

proposed rulemaking in deciding the nature of final action on each.

Background

New procedural regulations are being proposed in a Notice of Proposed Rulemaking, Type Certification Procedures for Changed Products, as a result of a trend towards fewer products that are of such significantly new design that a new type certificate is required. This proposal would require the starting point for determining the certification basis for an amended or supplemental type certificate to be the regulations in effect at the date of the application for the change, rather than those regulations incorporated by reference in the type certificate. Exceptions would be provided to permit the applicant, under certain conditions, to comply with previous amendments to those regulations.

Advisory Circular

This AC provides guidance for the applicant to comply with the regulations proposed in the Notice of Proposed Rulemaking, Type Certification Procedures for Changed Products.

Proposed § 21.101(b)(3): Determining Whether Compliance Would Not Materially Contribute to the Level of Safety of the Changed Product or Would Be Impractical

Proposed § 21.101(b)(3) states that an applicant's changed product may be shown to comply with an earlier amendment to a regulation in effect on the date of the application for the change, if compliance with that later regulation would not materially contribute to the level of safety of the changed product or would be impractical.

Parts of the associated NPRM published in this edition of the **Federal Register**, and parts of this proposed AC, resulted from a recommendation from the Aviation Rulemaking Advisory Committee (ARAC). Appendix 2 of this proposed AC contains a "safety benefit—resource evaluation guide," which was recommended by the ARAC. As explained in the introduction to Appendix 2, the FAA has declined to include the safety benefit—resource evaluation guide as a means of compliance with proposed § 21.101(b)(3). However, the ARAC-recommended guide does describe some of the issues that should be considered in making a case about complying with the later regulations under proposed § 21.101(b)(3). Thus, it is being proposed for inclusion for information purposes. An applicant seeking

approval of a changed aeronautical product can review this guidance prior to developing an argument that compliance with a regulation in effect at the date of the application for the change would be impractical. In using a similar guide, an applicant would have to demonstrate how his charts, values, and graphs demonstrate compliance with the proposed section.

For the procedure in Appendix 2, the points on the charts represent the mean derived from the experience of a number of engineers who have been involved in certification programs. The numbers on the charts were adjusted to reflect a review of several alternations of air carrier transport category airplanes, with respect to the revision of part 25.

Issued in Washington, DC, on April 22, 1997.

Ava L. Mims,

Acting Director, Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approval of Noise Compatibility Program; Boise Air Terminal, Boise, ID

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the Airport Director of the Boise Air Terminal under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and 14 CFR part 150. These findings are made in recognition of the description of Federal and non-Federal responsibilities in Senate Report No. 96-52 (1980). On September 18, 1996, the FAA determined that the noise exposure maps submitted by the Airport Director under Part 150 were in compliance with applicable requirements. On Marcy 17, 1997, the Associate Administrator for Airports approved the Boise Air Terminal noise compatibility program. Twenty of the twenty-three program measures were approved. Two were disapproved for purposes of Part 150 because they permit continued noncompatible development in an established noise contour, even though they are at lower densities. One measure was partially approved because it contains a zoning segment that is not related to reducing or preventing noncompatible land uses.

EFFECTIVE DATE: The effective date of the FAA's approval of the Boise Air Terminal noise compatibility program is March 17, 1997.

FOR FURTHER INFORMATION CONTACT: Dennis G. Ossenkop; Federal Aviation Administration; Northwest Mountain Region; Airports Division, ANM-611; 1601 Lind Avenue, SW., Renton, Washington, 98055-4056. 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 Boise Air Terminal, effective March 17, 1997. Under Section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "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 noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such a program to be developed in consultation with interested and affected parties including the state, local communities, governmental agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulation (FAR) Part 150 is a local program, not a Federal program. The FAA does not substitute its judgement for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval for 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 noncompatible land uses around the airport and preventing the introduction of additional noncompatible 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 limitation 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 Airports District Office in Seattle, Washington.

The City of Boise submitted to the FAA the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted at the Boise Air Terminal. The Boise Air Terminal noise exposure maps were determined by FAA to be in compliance with applicable requirements on September 18, 1996. Notice of this determination was published in the **Federal Register** on September 26, 1996.

The Boise Air Terminal noise compatibility program contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to the year 2000. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in Section 104(b) of the Act. The FAA began its review of the program on September 18, 1996, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new 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 23 proposed actions for noise mitigation on

and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR 150 have been satisfied. The overall program, therefore, was approved by the Associate Administrator for Airports effective March 17, 1997.

These determinations are set forth in detail in a Record of Approval endorsed by the Associate Administrator for Airports on March 17, 1997. 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 Boise Air Terminal.

Issued in Renton, Washington, on April 18, 1997.

Lowell H. Johnson,

Manager, Airports Division, Northwest Mountain Region.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. 97-2382]

Development of Performance Measures for the FHWA'S Strategic Plan

AGENCY: Federal Highway Administration (FHWA), (DOT).

ACTION: Notice; request for comments.

SUMMARY: In conformity with the Department of Transportation's (DOT) agency-wide strategic planning process, the FHWA is continuing to develop its strategic plan to guide its programs and initiatives to meet its part of the Department's strategic goals and objectives. The FHWA strategic plan will establish the framework, goals, and measures of progress in meeting its goals in fiscal year (FY) 1998 through FY 2003. The FHWA has developed vision, mission, and strategic goal statements and is now seeking input and advice from its partners and customers on how to best measure its progress toward those goals. The FHWA strategic plan will be finalized after the next reauthorization bill for the FHWA's programs is enacted. The FHWA strategic planning process will also support meeting the Department's requirements under the Government Performance and Results Act of 1993. Comments are requested to help guide the FHWA's development of performance objectives and indicators to measure the progress toward meeting the goals of the strategic plan.

DATES: Written comments must be submitted on or before July 1, 1997.

ADDRESSES: Submit written, signed comments to the docket number that appears in the heading of this document to the Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those persons or organizations who desire notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Ms. Susan B. Petty, HPP-20, Office of Policy Development, (202)366-0690, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

Background

The FHWA provides national leadership, expertise, resources, and information to ensure effective and efficient investment and management of highway transportation systems. The agency's main goals are to promote mobility, productivity, safety, human and natural environment, and national security. The FHWA also promotes innovations in financing, contracting, partnerships, and technologies to meet these goals. The FHWA strategic planning process will set-out the long-term programmatic, policy, and management goals of the FHWA including its planned accomplishments and its schedule for implementation of these goals. Further, consultation with the FHWA's customers and partners through the strategic planning process will help to ensure that the agency is meeting the needs and expectations of the public.

The FHWA has direct responsibility for a significant number of highway transportation programs such as Federal lands highways, commercial vehicle safety and enforcement, research, technology development, national standards, and technical assistance. In addition, it also has a significant role in influencing the strategic development of State and local transportation systems as effective and efficient elements of the national transportation system through programs, policies, and funding. Because of the FHWA's stewardship role of the national highway transportation system, its strategic goals and performance objectives and indicators reflect initiatives that are in