

**SUPPLEMENTARY INFORMATION:** On April 5, 2000, new authorizing legislation became effective. That bill, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, Public Law 10-181 (April 5, 2000; 114 Stat. 61) (AIR 21) requires that a 30 day public notice must be provided before the Secretary may waive any condition imposed on an interest in surplus property.

Issued in Beckley, West Virginia on December 7, 2007.

**Matthew P. DiGiulian,**

*Acting Manager, Beckley Airport District Office, Eastern Region.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Noise Compatibility Program Notice; Austin-Bergstrom International Airport; Austin, TX

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the City of Austin under the provisions of 49 U.S.C. (the Aviation Safety and Noise Abatement Act, hereinafter referred to as "the Act") and 14 CFR Part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On February 15, 2007, the FAA determined that the noise exposure maps submitted by the City of Austin under Part 150 were in compliance with applicable requirements. On December 7, 2007, the FAA approved the Austin-Bergstrom International Airport noise compatibility program. All of the recommendations of the program were approved. No program elements relating to new or revised flight procedures for noise abatement were proposed by the airport operator.

**DATES:** *Effective Date:* The effective date of the FAA's approval of the Austin-Bergstrom International Airport noise compatibility program is December 7, 2007.

**FOR FURTHER INFORMATION CONTACT:** Mr. Paul E. Blackford, Department of Transportation, Federal Aviation Administration, Fort Worth, Texas 76193-0650, (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 for Austin-Bergstrom International Airport, effective December 7, 2007. Under section 47504 of the Act, an airport operator who has previously submitted a noise exposure map 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 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 August 14, 2007, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from December 15, 2005 through August 14, 2007. The Austin-Bergstrom International Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on February 15, 2007. Notice of this determination was published in the Federal Register on February 23, 2007.

The Austin-Bergstrom International Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from December 7, 2007 beyond the year 2012. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 47504 of the Act. The FAA began its review of the program on August 14, 2007 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 to be an approval of such program.

The submitted program contained three proposed actions for noise mitigation off and on 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, therefore, was approved by the FAA effective December 7, 2007.

Outright approval was granted for all of the specific program elements. Approved measures consisted of (1) acquisition of noise sensitive land uses, (2) upgrade of the existing noise

monitoring system, and (3) the recommendation that the operating characteristics of the airport be monitored to ensure the accuracy of the noise exposure maps.

These determinations are set forth in detail in a Record of Approval signed by the Southwest Region, Airports Division Manager on December 7, 2007. 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/14cfr/150/index14.cfm>.

Issued in Fort Worth, Texas, December 11, 2007.

**Kelvin L. Solco,**

*Manager, Airports Division.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Noise Exposure Map Notice: Receipt of Noise Compatibility Program and Request For Review

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by Columbus Regional Airport Authority for Port Columbus International Airport under the provisions of 49 U.S.C. 47501, *et seq.* (Aviation Safety and Noise Abatement Act) and 14 CFR part 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for Port Columbus International Airport under Part 150 in conjunction with the noise exposure maps, and that this program will be approved or disapproved on or before June 1, 2008.

**DATES: Effective Date:** The effective date of the FAA's determination on the noise exposure maps and of the start of its review of the associated noise compatibility program is December 5, 2007. The public comment period ends February 2, 2008.

**FOR FURTHER INFORMATION CONTACT:** Ms. Katherine S. Jones, Federal Aviation Administration, Detroit Airports District Office, 11677 South Wayne Road, Suite

107, Romulus, Michigan, phone number (734) 229-2958. Comments on the proposed noise compatibility program should also be submitted to the above office.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA finds that the noise exposure maps submitted for Port Columbus International Airport are in compliance with applicable requirements of Part 150, effective December 5, 2007. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before June 1, 2008. This notice also announces the availability of this program for public review and comment.

Under 49 U.S.C. 47501, *et seq.* (the Aviation Safety and Noise Abatement Act, hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses.

Columbus Regional Airport Authority submitted to the FAA on November 27, 2007 noise exposure maps, descriptions and other documentation that were produced during the Port Columbus International Airport Part 150 Noise Compatibility Program Update, November 2007. It was requested that the FAA review this material as the noise exposure maps, as described in section 47503 of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 47504 of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by Columbus Regional Airport Authority. The specific documentation determined to constitute the noise exposure maps includes:

Existing (2006) Noise Exposure Map (NEM-1) and Future (2012) NEM with Noise Compatibility Program (NCP) (NEM-2). The Part 150 Noise Compatibility Program Update contains the required information for section 47503 of the Act and section A150.101 including the following specific references: current and forecast operations in Appendix J, Table 10; fleet mix and nighttime operations in Appendix C—Table C-1, C-2, C-3, C-4; flight patterns in Appendix C—Exhibits C-6, C-7, C-8, C-9, C-10, C-11, C-12, C-13, C-14, C-15, C-16, C-17, C-18, and land use in Exhibit 2-3. The FAA has determined that these maps for Port Columbus International Airport are in compliance with applicable requirements. This determination is effective on December 5, 2007. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or constitute a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under 14 CFR part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 47503 of the Act. The FAA has relied on the certification by the airport operator, under 14 CFR 150.21 of FAR part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for Port Columbus International Airport, also