

technology designation be used in the setting of the limitations?

Economic summary

Proposed changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (19 U.S.C. 2531–2533) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. And fourth, the Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by state, local or tribal governments, in the aggregate, or by the private sector, of \$100 million or more, in any one year (adjusted for inflation).

However, for regulations with an expected minimal impact the above-specified analyses are not required. The Department of Transportation Order DOT 2100.5 prescribes policies and procedures for simplification, analysis, and review of regulations. If it is determined that the expected impact is so minimal that the proposal does not warrant a full evaluation, a statement to that effect and the basis for it is included in proposed regulation. Since this SNPRM serves only to refine the quiet technology definition applied to air tour aircraft operating in GCNP developed in the Noise Limitations NPRM, and removes all compliance requirements proposed in that NPRM, the expected outcome is to have a minimal impact.

The SNPRM retains the “noise efficiency” concept defined by the relationship between the certificated noise level of an aircraft and the number of passenger seats on the typical configuration of that aircraft type as initially proposed in the Noise Limitations NPRM. However, the three principal rulemaking elements of 61 FR 69334 have been eliminated. The SNPRM replaces the three noise efficiency categories that were proposed in the Noise Limitations NPRM and proposes to temporarily continue to rely

on the designation of quiet technology aircraft, those that were formerly described as Category C. Furthermore, the SNPRM does not propose any phaseout of air tour aircraft that do not comply with the Category C quiet technology designation. Nor does it include any incentive flight corridors through the park as proposed in December 1996. Finally, as noted above, the SNPRM does not lift the operations limitation on commercial air tour operations conducted in the Park that has replaced the 1996 aircraft cap for those aircraft meeting the Category C noise efficiency standard.

Therefore, this SNPRM is essentially a definition of quiet technology and has negligible economic impact on the operators of GCNP air tours. The FAA seeks public comment before moving to future FAA rulemaking in consultation with the NPS. Future rulemaking would be coordinated with an advisory group composed of representatives of general aviation, commercial air tour operations, environmental concerns, and Native American interests.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) establishes “as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the business, organizations, and governmental jurisdictions subject to regulation.” To achieve that principle, the RFA requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the determination is that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA.

However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

This action merely defines quiet technology but does not impose any

requirements. Therefore, the FAA does not expect this rule to impose any cost on small entities. Consequently, the FAA certifies that the rule will not have a significant economic impact on a substantial number of small air tour operators.

International Trade Impact Analysis

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

In accordance with the above statute, the FAA has assessed the potential effect of this proposed rule to be minimal and, therefore, has determined that this rule will not result in an impact on international trade by companies doing business in or with the United States.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (the Act), enacted as Public Law 104–4 on March 22, 1995, is intended, among other things, to curb the practice of imposing unfunded Federal mandates on state, local, and tribal governments. Title II of the Act requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in a \$100 million or more expenditure (adjusted annually for inflation) in any one year by state, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a “significant regulatory action.”

This proposed rule does not contain such a mandate. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply.

Federalism Implications

The regulations herein would not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12866, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.