) Proceed through the four flight corridors describe in Section 4 at the following altitudes unless otherwise authorized in writing by the Flight Standards District Office:

Northbound

11,500 or
13,500 feet MSL

Southbound

>10,500 or
>12,500 feet MSL

(b) Is authorized in writing by the Flight Standards District Office and is conducted in compliance with the conditions contained in that authorization. Normally authorization will be granted for operation in the areas described in Section 4 or below the altitudes listed in Section 5 only for operations of aircraft necessary for law enforcement, firefighting, emergency medical treatment/evacuation of persons in the vicinity of the Park; for support of Park maintenance or activities; or for aerial access to and maintenance of other property located within the Special Flight Rules Area. Authorization may be issued on a continuing basis. (c)(1) Prior to November 1, 1988, is conducted in accordance with a specific authorization to operate in that airspace incorporated in the operator's part 135 operations specifications

in accordance with the provisions of SFAR 50-1, notwithstanding the provisions of Sections 4 and 5; and

(2) On or after November 1, 1988, is conducted in accordance with a specific authorization to operate in that airspace incorporated in the operator's operations specifications and approved by the Flight Standards District Office in accordance with the provisions of SFAR 50-2.

(d) Is a search and rescue mission directed by the U.S. Air Force Rescue Coordination Center.

(e) Is conducted within 3 nautical miles of Whitmore Airstrip, Pearce Ferry Airstrip, North Rim Airstrip, Cliff Dwellers Airstrip, or Marble Canyon Airstrip at an altitudes less than 3,000 feet above airport elevation, for the purpose of landing at or taking off from that facility. Or

(f) Is conducted under an IFR clearance and the pilot is acting in accordance with ATC instructions. An IFR flight plan may not be filed on a route or at an altitude that would require operation in an area described in Section 4.

Section 4. Flight-free zones. Except in an emergency or if otherwise necessary for safety of flight, or unless otherwise authorized by the Flight Standards District Office for a purpose listed in Section 3(b), no person may operate an aircraft in the Special Flight Rules Area within the following areas:

(a) Desert View Flight-Free Zone. Within an area bounded by a line beginning at Lat. 35°59'30" N., Long. 111°46'20" W. to 35°59'30" N., Long. 111°52'45" W.; to Lat. 36°04'50" N., Long. 111°52'00" W.; to Lat. 36°06'00" N., Long. 111°46'20" W.; to the point of origin; but not including the airspace at and above 10,500 feet MSL within 1 mile of the western boundary of the zone. The area between the Desert View and Bright Angel Flight-Free Zones is designated the "Zuni Point Corridor."

(b) Bright Angel Flight-Free Zone. Within an area bounded by a line beginning at Lat. 35°59'30" N., Long. 111°55'30" W.; to Lat. 35°59'30" N., Long. 112°04'00" W.; thence counterclockwise via the 5 statute mile radius of the Grand Canyon Airport point (Lat. 35°57'08" N., Long. 112°08'47" W.) to Lat. 36°01'30" N., Long. 112°11'00" W.; to Lat. 36°06'15" N., Long. 112°12'50" W.; to Lat. 36°14'40" N., Long. 112°08'50" W.; to Lat. 36°14'40" N., Long. 111°57'30" W.; to Lat. 36°12'30" N., Long. 111°53'50" W.; to the point of origin; but not including the airspace at and above 10,500 feet MSL within 1 mile of the eastern boundary between the southern boundary and Lat. 36°04'50" N. or the airspace at and above 10,500 feet MSL within 2 miles of the northwest boundary. The area bounded by the Bright Angel and Shinumo

Flight-Free Zones is designated the "Dragon Corridor."

(c) Shinumo Flight-Free Zone. Within an area bounded by a line beginning at Lat. 36°04'00" N., Long. 112°16'40" W.; northwest along the park boundary to a point at Lat. 36°12'47" N., Long. 112°30'53" W.; to Lat. 36°21'15" N., Long. 112°20'20" W.; east along the park boundary to Lat. 36°21'15" N., Long. 112°13'55" W.; to Lat. 36°14'40" N., Long. 112°11'25" W.; to the point of origin. The area between the Thunder River/Toroweap and Shinumo Flight Free Zones is designated the "Fossil Canyon Corridor."

(d) Toroweap/Thunder River Flight-Free Zone. Within an area bounded by a line beginning at Lat. 36°22'45" N., Long. 112°20'35" W.; thence northwest along the boundary of the Grand Canyon National Park to Lat. 36°17'48" N., Long. 113°03'15" W.; to Lat. 36°15'00" N., Long. 113°07'10" W.; to Lat. 36°10'30" N., Long. 113°07'10" W.; thence east along the Colorado River to the confluence of Havasu Canyon (Lat. 36°18'40" N., Long. 112°45'45" W.) including that area within a 1.5 nautical mile radius of Toroweap Overlook (Lat. 36°13'45" N., Long. 113°03'30" W.); to the point of origin; but not including the following airspace designated as the "Tuckup Corridor": at or above 10,500 feet MSL within 2 nautical miles either side of a line extending between Lat. 36°24'47" N., Long. 112°48'50" W. and Lat. 36°17'10" N., Long. 112°48'50" W.; to the point of origin.

Section 5. Minimum flight altitudes. Except in an emergency or if otherwise necessary for safety of flight, or unless otherwise authorized by the Flight Standards District Office for a purpose listed in Section 3(b), no person may operate an aircraft in the Special Flight Rules Area at an altitude lower than the following:

(a) Eastern section from Lees Ferry to North Canyon: 5,000 feet MSL.

(b) Eastern section from North Canyon to Boundary Ridge: 6,000 feet MSL.

(c) Boundary Ridge to Supai (Yumtheska) Point: 7,500 feet MSL.

(d) Supai Point to Diamond Creek: 6,500 feet MSL.

(e) Western section from Diamond Creek to the Grand Wash Cliffs: 5,000 feet MSL.

Section 9. Termination date. Sections 1. Applicability, Section 4, Flight-free zones, and Section 5. Minimum flight altitudes, expire on 0901 UTC, April 1, 2001.

Note: An informational map of the special flight rules areas defined by SFAR 50-2 is available on the Office of Rulemaking's website at <http://www.faa.gov/avr/armhome.htm>. A paper copy is available from the Office of Rulemaking by calling Linda Williams at (202) 267-9685.

**PART 93—SPECIAL AIR TRAFFIC
RULES AND AIRPORT TRAFFIC
PATTERNS**

3. The authority citation for part 93 continues to read as follows:

Authority: 49 USC 106(g), 40103, 40113, 40120, 44101, 44111, 44701, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46502, 46504, 46506–46507, 47122, 47508, 47528–47531.

§§ 93.305, 93.307 [Delayed]

4. Sections 93.305 and 93.307 published on December 31, 1996 (61 FR 69330), corrected at 62 FR 2445 (January 16, 1997), and delayed at 65 FR 5397 (February 3, 2000) and made effective December 1, 2000 in a rule published on April 4, 2000 (65 FR 17736) and delayed until December 28, 2000 (65 FR 69846, November 20, 2000) are further delayed until April 1, 2001.

§§ 93.301, 93.305, 93.307, 93.309 [Delayed]

5. The amendments to Section 93.301, 93.305, 93.307 and 93.309 published on April 4, 2000 (65 FR 17736) and delayed until December 28, 2000 (65 FR 69846, November 20, 2000) are further delayed until April 1, 2001.

Issued in Washington DC, on December 28, 2000.

Jane F. Garvey,
Administrator.

[FR Doc. 00–33457 Filed 12–28–00; 4:08 pm]

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Federal Register

Monday,
March 26, 2001

*Amend part
not listed*

Part IV

Department of Transportation

Federal Aviation Administration

14 CFR Part 91 et al.

Modification of the Dimensions of the
Grand Canyon National Park Special
Flight Rules Area and Flight Free Zones;
Final Rule

Commercial Routes for the Grand Canyon
National Park; Notice

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 91, 93, 121, 135****[Docket No. FAA-2001-9218]****RIN 2120-AG74****Modification of the Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zones****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

SUMMARY: On April 4, 2000, the FAA published two final rules regarding aircraft flight operations over Grand Canyon National Park (GCNP). The first rule, the Commercial Air Tour Limitations final rule, limiting the number of commercial air tour operations in the GCNP Special Flight Rules Area (SFRA), was effective on May 4, 2000. The second rule, the Airspace Modification final rule, modifying the airspace in the SFRA, was scheduled to become effective December 1, 2000. However, on November 20, 2000, the FAA published a final rule delaying the effective date of the Airspace Modification final rule until December 28, 2000, so that the FAA could adequately evaluate new safety issues raised by the air tour operators. On December 28, 2000, the FAA further delayed the airspace modifications final rule until April 1, 2001. The FAA has completed its evaluation and determined that it is necessary to delay implementing changes to the airspace, including two flight free zones in the east-end of GCNP, pending resolution of the safety issues. In a companion document in this **Federal Register** the FAA also makes available a map depicting commercial air tour routes in GCNP.

DATES: The amendment to SFAR 50-2 is effective April 1, 2001.

14 CFR 93.305 and 93.307 originally published at 61 FR 69330 on December 31, 1996 and most recently delayed until April 1, 2001 (see FR 1005, January 4, 2001) is further delayed. 14 CFR 93.305(c) and (d) and 93.307 are delayed until April 19, 2001. 14 CFR 93.305 (a) and (b) are delayed until December 1, 2001.

The amendments to 14 CFR 93.301, 93.305 (c) and (d), 93.307, and 93.309, originally published at 65 FR 17736 on April 4, 2000 and most recently delayed until April 1, 2001 (see 66 FR 1005, January 4, 2001) are further delayed until April 19, 2001. The amendments

to 14 CFR 93.305 (a) and (b) originally published and most recently delayed on the same dates as set forth above are further delayed until December 1, 2001.

ADDRESSES: You may view a copy of the final rule, Modification of the Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zones, through the Internet at: <http://dms.dot.gov>, by selecting docket numbers FAA-01-. You may also review the public dockets on these regulations in person in the Docket Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office is on the plaza level of the Nassif Building at the Department of Transportation, 400 7th St., SW., Room 401, Washington, DC 20590.

As an alternative, you may search the **Federal Register's** Internet site at http://www.access.gpo.gov/su_docs for access to the final rules.

You may also request a paper copy of the final rules from the Office of Rulemaking, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591, or by calling (202) 267-9680.

FOR FURTHER INFORMATION CONTACT: Howard Nesbitt, Flight Standards Service, (AFS-200), or Ken McElroy, Airspace and Rules Division, ATA-400, Federal Aviation Administration, Seventh and Maryland Streets, SW., Washington, DC 20591; Telephone: (202) 493-4981.

SUPPLEMENTARY INFORMATION:**Background**

On April 4, 2000, the Federal Aviation Administration published two final rules, the Modification of the Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zones (Air Space Modification), and the Commercial Air Tour Limitation in the Grand Canyon National Park Special Flight Rules Area (Commercial Air Tour Limitation). See 65 FR 17736; 65 FR 17708; April 4, 2000. The FAA also published concurrently a notice of availability of Commercial Routes for the Grand Canyon National Park (Routes Notice). See 65 FR 17698, April 4, 2000. The Commercial Air Tour Limitations final rule was implemented effective on May 4, 2000. The Air Space Modification final rule and the routes set forth in the Notice of Availability were scheduled to become effective December 1, 2000. The Final Supplemental Environmental Assessment for Special Flight Rules in the Vicinity of Grand Canyon National Park (SEA) was completed on February 22, 2000, and the Finding of No

Significant Impact was issued on February 25, 2000.

During the course of litigation, the United States Air Tour Association and seven air tour operators raised new safety concerns. As a result, the FAA first delayed implementation of the routes until December 28, 2000 (November 20, 2000; 65 FR 69848). Following these actions, the FAA conducted an evaluation of the planned routes in the east-end of GCNP and determined that modifications could be made to the routes to enhance safety. The FAA published a second notice of availability of a map depicting proposed changes to routes in the east-end of GCNP on December 13, 2000 (65 FR 78071), with a comment period that closed on January 26, 2001. Subsequently, the FAA delayed until April 1, 2001 the implementation of the routes on January 4, 2001 (66 FR 2001). The FAA also stated that it may choose to implement the routes in the western portion of GCNP only while resolving routes in the east-end.

Agency Action

During the comment period for the second Notice of Availability of air tour routes, additional safety concerns were raised regarding the proposed revisions to the routes on the east-end of the Grand Canyon National Park (GCNP) Special Flight Rules Area (SFRA). Consequently, the FAA is implementing the modifications to the route structure of the GCNP SFRA in two phases.

The first phase will implement the routes and airspace made final in April 2000 on the west-end (defined as all areas of the SFRA west of the Dragon corridor) of the GCNP SFRA. On the east-end (defined as the Dragon corridor east), the first phase will implement the modification to the SFRA boundary, as contained in the April 2000 final rule, by extending the SFRA boundary over the Navajo Nation lands five miles to the east. However, during this phase, the route structure on the east-end will remain almost exactly as that currently flown in the SFAR under Special Federal Aviation Regulation (SFAR) 50-2, with only slight modification to certain entry and exit points. To accomplish the dual goals of achieving substantial restoration of natural quiet in GCNP and maintaining a safe operating environment for commercial air tour operators, the FAA finds that this combination of commercial air tour routes is the most reasonable proposal for the Spring 2001 air tour season (May through November). This route configuration will go into effect on April 19, 2001. (See companion Notice of

Availability of Commercial Air Tour routes.)

This airspace modification extends from April 1 to April 19, 2001, the airspace configuration of SFAR 50-2. Because the prior agency stay ends on April 1, 2001, it is necessary to further delay the airspace until April 19, 2001. This additional extension is necessary to correlate the routes and airspace for the west-end of GCNP. On the east-end, the final rule will maintain the stay of the effective date of the Bright Angel and Desert View FFZs until December 1, 2001. This will give the FAA adequate time to determine what, if any, changes need to be made in the route structure in the east-end of GCNP for the 2002 air tour season.

The second phase of the commercial air tour route structure in GCNP would implement a potentially revised route and airspace structure on the east-end of the GCNP SFRA. It is anticipated that all revisions of the east-end would be based upon the route structure adopted in the April 2000 final rule. Implementation of the second phase will be determined after the FAA has evaluated and addressed all outstanding safety concerns. Interested persons will be afforded the opportunity to comment on final revisions to the route structure in the east-end of GCNP. The FAA anticipates that phase two modifications will be finalized in the winter 2001-2002 timeframe to be in place for the 2002 commercial air tour season.

The two phase implementation process will allow the FAA to move towards the mandate for the substantial restoration of natural quiet in GCNP by implementing the routes and airspace structure in the west-end of the GCNP. This will accomplish some goals of the April 2000 rulemaking, in that it will eliminate the Blue 1 and Blue 1A routes. In addition, the phased approach will allow the FAA to adequately evaluate and address the new safety concerns related to the routes in the east-end of GCNP while allowing commercial air tour operators adequate time to train on the revised east-end routes during the off-peak season. At the same time, the phased process will provide for the elimination of overflights of some of the traditional cultural properties identified by Native American Tribes during the National Historic Preservation Act (NHPA) Section 106 consultation process.

Immediate Effective Date

The FAA finds that good cause exists under 5 U.S.C. 553(d) for this final rule to become final rule upon issuance. The FAA and NPS must implement new air tour routes requiring the modification of

the airspace in GCNP to transition to a new operating environment in GCNP. The FAA has determined that because new safety concerns have been raised, which warrant further evaluation, it is necessary to implement the airspace codified in April 2000 in a phased approach.

Environmental Review

The FAA has completed a written reevaluation (WR) of the February 22, 2000 Final Supplemental Environmental Assessment (FSEA) for Special flight rules in the Vicinity of Grand Canyon National Park (GCNP). The WR examines the potential environmental impacts associated with the phased implementation of the Airspace rule and the Commercial Air Tour Route Modifications described in the FSEA. This phased approach will involve implementation of the "preferred" alternative airspace and air tour route structure as described in the FSEA for the GCNP SFRA west of Dragon Corridor. No changes to this portion of the GCNP SFRA as described in the FSEA will occur. Thus, the impact evaluation for the "preferred" alternative contained in the FSEA remains valid for the stage-one airspace and routes implementation at the west-end of the GCNP SFRA. The FAA also reviewed the planned implementation of the stage-one airspace, routes, and route modifications on the east-end and has determined that they are not significant changes from the plans analyzed under the "no action" alternative in the FSEA. Therefore, the FAA has determined that the proposed route revisions to the SFAR 50-2 route structure conform with the "no action" alternative analyzed in the FSEA. The FAA has determined that the data and analyses contained in the FSEA are still substantially valid and all pertinent conditions and requirements of the prior approval have or will be met in the current action.

While the delayed implementation of the east-end route and airspace structure will lessen the percentage of the GCNP substantially restored to natural quiet, it is only a temporary delay. The routes and airspace at the east-end of the GCNP SFRA are stayed, however, as soon as the safety concerns are addressed and the operators are given the opportunity to train in the off-peak season, new routes and airspace will be implemented in the east-end. In addition, given that the majority of the revised routes and airspace for GCNP will be implemented, during stage-one, the staged implementation process will result in a gain of substantial restoration

of natural quiet for GCNP as described in the FSEA.

Therefore for the above reasons and pursuant to FAA Order 1050.1D, Paragraph 92, the FAA has determined that the contents of the Final Supplemental Environmental Assessment and its conclusions issued on February 22, 2000 are still valid. Additionally, the FAA has found that the previous Section 106 Determination of No Adverse Effect to TCPs identified by Native Americans issued for the FSEA is also still valid. Copies of the written reevaluation have been placed in the public docket for this rulemaking, have been circulated to interested parties, and may be inspected at the same time and location as this final rule.

Economic Analysis

The economic analysis completed for the final rule published April 4, 2000 evaluates the east-end and west-end operations separately since these are distinct markets. This action implements the west-end airspace structure and the economic analysis from the April 4, 2000 final rule remains valid. At this time the FAA is delaying implementation of the east-end routes, it is not taking a final action. If the agency takes a final action that is different than that published on April 4, 2000, then it may be necessary to complete a revised economic evaluation.

Initial Regulatory Flexibility Determination and Assessment

The Regulatory Flexibility Act (RFA) of 1980 establishes "as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the business, organization, and government jurisdictions subject to regulation." To achieve that principle, the RFA requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The RFA covers a wide range of small entities, including small businesses, not-for-profit organizations and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the determination is that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA. However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that

the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

This final rule will have only a de minimus cost impact on the certificate holders for whom costs have been estimated. Accordingly, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Federal Aviation Administration certifies that this rule will not have a significant impact on a substantial number of small entities.

International Trade Impact Assessment

The Trade Agreement Act (TAA) of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The TAA also requires consideration of international standards and where appropriate, that they be the basis for U.S. standards. In addition, consistent with the Administration's belief in the general superiority and desirability of free trade, it is the policy of the Administration to remove or diminish to the extent feasible, barriers to international trade, including both barriers affecting the export of American goods and services to foreign countries and barriers affecting the import of foreign goods and services into the United States.

In accordance with the above Act and policy, the FAA has assessed the potential effect of this final rule and has determined that it will have only a domestic impact and therefore no effect on any trade-sensitive activity.

Federalism Implications

This amendment will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this amendment would not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (the Act), enacted as Public Law 104-4 on March 22, 1995, requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of any Federal mandate in a proposed or final

agency rule that may result in the expenditure of \$100 million or more (when adjusted annually for inflation) in any one year by State, local, and tribal governments in the aggregate, or by the private sector. Section 204(a) of the Act, 2 U.S.C. 1534(a), requires the Federal agency to develop an effective process to permit timely input by elected officers (or their designees) of State, local, and tribal governments on a proposed "significant intergovernmental mandate." A "significant intergovernmental mandate" under the Act is any provision in a Federal agency regulation that would impose an enforceable duty upon State, local, and tribal governments in the aggregate of \$100 million (adjusted annually for inflation) in any one year. Section 203 of the Act, 2 U.S.C. 1533, which supplements section 204(a), provides that, before establishing any regulatory requirements that might significantly or uniquely affect small governments, the agency shall have developed a plan, which, among other things, must provide for notice to potentially affected small governments, if any, and for a meaningful and timely opportunity for these small governments to provide input in the development of regulatory proposals. The FAA has determined that this rule will not impose any unfunded mandates.

List of Subjects

14 CFR Part 91, 121, 135.

Aircraft, Airmen, Aviation Safety

14 CFR Part 93

Air traffic control, Airports, Navigation (Air)

Adoption of Amendments

Accordingly, the Federal Aviation Administration (FAA) amends 14 CFR parts 91, 93, 121, and 135 as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40109, 40113, 44502, 44514, 44701, 44719, 46301.

PART 121—[AMENDED]

1. The authority cite for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 41706, 44101, 44701-44702, 44705, 44709-44711, 44713, 44716-44717, 44722, 44901, 44903-44904, 44912, 46105.

PART 135—[AMENDED]

1. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44702, 44705, 44709, 44711-44713, 44915-44717, 44722.

2. In parts 91, 121, and 135, section 9 of SFAR 50-2 is revised.

Special Federal Aviation Regulations

SFAR No. 50-2—Special Flight Rules in the Vicinity of the Grand Canyon National Park, AZ.

* * * * *

Section 9. Termination date. Section 1. Applicability, Section 4, Flight-free zones, and Section 5. Minimum flight altitudes, expire on April 19, 2001.

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

3. The authority citation for part 93 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44101, 44111, 44701, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46502, 46504, 46506-46507, 47122, 47508, 47528-47531.

4. Sections 93.305 and 93.307 were published on December 31, 1996 (61 FR 69330), corrected at 62 FR 2445 (January 16, 1997), and delayed at 65 FR 5397 (February 3, 2000); made effective December 1, 2000 in a rule published on April 4, 2000 (65 FR 17736), delayed until December 28, 2000 (65 FR 69846, November 20, 2000), and delayed until April 1, 2001 at 66 FR 1005 (January 4, 2001). Section 93.305(c) and (d) and 93.307 are further delayed until April 19, 2001, and § 93.305 (a) and (b) are further delayed until December 1, 2001.

5. The amendments to §§ 93.301, 93.305, 93.307 and 93.309 published on April 4, 2000 (65 FR 17736), delayed until December 28, 2000 (65 FR 69846, November 20, 2000), were further delayed until April 1, 2001 (66 FR 1005, January 4, 2001). The amendments to §§ 93.301, 93.305 (c) and (d), 93.307 and 93.309 are further delayed until April 19, 2001, and the amendments to § 93.305 (a) and (b) are delayed until December 1, 2001.

Issued in Washington, DC on March 21, 2001.

Jane F. Garvey,

Administrator.

[FR Doc. 01-7410 Filed 3-21-01; 4:57 pm]

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Federal Register

Wednesday,
October 11, 2000

Part IV

Department of Transportation

Federal Aviation Administration

14 CFR Part 135
Service Difficulty Reports; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 135

[Docket No. 28293; Amendment No. 135-78]

RIN 2120-AF71

Service Difficulty Reports

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; technical amendment.

SUMMARY: The Federal Aviation Administration (FAA) is making minor technical changes to a final rule published in the *Federal Register* on September 15, 2000 (65 FR 56192). That final rule amends the reporting requirements for air carriers and certificated domestic and foreign repair station operators concerning failures malfunctions, and defects of aircraft engines, systems, and components. In that final rule the FAA neglected to make conforming amendments to sections not amended by the final rule.

EFFECTIVE DATES: Effective on January 16, 2001.

FOR FURTHER INFORMATION CONTACT: Jose E. Figueroa, AFS-300, Flight Standards Service, Federal Aviation Administration, 800 Independence Ave., Washington, DC 20591, telephone (703) 661-0522.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) published in the *Federal Register* of September 15, 2000 (65 FR 56192) a document that amended the regulations on reporting service difficulties. The FAA neglected to include a revision to 14 CFR 135.411 to clearly address the applicability of one newly adopted section to part 135 operations. When the provisions of § 135.415 were expanded into revised § 135.415 and new § 135.416, the appropriate changes to § 135.411 were not made to reflect the existence of the new § 135.416. The only change in this amendment is to add a reference to new § 135.416 to existing § 135.411 in two places. This document makes the appropriate amendatory change to clearly reflect that new § 135.416 as well as current §§ 134.415 and 135.417 apply to all operations under part 135. This amendment will not impose any additional restrictions on operators affected by these regulations.

Technical Amendment

The technical amendment will correct the omission of § 135.416 from the applicability paragraphs of § 135.411.

List of Subjects in 14 CFR Part 135

Air taxis, Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Accordingly, Title 14 of the Code of Federal Regulations (CFR) part 135 is amended as follows:

PART 135—OPERATING REQUIREMENTS: COMMUTER AND ON-DEMAND OPERATIONS AND RULES GOVERNING PERSONS ON BOARD SUCH AIRCRAFT

1. The authority citation of part 135 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44702, 44705, 44709, 44711-44713, 44715-44717, 44722.

2. Amend § 135.411 by revising the first sentence of paragraph (a)(1) and paragraph (a)(2) to read as follows:

§ 135.411 Applicability.

(a) * * *

(1) Aircraft that are type certificated for a passenger seating configuration, excluding any pilot seat, of nine seats or less, shall be maintained under parts 91 and 43 of this chapter and §§ 135.415, 135.416, 135.417, and 135.421. * * *

(2) Aircraft that are type certificated for a passenger seating configuration, excluding any pilot seat, of ten seats or more, shall be maintained under a maintenance program in §§ 135.415, 135.416, 135.417, and 135.423 through 135.443.

* * * * *

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Donald P. Byrne,

Assistant Chief Counsel for Regulations.

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