

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 71, 91, 95, 121, 125, 129, and 135**

[Docket No. FAA-2003-14305; Special Federal Aviation Regulation No. 97]

RIN 2120-AH93

Special Operating Rules for the Conduct of Instrument Flight Rules (IFR) Area Navigation (RNAV) Operations Using Global Positioning Systems (GPS) in Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: Under this Special Federal Aviation Regulation, the FAA proposes to allow the use of Global Positioning System/Wide Area Augmentation Systems for the en route portion of flights on routes in Alaska outside the operational service volume of ground based navigation aids. The use of aircraft navigation equipment other than area navigation systems, that only permit navigation to or from ground-based navigation stations, often results in less than optimal routes or instrument procedures and an inefficient use of airspace. This SFAR would optimize routes and instrument procedures and provide for a more efficient use of airspace. Further, it would result in an associated increase in flight safety.

DATES: Send your comments on or before February 24, 2003.

ADDRESSES: Address your comments to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify the docket number, FAA-2003-14305, at the beginning of your comments, and you should submit two copies of your comments. If you wish to receive confirmation that the FAA received your comments, include a self-addressed, stamped postcard. You may also submit comments through the Internet to <http://dms.dot.gov>. You may review the public docket containing comments to these proposed regulations in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT:

Donald W. Streeter, Flight Technologies and Procedures Division (AFS-400), Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 385-4567; e-mail: donald.w.streeter@faa.gov.

SUPPLEMENTARY INFORMATION:**Comments Invited**

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will file in the docket all comments received, as well as a report summarizing each substantive public contact made with FAA personnel concerning this proposed rulemaking. The docket is available for public inspection before and after the comment closing date. If you wish to review the docket in person, go to the address in the **ADDRESSES** section of this preamble between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also review the docket using the Internet at the web address in the **ADDRESSES** section.

Before acting on this proposal, we will consider all comments received on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments received.

If you want the FAA to acknowledge receipt of your comments on this proposal, include with your comments a pre-addressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it to you.

Availability of Rulemaking Documents

You can get an electronic copy of rulemaking documents through the Internet by:

- (1) Searching the Department of Transportation's electronic Docket Management System (DMS) Web page (<http://dms.dot.gov/search>);
- (2) Visiting the Office of Rulemaking's Web page at <http://www.faa.gov/avr/armhome.htm>; or
- (3) Accessing the **Federal Register's** Web page at http://www.access.gpo.gov/su_docs/aces/aces140.html.

You also can get a copy by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-9680. Make sure to identify the docket number or notice number of this rulemaking.

Background

Aviation is critical to Alaska for routine travel and commerce, and for nearly any kind of emergency. Only 10% of Alaska is accessible by road, and waterways are impassable most of each year. Alaska also is very large and crisscrossed by mountains that block radio and radar transmissions so that aviation services and infrastructure that are available in the 48 contiguous states are not available in many areas of Alaska. Aviation is essential to Alaska, but there also is a safety consequence of operating in this environment: The aviation accident rate for rural Alaska is 2.5 times the average for the rest of the United States. While approximately 20 airports in Alaska are serviced by large turbine and jet aircraft, scheduled and unscheduled air carrier service using single or light-twin engine aircraft that are often limited to visual flight rules operations is provided to approximately 1000 other airports and landing areas. Pilots operating these flights often face weather hazards—fog, ice-fog, white-out or flat-light conditions that are localized and change rapidly. Weather information is limited; there are few navigational aids; and radar coverage is largely unavailable below 5,000 feet. Areas of intense icing and short distances between destinations often keep flight operations below 2,000 feet.

The Capstone Program is a joint initiative by the FAA Alaskan Region and the aviation industry to improve safety and efficiency in Alaska by using new technologies. Derived from the National Transportation Safety Board (NTSB) and industry recommendations, Capstone was congressionally funded in October 1998, and under the FAA Acquisition and Management System, operations and maintenance funding will begin in 2004.

Capstone Phase I focuses on southwest Alaska (the Yukon and Kuskokwim River Delta—YK Delta), which is isolated, has limited infrastructure, and has the same high rate of aviation accidents experienced in the rest of the state. Under Capstone, installation of advanced avionics in the YK Delta aircraft began in November 1999 and expansion of ground infrastructure and data collection will continue through December 2004. An interim analysis by the University of