

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 a 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 Airports Division office in Hawthorne, California.

The county of Ventura submitted the Noise Exposure Maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from May 1997 through March 2000 to the FAA on May 28, 1998, and March 10, 2000. The Camarillo Airport Noise Exposure Maps were determined by FAA to be in compliance with applicable requirements on September 10, 1998. Notice of this determination was published in the **Federal Register** on September 23, 1998.

The Camarillo Airport study contains a proposed Noise Compatibility Program comprised of actions designed for implementation by airport management and adjacent jurisdictions. It was requested that the FAA evaluate and approve this material as a Noise Compatibility Program as described in section 104(b) of the Act. The FAA began its review of the program on November 6, 2000, and was required by a provision of the Act 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 submitted program contained twenty-three proposed actions for noise mitigation on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The Acting Associate Administrator for Airports approved the overall program effective May 4, 2001.

All twenty-three of the program measures have been approved. The following fourteen measures were approved as voluntary measures: Continue prohibiting formation takeoffs

and landings without prior permission from the Director of Airports; Continue advising north traffic to fly the downwind leg along U.S. Highway 101; Continue advising Runway 26 arrivals to make base leg turns west of Las Posas Road; Continue advising pattern traffic on Runway 8 to turn to the crosswind leg prior to Las Posas Road; Continue advising right traffic on Runway 8 so as to avoid low overflights of the city; Advise straight-in VFR approaches to Runway 26 to remain south of U.S. Highway 101 and south of housing areas; Advise Runway 26 departures to fly west and north of city when turning right; Require aircraft over 80,000 pounds to land on Runway 8 and depart on Runway 26 whenever safe and practicable; When landings on Runway 26 are necessary, require aircraft over 80,000 pounds to make offset visual approaches from the southeast over farmland; Promote use of NBAA standard noise abatement departure procedures by jets; Promote use of AOPA Noise Awareness Steps by light single and twin engine aircraft; Continue promoting a standard left hand traffic pattern on Runway 26; Designate Runway 26 as the calm wind runway; and advise departures on Runway 8 to make right turns to avoid overflights of city. The following nine measures were approved outright: Use combined 2003 and 2018 noise contours as basis for noise compatibility planning; Set 60 CNEL as the threshold for promoting airport compatible development; Preserve airport-compatible land use designations within 60 CNEL and beneath the close-in traffic pattern; Establish noise compatible guidelines for the review of development projects within the "compatible land use preservation area" and require fair disclosure agreements and covenants for noise-sensitive uses granted a development permit; Maintain and enhance system for receiving, analyzing, and responding to noise complaints; Review Noise Compatibility Plan implementation; Publish pilot guide; Update Noise Exposure Maps and Noise Compatibility Program; Acquire noise monitors.

These determinations are set forth in detail in a Record of Approval endorsed by the Acting Associate Administrator for Airports on May 4, 2001. 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 county of Ventura, Camarillo, California.

Issued in Hawthorne, California on May 14, 2001.

**Ellsworth L. Chan,**

*Acting Manager, Airports Division, AWP-600, Western-Pacific Region.*

[FR Doc. 01-12835 Filed 5-21-01; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### **Notice of Intent to Rule on Application (#01-03-C-00-COD) To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Yellowstone Regional Airport, Submitted by the Joint Powers Board, Yellowstone Regional Airport, Cody, Wyoming**

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

**ACTION:** Notice of intent to rule on application.

**SUMMARY:** The FAA proposes to rule and invites public comment on the application to impose and use PFC revenue at Yellowstone Regional Airport under the provisions of 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR 158).

**DATES:** Comments must be received on or before June 21, 2001.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Alan E. Wiechmann, Manager; Denver Airports District Office, DEN-ADO; Federal Aviation Administration; 26805 E. 68th Avenue, Suite 224; Denver, CO 80249-6361.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. David R. Ulane, Airport Manager, at the following address: Joint Powers Board, Yellowstone Regional Airport, P.O. Box 2748, Cody, WY 82414.

Air Carriers and foreign air carriers may submit copies of written comments previously provided to Yellowstone Regional Airport, under section 158.23 of Part 158.

**FOR FURTHER INFORMATION CONTACT:** Mr. Chris Schaffer, (303) 342-1258; Denver Airports District Office, DEN-ADO; Federal Aviation Administration; 26805 68th Avenue, Suite 224; Denver, CO 80249-6361. The application may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the application (#01-03-C-00-COD) to impose and use PFC revenue at Yellowstone Regional Airport, under the provisions of 49

U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

On May 14, 2001, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Joint Powers Board, Yellowstone Regional Airport, Cody, Wyoming, was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than August 16, 2001.

The following is a brief overview of the application.

*Level of the proposed PFC:* \$4.50.

*Proposed charge effective date:* November 1, 2001.

*Proposed charge expiration date:* January 1, 2003.

*Total requested for use approval:* \$294,000.00.

*Brief description of proposed projects:* Encasement of irrigation canal, relocation/reconstruction of parallel taxiway, acquisition of airfield equipment, and general aviation apron expansion.

*Class or classes of air carriers, which the public agency has requested not be required to collect PFC's:* Non-scheduled on-demand air carriers filing FAA Form 1800-31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports Office located at: Federal Aviation Administration, Northwest Mountain Region, Airports Division, ANM-600, 1601 Lind Avenue SW., Suite 315, Renton, WA 98055-4056.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Yellowstone Regional Airport.

Issued in Renton, Washington on May 14, 2001.

**David A. Field,**

*Manager, Planning, Programming and Capacity Branch, Northwest Mountain Region.*

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**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Notice of Granted Buy America Waiver

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of Granted Buy America Waiver.

**SUMMARY:** This waiver allows New Flyer of America to count a foreign manufactured articulating joint system used in its low floor buses as a domestic component for purposes of calculating the aggregate domestic content of the vehicle and was predicated on the non-availability of the item in the domestic market. The waiver was granted on April 24, 2001, for the period of two years, or until such time as a domestic source for this articulating joint becomes available, whichever occurs first. This notice shall insure that the public, particularly potential manufacturers, is aware of this waiver. FTA requests that the public notify it of any relevant changes in the domestic market.

#### FOR FURTHER INFORMATION PLEASE

**CONTACT:** Meghan G. Ludtke, FTA Office of Chief Counsel, Room 9316, (202) 366-4011 (telephone) or (202) 366-3809 (fax).

**SUPPLEMENTARY INFORMATION:** The above-referenced waiver follows:

April 24, 2001.

Mr. Paul Smith,  
*Vice President, Sales and Marketing, New Flyer of America, 711 Kerneghan Avenue, Winnipeg, Manitoba, Canada R2C 3T4*

Dear Mr. Smith: This letter responds to your correspondence of March 9, 2001, in which New Flyer of America requests a non-availability waiver of the Buy America requirements for the procurement of the Hubner Manufacturing Corporation (Hubner) articulating joint system for use in New Flyer's low floor buses. The system is comprised of three sections, a mechanical artic joint and hydraulic damping unit, an electronic control unit, and a center hoop and bellows.

The Federal Transit Administration's (FTA) requirements concerning domestic preference for federally funded transit projects are set forth in 49 U.S.C. 5323(j). Section 5323(j)(2)(C) addresses the general requirements for the procurement of rolling stock. This section provides that all rolling stock procured with FTA funds must have a domestic content of at least 60 percent and must undergo final assembly in the U.S.

A non-availability waiver would allow New Flyer to count the joint as domestic for the purpose of calculating the aggregate domestic content of the vehicle. You request a waiver under 49 U.S.C. 5323(j)(2)(B), which states the Buy America requirements shall not apply if the item or items being procured are not produced in the U.S. in sufficient and reasonably available quantities or are not of a satisfactory quality. The implementing regulation provides that, "[i]t will be presumed that the conditions exist to grant this non-availability waiver if no responsive and responsible bid is received offering an item produced in the United States." 49 CFR 661.7(c)(1). The regulation goes on to note that, "[t]he waivers described in paragraphs (b) and (c) of this section may be granted for

a component or subcomponent in the case of the procurement of the items governed by [49 U.S.C. 5323(j)(2)(C)] (requirements for rolling stock). If a waiver is granted for a component or subcomponent, that component or subcomponent will be considered to be of domestic origin for the purposes of section 661.11 of this part." 49 CFR 661.7(f). The regulations allow a bidder or supplier to request a non-availability waiver for a component or subcomponent in the procurement of rolling stock. See 49 CFR 661.7(f) and 49 CFR 661.9(d).

New Flyer is a manufacturer of buses and regularly contracts to supply low floor buses to transit authorities and other U.S. customers. You state that the Hubner articulating joint system is necessary for the production of articulated low floor buses and is not available from a domestic source. In addition to the representations in your correspondence, you have also provided me with information indicating that, based on New Flyer's research, there are no U.S. companies with an approved design or the tooling necessary to produce the type of articulated joint required for New Flyer's low floor buses. You also included a letter from Hubner, which indicates that its manufacture of an American low floor articulating joint system is feasible but the manufacturing process would take a minimum of one year to develop.

This matter has been reviewed by FTA's engineering staff who noted that some components of the three sections included in the articulating joint system are available domestically but the entire joint mechanism necessary for New Flyer's vehicle design is not. Additionally, switching to a different type of joint would necessitate costly and time-consuming engineering changes to a low floor vehicle that has a limited share of the market.

Based on the information you have provided, I have determined that the grounds for a non-availability waiver do exist. Therefore, pursuant to the provisions of 49 U.S.C. 5323(j)(2)(B), the waiver is granted for the procurement of Hubner's articulating joint system for the New Flyer low floor buses for the period of two years, or until such time as a domestic source for this joint becomes available, whichever occurs first. In order to insure that the public is aware of this waiver, particularly potential manufacturers, this waiver will be published in the **Federal Register**.

If you have any questions, please contact Meghan G. Ludtke at 202.366-4011.

Very truly yours,  
Gregory B. McBride,  
*Acting Chief Counsel.*

Issued: May 16, 2001.

**Hiram J. Walker,**  
*Acting Deputy Administrator, Federal Transit Administration.*

[FR Doc. 01-12863 Filed 5-21-01; 8:45 am]

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