

Specialist, Federal Aviation Administration, Texas Airports Development Office, ASW-650, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0650. Telephone (817) 222-5607. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the Noise Compatibility Program revision for Austin-Bergstrom International Airport, effective August 5, 2005.

Under section 47504 of the Act, an airport operator who has previously submitted a noise exposure may submit to the FAA a Noise Compatibility Program which sets forth the measures taken or proposed by the airport operator for the reduction of existing non-compatible land uses and prevention of additional non-compatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each Airport's Noise Compatibility Program developed in accordance with Federal Aviation Regulations (FAR) Part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act and is limited to the following determinations.

a. The Noise Compatibility Program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing non-compatible land uses around the airport and preventing the introduction of additional non-compatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems,

or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an Airport Noise Compatibility Program are delineated in FAR Part 150, section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA regional office in Fort Worth, Texas.

The city of Austin submitted to the FAA on April 5, 1999, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from August 1998 through March 1999. Subsequently, the city submitted a revised 2004 noise exposure map, which the FAA approved on May 8, 2000. The Austin-Bergstrom International Airport's noise exposure maps were determined by FAA to be in compliance with applicable requirements on April 5, 1999 and May 8, 2000. Notices of these determinations were published in the **Federal Register** on April 20, 1999 and May 25, 2000, respectively.

The Austin-Bergstrom International Airport study contains a proposed Noise Compatibility Program revision comprised of actions designed for phased implementation by airport management and adjacent jurisdictions. It was requested that the FAA evaluate and approve this material as a Noise Compatibility Program revision as described in section 47504 of the Act. The FAA began its review of the program revision on February 11, 2005, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new or modified flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed an approval of such program.

The submitted program revision contained one (1) proposed action for noise mitigation off the airport. The FAA completed its review and

determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program revision, therefore, was approved by the FAA effective August 5, 2005.

Outright approval was granted for the one (1) specific program measure. Approved action elements included a land use mitigation measure involving a land acquisition program and a sound insulation program. These determinations are set forth in detail in a Record of Approval signed by the Associate Administrator for Airports, ARP-1, on August 5, 2005. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the Austin-Bergstrom International Airport. The Record of Approval also will be available on-line at <http://www.faa.gov/arp/environmental/14cfr150/index14.cfm>.

Issued in Fort Worth, Texas, August 24, 2005.

Kelvin L. Solco,

Manager, Airports Division.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Membership in the National Parks Overflights Advisory Group Aviation Rulemaking Committee

AGENCIES: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The National Park Service (NPS) and the Federal Aviation Administration (FAA), as required by the National Parks Air Tour Management Act of 2000, established the National Parks Overflights Advisory Group (NPOAG) in March 2001. The NPOAG was formed to provide continuing advice and counsel with respect to commercial air tour operations over and near national parks. On October 10, 2003, the Administrator signed Order No. 1110-138 establishing the NPOAG as an aviation rulemaking committee (ARC). This notice informs the public of a vacancy on the NPOAG ARC, for a member representing air Indian tribal interests, and invites interested persons to apply to fill the vacancy.

FOR FURTHER INFORMATION CONTACT: Barry Brayer, Executive Resource Staff, Western Pacific Region Headquarters,

15000 Aviation Blvd., Hawthorne, CA 90250, telephone: (310) 725-3800, E-mail: Barry.Brayer@faa.gov, or Karen Trevino, National Park Service, Natural Sounds Program, 1201 Oakridge Dr., Suite 350, Ft. Collins, CO 80525, telephone (970) 225-3563, or Karen_Trevino@nps.gov.

SUPPLEMENTARY INFORMATION:

Background

The National Parks Air Tour Management Act of 2000 (the Act) was enacted on April 5, 2000, as Public Law 106-181. The Act required the establishment of the advisory group within 1 year after its enactment. The NPOAG was established in March 2001. The advisory group is comprised of a balanced group of representatives of general aviation, commercial air tour operations, environmental concerns, and Native American tribes. The Administrator and the Director (or their designees) serve as ex officio members of the group. Representatives of the Administrator and Director serve alternating 1-year terms as chairman of the advisory group.

By Order No. 1110-138, October 10, 2003, the NPOAG became an aviation rulemaking committee (ARC).

The NPOAG ARC provides "advice, information, and recommendations to the Administrator and the Director—

(1) On the implementation of this title [the Act] and the amendments made by this title;

(2) On commonly accepted quiet aircraft technology for use in commercial air tour operations over a national park or tribal lands, which will receive preferential treatment in a given air tour management plan;

(3) On other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) At the request of the Administrator and the Director, safety, environmental, and other issues related to commercial air tour operations over a national park or tribal lands."

Members of the NPOAG ARC may be allowed certain travel expenses as authorized by section 5703 of title 5, United States Code, for intermittent Government Service.

The NPOAG ARC is made up of four members representing the air tour industry, four members representing environmental interests, and two members representing Native American interests.

Public Participation in the NPOAG ARC

In order to maintain the balanced representation of the group, the FAA

and the NPS invite persons interested in serving on the NPOAG ARC to represent Indian Tribal interests to contact either of the persons listed in **FOR FURTHER INFORMATION CONTACT**. Requests to serve on the NPOAG ARC should be made in writing and postmarked on or before. The request should indicate the Indian tribe that you are a member of, and what expertise you would bring to Native American interests while serving on the NPOAG. The term of service for NPOAG members is 3 years.

Issued in Washington, DC on August 26, 2005.

William C. Withycombe,

Regional Administrator, Western-Pacific Region.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34736]

Watco Companies, Inc.—Continuance in Control Exemption—Yellowstone Valley Railroad, Inc

Watco Companies, Inc. (Watco), has filed a verified notice of exemption to continue in control of the Yellowstone Valley Railroad, Inc. (YVRR), upon YVRR's becoming a Class III rail carrier.¹

The transaction was scheduled to be consummated on or shortly after August 9, 2005.²

This transaction is related to the concurrently filed verified notice of exemption in STB Finance Docket No. 34737, *Yellowstone Valley Railroad, Inc.—Lease and Operation Exemption—BNSF Railway Company*. In that proceeding, YVRR seeks to acquire by lease from the BNSF Railway Company and operate approximately 171.97 miles of rail line extending between: (1) Milepost 6.0, near Glendive, MT, and milepost 78.6, near Snowden, MT; and (2) milepost 0.93, near Bainville, MT, and milepost 100.3, near Scobey, MT.³

Watco, a Kansas corporation, is a noncarrier that currently controls 12

¹ Watco owns 100% of the issued and outstanding stock of YVRR.

² Although Watco indicated that this transaction would be consummated on or shortly after August 9, 2005, YVRR, in STB Finance Docket No. 34737, indicated that the underlying lease transaction would not be consummated until August 15, 2005.

³ YVRR also seeks to acquire incidental, overhead trackage rights over the BNSF rail lines located between: (1) milepost 78.6, on the BNSF Sidney Subdivision, near Snowden, MT, and milepost 0.93, on the BNSF Scobey Subdivision, near Bainville, MT, via the BNSF Glasgow Subdivision between Snowden and Bainville; and (2) milepost 6.0, near Glendive, MT, and milepost 0.0, at Glendive, MT.

Class III rail carriers: South Kansas and Oklahoma Railroad Company (SKO); Palouse River & Coulee City Railroad, Inc. (PRCC); Timber Rock Railroad, Inc. (TIBR); Stillwater Central Railroad, Inc. (SLWC); Eastern Idaho Railroad, Inc. (EIRR); Kansas & Oklahoma Railroad, Inc. (K&O); Pennsylvania Southwestern Railroad, Inc. (PSWR); Great Northwest Railroad, Inc. (GNR); Kaw River Railroad, Inc. (KRR); Mission Mountain Railroad, Inc. (MMT); Appalachian & Ohio Railroad, Inc. (AO); and Mississippi Southern Railroad, Inc. (MSRR).

Applicant states that: (1) The rail lines operated by SKO, PRCC, TIBR, SLWC, EIRR, K&O, PSWR, GNR, KRR, MMT, AO and MSRR do not connect with the rail lines being leased by YVRR; (2) the continuance in control is not part of a series of anticipated transactions that would connect the rail lines being acquired by YVRR with any railroad in the Watco corporate family; and (3) neither YVRR nor any of the carriers controlled by Watco are Class I carriers. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2). The purpose of the transaction is to reduce overhead expenses and coordinate billing, maintenance, mechanical and personnel policies and practices of applicant's rail carrier subsidiaries and thereby improve the overall efficiency of rail service provided by the 13 railroads.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III carriers.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34736, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Karl Morell, Of Counsel, Ball Janik LLP, 1455 F Street, NW., Suite 225, Washington, DC 20005.