

which will be approved or disapproved on or before December 22, 2002. This notice also announces the availability of this program for public review and comment.

Under Title 49, an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict noncompatible 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. Title 49 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 the FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to Title 49, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The City of Brownsville submitted to the FAA on June 17, 2002, noise exposure maps, descriptions and other documentation which were produced during the Federal Aviation Regulations (FAR) Part 150 Airport Noise Compatibility Planning Study for Brownsville/South Padre Island International Airport beginning on September 25, 1998. It was requested that the FAA review this material as the noise exposure maps, as described in Title 49, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under Title 49.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by the City of Brownsville. The specific maps under consideration are: 1999 Noise Exposure Map Existing Condition Noise Exposure Map, Exhibit 4.6 and 2004 Future Condition Noise Exposure Map with Existing Runway Configuration, Exhibit 5.2a in the submission.

The FAA has determined that these maps for Brownsville/South Padre Island International Airport are in compliance with applicable requirements. This determination is effective on June 25, 2002. The 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 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 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 Title 49. 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 the 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 Title 49. The FAA has relied on the certification by the airport operator, under section 150.21 of FAR part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for the Brownsville/South Padre Island International Airport, also effective on June 25, 2002. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before December 22, 2002.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration,
Airports Division, 2601 Meacham
Boulevard, Fort Worth, Texas 76137.

Department of Aviation, City of
Brownsville, 700 S. Minnesota
Avenue, Brownsville, Texas 75821.

Questions may be directed to the individual named above under the heading, for further information contact.

Issued in Fort Worth, Texas, June 25, 2002.

Naomi L. Saunders,
Manager, Airports Division.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approval of Noise Compatibility Program; Seattle-Tacoma International Airport, Seattle, WA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program, submitted by the manager of the airfield line of business for Seattle-Tacoma International Airport, under the provisions of 49 U.S.C., Sec. 47504(b), 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 December 3, 2001, the FAA determined that the noise exposure maps submitted, under part 150, by the manager of the airfield line of business for Seattle-Tacoma International Airport, were in compliance with applicable requirements. On June 3, 2002, the Associate Administrator for Airports approved the Seattle-Tacoma International Airport noise compatibility program. Program measures 1, 9, 12, 13, 14, 15, 16, 17, 18, and 19 received outright approval. Measures 5 and 6 were approved as voluntary. Measures 3, 4 and 10 were disapproved, pending submission of additional information. Measures 7 and

11 were disapproved outright, 2 was disapproved, in part, pending submission of additional information. Measure 8 required no FAA action.

EFFECTIVE DATE: The effective date of the FAA's approval of the Seattle-Tacoma International Airport noise compatibility program is June 3, 2002.

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 Seattle-Tacoma International Airport, effective June 3, 2002. Under 49 U.S.C., Sec. 27504(a), an airport operator, who has previously submitted a noise exposure map, may submit to the FAA a noise compatible program that sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatibility land uses, and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The 49 U.S.C., Sec. 27503(a)(1), requires such a program to be developed in consultation with interested and affected parties, including the state, 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, not 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 the FAR, part 150, program recommendations is measured according to the standards expressed in part 150 and the Aviation Safety and Noise Abatement Act of 1979, and it 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.

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 airport traffic control systems, or adversely affecting other powers and responsibilities of the Administrator, as prescribed by law.

Specific limitations with respect to the 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, or 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 Seattle Airports District Office.

The manager of the airfield line of business for Seattle-Tacoma International Airport submitted to the FAA the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study contacted at Seattle-Tacoma International Airport. The Seattle-Tacoma International Airport noise exposure maps were determined by the FAA, on December 3, 2001, to be in compliance with applicable requirements. Notice of this determination was published in the **Federal Register** on December 10, 2001.

The proposed Seattle-Tacoma International Airport noise compatibility program is comprised of actions designed for phased implementation by airport management and adjacent jurisdictions, from the date of study completion to the year 2004. It was requested that the FAA evaluate and approve this material as a noise compatibility program, as described in 49 U.S.C., Sec. 47504(a). The FAA began its review of the program on December 3, 2001, and was required by a provision of 49 U.S.C., Sec. 47504(b), 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 FAA completed its review and determined that the procedural and substantive requirements of 49 U.S.C., Sec. 47504(b), and FAR 150 have been satisfied. The overall program, therefore, was approved by the Associate Administrator for Airports, effective June 3, 2002.

These determinations are set forth in detail in a Record of Approval, endorsed by the Associate Administrator for Airports on June 3, 2002. 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 Seattle-Tacoma International Airport.

Issued in Renton, Washington, on June 12, 2002.

Lowell H. Johnson,

Manager, Airports Division, Northwest Mountain Region.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Third Party War Risk Liability Insurance

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Issuance of New FAA Third Party War Risk Liability Insurance.

SUMMARY: The Federal Aviation Administration has issued a new Third Party War Risk Liability Insurance Policy to replace the policies that terminated on June 18, 2002. The new Policy changes the amount and basis of the premium to be charged, incorporates interim amendments made since the issuance of the premium policies, and adds actions in the event of default by the insured due to failure to pay premiums. The premium is based upon the extent to which the Insured conducts passenger or (dedicated) air cargo operations, or a combination of both. There are four classes of premiums based upon the coverage limit held by the carrier.