

The 1997 surveys suggest that 260 air tour aircraft operated in the GCNP in 1995, not 136 as premised in the Regulatory Evaluation of the Final Rule. This new information about the number of aircraft led FAA to change its assumptions about the effectiveness of the cap on aircraft to limit growth in operations, but did not otherwise affect the validity of the noise and air quality analyses in the Final EA, which depends on the number of flights, not aircraft. In preparing the Regulatory Evaluation, the FAA derived the 136 aircraft baseline by comparing data in the 1995 Survey with operations specifications. In contrast, the Final EA used modeling input that was prepared by the NPS in October 1995 to model noise impacts in the vicinity of the GCNP (October 1995 NPS modeling input).

The October 1995 NPS modeling input was prepared using a combination of the 1995 Survey and traffic counts prepared by air traffic controllers for Grand Canyon National Park Airport. The FAA selected the October 1995 modeling input to provide the best possible picture of flights in the vicinity of the GCNP because the GCNP does not provide the typical data sources used to predict aircraft noise exposure in an airport environment.

In reevaluating the Final EA, the FAA continued to base its analysis on the following data and modeling assumptions: (1) the use of operations in the October 1995 NPS modeling data, incorporating refinements from the May 1997 Written Reevaluation and the 1997 surveys; (2) the assumption that the curfew would somewhat reduce operations; and (3) the use of a 3.3 percent compound annual rate of growth. The 3.3 percent compound annual rate of growth was retained and used to analyze the Proposed Action because the 1997 surveys show that caps on numbers of aircraft would only immediately restrict the growth of a few air tour operators. The 1997 surveys indicate that many operators use their aircraft in revenue producing endeavors other than the GCNP air tours and that neither aircraft nor seating capacities are fully utilized. The baseline defined in the cap on number of aircraft in the Final Rule allows air tour operators to use aircraft that were only flown occasionally for CGNP tours in 1995. This means that most operators can increase their flights to meet demand without increasing their fleets. For these reasons, the cap does not appear likely to immediately reduce growth in the number of flights over the CCNP.

The FAA decided to revise its noise analysis to address potential increases

in operations over those modeled in the Final EA and the May 1997 Written Reevaluation. The increase operations are in the Marble Canyon area (along the Black4 and Black5 routes). The changes in operational levels modeled were: (1) the addition of 5 daily operations to the Black4 route and the addition of 6 daily operations to the Black5 route for the 1997 No Action; (2) the addition of 5 daily operations to Black4 and 6 daily operations to Black 5 for the 1997 Proposed Action with the curfew applied; and (3) the application of a 3.3 percent annual growth rate to the new 1997 annual No Action condition for analysis of the 2008 No Action condition.

The Written Reevaluation also included sensitivity analysis modeling as follows: (1) the addition of 29 daily operations to the Green 2 route along the Dragon Corridor through the Bright Angel Flight Free Zone (FFZ) for the 1997 Proposed Action; (2) the addition of 29 daily operations to the Green2 and the placement on the modern most loop of all Dragon corridor loop traffic for the 1997 Proposed Action; and (3) the assumption of an earlier turn around location at Separation Canyon for helicopter traffic on the Green4 route and fixed wing traffic on the Blue2 route for the return trip to Las Vegas (south of the Sanup Flight Free Zone) for the 1997 No Action and the 1997 Proposed Action.

As to proposed routes, in addition to the turn around at Separation Canyon, this Written Reevaluation evaluates minor adjustments in the National Canyon Corridor route. These adjustments are proposed to further mitigate Native American concerns. Otherwise, the routes considered are those evaluated in the May 1997 Written Reevaluation. The route changes evaluated in the May 1997 Reevaluation are comparable to the routes modeled in the Final EA.

The noise modeling analysis reveals that the increase in operations, and the minor air tour route adjustment will not significantly impact the human and natural environment in the vicinity of Grand Canyon National Park. More specifically, noise levels associated with the Final Rule are well below any established residential or other established threshold of significance in the Special Flight Rules Area. The new information on number of aircraft and air tour operations, and the minor air tour route adjustments does not alter the previous analysis that indicted the Proposed Action (Final Rule) in the Final EA reduces aircraft noise effects in the GCNP. The analyses in the Written Reevaluation supports the conclusion

that the Final Rule, even with the new information, does not lead to significant environmental impacts on historic, archaeological, and cultural resources, wild and scenic rivers, visual resources, endangered species, DOT Section 4(f) properties, environmental justice, and air quality. Nor will it result in other significant environmental impacts such as cumulative, social, or induced socio-economic impacts.

With respect to the achievement of progress toward the substantial restoration of natural quiet, the impact of increased air tour operations as analyzed in the Written Reevaluation, serves to reduce the percentage of the GCNP that will achieve substantial restoration of natural quiet for more than 25 percent of the time when compared to what was originally assumed in the Final EA. However, although the GCNP with the implementation of the Final Rule, will not reach the same percentage of substantial restoration of natural quiet as had been originally projected in the Final EA, progress will still be made toward the goal with the implementation of the Final Rule.

Accordingly, the conclusions of the December 31, 1996, Final EA FONSI are still substantially valid as indicated in the Written Reevaluation. No supplemental EA, or further environmental documentation is required based upon this new information.

Issued in Washington, DC, on October 27, 1997.

John S. Walker,

Program Director for Air Traffic Airspace Management.

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 954

[Docket No. FR-3567-F-02]

RIN 2577-AB35

Indian HOME Program

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Final rule.

SUMMARY: This rule adopts as final the interim rule for the Indian HOME Program at 24 CFR part 954, published on June 21, 1996.

EFFECTIVE DATE: December 1, 1997.

FOR FURTHER INFORMATION CONTACT: Bruce Knott, Office of Native American

Programs, Department of Housing and Urban Development, 1999 Broadway, Suite 3390, Denver, CO; telephone (303) 675-1600 (voice) or 1-800-877-8339 (TTY for speech or hearing impaired individuals). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

I. Paperwork Burden

The information collection requirements contained in §§ 954.106, 954.505, 954.506, 954.507 of this rule have been approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), and assigned OMB control number 2577-0191. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

II. Background

On June 21, 1996, at 61 FR 32292, HUD published an interim rule to move the Indian HOME Program from 24 CFR part 92 to part 954. The interim rule also included clarifications and simplifications intended to facilitate the use of the rule by interested parties, increase similarity with the Indian Community Development Block Grant (ICDBG) program, and simplify administration of Native American Tribal Programs.

Comments were solicited on the interim rule for a period of 60 days. No public comments were received, and HUD has determined to promulgate the June 21, 1996 interim rule without any changes as a final rule. Although section 505 of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (Pub. L. 104-330, approved October 26, 1996) ends the Indian HOME Program in Fiscal Year (FY) 1998, which begins on October 1, 1997, this final rule is being issued to provide for the administration of any Indian HOME funds and Indian HOME-assisted projects that will continue beyond the date when new funding under the program will no longer be made available.

III. Findings and Certifications

Regulatory Flexibility Act—Impact on Small Entities

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule before publication and by approving it certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule promulgates as final the interim rule

revisions to the existing Indian HOME program under which Indian tribes receive grant assistance from HUD to increase the number of housing opportunities for low-income and very low-income people. HUD does not anticipate a significant economic impact on small entities since Indian tribes will continue to carry out their Indian HOME program activities as they now do.

Environmental Review

At the time of publication of the interim rule, a Finding of No Significant Impact with respect to the environment was made in accordance with HUD regulations in 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The interim rule is adopted by this final rule without significant change. Accordingly, the initial Finding of No Significant Impact remains applicable, and is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the office of the Rules Docket Clerk at the above address.

Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

This rule will not pose an environmental health risk or safety risk on children.

Unfunded Mandates Reform Act

The Secretary has reviewed this rule before publication and by approving it certifies, in accordance with the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532), that this rule does not impose a Federal mandate that will result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year.

The Catalog of Federal Domestic Assistance Number for the HOME Program is 14.239.

List of Subjects in 24 CFR Part 954

Grant programs—housing and community development, Manufactured homes, Rent subsidies, Reporting and recordkeeping requirements.

Accordingly, for the reasons stated in the preamble, title 24 of the Code of Federal Regulations is amended by adopting the interim rule published in the **Federal Register** on June 21, 1996 (61 FR 32292) as final without change.

Dated: October 22, 1997.

Kevin Emanuel Marchman,

Acting Assistant Secretary for Public and Indian Housing.

[FR Doc. 97-28855 Filed 10-30-97; 8:45 am]

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NATIONAL LABOR RELATIONS BOARD

29 CFR Part 102

Post-employment Restrictions on Agency Employees

AGENCY: National Labor Relations Board.

ACTION: Final rule.

SUMMARY: The National Labor Relations Board (NLRB) is repealing its current Agency-specific regulations which restrict practice before the Agency by former NLRB employees and substituting therefor a new rule which references the executive branch-wide post-employment restrictions imposed by 18 U.S.C. 207.

EFFECTIVE DATE: October 31, 1997.

FOR FURTHER INFORMATION CONTACT: John J. Toner, Executive Secretary, National Labor Relations Board, 1099 14th Street, NW, Room 11600, Washington, DC 20570. Telephone: (202) 273-1940.

SUPPLEMENTARY INFORMATION: Executive Order 12674 (April 12, 1989), as modified by Executive Order 12731 (October 17, 1990), authorizes the Office of Government Ethics (OGE), in consultation with the Attorney General and the Office of Personnel Management, to issue regulations that "establish a single, comprehensive, and clear set of executive-branch standards of conduct that shall be objective, reasonable, and enforceable." The Executive Order further authorizes OGE, with the concurrence of the Attorney General, to issue regulations interpreting 18 U.S.C. 207-209.

Pursuant to this authority and similar authority granted OGE by the Ethics Reform Act 1989, on August 7, 1992, OGE published new Standards of Ethical Conduct for Employees of the Executive Branch (Standards). See 57 FR 35006-35067, as corrected at 57 FR 48557, 57 FR 52583, and 60 FR 51667, and amended at 61 FR 42965-42970 (as corrected at 61 FR 48733) and 61 FR 50689-50691, with additional grace period extensions at 59 FR 4779-4780, 60 FR 6390-6391, 60 FR 66857-66858, and 61 FR 40950-40952. The Standards, codified at 5 CFR part 2635, became effective February 3, 1993, and established uniform standards of ethical conduct that apply to all executive branch personnel, superseding most agency-specific standards of conduct. Accordingly, on July 21, 1994, the NLRB issued a final rule repealing certain provisions of its own regulations governing employee responsibilities and conduct codified at 29 CFR part 100