

flight schedules. For the period from November 2004 through June 2005, the average minutes of arrival delay decreased by approximately 27% when compared to the same period last year. This level of delay reduction is somewhat better than the 20% reduction in delays that the FAA's computer modeling anticipated. We attribute this primarily to weather conditions that were more favorable than average and to certain peak hours in which the arrivals actually scheduled have been below the hourly limit adopted in the August 2004 order.

Additionally, the longest arrival delays—those lasting more than one hour—have decreased by approximately 31%. Preliminary on-time arrival performance while the August 2004 order has been in effect indicates in improvement of over eight percentage points. As a result, O'Hare is now performing near the average for the rest of the National Airspace System, which is a dramatic improvement over the airport's bottom-tier performance during much of 2004.

**Order to Show Cause:** The FAA has issued a notice of proposed rulemaking to address appropriate limitations on scheduled operations at O'Hare. The comment period for the proposed rule closed on May 24, and the FAA and the Office of the Secretary of Transportation are evaluating the comments filed in the rulemaking docket and intend to make a final decision as soon as reasonably possible. The FAA cannot complete the rulemaking process sufficiently in advance of the August 2004 order's current expiration date, however, given the 90- to 120-day lead time the air carriers need to finalize plans for their winter scheduling season, as well as the complexity of the issues presented in the rulemaking.

To prevent a recurrence of overscheduling at O'Hare during the interim between the expiration of the August 2004 order on October 29, 2005, and the effective date of a rule, if a rule is adopted, the FAA tentatively intends to extend the August 2004 order. The limits on arrivals and the allocation of arrival authority embodied in the August 2004 order reflect the FAA's agreements with U.S. and Canadian air carriers. As a result, maintaining the order through the winter scheduling season constitutes a reasonable approach to preventing unacceptable congestion and delays at O'Hare. The August 2004 order, as extended, would expire on April 1, 2006.

Accordingly, the FAA directs all interested persons to show cause why the FAA should not make final its tentative findings and tentative decision

to extend the August 2004 order through April 2, 2006, by filing their written views in Docket No. FAA-2004-16944 on or before August 1, 2005. The FAA is not soliciting views on the issues separately under consideration in the proposed rulemaking. Therefore, any submissions to the current docket should be limited to the issue of extending the August 2004 order.

Dated: Issued in Washington, DC, on July 18, 2005.

**Rebecca MacPherson,**

*Assistant Chief Counsel for Regulation.*

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**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Noise Exposure Map Notice; Receipt of Noise Compatibility Program and Request for Review for Albany International Airport

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

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by Albany County Airport Authority for Albany International Airport under provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) 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 Albany International Airport under Part 150 in conjunction with the noise exposure maps, and that this program will be approved or disapproved on or before January 4, 2006.

**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 July 8, 2005. The public comment period ends September 6, 2005.

**FOR FURTHER INFORMATION CONTACT:** Maria Stanco, New York Airports District Office, 600 Old Country Road, Suite 440, Garden City, New York 11530. Comments on the proposed noise compatibility programs 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 Albany International Airport are in compliance with applicable

requirements of part 150, effective July 8, 2005. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before January 4, 2006. This notice also announces the availability of this program for public review and comment.

Under section 103 of the Title I of the Aviation Safety and Noise Abatement Act of 1979 (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 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.

As 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 I of the Act, 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 non-compatible uses and for the prevention of the introduction of additional non-compatible uses.

The Albany County Airport Authority submitted to the FAA on April 9, 2003, and supplemented with additional information, dated November 18, 2004, noise exposure maps, descriptions and other documentation. It was requested that the FAA review this material as the noise exposure maps, as described in section 103(a)(1) 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 10(b) of the Act.

The FAA has completed its review of the noise exposure maps and related description submitted by the Albany County Airport Authority. The specific maps under consideration are the 2003 Noise Exposure Map (NEM-1) and the 2008 Noise Exposure Map (NEM-2), Flight Tracks (Exhibits D-3, 3a, 4, 4a), Monitoring sites (Exhibit C-1), and Noise Sensitive Sites (Exhibit 2-2). Additional description is contained in Chapter 3 (numbers of residents within noise contours) and Appendices C and D, including Fleet Mix (Table D-2), and Runway Use (Table D-3). The FAA has determined that these maps, tables and accompanying narrative for Albany International Airport are in compliance

with the applicable requirements. This determination is effective on July 8, 2005. 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 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 these 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, which 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 Albany International Airport, effective on July 8, 2005. Preliminary review of the submitted material indicated 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 January 4, 2006.

The FAA's detailed evaluation will be conducted under the provision 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 used 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 and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration,  
New York Airports District Office, 600  
Old Country Road, Suite 440, Garden  
City, NY 11530.

Albany International Airport,  
Administration Building, Suite 200,  
Albany, NY 12211-1057.

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

Issued in Garden City, New York, July 8, 2005.

**Philip Brito,**

*Manager, New York Airports District.*

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**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: Polk County, IA

**AGENCY:** Federal Highway Administration (FHWA), DOT, City of Des Moines.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for a proposed roadway project in Polk County, Iowa. The planned EIS will evaluate potential transportation improvement alternatives for serving east-west travel between downtown Des Moines and the Highway 65 outer beltway.

**FOR FURTHER INFORMATION CONTACT:**

Phillip E. Barnes, P.E., Division Administrator, Federal Highway Administration, 105 Sixth Street, Ames, Iowa 50010-6337, Phone: (515) 233-7300. Scott Dockstader, P.E., District Engineer, Iowa Department of Transportation, 1020 S. Fourth Street, Ames, Iowa 50010, Phone: (515) 239-1635. Jeb Brewer, P.E., City Engineer, City of Des Moines, 400 Robert D. Ray Drive, Des Moines, Iowa 50309-1891, Phone: (515) 237-2113.

**SUPPLEMENTARY INFORMATION:**

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Access to this notice is also available to Internet users through the **Federal Register's** home page at <http://www.nara.gov/fedreg>.

### Background

The FHWA, in cooperation with the City of Des Moines and the Iowa Department of Transportation will prepare an Environmental Impact Statement (EIS) for the Southeast Connector urban arterial street corridor from Southeast 14th Street to its planned connection to Highway 65, all in southeasterly Des Moines.

The proposed project is intended to directly connect the primarily industrial southeast quadrant of Des Moines to both the Highway 65 outer beltway and downtown via the Martin Luther King Jr. Parkway Extension over the Des Moines River. The increased connectivity will lead to economic development opportunities in the southeast area of the city, including a planned agribusiness park and improved access for redeveloped areas. Other potential benefits include improving regional mobility, addressing local road system deficiencies, improving access to jobs, improving safety, and improving traffic operations. Primary environmental resources that may be affected include numerous known and potential hazardous waste generating sites, floodplains, wetlands, and agricultural land. The surrounding