

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 91 and 135

[Docket No. 25149, Special Federal Aviation Regulation (SFAR) No. 50-2]

RIN 2120-AF60

Special Flight Rules in the Vicinity of the Grand Canyon National Park

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action continues, for an additional 2 years, the effectiveness of SFAR No. 50-2, which contains procedures governing the operation of aircraft in the airspace above Grand Canyon National Park. SFAR No. 50-2, which originally established the flight regulations for a period of 4 years, had previously been extended to allow the National Park Service (NPS) time to complete studies concerning aircraft overflight impacts on the Grand Canyon, and to forward its recommendations to the FAA. The NPS study, completed in September 1994, recommended alternatives, such as use of quiet aircraft, additional flight-free zones, altitude restrictions, operating specifications, noise budgets, and time limits. This rule allows the FAA sufficient time to review thoroughly the NPS recommendations as to their impact on the safety of air traffic over the Grand Canyon National Park, and to initiate and complete any appropriate rulemaking action.

DATES: *Effective date.* June 15, 1995.
Expiration date. SFAR 50-2 expires June 15, 1997.

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SUPPLEMENTARY INFORMATION:

Background

On March 26, 1987, the FAA issued SFAR No. 50 (subsequently amended on June 15, 1987; 52 FR 22734) establishing flight regulations in the vicinity of the Grand Canyon. The purpose of the SFAR was to reduce the risk of midair collision, reduce the risk of terrain contact accidents below the rim level, and reduce the impact of aircraft noise on the park environment.

On August 18, 1987, Congress enacted legislation that required a study of aircraft noise impacts at a number of national parks and imposed flight restrictions at three parks: Grand Canyon National Park in Arizona, Yosemite National Park in California, and Haleakala National Park in Hawaii (Pub. L. 100-91).

Section 3 of Pub. L. 100-91 required that the Department of the Interior (DOI) submit to the FAA recommendations to protect resources in the Grand Canyon from adverse impacts associated with aircraft overflights. The law mandated that the recommendations (1) provide for substantial restoration of the natural quiet and experience of the Grand Canyon; (2) with limited exceptions, prohibit the flight of aircraft below the rim of the Canyon; and (3) designate zones that were flight free except for purposes of administration of underlying lands and emergency operations.

Further, Pub. L. 100-91 required the FAA to prepare and issue a final plan for the management of air traffic above the Grand Canyon. It also required that the plan establish a means to implement the recommendations of the DOI without change unless the FAA determined that executing the recommendations would adversely affect aviation safety. In that event, the FAA was required to revise the DOI recommendations to resolve the safety concerns and to issue regulations implementing the revised recommendations in the plan.

In December 1987, the DOI transmitted to the FAA preliminary recommendations for an aircraft management plan at the Grand Canyon. The recommendations included both rulemaking and nonrulemaking actions.

On May 27, 1988, the FAA issued SFAR No. 50-2 revising the procedures for operation of aircraft in the airspace above the Grand Canyon (53 FR 20264, June 2, 1988). The rule implemented DOI's preliminary recommendations for an airspace management plan with some modifications that the FAA initiated in the interest of aviation safety.

Pub. L. 100-91 also required the DOI to conduct a study, with DOT technical assistance, to determine the proper minimum altitude to be maintained by aircraft when flying over units of the National Park System. The research was to include an evaluation of the noise levels associated with overflights. It required that, before submission to Congress, the DOI provide a draft report (containing the results of its studies) and recommendations for legislative and regulatory action to the FAA for review. The FAA is to notify the DOI of

any adverse effects these recommendations may have on the safety of aircraft operations. Additionally, section 3 of Pub. L. 100-91, required the DOI to submit a Report to Congress regarding the success of the Grand Canyon airspace management plan, and any necessary revisions, within 2 years of the effective date of the plan. The FAA was to report whether any of these recommendations would have an adverse effect on safety. On June 15, 1992, because of a delay in the completion of the DOI study, the FAA promulgated a final rule to extend the expiration date to SFAR No. 50-2 to June 15, 1995 (57FR 26766).

On September 12, 1994, the DOI submitted its final report and recommendations to Congress. The report recommends numerous revisions to the current flight restrictions contained in SFAR 50-2. In addition, the report recommends the use of quiet aircraft, additional flight-free zones, altitude restrictions, operating specifications, noise budgets, and time limits for flight in the vicinity of the Grand Canyon.

Upon completing a review of the NPS congressional report, the FAA may amend SFAR 50-2 through the rulemaking process. On April 12, 1995, the FAA published a notice of proposed rulemaking (NPRM) that proposed to extend the provisions of SFAR No. 50-2 for 2 years from the June 15, 1995, expiration date (60 FR 18700). This action extends the effectiveness of the rule, allowing the FAA sufficient time to determine if there is a need to adjust SFAR No. 50-2 in accordance with the NPS recommendations and to make any necessary changes.

Discussion of Comments

The FAA received nine comments in support of, and one comment in opposition to, this action. Commenters included the Aircraft Owners and Pilots Association (AOPA); the Las Vegas Department of Aviation; the National Transportation Safety Board (NTSB); the U.S. Department of Interior, Bureau of Indian Affairs (BIA); environmental associations and air tour operators.

AOPA supports extension of the rule; however, it states that the rule is "inherently discriminatory" to many general aviation (GA) aircraft due to their operating characteristics. AOPA contends that this rule restricts many GA overflights to a narrow corridor and strongly opposes any similar overflight restrictions at any other national parks.

The Las Vegas Department of Aviation supports extension of the rule in order to allow the FAA sufficient time to study the NPS report. However, the