

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Advisory Circular 21-40, Application Guide for Obtaining a Supplemental Type Certificate**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of availability.

**SUMMARY:** This notice announces the availability of Advisory Circular 21-40, Application Guide for Obtaining a Supplemental Type Certificate. Advisory Circular 21-40 provides information and guidance concerning an acceptable means, but not the only means, of demonstrating compliance with the requirements of Title 14 of the Code of Federal Regulations part 21, Certification Procedures for Products and Parts, regarding procedures for obtaining a supplemental type certificate for typical modification projects.

**ADDRESSES:** Copies of AC 21-40 can be obtained from the following: U.S. Department of Transportation, Subsequent Distribution Office, Ardmore East Business Center, 3341 Q 75th Ave, Landover MD, 20785.

Issued in Washington, DC, on June 1, 1998.

**James C. Jones,**

*Manager, Aircraft Engineering Division.*

[FR Doc. 98-15055 Filed 6-4-98; 8:45 am]

BILLING CODE 4910-13-M

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****FAA Approval of Noise Compatibility Program and Determination on Revised Noise Exposure Maps; Akron-Canton Regional Airport, Akron, OH**

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

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by Akron-Canton Regional Airport Authority 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 nonfederal responsibilities in Senate Report No. 96-52 (1980). On October 16, 1997, the FAA determined that the noise exposure maps submitted by Akron-Canton Regional Airport Authority under part 150 were in compliance with applicable

requirements. On April 9, 1998, the Associate Administrator for Airports approved the Akron-Canton Regional Airport noise compatibility program.

Most of the recommendations of the program were approved. The Akron-Canton Regional Airport Authority has also requested under FAR part 150, § 150.35(f), that FAA determine that revised noise exposure maps submitted with the noise compatibility program and showing noise contours as a result of the implementation of the noise compatibility program are in compliance with applicable requirements of FAR part 150. The FAA announces its determination that the revised noise exposure maps for Akron-Canton Regional Airport for the years submitted with the noise compatibility program, are in compliance with applicable requirements of FAR part 150 effective May 13, 1998.

**EFFECTIVE DATE:** The effective date of the FAA's approval of the Akron-Canton Regional Airport noise compatibility program is April 9, 1998. The effective date of the FAA's determination on the revised noise exposure maps is May 13, 1998.

**FOR FURTHER INFORMATION CONTACT:**

Lawrence C. King, Program Manager, Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111. 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 Akron-Canton Regional Airport, effective April 9, 1998, and that revised noise exposure maps for 1997-2002 for this same airport are determined to be in compliance with applicable requirements of FAR part 150.

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 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 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 limitations with respect to the FAA's approval of an airport noise compatibility program are delineated in FAR part 150, § 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 Detroit Airports District Office in Belleville, Michigan.

Akron-Canton Regional Airport Authority submitted to the FAA on September 22, 1997, noise exposure maps, descriptions, and other documentation produced during the

noise compatibility planning study conducted from July 20, 1995, through September 22, 1997. The Akron-Canton Regional Airport noise exposure maps were determined by the FAA to be in compliance with applicable requirements on October 16, 1997. Notice of this determination was published in the **Federal Register** on November 10, 1997.

The Akron-Canton Regional Airport 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 beyond the year 2002. 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 October 16, 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 twenty-four 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 part 150 have been satisfied. The overall program, therefore, was approved by the Associate Administrator for Airports effective April 9, 1998.

Outright approval was granted for twenty-two of the specific program elements. Noise Abatement Measure NA-5 was disapproved. It recommended that all eastbound and southbound turbojet aircraft departing on Runway 19 initiate a turn to a heading of 160 degrees at 1 nautical mile from the radar instead of the current voluntary procedure to turn at 2 nautical miles. One nautical mile from the radar site is approximately over the departure end of the runway. Flights will be very low to the ground and at relatively slow airspeed. Crews should not be required or requested to initiate turns at this critical phase of the flight. Program Management PM-5 was approved in part and disapproved in part. The part that was approved concerned the use of Automatic Terminal Information Service (ATIS). FAA permits the use of the ATIS for short messages such as "noise abatement procedures in effect" when time and space permit. The part that was disapproved concerned air traffic

control tower (ATCT) advisories. The tower controller's role to maintain safe, efficient use of the navigable airspace does not include educating pilots in regard to specific noise abatement procedures. Other measures are available for pilot education.

Seven noise abatement measures were approved. One measure recommends pilots of all turbojet aircraft voluntarily use noise abatement departure procedures. One measure establishes maximum climb departures for helicopters. One measure recommends that pilots of all turbojet aircraft voluntarily restrict the use of reverse thrust activity at night. One measure recommends noise abatement procedures for all eastbound turbojet aircraft departing Runway 23.

Two measures relate to the location and orientation of engine runups and engine runup enclosures. One measure recommends improvement of engine runup and taxing procedures.

Nine land use management measures were approved. Two measures recommended land acquisition for noise. One measure recommended development of a sound insulation program. One measure recommended that an aviation easement acquisition program be developed. One measure recommended overlay zoning for one vacant parcel. One measure recommended development of subdivision regulations. One measure recommended that fair disclosure regulations be developed. One measure recommended comprehensive planning be developed. One measure recommended capital improvement planning.

Six program management measures were approved. One measure recommended updating noise complaint receipt and response procedures. One measure would establish a noise monitoring system. One measure recommends establishing a public information program and publishing informational pilot handouts. One measure will designate a noise abatement contact. One measure recommends purchasing and installing airside signs to advertise NCP measures. One measure recommends NEM/NCP review and revision.

These determinations are set forth in detail in a Record of Approval endorsed by the Associate Administrator for Airports on April 9, 1998.

The FAA also has completed its review of the revised noise exposure maps and related descriptions submitted by Akron-Canton Regional Airport Authority. The specific maps under consideration are Figure 8.2, Pages 107-108 of the NEM, and Figure

4.1, Pages 43-44 of the NCP in the submission. The FAA has determined that these maps for Akron-Canton Regional Airport are in compliance with applicable requirements. This determination is effective on May 13, 1998. 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.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 103 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 107 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 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 which submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under § 150.21 of FAR part 150, that the statutorily required consultation has been accomplished.

Copies of the noise exposure maps and of the FAA's evaluation of the maps, and copies of the record of approval and other evaluation materials and documents which comprised the submittal to the FAA are available for examination at the following locations:

Federal Aviation Administration,  
Detroit Airports District Office,  
Willow Run Airport, East, 8820 Beck  
Road, Belleville, Michigan 48111.  
Mr. Frederick J. Krum, Director of  
Aviation, Akron-Canton Regional  
Airport, 5400 Lauby Road, NW., PO  
Box 9, North Canton, OH 44720-1598

Questions on either of these FAA determinations may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Belleville, Michigan, on May 13, 1998.

**Robert H. Allen,**

*Assistant Manager, Detroit Airports District Office, Great Lakes Region.*

[FR Doc. 98-15056 Filed 6-4-98; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Intent To Rule on Application (98-02-C-00-ROC) To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Greater Rochester International Airport, Rochester, NY

**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 Greater Rochester 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 July 6, 1998.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Mr. Philip Brito, Manager, New York Airports District Office, 600 Old County Road, Suite 446, Garden City, New York 11530

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Terrence G. Slaybaugh, Director of Aviation, for the County of Monroe at the following address: Greater Rochester International Airport, 1200 Brooks Avenue, Rochester, New York 14624.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the County of Monroe under § 158.23 of part 158.

**FOR FURTHER INFORMATION CONTACT:** Mr. Philip Brito, Manager, New York Airports District Office, 600 Old County Road, Suite 446, Garden City, New York 11530 (Telephone 516-227-3800). The application may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Greater Rochester 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).

On May 22, 1998, the FAA determined that the application to impose and use the revenue from a PFC submitted by the County of Monroe was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than August 21, 1998.

The following is a brief overview of the application.

*Application number:* 98-02-C-00-ROC.

*Level of the proposed PFC:* \$3.00.

*Proposed charge effective date:* April 1, 2001.

*Proposed charge expiration date:* November 1, 2004.

*Total estimated PFC revenue:* \$11,428,889.

*Brief description of proposed projects:*

- Taxiway E Reconstruction and Runway 4/22 Connection
- Purchase ARFF Equipment
- Construct ARFF Storage Building
- Airport Safety and Security Enhancements
- Construct Regional ARFF Training Facility

Class or classes of air carriers which the public agency has requested not be required to collect PPCs: None.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York, 11430.

In additional, any person may, upon request, inspect the application, notice and other documents germane to the application, in person at the office of the Monroe County Director of Aviation at Greater Rochester International Airport.

Issued in Jamaica, New York on May 29, 1998.

**Thomas Felix,**

*Manager, Planning & Programming Branch, Airports Division, Eastern Region.*

[FR Doc. 98-15059 Filed 6-4-98; 8:45 am]

BILLING CODE 4910-13-M

## 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 Northwest Arkansas Regional Airport, Bentonville, AR

**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 Northwest Arkansas Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158). **DATES:** Comments must be received on or before July 6, 1998.

**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, Texas 76193-0610.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Ms. Kelly L. Johnson, Manager of Northwest Arkansas Regional Airport, at the following address: Ms. Kelly L. Johnson, Airport Manager, Northwest Arkansas Regional Airport, 10775 Bright Road, Bentonville, Arkansas 72712.

Air carriers and foreign air carriers may submit copies of the written comments previously provided to the Airport under Section 158.23 of Part 158.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ben Guttery, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW-610D, Fort Worth, Texas 76193-0610, (817) 222-5614.

The application may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Northwest Arkansas Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law