

and to assist the NPS in achieving its statutory mandate imposed by the Overflights Act.

1996 Proposal for Quiet Technology Designation

In the 1996 NPRM (Noise Limitations NPRM), Noise Limitations for Aircraft Operations in the Vicinity of Grand Canyon National Park, FAA proposed to establish noise limitations for certain aircraft operating in the vicinity of GCNP. The proposed aircraft noise limitations rule generally would have required air tour aircraft to be categorized according to each aircraft's noise efficiency. This NPRM sought to reduce the impact of air tour aircraft noise on GCNP and to assist NPS in achieving substantial restoration of natural quiet in GCNP. The 1996 proposal had three parts: (1) Provide an incentive flight corridor through the National Canyon for noise efficient aircraft; (2) categorize aircraft by noise efficiency; and (3) remove the aircraft cap for the most noise efficient aircraft.

First, the proposed rule would have implemented incentives to encourage operators to convert to the most noise efficient category of air tour aircraft. The NPRM also provided an incentive route for the use of noise efficient aircraft within the GCNP.

Second, the NPRM proposed to divide air tour aircraft into three categories according to their level of noise efficiency, as measured by the relationship between the certificated noise level of the aircraft and the number of passenger seats on the typical configuration of that aircraft type. The noise efficiency concept was preferred because it encouraged the replacement of a tour aircraft with a larger, more noise efficient aircraft, which would both reduce the noise of each operation and reduce the number of air tour operations while still accommodating the same number of passengers. Additionally, the NPRM defined the three categories of noise efficiency as, Category A, the least noise efficient; Category B, more noise efficient than Category A; and, Category C, the most noise efficient. The NPRM proposed phasing-out the use of the least noise efficient aircraft.

Third, the NPRM proposed removing the temporary cap placed on the number of aircraft permitted to be used for commercial sightseeing operations in the GCNP for operators using Category C air tour aircraft, the most noise efficient air tour aircraft in GCNP.

The FAA's findings and recommendations were presented in full detail in the publication of the NPRM. Following the publication of the NPRM,

as well as a number of other related rulemakings at the end of December 1996, the FAA and NPS jointly agreed that the best approach to substantially restore natural quiet in GCNP was to devote their resources to the development of those final rules that addressed critical near-term needs. Thus, priority was given to the promulgation of final rules on changes to the airspace over GCNP and establishment of operations limitations for air tour flights. The agencies again focused on the quiet technology rulemaking as soon as the airspace and operations limitation final rules were published in April 2000.

Related Federal Rulemaking and Policies Since 1996

On February 26, 1997, the FAA published a final rule (62 FR 8862) that amended the effective date of modifications to the GCNP SFRA that were codified in an earlier final rule published on December 31, 1996. This action delayed the effective date for 14 CFR sections 93.301, 93.305, and 93.307 of the final rule and reinstated portions of SFAR 50-2 and amended the expiration date of that SFAR.²

On May 15, 1997, the FAA published an NPRM (62 FR 26902; Notice 97-6), which proposed to amend two of the flight-free zones within the GCNP by establishing two corridors through the flight-free zones. The first corridor through the Bright Angel Flight-Free Zone would have been an incentive corridor to be used only by the most noise efficient air tour aircraft. The second corridor in the Toroweap/Shinumo Flight-Free Zone through the National Canyon area would have created a marketable air tour route in the central section of the Park while addressing some concerns of the Native Americans.

After implementation of certain provisions of the final rule, the FAA discovered that it had underestimated the number of commercial air tour aircraft operating in GCNP in 1995. The FAA reevaluated the economic and environmental analyses completed for the final rule in light of this new information and determined that the changes were not of such magnitude as to affect the Agency's position on the implementation of the final rule. On October 31, 1997, the FAA published a notice of clarification (62 FR 58898) to set forth its reevaluation of the economic and environmental impacts

² The effective date for 14 CFR 93.301, 93.305, and 93.307 was delayed by subsequent amendments (62 FR 66248; 63 FR 67544; 64 FR 5152; 65 FR 5395; 65 FR 69846; 66 FR 1002, 66 FR 16582) until finally becoming effective on April 19, 2001.

associated with the Special Flight Rules in the Vicinity of Grand Canyon National Park (GCNP) Final Rule, published on December 31, 1996.

On July 15, 1998, the FAA published an SNPRM (63 FR 38232) to the Noise Limitations NPRM published on December 31, 1996, removing from consideration two sections that proposed to establish a corridor in the Toroweap/Shinumo Flight-Free Zone through the National Canyon area as an incentive route for quiet technology aircraft. The FAA, in consultation with the NPS, removed these two sections from the NPRM because comments submitted by the air tour operators, the environmentalists, and the Native Americans led the two agencies to conclude that the National Canyon air tour route was not a viable option. At the same time, the FAA withdrew NPRM Notice 97-6, which had proposed quiet technology incentive corridors in the Park (63 FR 38233)—Bright Angel and the National Canyon corridors.

On January 26, 1999, the NPS published for comment a public notice of agency policy, "Evaluation Methodology for Air Tour Operations Over Grand Canyon National Park" (64 FR 3969). This noise assessment methodology became effective on July 14, 1999 (64 FR 38006). The new policy adopted refinements to NPS' noise evaluation (*i.e.*, impact assessment) methodology for air tour operations over GCNP. Specifically, the refinements adopted a two-zone system for assessing impacts related to substantial restoration of natural quiet at GCNP. In Zone One, encompassing about one-third of the Park's area, the threshold of noticeability previously used in noise modeling for environmental analyses related to GCNP air tours remains unchanged (*i.e.*, the level at which people, otherwise preoccupied, would notice the noise, determined to be the average A-weighted natural ambient level plus 3 decibels(dB)). In Zone Two, encompassing about two-thirds of the Park's area, the threshold for the onset of impact is audibility (*i.e.*, the level at which aircraft can begin to be heard by people with normal hearing, determined to be 8dB below the average A-weighted natural ambient level at GCNP). Because the noise model used to assess air tour overflight noise in the park is based upon A-weighted data, the adjustments of +3 and -8 dB are the respective conversion factors related to the thresholds of noticeability and audibility in terms of the noise frequency on the one-third-octave band.

On July 9, 1999, the FAA published two NPRMs. One proposed to modify