

disabilities, which was cut short at the prior meeting. In addition, at the request of committee members, the following presentations are planned: (1) By representatives of the disability community with reference to the Department's program to protect the rights of disabled air travelers and recommendations for any new initiatives; (2) by representatives from both air carriers and the global distribution systems (GDSs) regarding regulatory issues in the display and sale of airline ancillary services through the GDSs; (3) by a representative of the industry regarding the airline industry's financial condition; and (4) by the Enforcement Office on the implementation status and the effects of the tarmac delay rule (14 CFR 259.4) and the new tarmac delay plan statutory approval requirement, 49 U.S.C. 42301.

As announced in our notice of June 13, meetings of the committee will be open to the public and, time permitting, comments by members of the public are invited. Since access to the U.S. DOT headquarters building is controlled for security purposes, we ask that any member of the general public who plans to attend the second meeting notify the Department contact noted above no later than five (5) calendar days prior to the meeting. Attendance will be necessarily limited by the size of the meeting room.

Members of the public may present written comments at any time. The docket number referenced above (OST 2012-0087, available at <https://www.regulations.gov>) has been established for committee documents including any written comments that may be filed. At the discretion of the Chairperson and time permitting, after completion of the planned agenda in the afternoon of the second meeting, individual members of the public may provide oral comments. Any oral comments presented must be limited to the objectives of the committee and will be limited to five (5) minutes per person. Individual members of the public who wish to present oral comments must notify the Department contact noted above via email that they wish to attend and present oral comments at least five (5) calendar days prior to the meeting. For this initial meeting, no more than one hour will be set aside for oral comments by the general public.

Persons with a disability who plan to attend the meeting and require special accommodations, such as an interpreter for the hearing impaired, should notify the Department contact noted above at least seven (7) calendar days prior to the meeting. Persons attending with a service animal should also advise us of

that fact so that it can be taken into account in connection with space and possible allergy issues.

Notice of this meeting is being provided in accordance with the FACA and the General Services Administration regulations covering management of Federal advisory committees. (41 CFR Part 102-3.)

Issued in Washington, DC, on July 18, 2012.

**Samuel Podberesky,**

*Assistant General Counsel for Aviation Enforcement & Proceedings, U.S. Department of Transportation.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Approval of Noise Compatibility Program for Philadelphia International Airport, Philadelphia, PA

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

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by City of Philadelphia under the provisions of 49 U.S.C. 47501 *et seq.* (formerly the Aviation Safety and Noise Abatement Act, hereinafter referred to as "the Act") and 14 Code of Federal Regulations (CFR) Part 150 (hereinafter referred to as "Part 150"). On June 1, 2010, the FAA determined that the noise exposure maps submitted by City of Philadelphia under Part 150 were in compliance with applicable requirements. On July 13, 2012, the FAA approved the Philadelphia International Airport noise compatibility program. Most of the recommendations of the program were approved.

**DATES: Effective Date:** The effective date of the FAA's approval of the Noise Compatibility Program for Philadelphia International Airport is July 13, 2012.

**FOR FURTHER INFORMATION CONTACT:** Susan McDonald, FAA, Harrisburg Airports District Office, 3905 Hartzdale Drive, Suite 508, Camp Hill, PA 17011, [susan.mcdonald@faa.gov](mailto:susan.mcdonald@faa.gov), (717) 730-2841. 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 Philadelphia International Airport, effective July 13, 2012.

Under section 47504 of 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 non-compatible land uses and prevention of additional non-compatible 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 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 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 Part 150;
- b. 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 FAA's approval of an airport noise compatibility program are delineated in 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. Prior to an FAA decision on a request to implement the action, an

environmental review of the proposed action may be required. 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 under applicable law contained in Title 49 U.S.C. Where federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Camp Hill, Pennsylvania.

The Philadelphia International Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from January 20, 2012 to the year 2017. It was requested that the FAA evaluate and approve this material as a Noise Compatibility Program as described in section 47504 of the Act. The FAA began its review of the program on January 24, 2012 and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new or modified 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-two proposed actions for noise abatement, noise mitigation, land use planning and program management on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and Part 150 have been satisfied. The overall program was approved by the FAA, effective July 13, 2012.

Outright approval was granted for five specific program measures. These measures were; engine run-up restrictions; support of local municipalities in comprehensive planning strategies to reduce non-compatible land use; establish a noise abatement advisory committee; continue to develop the responsibilities of the Philadelphia International Airport Noise Office; and update the Noise Exposure Maps (NEMs) and Noise Compatibility Program (NCP). Fifteen program measures were approved subject to certain conditions. Conditions generally involved adherence to safety, design, regulatory standards or other conditions as determined necessary by FAA or airport operators. These measures were; use of Runways 09L/09R/17/35/08 noise abatement departure flight tracks; Runway 27L noise abatement departure flight track; Runway 27R noise abatement departure flight track;

continue and expand the nighttime runway use program; encourage noise attenuating standards in airport development; continue the residential sound insulation program; develop and implement a purchase assurance program; develop and implement a Fort Mifflin sound insulation program; develop and implement a voluntary acquisition program; sound insulate educational facilities and places of worship; enhance the airport's existing noise monitoring and flight tracking system by acquiring a multilateration system; install additional permanent noise monitors, continue to develop an informal community awareness program; improve and upgrade web-based noise information; and develop and implement a Fly Quiet Program. Two program measures were disapproved for the purposes of Part 150. These measures were; support the creation and use of Area Navigation (RNAV) and Required Navigation Performance (RNP); and support the development of Continuous Descent Approaches (CDA). The two measures that were disapproved for the purposes of Part 150 because they do not have a measureable noise benefit to sensitive land uses within the Day-Night Level (DNL) 65 decibel noise contour. The airport can pursue or implement the measures outside of the Part 150 program.

These determinations are set forth in detail in a Record of Approval signed by the Acting Division Manager for the Eastern Region Airports Division on July 13, 2012. 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 Philadelphia International Airport Office of the Noise Abatement Program Manager, at 2801 Island Avenue, Suite 13, Philadelphia, Pennsylvania. The Record of Approval also will be available on-line at: [http://www.faa.gov/airports\\_airtraffic/airports/environmental/airport\\_noise/part\\_150/states/](http://www.faa.gov/airports_airtraffic/airports/environmental/airport_noise/part_150/states/).

Issued in Jamaica, New York on July 16, 2012.

**Debbie Roth,**

*Acting Manager, Eastern Region Airports Division.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Aviation Environmental and Energy Policy Statement

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

**ACTION:** Policy Statement.

**SUMMARY:** This is a statement affirming the FAA's environmental and energy policy for U.S. civil aviation. This policy statement outlines guiding principles, establishes initial high level performance goals, and describes strategies to achieve the goals.

**DATES:** July 23, 2012.

**FOR FURTHER INFORMATION CONTACT:** Julie Marks, Office of Environment and Energy (AEE), Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591; Telephone: (202) 267-3494.

#### SUPPLEMENTARY INFORMATION:

#### Policy Statement

##### Introduction

This policy statement affirms environmental and energy policy for U.S. civil aviation. The Next Generation Air Transportation System, commonly called NextGen, is the transformation of the U.S. aviation system by employing technological, operational, and infrastructure advances to provide improved safety, security, mobility, environmental performance, and quality of service.<sup>1</sup> The overarching environmental performance goal for NextGen is environmental protection that allows sustained<sup>2</sup> aviation growth.<sup>3</sup>

The primary environmental and energy issues that significantly influence the capacity and flexibility of the national aviation system are aircraft noise, air quality, climate, energy, and water quality. These issues are being addressed under a range of environmental laws and regulations, and by governmental and industry initiatives. Major strides in lessening the environmental effects of aviation have been made over the past several decades. However, aircraft noise continues to be the public's primary objection to near term aviation growth. Aircraft emissions contribute to air quality-related health effects, as do emissions from all combustion processes, and are causing heightened

<sup>1</sup> See Public Law 108-176, title VII, § 709, Dec. 12, 2003, 117 Stat. 2582.

<sup>2</sup> Sustainability means developing aviation in a manner that enhances and promotes the Nation's economic, environmental, and social initiatives.

<sup>3</sup> See the NextGen Integrated Plan (December 2004) Sections 5.1.6 and 7.6.