

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 91, 93, 121, and 135

[Docket No. 28537; Amendment Nos. 91-257, 121-270, 135-72, 93-76]

Special Flight Rules in the Vicinity of Grand Canyon National Park

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correcting amendment.

SUMMARY: On February 26, 1997, the FAA delayed the implementation of certain provisions of the December 31, 1996 final rule, Special Flight Rules in the Vicinity of Grand Canyon National Park. In addition, the final rule reinstated and removed certain portions of Special Federal Aviation Regulation (SFAR) No. 50-2, Special Flight Rules in the Vicinity of Grand Canyon National Park, AZ. The final rule contained an error, in that it inadvertently removed section 3 of SFAR No. 50-2. Section 3 provides certain restrictions, such as altitude requirements, for non-commercial sightseeing operations in the Special Flight Rules Area (SFAR) of the Grand Canyon National Park. This action corrects the error by reinstating section 3.

EFFECTIVE DATE: April 23, 1998.

FOR FURTHER INFORMATION CONTACT: Reginald C. Matthews, Manager, Airspace and Rules Division, ATA-400, Office of Air Traffic Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; Telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION: On December 31, 1996, the FAA published three concurrent actions (a final rule, a Notice of Proposed Rulemaking, and a Notice of Availability of Proposed Commercial Air Tour Routes) in the **Federal Register** (62 FR 69301) as part of an overall strategy to reduce further the impact of aircraft noise on the GCNP environment and to assist the National Park Service (NPS) in achieving its statutory mandate imposed by Public Law 100-91. The final rule amended part 93 of the Federal Aviation Regulations and added a new subpart to codify the provisions of SFAR No. 50-2, modified the dimensions of the GCNP SFRA; established new and modified existing flight-free zones; established new and modified existing flight corridors; and established reporting requirements for commercial sightseeing companies operating in the Special

Flight Rules Area. In addition, to provide further protection for park resources, the final rule prohibited commercial sightseeing operations in the Zuni and Dragon corridors during certain time periods, and placed a temporary limit on the number of aircraft that can be used for commercial sightseeing operations in the GCNP SFRA. These provisions originally were to become effective on May 1, 1997.

On February 21, 1997, the FAA issued a final rule that delayed the implementation of certain sections of the final rule (62 FR 8862; February 26, 1997). Specifically, this action delayed the implementation date, until January 31, 1998, of those sections of the rule that address the SFRA, flight-free zones, and flight corridors, respectively §§ 93.301, 93.305, and 93.307. In addition, certain portions of SFAR No. 50-2 were reinstated and the expiration date was extended. With the goal to produce the best air tour routes possible, implementation of the airspace portions of the final rule, was delayed to allow the FAA and the Department of Interior (DOI) to further consider comments and suggestions to improve the proposed route structure. This latter action did not affect or delay the implementation of the curfew, aircraft cap, or reporting requirements of the rule. On December 11, 1997, the FAA subsequently delayed implementation of the airspace portions of the final rule until January 31, 1999, and correspondingly extended certain provisions of SFAR No. 50-2 (62 FR 66248; December 17, 1997).

Recently, it was discovered that the final rule issued on February 26, 1997, removed SFAR No. 50-2, section 3, Aircraft operations: general. Section 3 sets forth the requirements for non-commercial sightseeing aircraft operating in the SFRA. This was an inadvertent error on the part of the FAA since the February 26, 1997, final rule was intended, as stated in the preamble, to delay the effective date for certain portions of the final rule for implementation of the airspace portions that address commercial sightseeing aircraft only. This correcting amendment reinstates section 3 to SFAR No. 50-2.

Because this final rule only corrects an inadvertent error, the FAA finds that notice and comment are unnecessary.

The FAA has determined that this action imposes no additional burden on any person. Accordingly, it determines that this action: (1) is not a significant action under Executive Order 12866; and, (2) is not a significant action under Department of Transportation Regulatory Policy and Procedures (44

FR 11034). In addition, the FAA certifies that this action will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects

14 CFR Part 91

Aircraft, Airmen, Air traffic control, Aviation safety, Noise control.

14 CFR Part 121

Aircraft, Airmen, Aviation safety, Charter flights, Safety, transportation.

14 CFR Part 135

Air taxis, Aircraft, Airmen, Aviation safety.

Adoption of Amendments

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

PARTS 91, 121, AND 135—[AMENDED]

1. The authority citation for part 91 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.

2. 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, 44912, 46105.

3. 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.

SFAR No. 50-2 [Amended]

4. Amend parts 91, 121, and 135, Special Federal Aviation Regulation No. 50-2, to reinstate Section 3 to read as follows:

SFAR No. 50-2—SPECIAL FLIGHT RULES IN THE VICINITY OF THE GRAND CANYON NATIONAL PARK, AZ

* * * * *

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.

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Issued in Washington, DC, on April 23, 1998.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

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