

determine that the exhibition or display of the exhibit objects at the Getty Villa, Malibu, CA, from on or about July 16, 2009, until on or about February 8, 2010, and at possible additional exhibitions or venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/453-8048). The address is U.S. Department of State, SA-44, 301 4th Street, SW., Room 700, Washington, DC 20547-0001.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map and Noise Compatibility Program Notice for General Mitchell International Airport, Milwaukee, WI

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by General Mitchell International Airport 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 are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for General Mitchell International Airport under Part 150 in conjunction with the noise exposure map, and that this program will be approved or disapproved on or before June 21, 2009.

DATES: *Effective Date:* 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 December 24, 2008. The public comment period ends February 21, 2009.

FOR FURTHER INFORMATION CONTACT: Mr. Glen Orcutt, Federal Aviation Administration, Minneapolis Airport

District Office, 6020 28th Ave., South, Minneapolis, MN 55450, phone number (612) 713-4354. 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 General Mitchell International Airport are in compliance with applicable requirements of Part 150, effective December 24, 2008. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before June 21, 2009. This notice also announces the availability of this program for public review and comment.

Under § 103 of 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 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 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 to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The General Mitchell International Airport submitted to the FAA on March 31, 2008 noise exposure maps, descriptions and other documentation that were produced during the FAR Part 150 Noise Compatibility Study Update. A final copy of the study was submitted to the FAA on December 17, 2008. It was requested that the FAA review this material as the noise exposure maps, as described in § 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 § 104(b) of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by the General

Mitchell International Airport. The specific documentation determined to constitute the noise exposure maps includes: Existing 2004 Noise Exposure Map (Figure D21) and Future 2009 Noise Exposure Map (Figure I1) on pages D44 and 14 of the Noise Compatibility Program. The FAA has determined that these maps for General Mitchell International Airport are in compliance with applicable requirements. This determination is effective on December 24, 2008. 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 § 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 § 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 that submitted those maps, or with those public agencies and planning agencies with which consultation is required under § 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.

The FAA has formally received the noise compatibility program for General Mitchell International Airport, also effective on December 24, 2008. 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 June 21, 2009.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR Part 150, § 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,
Minneapolis Airport District Office,
6020 28th Ave., South, Minneapolis,
MN 55450.

General Mitchell International Airport,
5300 South Howell Avenue,
Milwaukee, WI 53207.

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

Issued in Minneapolis, Minnesota,
December 24, 2008.

Robert Huber,

*Manager, Minneapolis Airports District
Office, FAA Great Lakes Region.*

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA-2006-25755]

Operating Limitations at New York's LaGuardia Airport; Notice of Order

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Amendment to Order.

SUMMARY: The Federal Aviation Administration (FAA) is amending its December 12, 2006 Order, which temporarily capped the scheduled operations at New York's LaGuardia Airport (LaGuardia) pending the implementation of a longer-term regulation to manage congestion there. In particular, we are amending the Order to move toward an hourly limit of 71 operations from 6 a.m. through 9:59

p.m., Eastern Time, Monday through Friday, and 12 noon through 9:59 p.m., Eastern Time, on Sunday. To move toward this new hourly limit, we do not through this amendment force air carriers to relinquish Operating Authorizations at the airport. Instead, the FAA will accept voluntary flight reductions for the duration of the Order, whereupon the FAA will retire the surrendered Operating Authorizations until an hourly average of 71 scheduled operations is achieved. In the event that the current final rule takes effect, that rule would impose a reduction in scheduled service using the air carriers' base of operations during the week of September 28, 2008. The FAA published that rule on October 10, 2008, and it is presently stayed pending judicial review. If it proves necessary to require a reduction in scheduled operations through a future amendment of the Order, air carriers that voluntarily surrender Operating Authorizations under this initiative will be credited with voluntary schedule reductions that they commit to on or before February 2, 2009.

The FAA will accept voluntarily offered schedule reductions through February 2, 2009, and expects air carriers to suspend service at LaGuardia under this arrangement on or before May 31, 2009. The FAA separately extended the Order's expiration until 11:59 p.m., Eastern Time, on October 24, 2009.¹

If you wish to review the background documents or comments received in relation to this amendment, you may go to <http://www.regulations.gov> at any time and follow the online instructions for accessing the electronic docket. You may also go to the U.S. Department of Transportation's Docket Operations in Room W12-140 on the ground floor of the West Building at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Eastern Time, Monday through Friday, except Federal holidays.

DATES: This amendment is effective on the date of publication.

FOR FURTHER INFORMATION CONTACT: Gerry Shakley, System Operations Services, Air Traffic Organization; telephone—(202) 267-9424; e-mail—gerry.shakley@faa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The FAA briefly outlined the history of congestion at LaGuardia and the FAA's management of the problem in

the proposal for these amendments.² The problem, stated succinctly, is that the current cap of 75 scheduled operations per hour is very close to the maximum throughput for LaGuardia's two-runway configuration in optimal meteorological and operational conditions. If there are delays due to adverse weather or other operational reasons, a limit of 75 scheduled operations simply does not permit the airport a significant opportunity to recover, often consigning the airport to delays for the rest of the day.

The FAA's experience in managing congestion at other airports reflects that scheduled service short of maximum airport throughput permits needed flexibility to restore the schedule in many instances when the airport falls behind the published schedules. The FAA's proposal and this amendment are intended to give LaGuardia an additional margin of operational flexibility, providing increased reliability for passengers and others who depend on efficient air transportation. Depending on the air carriers' response to this initiative, LaGuardia passengers and air carriers can expect varying levels of relief from congestion-related delay.

II. Discussion of the Written Submissions

A. An Hourly Cap of 71 Scheduled Operations at LaGuardia Strikes an Appropriate Balance Between Airport Throughput and Operational Efficiency

The Port Authority of New York and New Jersey (Port Authority) contends that evidence is lacking that the currently hourly cap of 75 scheduled operations is too high. Instead, the Port Authority advocates that the FAA focus exclusively on operational improvements that might incrementally increase the maximum throughput of the airport's two-runway configuration.

Contrary to the Port Authority's intimation, the FAA continues to advance short-, intermediate-, and long-term initiatives that will improve LaGuardia's operating efficiency. The FAA achieved many such initiatives in 2008 and will field many more in 2009. There are limits to the gains that can be achieved at LaGuardia, given the airport's physical constraints, however. Over the near term while the Order remains in effect, these operational improvements will not make an hourly rate of 75 scheduled operations consistently achievable on an average day. Accordingly, the FAA determined that a modest, voluntary operational cut

¹ 74 FR 845 (Jan. 8, 2009).

² 73 FR 79,201 (Dec. 24, 2008).