

Issued in Washington, DC, on September 26, 1997.

Vanester M. Williams,

Clearance Officer, United States Department of Transportation

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approval of Noise Compatibility Program Fort Smith Regional Airport, Fort Smith, AR

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by Fort Smith Airport Commission under the provisions of Title 49 U.S.C., Chapter 475 and CFR part 150. These findings are made in recognition of the description and nonfederal responsibilities in Senate Report No. 96-52 (1980). On March 13, 1997, the FAA determined that the noise exposure maps submitted by the Fort Smith Airport Commission, under Part 150, were in compliance with the applicable requirements. On September 9, 1997, the Administrator approved the noise compatibility program. Nine of the thirteen recommendations of the program were approved.

EFFECTIVE DATES: The effective date of the FAA's approval of the Fort Smith Regional Airport noise compatibility program is September 9, 1997.

FOR FURTHER INFORMATION CONTACT: For further information contact Mr. Tim Tandy, Department of Transportation, Federal Aviation Administration, 2601 Meacham Boulevard, Fort Worth, Texas, 76137, (817) 222-5635. 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 Fort Smith Regional Airport, effective September 9, 1997.

Under Title 49 USC, Section 47504 (hereinafter referred to as "Title 49") 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 within the area covered by the noise exposure

maps. Title 49 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 Title 49 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 of 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 on FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measure 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 Arkansas/Louisiana Airports Development Office in Fort Worth, Texas.

Fort Smith Airport Commission submitted to the FAA on August 9, 1996, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from July 15, 1994 through February 14, 1997. The Fort Smith Regional Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on March 12, 1997. Notice of this determination was published in the **Federal Register** on March 28, 1997.

The Fort Smith Regional Airport FAR part 150 Study 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 (or beyond) the year 2000. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in Title 49. The FAA began its review of the program on March 13, 1997 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 thirteen proposed actions for noise mitigation on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of Title 49 and FAR part 150 have been satisfied. The overall program, therefore, was approved by the Administrator effective September 9, 1997.

Outright approval was granted for nine of the specific program elements.

The following four program elements were disapproved pending submittal of additional information. Element 1 recommended that high performance aircraft, including military jet fighter and trainers, be restricted to straight-out takeoffs from Runways 07 and 25 until reaching 3,000 feet mean sea level, or approximately 3 nautical miles from the runway end. Element 2 recommended that pilots of commercial and business jets be requested to fly noise abatement procedures published in FAA Advisory Circular 91-53A or procedures published by the National Business Aircraft Association. Element 3 recommended the development of procedures whereby military aircraft capable of performing afterburner

takeoffs would disengage the afterburner mode at selected points after takeoff, such as the airport boundary. Element 8 recommended the purchase of three properties within the 75 DNL contour.

The following nine elements were approved. Element 4 recommended the continuation of performing military jet engine run-ups inside hush house facilities. Element 5 recommended obtaining aviation easements from homeowners within the 65 DNL and higher contours. Element 6 recommended that the City of Fort Smith take the lead in adopting noise disclosure regulations to ensure potential buyers are aware of an existing noise issue associated with properties for sale. The approval noted that this element is contingent upon the cooperation of surrounding jurisdictions with the City of Fort Smith. Element 7 recommended that voluntary amendments be made to the Uniform Building Code, which makes provisions for noise attenuation. The approval noted that the effectiveness of this element is contingent upon the cooperation of surrounding jurisdiction with the City of Fort Smith. Element 9 recommended the establishment of noise overlay districts for the City of Fort Smith in the airport vicinity. Element 10 recommended placing responsibility for managing day to day noise issues with the Airport Commission and staff. Element 11 recommended continuation of the Advisory Committee public involvement program. Element 12 recommend the establishment of a periodic noise monitoring program. Element 13 recommended periodic review of the Part 150 Study NEMs and NCP by the Airport Commission to determine whether an update of the program is required.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on September 9, 1997. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available at the FAA office listed above and at the administrative offices of the Fort Smith Airport Commission.

Issued in Fort Worth, Texas, September 22, 1997.

Noami L. Saunders,

Manager, Airports Division

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-97-48]

Petitions for Exemption; Summary of Petitions Received; Disposition of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), disposition of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before October 23, 1997.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC-200), Petition Docket No. 28991, 800 Independence Avenue, SW., Washington, D.C. 20591.

Comments may also be sent electronically to the following internet address: 9-NPRM-CMNTS@faa.dot.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT: Heather Thorson (202) 267-7470 or Angela Anderson (202) 267-9681 Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part II of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on September 26, 1997.

Joseph A. Conte,

Acting Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 28991.

Petitioner: Joe Brigham, Inc.

Sections of the FAR Affected: 14 CFR 133.33 (d) and (e) and 133.45(d).

Description of Relief Sought: To permit JBI to operate its Bell Model UH-1B, a restricted category helicopter, in external-load operations in congested areas subject to an approved congested area plan.

[FR Doc. 97-26092 Filed 10-1-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent to Rule on Application to Impose and Use the Revenue From a Passenger Facility Charge (PFC) at McAllen-Miller International Airport, McAllen, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at McAllen-Miller International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before November 3, 1997.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate copies to the FAA at the following address: Mr. Ben Guttery, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW-610D, Fort Worth, TX 76193-0610.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Derald Lary, Director of McAllen-Miller International Airport, at the following address: Mr. Derald Lary, Director of Aviation, McAllen-Miller International Airport, 2600 Main Street, Suite 100, McAllen, TX 78503-3142.

Air carriers and foreign air carriers may submit copies of the written