

Budget, 725 17th Street, NW., Washington, DC 20503, Attention FAA Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on February 27, 2004.

Judith D. Street,

FAA Information Collection Clearance Officer, Standards and Information Division, APF-100.

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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 the Gulfport-Biloxi Regional Airport Authority for the Gulfport-Biloxi 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 the Gulfport-Biloxi International Airport under part 150 in conjunction with the noise exposure map, and that this program will be approved or disapproved on or before August 24, 2004.

DATES: 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 February 26, 2004. The public comment period ends April 26, 2004.

FOR FURTHER INFORMATION CONTACT: William Schuller, Jackson Airports District Office, 100 West Cross Street, Suite B, Jackson, MS 39208-2307,

telephone (601) 664-9883. 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 the Gulfport-Biloxi International Airport are in compliance with applicable requirements of part 150, effective February 26, 2004. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before August 24, 2004. This notice also announces the availability of this program for public review and comment.

Under 49 U.S.C., section 47503 (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 and prevent the introduction of additional non-compatible uses.

Gulfport-Biloxi Regional Airport Authority submitted to the FAA originally on January 24, 2002, and in current form on September 25, 2003, noise exposure maps, descriptions and other documentation that were produced during the Airport Noise Compatibility Study Update of 2001 through 2003. 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 the Gulfport-Biloxi Regional Airport Authority. The

specific documentation determined to constitute the noise exposure maps includes: current and forecast NEM graphics, plus all other narrative, graphic, or tabular representations of the data required by section A150.101 of part 150, and sections 47503 and 47506 of the Act, more specifically considered by FAA to be Chapters 1 through 8 of the Airport Noise Compatibility Study Update submitted to FAA on September 25, 2003. The FAA has determined that these maps for the Gulfport-Biloxi International Airport are in compliance with applicable requirements. This determination is effective on February 26, 2004. 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 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 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 Gulfport-Biloxi International Airport, also effective on February 26, 2004. 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 August 24, 2004.

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 non-compatible land uses and preventing the introduction of additional non-compatible 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,
Jackson Airports District Office, 100
West Cross Street, Suite B, Jackson, MS
39208-2307;

Gulfport-Biloxi International Airport,
Gulfport-Biloxi Regional Airport
Authority Office, 14035-L Airport Road,
Gulfport, MS 39503.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT**.

Issued in Jackson, Mississippi, on February 26, 2004.

Rans D. Black,

*Manager, Jackson Airports District Office,
Southern Region.*

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

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

AGENCY: Federal Aviation
Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the revision to the Noise Compatibility Program (NCP) submitted by the city of Austin, Texas, 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 non-Federal responsibilities in Senate Report No. 96-52 (1980). The revised NCP was submitted subsequent to a determination by the FAA that associated Noise Exposure Maps (NEM) submitted under 14 CFR part 150 for Austin-Bergstrom International Airport were in compliance with applicable requirements effective April 29, 2000. On February 11, 2004, the FAA approved the Austin-Bergstrom International Airport revised NCP. All of the revised recommendations of the program were approved.

EFFECTIVE DATE: The effective date of the FAA's approval of the Austin-Bergstrom International Airport revised NCP is February 11, 2004.

FOR FURTHER INFORMATION CONTACT: Mr. Paul E. Blackford, Department of Transportation, Federal Aviation Administration, 2601 Meacham Blvd., Fort Worth, TX 76137-4298, (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 revised NCP for the city of Austin, Austin-Bergstrom International Airport effective February 11, 2004.

Under section 47504 of the Act, an airport operator who has previously submitted a NEM may submit to the FAA a NCP 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 NEM. 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 NCP 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:

- The NCP was developed in accordance with the provisions and procedures of FAR part 150;
- 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 the FAA's approval of an airport NCP 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 a 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 FAA has determined the NEM, previously submitted for the Austin-Bergstrom International Airport, and approved by the FAA on May 8, 2000, continue to represent the present noise environment and an update to the NEM is not required.

On November 7, 2000, the FAA approved the Austin-Bergstrom International Airport NCP. The program was comprised of five measures designed for phased implementation by airport management and adjacent jurisdictions.

The city of Austin submitted a revised NCP to the FAA and requested the FAA evaluate and approve this material as a revision to the existing NCP as described in section 47504 of the Act. The FAA began its review of the program on August 15, 2003, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of