

accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on September 24, 2009.

**Delmer F. Billings,**

*Director, Office of Hazardous Materials,  
Special Permits and Approvals.*

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permits thereof
14902-N .....	.....	Federal Aviation Administration.	49 CFR 171.2(k)	To authorize the transportation in commerce of packagings identified as hazardous material which are actually non-hazardous for purposes of shipping and packaging drills conducted by FAA for air carriers. (modes 4,5)

[FR Doc. E9-23535 Filed 9-30-09; 8:45 am]

BILLING CODE 4909-60-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Approval of Noise Compatibility Program, Destin-Ft. Walton Beach Airport, Destin, FL

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

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its findings on the Noise Compatibility Program submitted by the Okaloosa County 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 nonfederal responsibilities in Senate Report No. 96-52 (1980). On January 14, 2009, the FAA determined that the noise exposure maps submitted by Okaloosa County under Part 150 were in compliance with applicable requirements. On July 7, 2009, the FAA approved the Destin-Ft. Walton Beach Airport noise compatibility program. All of the recommendations of the program were approved. No program elements relating to new or revised flight procedures for noise abatement were proposed by the airport operators.

**DATES:** *Effective Date:* The effective date of the FAA's approval of the Destin-Ft. Walton Beach Airport Noise Compatibility Program is July 7, 2009.

**FOR FURTHER INFORMATION CONTACT:** Lindy McDowell, Federal Aviation Administration, Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, FL 32822, phone number; 407-812-6331. 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 Destin-Ft. Walton Beach Airport, effective July 7, 2009.

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 noncompatible land uses and prevention of additional noncompatible 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 Title 14 Code of Federal Regulations (CFR) Part 150 is a local program, not a Federal Program. The FAA does not substitute its judgment for that of the airport operator with respect to which measure should be recommended for action. The FAA's approval or disapproval of 14 CFR Part 150 program recommendations is measured according to the standards expressed in 14 CFR 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 14 CFR 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 14 CFR Part 150, Section 1505. 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 an 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 program grants must be submitted to the FAA Airports District Office in Orlando, Florida.

Okaloosa County submitted to the FAA on September 5, 2008, the Noise Exposure Maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from June, 2004, through July, 2008. The Destin-Ft. Walton Beach Airport Noise Exposure Maps were determined by FAA to be in compliance with applicable requirements on January 14, 2009. Notice of this determination was published in the Federal Register on January 14, 2009.

The Destin-Ft. Walton Beach Airport study contains a proposed Noise Compatibility Program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the year

2008 to the year 2013. It was requested that 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 14, 2009, 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 eight (8) 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 14 CFR Part 150 have been satisfied. The overall program, therefore, was approved by the FAA effective July 7, 2009.

Outright approval was granted for all of the specific program elements. These elements include:

#### Operational Measures

1. OP-1 Install "Fly Friendly" Signage.
2. Op-2 Avoid Touch-and-Go's, Maintenance Run-ups, and Extended APU Operations during Nighttime Hours.
3. OP-3 Avoid Excessive Engine Idling on Ramps near Residential Homes.
4. OP-4 Publish "Fly Friendly" Brochure.

#### Land Use Measures

1. LU-1 Voluntary Land Acquisition and Relocation of Residents within 70 DNL.
2. LU-2 Voluntary Sound Attenuation of Homes within 65 DNL.
3. LU-3 Implement Airport Compatibility Overlay District.
4. LU-4 Monitor Development within 2013 NEM.

These determinations are set forth in detail in a Record of Approval signed by the FAA on July 7, 2009. 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 office of the Oklaosaa County. The Record of Approval also will be available on-line at: [http://www.faa.gov/airports/airtraffic/airports/environmental/airport\\_noise/Part150/states/](http://www.faa.gov/airports/airtraffic/airports/environmental/airport_noise/Part150/states/)

Dated: Issued in Orlando, Florida on September 8, 2009.

**W. Dean Stringer,**

*Manager, Orlando Airports District Office.*

[FR Doc. E9-23468 Filed 9-30-09; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Environmental Impact Statement for the California High Speed Train Project From Fresno to Bakersfield, CA

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of intent to prepare an environmental impact statement.

**SUMMARY:** The FRA issued a Notice of Intent on March 13, 2009 for the preparation of an Environmental Impact Statement (EIS) and Environmental Impact Report (EIR) with the California High-Speed Rail (Authority) for the Merced-to-Bakersfield section of the Authority's proposed California High-Speed Train (HST) System in compliance with relevant State and Federal laws, in particular the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). In that Notice, alternatives involving the alignments and stations located between Merced and Bakersfield were identified. FRA is issuing this Notice to amend the project environmental process for the Merced to Bakersfield section into two separate project EISs.

FRA and the Authority have determined that the environmental effects of the HST System from Merced to Bakersfield are more appropriately assessed in two separate documents; one for Merced to Fresno and another for Fresno to Bakersfield. This Notice amends the environmental process started on March 13, 2009 to instead prepare a Project EIR/EIS for the Fresno to Bakersfield section of the HST System. The decision to complete two separate EIR/EISs was made because the project sections are of sufficient length, with logical termini, allowing for an analysis of environmental matters on a broad scope to ensure that the project will function properly without requiring additional improvements elsewhere; and the assessment of HST alternatives in the Fresno to Bakersfield section will not restrict consideration of alternatives for other transportation improvements.

In 2001, the Authority and FRA started a tiered environmental review process for the HST System and in 2005, completed the first tier California High

Speed Train Program EIR/EIS (Statewide Program EIR/EIS) and approved the statewide HST System for intercity travel in California between the major metropolitan centers of Sacramento and the San Francisco Bay Area in the north, through the Central Valley, to Los Angeles and San Diego in the south. The approved HST System would be about 800-miles long, with electric propulsion and steel-wheel-on-steel-rail trains capable of operating speeds of 220 miles per hour (mph) on a dedicated system of fully grade-separated, access-controlled steel tracks with state-of-the-art safety, signaling, communication, and automated train control systems. In approving the HST System, the Authority and FRA also selected corridors/general alignments and station location options throughout most of the system. The Statewide Program EIR/EIS generally selected the Burlington Northern Santa Fe Railroad (BNSF) corridor for the high-speed train route from Fresno to Bakersfield and the Union Pacific Railroad Company (UPRR) corridor was selected through the urban area of Fresno, with stations in downtown Fresno and Bakersfield. The Statewide Program EIR/EIS also stated that the project EIR/EIS for the HST in this portion of the Central Valley would evaluate an alignment around Hanford and a potential station location in the Visalia/Hanford/Tulare area.

The preparation of the Fresno to Bakersfield HST Project EIR/EIS will involve the development of preliminary engineering designs and the assessment of potential environmental effects associated with the construction, operation, and maintenance of the HST System, including track, ancillary facilities and stations, along the preferred alternative corridor from Fresno to Bakersfield with alternative alignments to the east of Hanford.

**DATES:** FRA and the Authority invite the general public, other government agencies, and all other interested parties to comment on the amended scope and content of the Fresno to Bakersfield HST Project EIR/EIS. FRA and the Authority are soliciting additional oral and written comments, suggestions, and requests for information, and request for public meetings no later than October 30, 2009. These comments will receive equal consideration as comments presented during the March 2009 scoping period for the former Merced to Bakersfield HST Project EIR/EIS.

**ADDRESSES:** Written comments on the scope should be sent to Ms. Carrie Bowen, Regional Director, ATTN. Fresno to Bakersfield, California High-Speed Rail Authority, 925 L Street,