

St., NW, Washington, DC 20240, telephone: (202) 208-7957, or Linda Williams, Office of Rulemaking, Federal Aviation Administration, 800 Independence Ave., Washington, DC 20591, telephone: (202) 267-9685.

SUPPLEMENTARY INFORMATION:

Background

In 1987, Congress enacted Public Law 100-91, commonly known as the National Parks Overflights Act. The Act mandated a number of studies related to the effects of overflights on parks and directed the National Park Service to report to Congress its results. In March 1994, the FAA and NPS issued an advanced notice of rulemaking. Approximately 2,000 substantive comments were received; many thousands of additional comments were received as form letters.

In September 1994, the NPS issued their report to Congress. Recommendation No. 5 recommended that "FAA develop an operational rule to regulate air tour operations where they have or may have adverse effects on national parks." NPS also identified a list of parks where it found that maintaining or restoring the natural quiet is an immediate priority.

By memorandum of April 22, 1996, President Clinton directed the Secretary of Transportation in consultation with relevant departments and agencies to issue a notice of proposed rulemaking for "the management of sightseeing aircraft in those National Parks where it is deemed necessary to reduce or prevent the adverse effects of such aircraft." The regulation should, at a minimum, establish a framework for managing air traffic over those park units identified in the 1994 NPS study, as priorities for (1) Resolution of airspace issues and (2) maintaining or restoring natural quiet."

Formation of the Working Group

The FAA has established an Aviation Rulemaking Advisory Committee (ARAC) [56 FR 2190, January 20, 1991; and 58 FR 9230, February 19, 1993] and the NPS has established the NPS Advisory Board under 49 Stat. 667; 16 U.S.C. 463, section 3 of the Act of August 21, 1935, as amended. The working group is established to recommend a notice of proposed rulemaking which would define the process to reduce or prevent the adverse effects of low-level commercial sightseeing flights over the National Parks where deemed necessary. The recommended proposed regulation should be limited to address the effects

if commercial sightseeing flights over the units of the National Park System.

Specifically, the working group is tasked to:

Define the process to reduce or prevent the adverse effects of commercial sightseeing flights over units of the national park system. Factors for consideration in the process may include voluntary, negotiated solutions and an appeal process.

The overflights working group is composed of nine members representing a balance of air tour operators, both fixed and rotary wing; general aviation users; other commercial aviation interests; national tour associations; environmental groups; and Native Americans. Co-chairs for the working group will be selected by the Department of Transportation (DOT) and the Department of Interior (DOI). DOT and DOI representatives will act as advisors to the membership, but will not be active members of the working group. A facilitator will provide focus for the group.

The working group will terminate 100 days from the date of its initial meeting. The group will make its final recommendations to the ARAC and NPS Advisory Board at the end of that 100 days. The ARAC and NPS Advisory Board will review the recommendations of the working group and report to the NPS and FAA. Progress or status reports from the working group are expected every 21 days. NPS and FAA anticipate that the final product of the NPOWG will be a recommended notice of proposed rulemaking.

The final report of the NPOWG will be made available to the public when it is reported to the Advisory Board and ARAC. In addition, both agencies envision that public meetings will be held following the publication of a notice of proposed rulemaking on the issues regarding overflights of the national parks.

The Secretary of the Interior and the Secretary of Transportation have determined that this working group is in the public interest because it presents an opportunity for interested groups to present their varied perspectives on the rulemaking.

Related Rulemaking

On January 3, 1997, the FAA issued a final rule temporarily banning commercial air tour overflights of the Rocky Mountain National Park [62 FR 1192; January 8, 1997]. In that final rule the FAA stated that this temporary Special Federal Aviation Regulation would expire as soon as a general rule on overflights of the national parks is adopted.

In addition, the FAA has underway a rulemaking effort to establish safety standards for all air tour operations.

Issued in Washington, DC on May 19, 1997.

Joseph A. Hawkins,

Director of Rulemaking, Federal Aviation Administration.

[FR Doc. 97-13521 Filed 5-19-97; 4:27 pm]

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Programmatic EO 11990 Wetland Finding: New York State

AGENCY: Federal Highway Administration, New York Division Office (NYDO), DOT.

ACTION: Public notice of programmatic EO 11990 wetland finding.

SUMMARY: The NYDO is issuing this notice to advise the public that it has made a programmatic EO 11990 Wetland Finding for Federally Aided Highway Projects Classified as a Categorical Exclusion under 23 CFR 771.117 which involve only the use of U.S. Corps of Engineers (COE) Section 404 Nationwide Permits. The Finding was circulated to Federal and State regulatory and resource agencies as well as all of the New York Metropolitan Planning Organizations and the Statewide clearinghouse for their input prior to finalization.

FOR FURTHER INFORMATION CONTACT: William A. Gates, Environmental Coordinator, Federal Highway Administration, New York Division Office, Leo W. O'Brien Federal Building, 9th Floor, Albany, NY 12207, Telephone: 518-431-4125.

SUPPLEMENTARY INFORMATION: This programmatic Executive Order 11990 (EO 11990) evaluation and wetland finding has been prepared for transportation improvement projects which require only a Corps of Engineers (COE) Section 404 Nationwide Permit for work which will affect waters of the United States. It satisfies the requirements of EO 11990 and U.S. Department of Transportation (DOT) Order 5660.1A for all projects that meet the applicability criteria listed below. No individual wetland finding need be prepared for such projects.

Background

EO 11990, issued on May 24, 1977, requires each agency to develop procedures for Federal actions whose impact is not significant enough to require the preparation of an

Environmental Impact Statement (EIS) under Section 102(2)(C) of the National Environmental Policy Act (NEPA) as amended. It also includes a clause in Section 6 indicating that existing processes "to the extent possible" be used to fulfill the requirements of the order.

The DOT issued DOT Order 5660.1A on August 24, 1978. The DOT Order defines "New construction" as including any draining, dredging, channelizing, filling, diking, impounding, and related activities. It does not include routine repairs and maintenance of existing facilities. The DOT Order indicates that any project which will have a significant impact on wetlands will require preparation of an EIS. Paragraph 7f of the Order states "In carrying out any activities (including small scale projects which do not require documentation) with a potential effect of wetlands, operating agencies should consider the following factors in implementing the Department policy relevant to a proposal's effect on the survival and quality of wetland: (1) Public health, safety and welfare, including water supply, water quality, recharge and discharge, and pollution; flood and storm hazards; and sedimentation and erosion; (2) Maintenance of natural systems, including conservation and long-term activity of existing flora and fauna, species habitat diversity and stability, hydrologic utility, fish and wildlife, timber, and food and fiber resources; and other uses of wetlands in the public interest, including recreational, scientific, and cultural use as well as transportation uses and objectives."

On August 28, 1987, the Federal Highway Administration published new regulations implementing the National Environmental Policy Act codified in 23 CFR 771. Section 771.117 describes a class of actions that do not individually or cumulatively have a significant environmental effect and are excluded from the requirement to prepare an Environmental Assessment or Environmental Impact Statement.

The COE has promulgated regulations establishing several types of general permits, Nationwide Permits (NWP), which are designed to regulate with little, if any, delay or paperwork certain activities having minimal impacts. These activities are authorized under an NWP only if that activity and the permittee satisfy all of the NWP's terms and conditions.

Applicability

This programmatic wetland finding may be applied in the following circumstances:

1. The project being evaluated is classified as a Categorical Exclusion under NEPA.

2. The only COE permit(s) required fits the description and satisfies all of the terms and conditions, including regional conditions of an NWP.

3. The New York State Department of Transportation has prepared a Design Approval Document containing:

A. A brief narrative describing the wetland(s) location, state and federal wetlands classifications, approximate wetland area, covertypes, and the area of proposed wetland impact;

B. A plan showing the wetland(s) location, approximate boundaries, and area within the project limits, and the area(s) of proposed wetland impact;

C. A brief discussion of the type and size of permanent and/or temporary direct and indirect impacts on the wetlands and its functions caused by draining, dredging, channelizing, filling, diking, impounding, and related activities considering factors described in Section five of EO11990;

D. A statement that there are no practicable alternatives to the construction in wetland(s) and brief supporting explanation describing the efforts to avoid impacts; and

E. A brief discussion of the practicable measures to minimize harm to the involved wetlands that will be incorporated into the design and construction of the project.

4. The project has been developed in accordance with the procedure for a public involvement/public hearing program approved by FHWA pursuant to 23 CFR 771.111(h)(1).

In accordance with Executive Order 11990, Section 2(a), I find that for all Federal-aid projects which meet the above conditions (1) that there is no practicable alternative to the proposed construction and (2) the proposed project includes all practicable measures to minimize harm to the involved wetlands which may result from the construction of the transportation project. Any Federal-aid transportation project impacting wetlands not meeting the above conditions shall require an individual wetland finding.

Comments or questions concerning this finding should be directed to the FHWA at the address provided above.

(Catalog of Federal Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Authority: 23 U.S.C. 315; 49 CFR 1.48.

Issued on: March 9, 1997.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. PS-142; Notice 6]

Pipeline Risk Management Demonstration Project; Electronic Town Meeting

AGENCY: Office of Pipeline Safety, DOT.

ACTION: Notice.

SUMMARY: On Thursday, June 5, 1997, the Office of Pipeline Safety (OPS) will sponsor a satellite-based, town meeting video teleconference on the status of the Pipeline Risk Management Demonstration Program. The broadcast will show how communities can learn about demonstration projects in their area, and the potential benefits that may result. It will be aired from 2:00 p.m. to 5:00 p.m. Eastern Daylight Time, and will be easily accessible nationwide. We hope you will tune in, and perhaps even participate via call-in questions and comments. We also hope you will invite others in your organization and community to watch this broadcast as well. Meaningful community involvement and effective communication are critical elements in the success of the Demonstration Program.

DATES: The town meeting video teleconference will be aired on June 5, 1997, from 2:00 p.m. to 5:00 p.m. Eastern Daylight Time.

FOR FURTHER INFORMATION CONTACT: Eben M. Wyman, (202) 366-0918, or by e-mail (eben.wyman@rspa.dot.gov), regarding the subject matter of this Notice. Contact the Dockets Unit (202) 366-5046, for other material in the docket.

SUPPLEMENTARY INFORMATION: The Demonstration Program tests an innovative regulatory approach to achieving superior safety performance by allowing pipeline operators to customize safety activities. The June 5 electronic town meeting is a follow-on to the January 28, 1997, public meeting sponsored by OPS to familiarize government agencies, pipeline operators, and other interested parties with the Program. OPS hopes the June 5 broadcast will reach an even wider audience, including safety and environmental officials in communities likely to be affected by demonstration projects. OPS will present background