

DVRPC

RAC Meeting

SEPTEMBER 20, 2012

- **AGENDA**
- **MINUTES** *from June 21, 2012*
- **FEDERAL REGISTER AVIATION NOTICES**
- **NEWS ARTICLES**

SPECIAL PRESENTATION

FRAN STROUSE: L.R. KIMBALL

Title: Opportunities, Challenges and Accomplishments - Selected Construction Projects Recently Completed at DVRPC Regional Airports



DELAWARE VALLEY REGIONAL PLANNING COMMISSION
REGIONAL AVIATION COMMITTEE MEETING
(RAC)

Thursday September 20, 2012

10:00 AM

*Coffee will be available in the morning;
Lunch will be served after the meeting!*

American College of Physicians Building
190 N. Independence Mall West, 8th Floor
Corner of 6th & Race Streets
Philadelphia, PA 19106
(215) 592-1800

AGENDA

- 1. Introductions**
- 2. Minutes of the June 21, 2012 RAC Meeting**
- 3. Status of Regional Airport Systems Implementation (2 Min Reports)**

Delaware State Airports:
New Castle County, Summit.

New Jersey State Airports:
Camden County, Cross Keys, Flying W, Red Lion, South Jersey Regional,
Spitfire Aerodrome, Trenton-Mercer, Trenton-Robbinsville.

Maryland State Airport:
Cecil County.

Pennsylvania State Airports:
Brandywine, Chester County, Doylestown, Heritage Field, New Garden,
Northeast Philadelphia, Penridge, Perkiomen Valley, Philadelphia International,
Philadelphia Seaplane Base, Pottstown Municipal, Quakertown, Vansant, Wings
Field.

Heliports:
Penn's Landing Heliport, Total RF Heliport, Valley Forge Bicentennial Heliport,
Horsham Airways Heliport.

4. Special Presentation

Fran Strouse: L.R. Kimball

Opportunities, Challenges and Accomplishments – Selected Construction Projects recently completed at DVRPC regional airports

5. Continuing Planning Activities

- a. DVRPC/PA Aircraft Operations Counting Programs 2010/11 – Final Reports.
- b. DVRPC Aircraft Operations Counting 2011/12 – Draft Results.
- c. PA Aircraft Operations Counting Program 2011/12 – Status.
- b. DVRPC/NJDOT AWOS Project – Status.
- c. DVRPC CASP 30 – Grant Application Status.

6. Capital Programming Status

- a. FAA Funding Program – Harrisburg ADO Status and Activities.
Reauthorization Bill
Federal Grants Allocated for DVRPC Airports
- b. PA Funding Program; Status and Activities.
ADP Status
Block Grant Status
Airport Planning Sessions
SASP Update Status
- c. New Jersey Funding Program Status and Activities.
- d. Delaware Funding Program Status and Activities.
- e. Maryland Funding Program Status and Activities.

7. Old Business

- a. PA Aviation & Aerospace Conference, September 12-14, 2012.
- b. PA Aviation Advisory Council Special Task Force Meeting, 8-30-2012.
- c. PA Aviation Advisory Council Meeting, September 19, 2012.
- d. NJ Trenton-Mercer Airport's Strategic Land Development Stakeholder Meeting, June 26, 2012.

8. New Business

- a. Class B PHL Airspace Redesign (see also: Federal Register Notice from 7-31-2012 in mailing).
- b. Legislative Updates: PA SB 1552 Fixed Wing Tax Exemption.
- c. Public Comment Period.

9. Announcements

- a. Roger Moog, Manager Office of Aviation Planning at DVRPC (retired), receives President's Award from the New Jersey Aviation Association.
- b. Next RAC Meeting Date: Thursday, December 13, 2012, DVRPC offices.

10. Attachments

June 21, 2012 RAC Meeting Minutes and Attendance Sheet.

Federal Register Notices: Relevant FAA notices since June 21, 2012.

Assorted News Articles

International News Articles:

World needs lots more pilots according to Boeing; The airport of the future.

Federal News Articles:

Travel demand recovery; Closing flight school loophole; US airport terminals upgrade to first class; Fliers pinched as airfares take off; blame fuel, mergers, profits.

State News Articles:

NJAA-The Aviator Newsletter Summer 2012; ACP-Pennsylvania Aviation News September 2012.

Regional and Local News Articles:

Airport owner creating GA stronghold; Tinicum Township petition denied by courts; Third new airline service at PHL this year; Queen City FAA Ruling; Airport will further develop Queen City not sell it; Casey asks FAA to permit Allentown fire school sale; Cargo City is Philadelphia Airport's brawny kin; Air Travel Survey assists PHL in seeking additional Air Service; Room to grow without delay(s); US Airways plane departs Philadelphia; no explosives found.

Airline News Articles:

European airfares rise with capacity cuts; Airlines must combat stress of flying finds airbus study; United orders 150 737s; Major US Airlines projected to report record revenue for second quarter; Lower airfares expected soon; Traveler dissatisfaction with WiFi; Air Execs - Business Travel Demand Solid And Steady; United Airlines plans to fly fewer planes.

Policy and Regulatory News:

Privatization of airport security sought by GOP platform.

Directions to the DVRPC Offices
And
Nearby Parking Lot Locations



DELAWARE VALLEY REGIONAL PLANNING COMMISSION

BY AUTOMOBILE

DVRPC is located in the American College of Physicians (ACP) Building.

From Western PA:

Take I-76 East (PA Turnpike) to Exit 326 Valley Forge Interchange. Continue East on I-76 (Schuylkill Expressway) to Exit 344, which is I-676 (Vine Street Expressway). Get off I-676 at Ben Franklin Br. (4th Exit). Stay right, following signs to 6th Street/Independence Mall. Make a right at the end of the exit (at the traffic light) onto 6th Street. The Building is located on the right side, at 6th and Race Streets.

From Northeastern PA:

Take I-476 south (PA Turnpike - NE Extension, formerly Rt. 9) to Exit 16, I-76 (Schuylkill Expressway), and take I-76 East to Exit 344 (I-676 (Vine Street Expressway). Get off I-676 at Ben Franklin Br. (4th Exit). Stay right, following signs to 6th Street/Independence Mall. Make a right at the end of the exit (at the traffic light) onto 6th Street. The Building is located on the right side, at 6th and Race Streets.

From Central New Jersey (Trenton area):

Take I-95 South to I-676 West/Callowhill Street Exit. Stay to the far right and get off immediately at the Callowhill Street Exit (local traffic). At the light, make a right and get into the far left lane. Make a left on 6th Street. The Building is located on the right side, at 6th and Race Streets.

From Northern and Southern New Jersey:

Take the New Jersey Turnpike to Exit 4 (Rt. 73). Take Rt. 73 North to Rt. 38 West. Take Rt. 38 West to the Benjamin Franklin Bridge. Cross the bridge staying in the far right lane. Exit at 5th Street. Take 5th Street to Callowhill Street and make left. From Callowhill Street make left on to 6th Street. The Building is located on the right side, at 6th and Race Streets.

From Delaware:

Take I-95 North to I-676 West (left lane of I-95). On exit ramp, stay to the right and get off immediately at the Callowhill Street Exit (local traffic). Merge onto Callowhill Street and stay in the left lane. Make a left onto 6th Street. The Building is located on the right side, at 6th and Race Streets.

Parking is available at the Constitution Center across from the building. The entrance is on Race Street. From 6th Street make a left on to Race Street. Parking entrance is on the right. → → →

BY PUBLIC TRANSIT

Amtrak:

Take Amtrak to 30th Street Station. Exit the station at 30th Street. The subway entrance is located at the NW corner of 30th and Market Streets. Take the Market-Frankford Line (blue) Eastbound towards Frankford. Get off at 5th Street. Walk north on 5th Street to Race Street and walk west to 6th Street.

SEPTA Regional Rail:

Regional Rail lines stop at Market East Station (11th and Market Streets). Walk East on Market to 6th Street then north on 6th to Race Street or take the Market-Frankford Line (blue) Eastbound towards Frankford. Get off at 5th Street. Walk north on 5th Street to Race Street and walk west to 6th Street.

SEPTA Blue Line:

When riding the Market-Frankford Elevated-Subway, get off at 5th Street. Walk north on 5th Street to Race Street and walk west to 6th Street.

PATCO:

Take PATCO to the 8th & Market Street stop. Walk East to 6th Street then north to Race Street.



DELAWARE VALLEY REGIONAL PLANNING COMMISSION

190 N. INDEPENDENCE MALL WEST
PHILADELPHIA, PA 19106 - 1520
215.592.1800 WWW.DVRPC.ORG



Delaware Valley Regional Planning Commission
190 N. Independence Mall West
Philadelphia, PA 19106
(215) 592-1800



P - Parking (Daily and Monthly)
P - Parking (Daily Only)

Minutes of the June 21, 2012

RAC Meeting

DELAWARE VALLEY REGIONAL PLANNING COMMISSION

Minutes of the June 21, 2012

Regional Aviation Committee Meeting

Attendee	Affiliation
Michael McCartney - RAC Chairman	Philadelphia International Airport
Walker Allen	DVRPC
Joy Bose	Perkiomen Valley Airport
Daniel Bower	Philadelphia International Airport
Paul W. Comtois	ETC
Tom Defant	HNTB
Elaine Farashian	Aero Club of PA
Bobbie Geier	DeIDOT Planning
Jeff Gilley	NBAA
Gary Hudson	CCAAA
Jan Kopple	TransSystems
Lori Ledeborn	FAA
Gerard Leipfinger	NJ DOT Aeronautics
Elliott Lindgren	AECOM
Dave Metzler	DVRPC
Roger Moog	NJAA/ACP
David Nelson	Brandywine Airport
Reiner Pelzer	DVRPC
Robert Powell	Cecil County Airport
Jeff Price	QED/Meriden-Markham Airport
Mary Scheuermann	Parsons Brinckerhoff
William Sieg	PennDOT
Selina Shilad	Alliance for Aviation Across America
Fran Strouse	L.R. Kimball
Thomas Thatcher	L.R. Kimball
Mike Thompson	Philadelphia City Planning Commission
Tom Tomczyk	PennDOT BOA
Anne Tyska	CHPlanning
Lucy Walter	Mercer County, Board of Chosen Freeholders

1. Introductions

Committee Chairman Mr. McCartney opened the meeting at 10:15. He asked all in attendance to introduce themselves by name and affiliation.

2. Minutes of the of March 15, 2012 RAC Meeting

The minutes of the 03-15-2012 RAC meeting were passed without comments.

3. Status of Regional Airport Systems Implementation (2 Min Reports)

Delaware State Airports:

New Castle County

Ms. Geier, DelDot had nothing new or noteworthy to report. An airport representative was not present.

Summit

Ms. Geier had nothing new or noteworthy to report. An airport representative was not present.

New Jersey State Airports:

Camden County

Mr. Leipfinger, NJDOT reported the airport received a grant offer to widen runway 5/23 by 10 feet and install new lighting. The airport has not acted on the grant offer since receipt. A 45-day notification letter from the Department of Aeronautics urging them to make a decision to continue or terminate the grant was sent to the airport. No response has been received as of this date. Mr. Leipfinger mentions that the airport may not accept the grant offer due to a lack of matching funds.

Cross Keys

Fran Strouse, Kimball provided an update on the grant situation at the airport. All projects are currently on hold since the NJDOT grants have expired. The airport submitted grant extension requests, but have not received notice that grants will be extended. Mr. Leipfinger of NJDOT noted that his office met with the airport and their consultant on 4-23-2012 to discuss such grant issues. During the meetings NJDOT requested the consultant to prepare an update on project cost for the runway displacement and extension, the airfield lighting and NAVAIDS and the taxiway lights, beacon and PAPIs grants. An extension until 2/22/2013 was issued for the airfield lighting and NAVAIDS grant and the possibility is explored to combine this grant with the taxiway lights, beacon and PAPI grant.

The ALP update DVRPC is preparing has been on hold for various reasons. One was a NJDOT rendered 'stop work order' last year from April to June and another was Mr. Pelzer's expanded responsibilities after his Manager's retirement in June of

2011. Currently DVRPC is waiting on a no cost contract time extension from NJDOT since the original grant expired in December of 2011. Once the extension is in place DVRPC will continue finalizing the ALP study and close out the project shortly thereafter.

Flying W

NJDOT reported that the airport has no open projects with the State currently. No airport representative attended the meeting.

Red Lion

NJDOT reported that the airport has no open projects with the State currently. No airport representative attended the meeting.

South Jersey Regional

Mr. Leipfinger, NJDOT announced that a vendor for the Runway End Indicator Lights (REIL) has been selected. A notice to proceed will be send out as soon as a final funding approval is received. AECOM is in the process of preparing an electronic Airport Layout Plan, believed to be the first in the State if not in the Nation. A Jet A fuel farm is currently under design and a RFP for its installation is being prepared by the airport consultant. The RFP is expected to be released within the next month or two.

Spitfire Aerodrome

Mr. Leipfinger reported an ownership change occurred at the airport after some financial trouble causing the old owner to sign the airport over to a new private sponsor. Project time modifications that were approved under the old ownership for a new security gate and fencing as well as a fuel farm installation have to be newly executed with the new owner.

Salem County may be interested in the acquisition of the airport. However, no talks or negotiation have occurred at this point.

Trenton-Mercer

The airfield marking project completed mid June of this year. The EMAS project for runway ends 16 and 34 will be constructed simultaneously and are expected to complete within 120 days. The grant for such construction at the runway ends 6 and 24 has not been approved at this point and may not be completed until next year.

Trenton-Robbinsville

The agreement for runway crack repair including sealcoat and marking expired. The sponsor has not responded to a request from NJDOT to send in a grant time modification. A vendor for the installation of security cameras was selected; however, the sponsor has not yet signed the contract to start the project. A grant time modification for the Detention Basin Cleanout and Drainage project has been executed, but the sponsor has not made any progress in continuing with this project. Two FAA funded projects, the Stormwater Management Plan Study and the Environmental Assessment Study are complete. The NJDOT awaits receipt of the

final invoices for each study to closeout both projects.

Maryland State Airport:

Cecil County

The airport presented information to the County Association of Mayors (8 Towns) regarding the formation and recognition of an Autonomous Airport Authority. Clarification is being pursued concerning the potential liability of the Towns.

The Airport is still under consideration to become a helicopter base for a medevac unit. The Civil Air Patrol is in the final stages of contracting with the airport to base an aircraft at the airport. Fuel sales are reported to be slightly up as well as the latest aircraft operations.

Pennsylvania State Airports:

Brandywine

Repairs at the east end of the Taxiway have been completed including improvements of the RSA and TSA Phase II Construction. Permanent pavement markings are expected to be applied within the next two weeks. A new TUG was acquired and is operational. The project is complete and the airport is awaiting Bureau of Aviation (BOA) reimbursement.

Grants to improve the main terminal apron south and the design for the rehabilitation and relocation of the airfield lighting have been applied for. Press releases were issued and the airport is awaiting the tentative allocation letters from the BOA.

Chester County

The ominous south apron project started again. A previously designed helicopter path between the Sikorski helicopter facility and the airport has been revised. More details can be found on the airports website.

Doylestown

In anticipation to remove obstructions from the runway 5 approach, the airport is in the process of acquiring numerous property easements to accomplish this task. The following grants are anticipated to receive tentative allocation letters from BOA in the near future: Obstruction removal runway 5/23 approaches and transitional surfaces, Phase I: preliminary design, and the construction of bypass taxiways at the runway 5 and 23 ends.

Heritage Field

No representatives attended the meeting or submitted a project update to DVRPC.

New Garden

Parallel Taxiway A extension is complete. A final inspection was held with the BOA on November 30, 2011 and the resulting punch list items have been completed since. Project grant closeout is expected to occur during the month of July 2012.

A ground lease has been executed with Hangar Corporation to develop hangars at the east end of the airport. Design is about to start and construction is expected to begin later this summer. An easement acquisition along the Runway 6 end is being finalized. A grant is anticipated for the design of reconstructing and widening Runway 6/24. A press release was issued and the airport is awaiting a tentative allocation letter from the BOA.

Announcements: The Future Aviator's Summer Camp is expanding to two separate weeks in 2012. First offering is July 9-13; the second week is scheduled for August 13-17. Two separate weeks will include new activities, games and aviation adventures for children ages 8-15.

The airport will host the Festival of Flight Air and Car Show during the weekend of August 25 and 26.

Northeast Philadelphia

Notice to proceed with the crack seal project was received May 7, 2012.

Pennridge

No representatives attended the meeting or submitted a project update to DVRPC.

Perkiomen Valley

Skippack Township has not made the changes to the Airport Hazard Zoning Ordinance offered by DVRPC and Kimball as of yet. The BOA is pursuing this matter with the township.

Philadelphia International

Runway 9/27R rehab project is underway. Taxiway K extension was bit May 31. Design is 90 percent complete and design drawings are currently under review. The Project Management Team for the Capacity Enhancement project has been selected. CH2MHill won the bit.

Philadelphia Seaplane Base

No representatives attended the meeting or submitted a project update to DVRPC.

Pottstown Municipal

No representatives attended the meeting or submitted a project update to DVRPC.

Quakertown

The airport sponsor is pursuing easement acquisitions for seven (7) parcels under the runway 11 approach. The old underground fuel farm will be relocated and replace with a 10,000 gallon above ground AVGAS tank. Permits have been applied for. The Airport Authority has acquired two parcels under the runway 9 approach. On February 23rd the Governor released Capital Budget funding to acquire land to remove runway obstructions.

Vansant

New FBO, 'Bird of Paradise' is operating the airport. The Airport Authority continues to address airport obstructions.

Wings Field

A bid package has been prepared for the demolition of hangars 3 and 4 as well as the construction of new hangars. The new hangars are expected to be in service by January 1, 2013. Limited work items remain, including the application of a seal coat and the final pavement markings on the itinerant airport apron. Advanced Aircraft is the new FBO at Wings. They are successfully operating over the past six months. The FBO is expected to be a Cirrus authorized center providing training, maintenance and sales.

Heliports:

Penn's Landing Heliport

No representatives attended the meeting or submitted a project update to DVRPC.

Total RF Heliport

No representatives attended the meeting or submitted a project update to DVRPC.

Valley Forge Bicentennial Heliport

No representatives attended the meeting or submitted a project update to DVRPC.

Horsham Airways Heliport

No representatives attended the meeting or submitted a project update to DVRPC.

4. Special Presentations

E-ALP – Elliott Lindgren, AECOM

Mr. Lindgren presented AECOM's current efforts conducting several pilot e-ALP studies for the FAA including major commercial airports throughout the nation as well as smaller regional reliever airports such as South Jersey Regional Airport located within the DVRPC region. The presentation touched on a facet of topics from new FAA guidelines for e-ALP developments, the scoping of an e-ALP project, development of control plans, aerial and ground surveys to the cost of an initial e-ALP for a small airport like South Jersey Regional. If you are interested in learning more about e-ALP projects, please contact Elliott Lindgren at 215-207-1374 or Elliott.lindgren@aecom.com.

State of GA – Selena Shilad, Alliance for Aviation Across America

Ms. Shilad's presentation can be viewed at:

<http://www.dvrpc.org/ASP/committee/Presentations/RAC/2012-06.pdf>

5. Continuing Planning Activities

a. DVRPC /PA Aircraft Operations Counting Programs

David Metzler of DVRPC reported that he completed four out of eight counts for the Aircraft Operations Counting Program including four PA airports outside the DVRPC region. Parallel he is counting eight (8) airports within the DVRPC region and has three (2) out of eight (8) counts completed. Early indicators suggest another downturn in operations.

b. DVRPC/NJDOT AWOS Project Status

The AWOS program is proposed to be expanded to include installation of ceilometers (cloud ceiling height measurement instrument) at ten of the fifteen airports that received the AWOS II-AV system to date. The ten airports receiving ceilometers are: Blairstown, Central Jersey Regional, Greenwood Lake, Lakewood, Lincoln Park, Old Bridge, Princeton, Sky Manor, Solberg and Trenton-Robbinsville Airports.

c. DVRPC CASP 30 - Grant Application Status

Staff submitted final grant proposals to the FAA for two projects to be started during federal fiscal year 2013. (October 1, 2012 through September 30, 2013). Proposals include the update of the 2035 Regional Aviation System Plan to year 2040 and the continuation of the DVRPC Aircraft Operations Counting Program at 6 airports in and outside of the DVRPC region. BOA requested a special count at Pocono Mountain Airport and the FAA requested counts at two NJ airports, Hammonton and Linden. These airports are scheduled to have their Airport Master or Layout Plan updated in the near future. The remaining three airports proposed to be counted are located within the DVRPC region and include Quakertown, Pennridge and Trenton-Robbinsville Airports.

6. Capital Programming Status

a. FAA Funding Program - Harrisburg ADO Status and Activities

Lori Ledeborn reported that the Harrisburg ADO has begun to issue high priority project grants mainly for primary entitlements. Discretionary grants have not yet trickled down. A new e-invoicing system is starting in August. Presentations introducing this new system will start next week for airport sponsors and their designated consultants.

b. PA Funding Program; Status and Activities

Tom Tomczyk reported that the Bureau will not issue grants until the state budget is passed. In addition the block grant from the FAA has not been

received as of yet further delaying the grant process.

c. New Jersey Funding Program Status and Activities

Half of the projects recommended for funding this year are approved the other half are still being evaluated.

d. Delaware Funding Program Status and Activities

The State submitted a scope for a planning grant to the FAA and is awaiting a response soon.

e. Maryland Funding Program Status and Activities

No representatives attended the meeting or submitted a program update to DVRPC.

7. Old Business

a. FAA NPIAS ASSET Study Status update

This study was highly anticipated in the GA community. It provides a fresh new look and lists many of the different roles General Aviation Airports play in the National Air Transportation System such as unscheduled passenger transportation, sport aviation, firefighting missions, critical organ donor deliveries and more.

The study categorizes air service facilities in four new groups:

National (84 Airports) - Supports the national and state system by providing communities with access to national and international markets in multiple states and throughout the United States.

DVRPC Airports included (4): New Castle County Airport, DE; Trenton-Mercer Airport, NJ; Chester County GO Carlson Airport, PA; Northeast Philadelphia Airport, PA.

Regional (467 Airports) – Supports regional economies by connecting communities to statewide and interstate markets.

DVRPC Airports included (4): Doylestown Airport, PA; Wings Field, PA; Heritage Field (former Pottstown-Limerick Airport), PA; Brandywine Airport, PA.

Local (1236 Airports) – Supplements local communities by providing access to intrastate and some interstate markets.

DVRPC Airports included (4): South Jersey Regional Airport, NJ; Pottstown-Municipal Airport, PA; Quakertown Airport, PA; New Garden Airport, PA.

Basic (668 Airports) – Supports general aviation activities such as emergency services, charter or critical passenger service, cargo operations, flight training, and personal flying.

DVRPC Airports included (0)

Not categorized (497) - These airports have different types of activity and characteristics and cannot be described as a clear group or category and require further study.

DVRPC Airports included (2): Summit Airport, DE; Trenton-Robbinsville, NJ.

These new categories are expected to provide a more consistent framework within which to evaluate proposed projects. For more information and to download or view the report please visit:

http://www.faa.gov/airports/planning_capacity/ga_study/ .

b. Trenton-Mercer Airport's Strategic Land Development Study – Update

Staff updated the Board on the background of the study in previous meetings. DVRPC Aviation staff was invited to join a stakeholders group for this study. The group will meet for the first time on June 26, 2012. Mr. Pelzer will report orally on any significant developments that may have come out of this meeting during the June 28, 2012 DVRPC Board Meeting, if time allows.

8. New Business

a. Pennsylvania Aviation & Aerospace Advocacy Day, June 13, 2012
Legislative Updates: PA HB 1100 Fixed Wing Tax Exemption

Mr. Moog, representing the Aviation Council of Pennsylvania, reported on the current status of PA House Bill 1100 including the sales and service tax exemptions for fixed wing aircraft as well as its complimentary Senate Bill 1552 introduced by Senator David Argall.

PA HB 1100 Fixed Wing Tax Exemption

The House version of the bill to exempt fixed wing aircraft from sales tax in Pennsylvania passed by a vote of 167 to 19 on June 20th. The aviation community in Pennsylvania strongly supports the passage of the bill in hope to recapture businesses lost and newly attract aviation manufacturing and maintenance operation to the Commonwealth. Other states surrounding the Commonwealth have passed similar bills in years past and held an edge over PA attracting aviation businesses. The Pennsylvania aviation community is hopeful that a complementary bill will pass the Senate floor soon (see Senate Bill 1552 below) to make their State more competitive in attracting aviation businesses.

Senate Bill 1552 Fixed Wing Tax Exemption (complementary Bill to PA HB 1100) This bill was introduced by PA State Senator Argall to the PA State Senate. It passed the finance committee review and is now moved on to the appropriations committee for approval. Next step is to go up for vote to the senate floor.

b. Public Comment Period

No comments.

**Aviation Related Notices of Rules
and Regulations Published in the
Federal Register**

(June 21 – September 7, 2012)

Rules and Regulations

Federal Register

Vol. 77, No. 125

Thursday, June 28, 2012

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 205

[Document Number AMS–NOP–12–0034; NOP–12–11]

Implementation of National Organic Program (NOP); Sunset Review (2012) Amendments to Pectin on the National List of Allowed and Prohibited Substances

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; notice of implementation period.

SUMMARY: On June 6, 2012, AMS published a final rule to address substances due to sunset from the U.S. Department of Agriculture's National List of Allowed and Prohibited Substances (National List) in 2012. This final rule amended two listings for pectin on the National List effective June 27, 2012.

DATES: Based upon new information from the organic industry, AMS is informing operations certified to the USDA organic regulations that AMS will allow operations to reformulate their products until October 21, 2012.

SUPPLEMENTARY INFORMATION: The Organic Foods Production Act of 1990 (OFPA) (7 U.S.C. 6501–6522) authorizes the establishment of the National List of Allowed and Prohibited Substances (National List). The National List identifies synthetic substances that may be used in organic production and nonsynthetic (natural) substances that are prohibited in organic crop and livestock production. The National List also identifies nonagricultural nonsynthetic, nonagricultural synthetic and nonorganic agricultural substances that may be used in organic handling.

On June 6, 2012, AMS published a final rule (77 FR 33290) addressing

multiple exemptions due to sunset from the National List in 2012. Based on the comments received, AMS finalized the amendments to pectin as proposed. In an effort to streamline the sunset dates for over 200 listings for substances on the National List and in consideration of the comments on the proposed rule that supported the proposed changes to pectin, AMS determined that the changes to pectin should be included among the amendments and renewals effective on the earliest sunset date, June 27, 2012, for all substances due to expire in 2012.

After publication of the final rule on June 6, 2012, AMS received new information from industry that some organic processors are currently using amidated, non-organic pectin in their products. The industry indicated that these processors would need time to reformulate these products using either non-amidated, non-organic pectin (if organic pectin is not commercially available), or organic pectin in accordance with the changes codified through the final rule. In response to this information, AMS now understands that some product reformulation is necessary.

The amendments to pectin are effective on June 27, 2012. However, AMS considers a period until October 21, 2012, the original sunset date in 2012 for the pectin listings, to be reasonable and appropriate for the industry to reformulate products in order to ensure that the amendments are effectively and rationally implemented. AMS will conduct outreach to the industry and training for certifying agents as appropriate.

Authority: 7 U.S.C. 6501–6522.

Dated: June 22, 2012.

David R. Shipman,

Administrator, Agricultural Marketing Service.

[FR Doc. 2012–15904 Filed 6–26–12; 11:15 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. FAA–2012–0408]

Issuance of Special Airworthiness Certificates for Light-Sport Category Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of policy; request for comments.

SUMMARY: Based upon its assessment of the special light-sport aircraft (SLSA) manufacturing industry, the FAA is issuing this notice of policy to inform the public of its policy for assessing the accuracy of declarations made in Statements of Compliance issued for aircraft intended for airworthiness certification as SLSA and to ensure that SLSA conform to identified consensus standards. Additionally, in response to findings noted in its assessment of the SLSA manufacturing industry, the FAA is reiterating its policy regarding the airworthiness certification of SLSA manufactured outside the United States.

DATES: *Effective Date:* This policy becomes effective September 26, 2012.

Comment Date: Comments must be received on or before July 30, 2012

ADDRESSES: You may send comments identified by Docket Number FAA–2012–0408 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

- *Mail:* Send Comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

- *Hand Delivery:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* (202) 493–2251.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this policy statement, contact Richard Posey, Federal Aviation Administration,

Airworthiness Certification Branch
AIR-230, FAA Headquarters, 800
Independence Avenue SW.,
Washington, DC 20591; telephone: (202)
385-6378; fax: 202-385-6475 email:
richard.posey@faa.gov. For legal
questions concerning this policy
statement, contact Paul Greer, AGC-200,
Office of the Chief Counsel, Federal
Aviation Administration, 800
Independence Avenue SW.,
Washington, DC 20591; telephone (202)
267-3083; email: *paul.g.greer@faa.gov*.

SUPPLEMENTARY INFORMATION: In the following section, we discuss how you can comment on this policy statement and how we will handle your comments. Included in this discussion is related information about the docket, privacy, and the handling of proprietary or confidential business information. We also discuss how you can get a copy of this policy statement and related documents.

Comments Invited

The FAA invites interested persons to participate in formulating this policy statement and request for comments by submitting written comments, data, or views. The most helpful comments reference a specific portion of the notice, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, please send only one copy of written comments, or if you are filing comments electronically, please submit your comments only one time.

We will file in the docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this notice. Before acting on this notice, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this policy in light of the comments we receive.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR

19477-78) or you may visit <http://DocketsInfo.dot.gov>.

To read background documents or comments received, go to <http://www.regulations.gov> at any time and follow the online instructions for accessing the docket or go to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Proprietary or Confidential Business Information

Do not file in the docket information that you consider to be proprietary or confidential business information. Send or deliver this information directly to the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document. You must mark the information that you consider proprietary or confidential. If you send the information on a disk or CD-ROM, mark the outside of the disk or CD-ROM and also identify electronically within the disk or CD-ROM the specific information that is proprietary or confidential. When we are aware of proprietary information filed with a comment, we do not place it in the docket. We hold it in a separate file to which the public does not have access, and we place a note in the docket that we have received it. If we receive a request to examine or copy this information, we treat it as any other request under the Freedom of Information Act (5 U.S.C. 552). We process such a request under the DOT procedures found in 49 CFR part 7.

Availability of This Policy

You can get an electronic copy using the Internet by—

- (1) Searching the Federal eRulemaking Portal (<http://www.regulations.gov>);
- (2) Visiting the FAA's Regulations and Policies Web page at http://www.faa.gov/regulations_policies/; or
- (3) Accessing the Government Printing Office's Web page at <http://www.gpoaccess.gov/fr/index.html>.

You can also get a copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-9680. Make sure to identify the docket number or notice number of this policy statement. You may access all documents the FAA considered in developing this policy statement, including any analysis or technical reports, from the internet through the Federal eRulemaking Portal referenced in paragraph (1).

Background

On July 24, 2004, the final rule, Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft, was published in the **Federal Register** (69 FR 44772). The rule established requirements for the issuance of airworthiness certificates for light-sport category aircraft under the provisions of Title 14, Code of Federal Regulations (14 CFR) § 21.190, *Issue of special airworthiness certificates for light-sport category aircraft*. Additionally, the rule established procedures for the airworthiness certification of these aircraft in accordance with industry-developed consensus standards. Through the use of consensus standards, the FAA believed that light-sport aircraft (LSA) could be designed, manufactured, and certificated with less FAA oversight than that required for an aircraft manufactured under type and production certification procedures.

Persons presenting an aircraft for airworthiness certification in the light-sport category must provide the FAA with a Statement of Compliance (FAA Form 8130-15) issued by the aircraft's manufacturer indicating that the aircraft meets the provisions of an identified consensus standard that has been accepted by the FAA. Additionally, an aircraft presented for airworthiness certification as SLSA must be inspected to determine that it is in a condition for safe operation. This inspection is accomplished after the aircraft has been completed but before issuance of the airworthiness certificate. The airworthiness certification process also requires a review of the applicant's documentation supplied with the aircraft, which includes the manufacturer's Statement of Compliance.

When originally proposing the rule, the FAA noted that an aircraft presented for airworthiness certification would be inspected by the FAA (or an FAA-designated representative) to determine that it is in a condition for safe operation. The person conducting the inspection would rely upon the manufacturer's Statement of Compliance to assist in determining that the aircraft meets the applicable consensus standards. At the time that the rule was originally proposed, the FAA indicated that it would follow this course of action unless FAA experience with a manufacturer dictated otherwise (67 FR 5378; February 5, 2002). This intent remained unchanged with publication of the final rule.

As the number of aircraft certificated as SLSA rapidly grew, the FAA determined that it was appropriate to

conduct an assessment to evaluate the health, state of systems implementation, and compliance of the SLSA industry. From September 2008 through March 2009, the Aircraft Certification Service, Production and Airworthiness Division (AIR-200) conducted an assessment of SLSA manufacturers by evaluating their systems and processes through on-site evaluation, analysis, and reporting.

The FAA assessment team collected data from SLSA manufacturers (including their extensions and distributors located in the United States) regarding compliance with applicable regulations and standards. After reviewing this data the team recommended enhancements to industry consensus standards for LSA design, manufacturing, continued airworthiness, and maintenance. It also made recommendations for changes to agency internal processes and procedures. A copy of the report can be found in the docket for this notice.

Among the report's conclusions, the FAA found that the majority of the manufacturing facilities evaluated could not fully substantiate that the aircraft for which they had issued Statements of Compliance did, in fact, meet the consensus standards identified in those documents. Therefore, the FAA could not determine that aircraft for which these statements were issued actually met the provisions of the identified consensus standards.

The assessment raised concerns that the SLSA airworthiness certification process, as originally envisioned, does not always achieve its intended purpose. Additionally, the FAA was particularly concerned that SLSA manufacturers have not been sufficiently verifying that their continued airworthiness systems are functioning properly. The FAA has determined that its original policy of reliance on manufacturers' Statements of Compliance for the issuance of airworthiness certificates for SLSA under the provisions of § 21.190 should be reconsidered and that more FAA involvement in the airworthiness certification process for SLSA is warranted.

Manufacturer's Statement of Compliance

The FAA notes that a manufacturer's Statement of Compliance presented during the airworthiness certification process for an SLSA must contain a statement that at the request of the FAA, the manufacturer will provide unrestricted access to its facilities. The Statement of Compliance, when signed by the aircraft's manufacturer, sets forth the manufacturer's consent to FAA

inspection of its facilities and constitutes an assertion that the information contained in the document is true. If, upon examination, the FAA finds that the manufacturer's statements are not accurate, an airworthiness certificate will not be issued for that SLSA until it has been demonstrated that the aircraft meets the identified consensus standards and that the manufacturer is able to comply with the provisions of its Statement of Compliance. SLSA manufacturers signing a Statement of Compliance must ultimately be able to demonstrate their ability to carry out those functions and responsibilities referenced in the statement to the satisfaction of the FAA, and meet all other relevant airworthiness certification requirements.

SLSA Manufacturers

The current process for airworthiness certification of SLSA is described in FAA Order 8130.2, Airworthiness Certification of Aircraft and Related Products. The process includes reviewing the applicant's documentation supplied with the aircraft, and verifying it agrees with the identification and description of the aircraft and that it conforms to applicable regulations. The FAA considers an SLSA manufacturer to be a person who not only can attest to meeting the provisions of 14 CFR 21.190, but who can demonstrate these abilities to the satisfaction of the FAA. A person who cannot demonstrate these abilities, or complete the manufacturer's Statement of Compliance would not be considered a manufacturer.

The Statement of Compliance issued for an SLSA in accordance with § 21.190(c), by an SLSA manufacturer, must:

- (1) Identify the aircraft by make and model, serial number, class, date of manufacture, and consensus standard used;
- (2) State that the aircraft meets the provisions of the identified consensus standard;
- (3) State that the aircraft conforms to the manufacturer's design data, using the manufacturer's quality assurance system that meets the identified consensus standard;
- (4) State that the manufacturer will make available to any interested person the following documents that meet the identified consensus standard:
 - (i) The aircraft's operating instructions.
 - (ii) The aircraft's maintenance and inspection procedures.
 - (iii) The aircraft's flight training supplement.

(5) State that the manufacturer will monitor and correct safety-of-flight issues through the issuance of safety directives and a continued airworthiness system that meets the identified consensus standard;

(6) State that at the request of the FAA, the manufacturer will provide unrestricted access to its facilities; and

(7) State that the manufacturer, in accordance with a production acceptance test procedure that meets an applicable consensus standard has—

- (i) Ground and flight tested the aircraft;
- (ii) Found the aircraft performance acceptable; and
- (iii) Determined that the aircraft is in a condition for safe operation.

If a manufacturer cannot demonstrate it can perform the functions specified in the Statement of Compliance for an SLSA or cannot substantiate that those functions have been (or can be, as appropriate) accomplished, the FAA would not consider that person to be the manufacturer of the aircraft intended for airworthiness certification as an SLSA.

Persons providing the FAA with a Statement of Compliance must understand the implications of making the statement. The FAA expects the Statement of Compliance to reflect the manufacturer's understanding of its responsibilities, its capability to execute those responsibilities fully, and a commitment to meeting its obligations in the future.

The FAA is particularly concerned that manufacturers issuing a Statement of Compliance have a system to monitor and correct safety-of-flight issues. The manufacturer therefore must be able to monitor and notify operators to correct unsafe conditions for as long as these aircraft are U.S.-registered. The manufacturer also is responsible for issuing corrective actions in accordance with its program to monitor and correct safety-of-flight issues and must notify the owners of the affected aircraft of these corrective actions. To ensure the success of the FAA's program for SLSA airworthiness certification, the FAA expects manufacturers to implement a vigorous system to monitor and correct safety-of-flight issues.

SLSA manufacturers must be able to provide for the continued operational safety of their aircraft. In order to meet this obligation, which the manufacturer has accepted through its issuance of a Statement of Compliance, it must maintain adequate engineering data and engineering staff to monitor and correct safety-of-flight issues affecting the aircraft. This continuing obligation is incurred by both manufacturers who have issued Statements of Compliance

for aircraft that are currently certificated as SLSA and manufacturers who have issued Statements of Compliance for aircraft being presented for airworthiness certification.

If, during the FAA's examination of an aircraft, it finds that the aircraft was received from a location outside the United States and only assembled within the United States, the requirements of 14 CFR 21.190(d) must be met for the aircraft to be considered eligible for an airworthiness certificate. This is further clarified in the following section.

SLSA Manufactured Outside the United States

Aircraft intended for airworthiness certification as SLSA that have been manufactured outside the United States must be manufactured in country with which the United States has a Bilateral Airworthiness Agreement concerning airplanes, a Bilateral Aviation Safety Agreement with associated Implementation Procedures for Airworthiness concerning airplanes, or an equivalent airworthiness agreement. The aircraft must also be eligible for an airworthiness certificate, flight authorization, or other similar certification in its country of manufacture. These requirements are set forth in 14 CFR 21.190(d).

During the recent assessment, the FAA identified several anomalies involving aircraft manufactured outside the United States. These included:

- Aircraft manufactured outside the United States that were shipped disassembled to the United States, and assembled by U.S. persons who declared themselves to be the U.S. manufacturers. The FAA found that some aircraft were manufactured in countries with a bilateral agreement and some were not. In both situations, the U.S. persons who performed the assembly did not, or could not, carry out the functions to which they attested in their Statements of Compliance for the aircraft.

- Aircraft manufactured in countries without bilateral agreements that were "passed through" a country with which the U.S. has a bilateral agreement. A person in the country with which the U.S. has a bilateral agreement completed the Statement of Compliance before shipping the aircraft to the United States. Again, these persons did not, or could not, carry out the functions to which they attested in their Statements of Compliance for the aircraft.

- Aircraft for which a foreign entity claimed responsibility for certain aspects of the Statement of Compliance

and a U.S. person claimed responsibility for the remaining aspects, thereby splitting the manufacturer's responsibility between two distinct persons; and

- Aircraft manufactured in countries with appropriate bilateral agreements by entities that would ship the aircraft to a U.S. distributor. Neither the U.S. distributor nor the foreign entity could maintain a program to correct safety-of-flight issues as attested to in the aircraft's Statement of Compliance.

The assessment clearly identified that aircraft have been supplied to U.S. persons who lack the ability to reasonably attest to the provisions set forth in § 21.190(c). Additionally, U.S. persons have been providing the FAA with a manufacturer's Statement of Compliance identifying themselves as the U.S. manufacturer of an aircraft when the aircraft was in fact produced outside the United States. These situations are not in compliance with the regulations. The FAA did not intend for U.S. persons to receive disassembled LSA from outside the United States, reassemble them within the United States, and characterize themselves as the U.S. manufacturer of an SLSA. As these persons cannot substantiate the information contained in the Statement of Compliance, the FAA does not consider them to be the manufacturers of the aircraft. Accordingly, the FAA will not issue airworthiness certificates in the light-sport category for these aircraft.

Additionally, persons who are unable to make available the documents required by the consensus standards and regulations, do not have the systems in place to monitor and correct safety-of-flight issues, or are unable to adequately ensure the continued airworthiness of the aircraft they assemble, would not be able to sign a Statement of Compliance as a manufacturer. The FAA also notes that any person who makes any fraudulent, intentionally false, or misleading statement on the Statement of Compliance could be found to be in violation of 14 CFR 21.2.

The FAA recognizes that it may be possible for a U.S. person to receive portions of a LSA from an entity outside the United States that is acting as a supplier to the U.S. SLSA manufacturer. If this person signs a Statement of Compliance, this person is asserting that the declarations made in the statement are true, and that the person can fulfill the responsibilities set forth in that statement. While some of the U.S. SLSA manufacturers can meet this standard; the FAA has concerns that many cannot substantiate the declarations made in

their Statement of Compliance when the majority of the production activity for the aircraft takes place outside the United States.

The provisions of § 21.190(d) were enacted to ensure that a bilateral agreement would exist which would provide the FAA with a means, if necessary, to seek assistance from local civil aviation authorities on any issues affecting the design, production, continued airworthiness, or other matters needing investigation or analysis (69 FR 44806). Any attempts to circumvent the provisions of § 21.190(d) significantly hinder the FAA's ability to address safety issues affecting aircraft certificated as SLSA.

Effect of This Policy Statement

The FAA's actions are intended to ensure compliance with existing regulations and enhance the safety of the existing and future SLSA fleet. The FAA recognizes that these actions may impact existing SLSA manufacturers as well as those persons intending to initiate SLSA production. The FAA has established a Frequently Asked Questions page at http://www.faa.gov/aircraft/gen_av/light_sport/ to assist current manufacturers in assessing their own capabilities, and ensuring that the Statements of Compliance they issue are accurate.

Aircraft that were issued an airworthiness certificate prior to the effective date of this notice are not affected by this policy statement provided all other applicable requirements are met.

The FAA recognizes that upon implementation of this policy, some entities who have claimed to be SLSA manufacturers may not be able to issue a valid Statement of Compliance, and that other entities may not be willing to assume responsibility for continuing operational safety requirements. Therefore, aircraft within the existing fleets from these manufacturers may no longer be eligible to retain their airworthiness certification as SLSA. These aircraft, however, may be eligible for airworthiness certification as experimental light-sport aircraft (ELSA). The FAA does not intend to accept continued operational safety responsibility for an SLSA whose manufacturer no longer exists or is unable or unwilling to assume that responsibility. The FAA also recognizes that some aircraft that are primarily manufactured outside the United States and assembled in the United States may be found to be ineligible for airworthiness certification as SLSA or ELSA.

Issued in Washington, DC, on June 19, 2012.

Frank P. Paskiewicz,

Deputy Director, Aircraft Certification Service.

[FR Doc. 2012-15765 Filed 6-27-12; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA-2012-0624; Special Conditions No. 25-464-SC]

Special Conditions: Gulfstream Aerospace LP (GALP), Model Gulfstream G280 Airplane; Isolation or Aircraft Electronic System Security Protection From Unauthorized Internal Access

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Gulfstream Aerospace LP, Model Gulfstream G280 airplane. This airplane will have novel or unusual design features associated with connectivity of the passenger service computer systems to the airplane critical systems and data networks. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for these design features. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is June 7, 2012. We must receive your comments by August 13, 2012.

ADDRESSES: Send comments identified by docket number FAA-2012-0624 using any of the following methods:

- *Federal eRegulations Portal:* Go to <http://www.regulations.gov/> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M-30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.

- *Hand Delivery or by Courier:* Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between

8 a.m. and 5 p.m., Monday through Friday, except federal holidays.

- *Fax:* Fax comments to Docket Operations at 202-493-2251.

Privacy: The FAA will post all comments it receives, without change, to <http://www.regulations.gov/>, including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477-19478), as well as at <http://DocketsInfo.dot.gov/>.

Docket: Background documents or comments received may be read at <http://www.regulations.gov/> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Varun Khanna, FAA, Airplane and Flight Crew Interface Branch, ANM-111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057-3356; telephone 425-227-1298; facsimile 425-227-1149.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice of, and opportunity for prior public comment on, these special conditions are impracticable because these procedures would significantly delay issuance of the design approval and thus delivery of the affected aircraft. In addition, the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon issuance.

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On March 30, 2006, Gulfstream Aerospace LP (hereafter referred to as "GALP") applied for a type certificate for their new Model Gulfstream G280 (hereafter referred to as "Model G280") airplane. The Model G280 is a two-engine jet transport airplane with a maximum takeoff weight of 39,600 pounds and an emergency exit arrangement to support a maximum of 19 passengers. Although the Model G280 design includes occupancy provisions for pilot and copilot only (no passengers), GALP requested issuance of these special conditions to support efficient design and certification of passenger cabin interiors through the supplemental type certification process.

Type Certification Basis

Under the provisions of Title 14, Code of Federal Regulations (14 CFR) 21.17, GALP must show that the Model G280 meets the applicable provisions of part 25, as amended by Amendments 25-1 through 25-120, thereto, and Amendment 25-122. In addition, the certification basis includes certain special conditions, exemptions, and equivalent safety findings that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model G280 because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, the special conditions would also apply to the other model.

In addition to the applicable airworthiness regulations and special conditions, the Model G280 must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36; and the FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92-574, the "Noise Control Act of 1972."

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The Model G280 will incorporate the following novel or unusual design features: Digital systems architecture

requirements of paragraph (h)(2)(i)(D) of this AD have been accomplished. If any fuel is found inside the conduit during any inspection required by this paragraph, prior to further flight, replace the conduit with a new or serviceable conduit in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767-28A0053, Revision 1, dated August 5, 1999; Boeing Alert Service Bulletin 767-28A0053, Revision 2, dated June 24, 2010; or Boeing Service Bulletin 767-28A0053, Revision 3, dated November 11, 2011. Thereafter, repeat the inspection specified in paragraph (g) of this AD at intervals not to exceed 60,000 flight hours or 30,000 flight cycles, whichever occurs first. As of the effective date of this AD, only Boeing Alert Service Bulletin 767-28A0053, Revision 3, dated November 11, 2011, may be used to do the actions required by this AD.

(D) Within 6,000 flight hours or 18 months after the initial fuel inspection specified by paragraph (h)(2) of this AD, whichever occurs first, replace the conduit with a new or serviceable conduit, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767-28A0053, Revision 1, dated August 5, 1999; Boeing Alert Service Bulletin 767-28A0053, Revision 2, dated June 24, 2010; or Boeing Service Bulletin 767-28A0053, Revision 3, dated November 11, 2011. Such conduit replacement constitutes terminating action for the repetitive fuel inspections required by paragraph (i)(2)(i)(C) of this AD. As of the effective date of this AD, only Boeing Alert Service Bulletin 767-28A0053, Revision 3, dated November 11, 2011, may be used to do the actions required by this AD.

(ii) If any fuel is found in the conduit or on any wire: Prior to further flight, replace the conduit with a new or serviceable conduit, replace damaged wires with new or serviceable wires, and install new Teflon sleeves; in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767-28A0053, Revision 1, dated August 5, 1999; Boeing Alert Service Bulletin 767-28A0053, Revision 2, dated June 24, 2010; or Boeing Service Bulletin 767-28A0053, Revision 3, dated November 11, 2011. Thereafter, repeat the inspection specified in paragraph (g) of this AD at intervals not to exceed 60,000 flight hours or 30,000 flight cycles, whichever occurs first. As of the effective date of this AD, only Boeing Alert Service Bulletin 767-28A0053, Revision 3, dated November 11, 2011, may be used to do the actions required by this AD.

(j) Retained Pump Retest

This paragraph restates the requirements of paragraph (d) of AD 2000-11-06, Amendment 39-11754 (65 FR 34928, June 1, 2000; corrected August 1, 2000 (65 FR 46862)), with revised service information. For any wire bundle removed and reinstalled during any inspection required by this AD: Prior to further flight after such reinstallation, retest the fuel pump in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767-28A0053, Revision 1, dated August 5, 1999; Boeing Alert Service Bulletin 767-28A0053, Revision 2, dated June 24, 2010; or Boeing

Service Bulletin 767-28A0053, Revision 3, dated November 11, 2011. As of the effective date of this AD, only Boeing Alert Service Bulletin 767-28A0053, Revision 3, dated November 11, 2011, may be used to do the actions required by this AD.

(k) New Repetitive Inspections With Reduced Inspection Intervals

Do the inspection required by paragraph (g) of this AD at the time specified in paragraph (l)(1) or (l)(2) of this AD, as applicable, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 767-28A0053, Revision 3, dated November 11, 2011. Repeat the inspection thereafter at intervals not to exceed 15,000 flight hours. Accomplishing the first inspection in this paragraph ends the repetitive inspection requirements in paragraph (g) of this AD.

(1) For airplanes on which the inspection required by paragraph (g) of this AD has been done as of the effective date of this AD: Do the inspection within 15,000 flight hours after the most recent inspection or within 6,000 flight hours after the effective date of this AD, whichever occurs later; but not to exceed 60,000 flight hours after the most recent inspection required by paragraph (g) of this AD.

(2) For airplanes on which the inspection required by paragraph (g) of this AD has not been done as of the effective date of this AD: Do the inspection before the accumulation of 15,000 total flight hours or within 6,000 flight hours after the effective date of this AD, whichever occurs later.

(l) New Terminating Action

Within 60 months after the effective date of this AD: Replace the fuel boost pump and override/jettison pump wire bundles inside the in-tank electrical conduit with new wire bundles, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 767-28A0104, Revision 1, dated March 2, 2012. Accomplishing the replacement specified in this paragraph ends the repetitive inspection requirements in paragraph (k) of this AD.

(m) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraph (l) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 767-28A0104, dated January 25, 2011.

(n) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD. Information may be emailed to: 9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager

of the local flight standards district office/certificate holding district office.

(3) AMOCs approved previously in accordance with AD 2000-11-06, Amendment 39-11754 (65 FR 34928, June 1, 2000; corrected August 1, 2000 (65 FR 46862)), are approved as AMOCs with the corresponding requirements of this AD. Compliance time extensions approved previously in accordance with AD 2000-11-06 are not approved as AMOCs for the compliance times required by paragraph (k) of this AD.

(o) Related Information

(1) For more information about this AD, contact Rebel Nichols, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057-3356; phone: 425-917-6509; fax: 425-917-6590; email: rebel.nichols@faa.gov.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 2H-65, Seattle, Washington 98124-2207; telephone 206-544-5000, extension 1; fax 206-766-5680; Internet <https://www.myboeingfleet.com>.

(3) You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221.

Issued in Renton, Washington, on June 22, 2012.

Jeffrey Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012-16099 Filed 6-29-12; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 120

[Docket No.: FAA-2012-0688; Notice No. 12-04]

RIN 2120-AK01

Combined Drug and Alcohol Testing Programs

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This rulemaking would allow air carrier operators and commuter or on-demand operators that also conduct commercial air tour operations to combine the drug and alcohol testing required for each operation into one testing program. The current rule requires those operators to conduct separate testing programs for their air

tour operations. This results in an unnecessary duplication of effort. The intended effect of this rulemaking is to decrease operating costs by eliminating the requirement for duplicate programs while maintaining the level of safety intended by the current drug and alcohol testing regulations. This proposal would also clarify existing instructions within the rule, correct an inadvertent typographical error, clarify an existing requirement by rearranging its numerical order, and remove language that describes a practice that has been discontinued.

DATES: Send comments on or before August 31, 2012.

ADDRESSES: Send comments identified by docket number FAA-2012-0688 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M-30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at 202-493-2251.

Privacy: The FAA will post all comments it receives, without change, to <http://www.regulations.gov>, including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477-19478), as well as at <http://DocketsInfo.dot.gov>.

Docket: Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Rafael Ramos, Office of

Aerospace Medicine, Drug Abatement Division, AAM-800, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-8442; facsimile (202) 267-5200; email: drugabatement@faa.gov.

For legal questions concerning this action, contact Neal O'Hara, Attorney, Regulations Division, AGC-240, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-5348.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules on aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A Chapter 451, Section 45102—Alcohol and Controlled Substances Testing. Under that section, the FAA is charged with prescribing regulations for air carriers to establish and to conduct pre-employment, reasonable suspicion, random and post-accident drug and alcohol testing. Parts of this rule, for example those sections dealing with contract air traffic controllers, were promulgated under the FAA's general rulemaking authority in 40 U.S.C. 44701(a)(5). This regulation is within the scope of that authority.

I. Overview of Proposed Rule

Some part 121 air carrier operators and part 135 flight-for-hire and on-demand operators also conduct commercial air tours. Parts 121 and 135 each contain requirements for drug and alcohol testing and, until 2007, commercial air tour operators were required to be tested for drugs and alcohol under those parts.

In 2007, the National Air Tour Safety Standards rule (72 FR 6884, February 13, 2007) established a separate subpart in part 91 to govern commercial air tour operators. That rule contained requirements for drug and alcohol testing for commercial air tour operations that were separate from, and in addition to the testing required by parts 121 and 135. This proposal is intended to give part 121 and 135 operators with commercial air tour operations the option of administering one drug and alcohol testing program for both operations. The intent of this action is to lessen the administrative burden on such operators. In addition, this rulemaking would make it clear that

operators must obtain a Letter of Authorization from the local Flight Standards District Office in order to conduct air tour operations. It would correct the omission of a reference indicating that on-duty use of alcohol is grounds for permanent disqualification from service. That reference was inadvertently left out of the May 2009 Drug and Alcohol Testing Program final rule. This rulemaking would reorganize existing rule text to alleviate any confusion about the requirement that supervisory training, as well as employee training, must be documented as part of each employer's employee assistance program (EAP). Finally, this rulemaking would make it clear that the agency's practice of approving the employer's drug and alcohol testing plan has been discontinued.

II. Background

On May 14, 2009, the FAA published a final rule titled "Drug and Alcohol Testing Program" (74 FR 22653) that moved the drug and alcohol testing regulations into a new part 120.

Part 120 of Title 14 prescribes, in pertinent part, a drug and alcohol testing program designed to prevent accidents and injuries that result from the use of prohibited drugs and the misuse of alcohol. Specifically, the rule requires implementation of a drug and alcohol testing program by three groups of operators:

- Part 119 certificate holders authorized to conduct part 121 operations.
- Part 119 certificate holders authorized to conduct 135 operations.
- Air Tour operators defined in § 91.147.

These requirements are meant to ensure that any person who performs safety-sensitive functions, directly or by contract (including subcontractor at any tier), is subject to drug and alcohol testing.

Under the current rules, operators who are conducting part 121 or part 135 operations and also conducting commercial air tour operations must implement separate drug and alcohol testing programs as if each operation is conducted by different companies. These operators are petitioning the FAA for exemption from the requirement to maintain two drug and alcohol testing programs. They are asking to have a single FAA-regulated drug and alcohol testing program because having two such programs often requires testing the same employees twice. This duplication of testing unnecessarily adds administrative and financial burdens for the operator. The operators also suggest that the additional burden of

maintaining two separate testing programs yields no corresponding increase in safety for the public.

Between 2008 and 2010 the FAA has granted approximately 50 exemptions allowing operators to implement a single testing program. Given the large number of exemptions that the Agency has granted, the FAA believes it is appropriate to simply amend the existing rule. This approach relieves operators from seeking an operator-specific exemption. In granting these exemptions, the FAA has recognized that in most cases, the same employees and equipment are used interchangeably between the part 121 or 135 operation and commercial air tour operation. Therefore, the FAA has found that when a part 119 certificate holder operates both a part 121 or a part 135 operation and a § 91.147 air tour operation, combining the two testing programs maintains a level of safety equivalent to that provided by the current regulations. Under one testing program employees are still subject to drug and alcohol testing in accordance with part 120.

III. Discussion of the Proposal

This proposal would give part 121 and 135 operators the option to combine the drug and alcohol testing programs for a part 121 or part 135 operation with the program for a part 91 commercial air tour operation. It is expected that this proposal would relieve the existing regulatory burden of requiring a part 121 or 135 operator to maintain a separate testing program for its part 91 commercial air tour operation. We believe that this will have a positive economic impact.

This proposal would amend §§ 120.117 and 120.225 to give a part 121 or part 135 operator the option of including its commercial air tour operation employees under § 91.147 in a combined drug and alcohol testing program.

The removal of duplicate testing requirements would eliminate an unnecessary financial burden for the operators while still ensuring the level of safety required by the current rules. This proposal would also benefit such operators by eliminating the need to request an exemption from the FAA to combine drug and alcohol testing programs.

The part 121 or 135 operator is ultimately responsible for compliance with all requirements of part 120 for both the air carrier and air tour operations. For example, under a combined program, if the § 91.147 air tour operator hires a new pilot to conduct only air tour operations, and the operator fails to conduct the pre-

employment drug test, the part 121 or part 135 operator will be responsible for the error. Any civil penalties for regulatory violations will be assessed at the part 121 or part 135 operator level, not at the level for a part 91 air tour operator. The part 121 or 135 air operator would be responsible for and would accept all compliance responsibility, regardless of the type of operation, when choosing to combine testing programs. This is consistent with the exemptions issued to part 119 certificate holders allowing them to combine their part 121 or part 135 operation drug and alcohol testing program with their § 91.147 air tour drug and alcohol testing program.

Current § 91.147 specifies that operators intending to begin commercial air tour operations must obtain a Letter of Authorization. The current § 120.117, which contains the drug and alcohol testing requirements that apply to air tour operations, refers to a need for operators intending to begin commercial air tours to “register with the FAA”. This proposal would change that reference in § 120.117 to “Obtain a Letter of Authorization” in order to align it with the wording of § 91.147 and clarify the requirements—to make it clear that operators must obtain a Letter of Authorization from their local Flight Standards District Office if they intend to begin commercial air tour operations. This correction would provide clarity to such operators in the process of implementing their drug and alcohol testing program.

Finally, other errors in the Agency’s 2009 Drug and Alcohol Testing Program final rule have been brought to our attention. In § 120.221(b), “(c)” was inadvertently omitted in the reference to §§ 120.19 and 120.37. The omitted reference would indicate that one occurrence of on-duty alcohol use as described in §§ 120.19(c) and 120.37(c) carries the consequence of permanent disqualification from service. We are proposing to correct this error.

Additionally, when we combined part 121 appendices I and J to form part 120, we renumbered the requirements. This reorganization has created some confusion. The requirement remains such that employers must include documentation of the training given to both supervisors and employees in their employee assistance programs. However, the requirements are currently numbered in such a way that it appears that employers need only retain employee training records. We propose to reorder the wording to make the requirement clear that supervisory training must be documented as well. Finally, in 2004, we discontinued the

practice of approving drug and alcohol testing plans. That language was never removed from the Code of Federal Regulations. However, we are proposing to remove it now.

IV. Regulatory Notices and Analyses

Introduction

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 and Executive Order 13563 direct that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA’s analysis of the economic impacts of this proposed rule.

Regulatory Evaluation

Department of Transportation Order DOT 2100.5 prescribes policies and procedures for simplification, analysis, and review of regulations. If the expected cost impact is so minimal that a proposed or final rule does not warrant a full evaluation, this order permits that a statement to that effect and the basis for it be included in the preamble if a full regulatory evaluation of the cost and benefits is not prepared. Such a determination has been made for this proposed rule. The reasoning for this determination follows:

(1) The proposed rule is voluntary. It does not impose new regulatory requirements. For entities that choose to follow this proposed rule, it is likely that regulatory requirements and costs would be reduced.

(2) The proposed rule is not an economically “significant regulatory

action” as defined in section 3(f) of Executive Order 12866;

(3) The proposed rule would not have a significant economic impact on a substantial number of small entities;

(4) The proposed rule would not have a significant effect on international trade; and

(5) The proposed rule would not impose an unfunded mandate on state, local, or tribal governments, or on the private sector by exceeding the monetary threshold identified.

This rulemaking would allow part 119 certificate holders with operations under part 121 or 135 who also conduct commercial air tour operations under § 91.147 to combine drug and alcohol testing programs. The current rule requires the part 121 operator or part 135 operators to conduct a separate testing program for its air tour operations resulting in an unnecessary duplication of effort. The intended effect of this rulemaking is to decrease operating costs by eliminating the requirement of duplicate programs while maintaining the level of safety required by the current drug and alcohol testing regulations. In addition, this rulemaking would allow the agency to clarify that air tour operators must obtain a Letter of Authorization from the local Flight Standards District Office. This rulemaking would allow the agency to address the omission of a reference indicating that on-duty use of alcohol is grounds for permanent disqualification from service. The reference was inadvertently omitted from the May 2009 Drug and Alcohol Testing Program final rule. This rulemaking would also allow the agency to clarify the requirement that documentation of both employee training as well as supervisory training must be a component of each employer’s employee assistance program (EAP). Finally, this rulemaking would make it clear that the practice of agency approval of the employer’s drug and alcohol testing plan has been discontinued.

Although the FAA cannot quantify the benefits of the proposed rule, the FAA believes that the cost savings associated with reducing the costs of compliance could be significant. The FAA therefore believes that the proposed rule would be cost beneficial.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) establishes “as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the

businesses, organizations, and governmental jurisdictions subject to regulation.” To achieve that principle, the RFA requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the Act.

However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the 1980 RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

Size Standards

Size standards for small entities are published by the Small Business Administration (SBA) on their Web site at <http://www.sba.gov/size>. The size standards used herein are from “SBA U.S. Small Business Administration, Table of Small Business Size Standards, Matched to North American Industry Classification System Codes”. The Table is effective November 5, 2010, and uses the 2007 NAICS codes. Scheduled Passenger Air Transportation is listed in Sector 48–49—Transportation and Warehousing; Subsector 481—Air Transportation; NAICS Code 48111. Non-Scheduled Chartered Passenger Air Transportation is listed under the same Sector and Subsector with NAICS code 481211. In both cases the small entity size standard is 1,500 employees.

It is estimated that most of the air carriers involved in this type of activity are small entities. Therefore the proposed rule would affect a substantial number of small entities.

However, the proposed rule imposes no costs and may result in a cost reduction for an entity that should choose to use the proposed rule. Therefore, the FAA certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities.

International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the

Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States.

Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. The FAA has assessed the potential effect of this proposed rule and determined that it would have only a domestic impact, and therefore no effect on international trade.

Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of \$100 million or more (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a “significant regulatory action”. The FAA currently uses an inflation-adjusted value of \$143.1 million in lieu of \$100 million. This proposed rule does not contain such a mandate; therefore, the requirements of Title II do not apply.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. According to the 1995 amendments to the Paperwork Reduction Act (5 CFR 1320.8(b)(2)(vi)), an agency may not collect or sponsor the collection of information, nor may it impose an information collection requirement unless it displays a currently valid Office of Management and Budget (OMB) control number.

The FAA has determined that there would be no new information collection associated with the proposed requirement that would allow operators to combine drug and alcohol testing programs. Combining programs would reduce the paperwork burden for drug and alcohol testing.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has reviewed the corresponding ICAO Standards and Recommended Practices and has identified no differences with these proposed regulations.

Environmental Analysis

FAA Order 1050.1E identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in paragraph 312(d) and involves no extraordinary circumstances.

Regulations Affecting Intrastate Aviation in Alaska

Section 1205 of the FAA Reauthorization Act of 1996 (110 Stat. 3213) requires the Administrator, when modifying regulations in title 14 of the CFR in a manner affecting intrastate aviation in Alaska, to consider the extent to which Alaska is not served by transportation modes other than aviation, and to establish appropriate regulatory distinctions. Because this proposed rule would only affect operators' drug and alcohol testing programs and not their operations, it would not affect intrastate aviation in Alaska.

V. Executive Order Determinations

A. Executive Order 13132, Federalism

The FAA has analyzed this proposed rule under the principles and criteria of Executive Order 13132, Federalism. The agency has determined that this action would not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, would not have Federalism implications.

B. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The

agency has determined that it would not be a "significant energy action" under the executive order and would not be likely to have a significant adverse effect on the supply, distribution, or use of energy.

VI. Additional Information

A. Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. The agency also invites comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The agency may change this proposal in light of the comments it receives.

Proprietary or Confidential Business Information

Commenters should not file proprietary or confidential business information in the docket. Such information must be sent or delivered directly to the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document, and marked as proprietary or confidential. If submitting information on a disk or CD-ROM, mark the outside of the disk or CD-ROM, and identify electronically within the disk or CD-ROM the specific information that is proprietary or confidential.

Under 14 CFR 11.35(b), if the FAA is aware of proprietary information filed with a comment, the agency does not place it in the docket. It is held in a separate file to which the public does not have access, and the FAA places a note in the docket that it has received it. If the FAA receives a request to examine or copy this information, it treats it as any other request under the Freedom of Information Act (5 U.S.C.

552). The FAA processes such a request under Department of Transportation procedures found in 49 CFR part 7.

B. Availability of Rulemaking Documents

An electronic copy of rulemaking documents may be obtained from the Internet by—

1. Searching the Federal eRulemaking Portal (<http://www.regulations.gov>);
2. Visiting the FAA's Regulations and Policies web page at http://www.faa.gov/regulations_policies; or
3. Accessing the Government Printing Office's web page at <http://www.gpo.gov/fdsys>.

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-9680. Commenters must identify the docket or notice number of this rulemaking.

All documents the FAA considered in developing this proposed rule, including economic analyses and technical reports, may be accessed from the Internet through the Federal eRulemaking Portal referenced in item (1) above.

List of Subjects in 14 CFR Part 120

Alcoholism, Air carriers, Air traffic control, Airmen, Alcohol abuse, Alcohol testing, Aviation safety, Charter flights, Commercial air tour operators, Contract air traffic controllers, Drug abuse, Drug testing, Operators, reporting and recordkeeping requirements, Safety, Safety-sensitive, Transportation.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend chapter I of title 14, Code of Federal Regulations as follows:

PART 120—DRUG AND ALCOHOL TESTING PROGRAM

1. The authority citation for part 120 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40101–40103, 40113, 40120, 41706, 41721, 44106, 44701, 44702, 44703, 44709, 44710, 44711, 45101–45105, 46105, 46306.

2. Amend § 120.115 as follows:
 - a. Revise paragraph (c)(1)(iii) and redesignate it as (c)(5);
 - b. Revise paragraph (c)(5) and redesignate it as (c)(6);

§ 120.115 Employee Assistance Program (EAP).

* * * * *

(c) * * *

- (5) Documentation of all training given to employees and supervisory

personnel must be included in the training program.

(6) The employer shall identify the employee and supervisor EAP training in the employer's drug testing plan.

- 3. Amend § 120.117 as follows:
 - a. Revise paragraphs (a) and (b);

- b. Revise paragraph (e) and redesignate it as (f);
- c. Add new paragraph (e).

§ 120.117 Implementing a drug testing program.

- (a) Each company must meet the requirements of this subpart. Use the

following chart to determine whether your company must obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification, Letter of Authorization or Drug and Alcohol Testing Program Registration from the FAA:

If you are . . .	You must . . .
(1) A part 119 certificate holder with authority to operate under part 121 or 135.	Obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification by contacting your FAA Principal Operations Inspector.
(2) An operator as defined in §91.147 of this chapter.	Obtain a Letter of Authorization by contacting the Flight Standards District Office nearest to your principal place of business.
(3) A part 119 certificate holder with authority to operate under part 121 or 135 and an operator as defined in §91.147 of this chapter.	Complete the requirements in sections 1 and 2 of this chart and advise the Flight Standards District Office and the Drug Abatement Division that the §91.147 operation will be included under the part 119 testing program.
(4) An air traffic control facility not operated by the FAA or by or under contract to the U.S. Military.	Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division (AAM-800), 800 Independence Avenue SW., Washington, DC 20591.
(5) A part 145 certificate holder who has your own drug testing program.	Obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification by contacting your Principal Maintenance Inspector or register with the FAA, Office of Aerospace Medicine, Drug Abatement Division (AAM-800), 800 Independence Avenue SW., Washington, DC 20591, if you opt to conduct your own drug testing program.
(6) A contractor who has your own drug testing program.	Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division (AAM-800), 800 Independence Avenue SW., Washington, DC 20591, if you opt to conduct your own drug testing program.

(b) Use the following chart for implementing a drug testing program if you are applying for a part 119 certificate with authority to operate under parts 121 or 135 of this chapter, if you intend to begin operations as defined in § 91.147 of this chapter, or if

you intend to begin air traffic control operations (not operated by the FAA or by or under contract to the U.S. Military). Use it to determine whether you need to have an Antidrug and Alcohol Misuse Prevention Program Operations Specification, Letter of

Authorization or Drug and Alcohol Testing Program Registration from the FAA. Your employees who perform safety-sensitive functions must be tested in accordance with this subpart. The chart follows:

If you . . .	You must . . .
(1) Apply for a part 119 certificate with authority to operate under parts 121 or 135.	(i) Have an Antidrug and Alcohol Misuse Prevention Program Operations Specification, (ii) Implement an FAA drug testing program no later than the date you start operations, and (iii) Meet the requirements of this subpart.
(2) Intend to begin operations as defined in §91.147 of this chapter.	(i) Have a Letter of Authorization, (ii) Implement an FAA drug testing program no later than the date you start operations, and (iii) Meet the requirements of this subpart.
(3) Apply for a part 119 certificate with authority to operate under parts 121 or 135 and intend to begin operations as defined in §91.147 of this chapter.	(i) Have an Antidrug and Alcohol Misuse Prevention Program Operations Specification and a Letter of Authorization, (ii) Implement your combined FAA drug testing program no later than the date you start operations, and (iii) Meet the requirements of this subpart.
(4) Intend to begin air traffic control operations (at an air traffic control facility not operated by the FAA or by or under contract to the U.S. military).	(i) Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division (AAM-800), 800 Independence Avenue SW., Washington, DC 20591 prior to starting operations, (ii) Implement an FAA drug testing program no later than the date you start operations, and (iii) Meet the requirements of this subpart.

* * * * *

(e) *Obtaining a Letter of Authorization from the FAA.* (1) To obtain a Letter of Authorization from the FAA, you must submit, in duplicate, the following information to the Flight Standards District Office nearest your principal place of business:

- (i) Company name.
- (ii) Telephone number.

(iii) Address where your drug and alcohol testing program records are kept.

(iv) Type of safety-sensitive functions you perform for an employer (such as flight instruction duties, aircraft dispatcher duties, maintenance or preventive maintenance duties, ground security coordinator duties, aviation screening duties, air traffic control duties).

(v) Whether you have 50 or more covered employees, or 49 or fewer covered employees.

(vi) A signed statement indicating that your company will comply with this part and 49 CFR part 40.

(2) This Letter of Authorization will satisfy the requirements for both your drug testing program under this subpart and your alcohol testing program under subpart F of this part.

(3) Update the Letter of Authorization information as changes occur. Send the updates, in duplicate, to the Flight Standards District Office nearest your principal place of business.

(4) If you are a part 119 certificate holder with authority to operate under part 121 or 135 and intend to begin operations as defined in § 91.147 of this chapter, you must also advise the FAA's Drug Abatement Division at the Federal Aviation Administration, Office of Aerospace Medicine, Drug Abatement Division (AAM-800), 800 Independence Avenue SW., Washington, DC 20591.

(f) *Obtaining a Drug and Alcohol Testing Program Registration from the FAA.* (1) To obtain a Drug and Alcohol Testing Program Registration from the FAA, you must submit, in duplicate, the following information to the Office of Aerospace Medicine, Drug Abatement Division:

- (i) Company name.
- (ii) Telephone number.
- (iii) Address where your drug and alcohol testing program records are kept.
- (iv) Type of safety-sensitive functions you perform for an employer (such as flight instruction duties, aircraft dispatcher duties, maintenance or preventive maintenance duties, ground security coordinator duties, aviation screening duties, air traffic control duties).

(v) Whether you have 50 or more covered employees, or 49 or fewer covered employees.

(vi) A signed statement indicating that: Your company will comply with this part and 49 CFR part 40; and you intend to provide safety-sensitive functions by contract (including subcontract at any tier) to a part 119 certificate holder with authority to operate under part 121 or part 135 of this chapter, an operator as defined in § 91.147 of this chapter, or an air traffic control facility not operated by the FAA or by or under contract to the U.S. military.

(2) Send this information, in duplicate, to the Federal Aviation Administration, Office of Aerospace Medicine, Drug Abatement Division (AAM-800), 800 Independence Avenue SW., Washington, DC 20591.

(3) This Drug and Alcohol Testing Program Registration will satisfy the registration requirements for both your drug testing program under this subpart and your alcohol testing program under subpart F of this part.

(4) Update the registration information as changes occur. Send the updates, in duplicate, to the address specified in paragraph (f)(2) of this section.

4. Amend § 120.221 by revising paragraph (b) to read as follows:

§ 120.221 Consequences for employees engaging in alcohol-related conduct.

* * * * *

(b) *Permanent disqualification from service.* An employee who violates §§ 120.19(c) or 120.37(c), or who engages in alcohol use that violates another alcohol misuse provision of §§ 120.19 or 120.37, and who had previously engaged in alcohol use that violated the provisions of §§ 120.19 or 120.37 after becoming subject to such prohibitions, is permanently precluded from performing for an employer the safety-sensitive duties the employee performed before such violation.

* * * * *

5. Amend § 120.225 as follows:

- a. Revise paragraphs (a) and (b);
- b. Revise paragraph (e) and redesignate it as (f);
- c. Add new paragraph (e).

§ 120.225 How to implement an alcohol testing program.

(a) Each company must meet the requirements of this subpart. Use the following chart to determine whether your company must obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification, Letter of Authorization or Drug and Alcohol Testing Program Registration from the FAA:

If you are . . .	You must . . .
(1) A part 119 certificate holder with authority to operate under part 121 or 135.	Obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification by contacting your FAA Principal Operations Inspector.
(2) An operator as defined in § 91.147 of this chapter.	Obtain a Letter of Authorization by contacting the Flight Standards District Office nearest to your principal place of business.
(3) A part 119 certificate holder with authority to operate under part 121 or 135 and an operator as defined in § 91.147 of this chapter.	Complete the requirements in sections 1 and 2 of this chart and advise the Flight Standards District Office and Drug Abatement Division that the § 91.147 operation will be included under the part 119 testing program.
(4) An air traffic control facility not operated by the FAA or by or under contract to the U.S. Military.	Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division (AAM-800), 800 Independence Avenue SW., Washington, DC 20591.
(5) A part 145 certificate holder who has your own alcohol testing program.	Obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification by contacting your Principal Maintenance Inspector or register with the FAA Office of Aerospace Medicine, Drug Abatement Division (AAM-800), 800 Independence Avenue SW., Washington, DC 20591 if you opt to conduct your own alcohol testing program.
(6) A contractor who has your own alcohol testing program.	Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division (AAM-800), 800 Independence Avenue SW., Washington, DC 20591 if you opt to conduct your own alcohol testing program.

(b) Use the following chart for implementing an alcohol testing program if you are applying for a part 119 certificate with authority to operate under part 121 or 135 of this chapter, if you intend to begin operations as defined in § 91.147 of this chapter, or if

you intend to begin operations as defined air traffic control operations (not operated by the FAA or by or under contract to the U.S. Military). Use it to determine whether you need to have an Antidrug and Alcohol Misuse Prevention Program Operations

Specification, Letter of Authorization or Drug and Alcohol Testing Program Registration from the FAA. Your employees who perform safety-sensitive duties must be tested in accordance with this subpart. The chart follows:

If you . . .	You must . . .
(1) Apply for a part 119 certificate with authority to operate under part 121 or 135.	(i) Have an Antidrug and Alcohol Misuse Prevention Program Operations Specification, (ii) Implement an FAA alcohol testing program no later than the date you start operations, and (iii) Meet the requirements of this subpart.
(2) Intend to begin operations as defined in §91.147 of this chapter.	(i) Have a Letter of Authorization, (ii) Implement an FAA alcohol testing program no later than the date you start operations, and (iii) Meet the requirements of this subpart.
(3) Apply for a part 119 certificate with authority to operate under parts 121 or 135 and intend to begin operations as defined in §91.147 of this chapter.	(i) Have an Antidrug and Alcohol Misuse Prevention Program Operations Specification and a Letter of Authorization, (ii) Implement your combined FAA alcohol testing program no later than the date you start operations, and (iii) Meet the requirements of this subpart.
(4) Intend to begin air traffic control operations (at an air traffic control facility not operated by the FAA or by or under contract to the U.S. military).	(i) Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division (AAM-800), 800 Independence Avenue SW., Washington, DC 20591 prior to starting operations, (ii) Implement an FAA alcohol testing program no later than the date you start operations, and (iii) Meet the requirements of this subpart.

* * * * *

(e) *Obtaining a Letter of Authorization from the FAA.* (1) To obtain a Letter of Authorization from the FAA, you must submit, in duplicate, the following information to the Flight Standards District Office nearest your principal place of business:

- (i) Company name.
- (ii) Telephone number.
- (iii) Address where your drug and alcohol testing program records are kept.
- (iv) Type of safety-sensitive functions you perform for an employer (such as flight instruction duties, aircraft dispatcher duties, maintenance or preventive maintenance duties, ground security coordinator duties, aviation screening duties, air traffic control duties).

(v) Whether you have 50 or more covered employees, or 49 or fewer covered employees.

(vi) A signed statement indicating that your company will comply with this part and 49 CFR part 40.

(2) This Letter of Authorization will satisfy the requirements for both your drug testing program under subpart E of this part and your alcohol testing program under this subpart.

(3) Update the Letter of Authorization information as changes occur. Send the updates, in duplicate, to the Flight Standards District Office nearest your principal place of business.

(4) If you are a part 119 certificate holder with authority to operate under part 121 or 135 and intend to begin operations as defined in §91.147 of this chapter, you must also advise the FAA's Drug Abatement Division at the Federal

Aviation Administration, Office of Aerospace Medicine, Drug Abatement Division (AAM-800), 800 Independence Avenue SW., Washington, DC 20591.

(f) *Obtaining a Drug and Alcohol Testing Program Registration from the FAA.* (1) To obtain a Drug and Alcohol Testing Program Registration from the FAA you must submit, in duplicate, the following information to the Office of Aerospace Medicine, Drug Abatement Division:

- (i) Company name.
- (ii) Telephone number.
- (iii) Address where your drug and alcohol testing program records are kept.
- (iv) Type of safety-sensitive functions you perform for an employer (such as flight instruction duties, aircraft dispatcher duties, maintenance or preventive maintenance duties, ground security coordinator duties, aviation screening duties, air traffic control duties).

(v) Whether you have 50 or more covered employees, or 49 or fewer covered employees.

(vi) A signed statement indicating that: Your company will comply with this part and 49 CFR part 40; and you intend to provide safety-sensitive functions by contract (including subcontract at any tier) to a part 119 certificate holder with authority to operate under part 121 or part 135 of this chapter, an operator as defined in §91.147 of this chapter, or an air traffic control facility not operated by the FAA or by or under contract to the U.S. military.

(2) Send this information, in duplicate, to the Federal Aviation Administration, Office of Aerospace

Medicine, Drug Abatement Division (AAM-800), 800 Independence Avenue SW., Washington, DC 20591.

(3) This Drug and Alcohol Testing Program Registration will satisfy the registration requirements for both your drug testing program under subpart E of this part and your alcohol testing program under this subpart.

(4) Update the registration information as changes occur. Send the updates, in duplicate, to the address specified in paragraph (f)(2) of this section.

Issued in Washington, DC, on June 20, 2012.

Frederick E. Tilton,

Federal Air Surgeon.

[FR Doc. 2012-16009 Filed 6-29-12; 8:45 am]

BILLING CODE 4910-13-P

FEDERAL TRADE COMMISSION

16 CFR Part 23

Guides for the Jewelry, Precious Metals, and Pewter Industries

AGENCY: Federal Trade Commission ("FTC" or "Commission").

ACTION: Guides; request for public comments.

SUMMARY: The Commission systematically reviews all of its current rules and guides to ensure that they continue to achieve their intended purpose without unduly burdening commerce. As part of this review, the Commission requests public comments on the overall costs, benefits, necessity,

States will negate the current global harmony of these landing definitions, and compel international flight crews to train and operate differently in the United States versus the rest of the world.” This commenter further stated that “* * * these changes should not be allowed to become effective until ICAO has changed the internationally recognized standard definitions, and all member states have concurred * * *” Two anonymous commenters submitted nearly identical comments and stated that “[t]he proposed definition relaxation will result in blending the Cat III operational and system performance distinctions, and appears to ignore the potential reduction in safety” These individuals also commented that “* * * fail-passive systems and flight crews trained to the fail-passive minimums and procedures will be permitted to fly to fail-operational minimums.”

In response to Boeing’s comment, the FAA notes that the removal of the Category IIIa, IIIb, and IIIc definitions will not affect current FAA category III aircraft certifications or operator authorizations and will not require changes to other FAA regulations. Category III standards used in the United States will be completely unaffected by the removal of the Category IIIa, IIIb, and IIIc definitions. The Category III operational concepts represented by the Category IIIa, IIIb, and IIIc definitions are used to develop the certification and authorization criteria and these criteria are then applied directly to individual aircraft certifications and operator authorizations. Thus, the certification of Category III aircraft systems under Advisory Circular (AC) 120–28D no longer directly refers to the Category IIIa, b, and c definitions contained in 14 CFR 1.1, but uses the airworthiness criteria in the AC and the certification statements refer to those criteria as well. Likewise, Operations Specification (OpSpec) C060, the operational authorization for Category III operators, no longer specifically uses the Category IIIa, IIIb, and IIIc definitions, but rather ties authorized weather minima to the certification level of aircraft, as specified in the AC.

In response to the individual comments, the FAA notes that AC 120–28D uses the ICAO Category IIIa, IIIb, and IIIc definitions in its development of Category III operational concepts. Category IIIa, IIIb, and IIIc definitions will continue to be used unless changed in the normal ICAO process. In its second comment, ICAO stated that this rulemaking would have no impact on the recognition of any CAT III a, b, or

c operational approval for international operators or United States-issued operational approvals which conform to Annex 6—*Operation of Aircraft* and therefore has no objection to the change. Thus, operational authorizations for all operators and aircraft certification through AC 120–28D and OpSpec C060 rely only upon the ICAO Category IIIa, IIIb, and IIIc definitions and will be completely unaffected by removing the definitions of Category IIIa, IIIb, and IIIc in the CFR. Additionally, the use of Fail Passive or Fail Operational Category III minima is not bound by the Category III definition. Category III minima are controlled completely by the operational authorization, OpSpec C060, under criteria contained in AC 120–28D. Since, as explained above, the AC criteria will be unaffected by removal of the sub-definitions, CAT III minima authorized through the OpSpec will be unchanged.

Conclusion

After consideration of the comments submitted in response to the direct final rule, the FAA has determined that no further rulemaking action is necessary. Therefore, Amendment 1–67 remains in effect.

How To Obtain Additional Information

A. Rulemaking Documents

An electronic copy of a rulemaking document may be obtained by using the Internet—

1. Search the Federal eRulemaking Portal (<http://www.regulations.gov>);
2. Visit the FAA’s Regulations and Policies Web page at http://www.faa.gov/regulations_policies/ or
3. Access the Government Printing Office’s Web page at <http://www.gpoaccess.gov/fr/index.html>.

Copies may also be obtained by sending a request (identified by notice, amendment, or docket number of this rulemaking) to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680.

B. Comments Submitted to the Docket

Comments received may be viewed by going to <http://www.regulations.gov> and following the online instructions to search the docket number for this action. Anyone is able to search the electronic form of all comments received into any of the FAA’s dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.).

C. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. A small entity with questions regarding this document, may contact its local FAA official, or the person listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. To find out more about SBREFA on the Internet, visit http://www.faa.gov/regulations_policies/rulemaking/sbre_act/.

Issued in Washington, DC on June 11, 2012.

John M. Allen,

Director, Flight Standards Service.

[FR Doc. 2012–16280 Filed 7–2–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 67

[Docket No. FAA–2012–0056; Amdt. No. 67–21]

RIN 2120–AK00

Removal of the Part 67 Requirement for Individuals Granted the Special Issuance of a Medical Certificate to Carry Their Letter of Authorization While Exercising Pilot Privileges; Confirmation of Effective Date

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This action confirms the effective date of the direct final rule published on March 22, 2012. The rule removes a regulatory provision under Federal Aviation Administration (FAA) medical certification standards that requires individuals granted the Special Issuance of a Medical Certificate (Authorization) to have their letter of Authorization in their physical possession or readily accessible on the aircraft while exercising pilot privileges.

DATES: The direct final rule becomes effective on July 20, 2012.

ADDRESSES: For information on where to obtain copies of rulemaking documents and other information related to this action, see “How To Obtain Additional Information” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this

action, contact Judi Citrenbaum, Office of Aerospace Medicine, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-9689; email Judi.M.Citrenbaum@faa.gov.

For legal questions concerning this action, contact Sabrina Jawed, Office of the Chief Counsel, Regulations Division, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-3073; email Sabrina.Jawed@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

Since 2008, Title 14, Code of Federal Regulations (14 CFR) § 67.401(j) has required individuals granted the Special Issuance of a Medical Certificate (Authorization) to have their letter of Authorization in their physical possession or readily accessible in the aircraft while exercising pilot privileges. The FAA published a direct final rule on March 22, 2012 (77 FR 16664) to remove this provision for several reasons. Namely, affected individuals find the standard burdensome given that other longstanding FAA operational requirements already mandate that pilots carry their medical certificate when exercising pilot privileges. In addition, the FAA is not aware of any individuals affected by the standard who have had to produce their letter of Authorization for any civil aviation authorities during the nearly 4-year period the rule has been in effect. In this regard, the FAA identified this rulemaking action as burden-relieving under Executive Order 13563 of January 18, 2011 entitled "Improving Regulation and Regulatory Review."

Once this rule becomes effective, § 67.401(j) no longer will apply. This means that the "Note" under the regulatory reference to § 67.401(j) listed under the "Conditions of Issue" on an individual's existing FAA medical certificate no longer will be necessary. This does not mean that the FAA needs or intends to re-issue medical certificates. It will be acceptable for the FAA medical certificate to reference this "Note" until an individual's medical certificate is renewed. The FAA will begin using medical certificates with updated "Conditions of Issue" that do not include reference to the removed standard as soon as possible after July 20, 2012.

Discussion of Comments

The FAA received nine supportive comments from individuals and one

supportive comment from the Air Line Pilots Association International regarding this action. All of the commenters believe that this regulation is unnecessary, and removing it would relieve affected pilots of an undue burden.

Conclusion

The FAA received no adverse comments in response to the direct final rule "Removal of the Part 67 Requirement for Individuals Granted the Special Issuance of a Medical Certificate to Carry Their Letter of Authorization While Exercising Pilot Privileges". The FAA has determined that no further rulemaking action is necessary. Therefore, the rule is adopted as amendment 67-21 and becomes effective on July 20, 2012.

How To Obtain Additional Information

A. Rulemaking Documents

An electronic copy of a rulemaking document may be obtained by using the Internet —

1. Search the Federal eRulemaking Portal (<http://www.regulations.gov>);
2. Visit the FAA's Regulations and Policies Web page at http://www.faa.gov/regulations_policies/ or
3. Access the Government Printing Office's Web page at <http://www.gpo.gov/fdsys>.

Copies may also be obtained by sending a request (identified by notice, amendment, or docket number of this rulemaking) to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-9680.

B. Comments Submitted to the Docket

Comments received may be viewed by going to <http://www.regulations.gov> and following the online instructions to search the docket number for this action. Anyone is able to search the electronic form of all comments received into any of the FAA's dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.).

Issued in Washington, DC on June 6, 2012.

Frederick E. Tilton,
Federal Air Surgeon.

[FR Doc. 2012-16317 Filed 7-2-12; 8:45 am]

BILLING CODE 4910-13-P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 229 and 240

[Release Nos. 33-9330; 34-67220; File No. S7-13-11]

RIN 3235-AK95

Listing Standards for Compensation Committees

Correction

In rule document 2012-15408, appearing on pages 38422-38455, in the issue of Wednesday, June 27, 2012, make the following correction:

1. On page 38422, in column one, under the heading **DATES**, Compliance Dates, thirteenth line, "June 27, 2012" should read "June 27, 2013".

[FR Doc. C1-2012-15408 Filed 7-2-12; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 522 and 556

[Docket No. FDA-2012-N-0002]

Implantation or Injectable Dosage Form New Animal Drugs; Maropitant; Tildipirosin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval actions for new animal drug applications (NADAs) and abbreviated new animal drug applications (ANADAs) during May 2012. FDA is also informing the public of the availability of summaries of the basis of approval and of environmental review documents, where applicable.

DATES: This rule is effective July 3, 2012.

FOR FURTHER INFORMATION CONTACT: George K. Haibel, Center for Veterinary Medicine (HFV-6), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240-276-9019, email:george.haibel@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: FDA's Center for Veterinary Medicine (CVM) is adopting use of a monthly **Federal Register** document to codify approval actions for NADAs and ANADAs. CVM will no longer publish a separate rule for each action. This approach will allow a more efficient use of available resources.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new Airworthiness Directive (AD):

Eurocopter France: Docket No. FAA–2012–0794; Directorate Identifier 2006–SW–04–AD.

(a) Applicability

This AD applies to Model AS350B3 and EC130B4 helicopters with an Aircraft Parts Corporation (APC) 200-ampere (amp) starter generator, part number (P/N) 200SGL130Q, installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as excessive power consumption of the starter generator, which reduces the engine surge margin. This condition could result in engine failure and subsequent loss of control of the helicopter.

(c) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(d) Required Actions

Within the next 100 hours time-in-service:

(1) Revise Paragraph 2, Limitations, of the Rotorcraft Flight Manual (RFM) Supplement 29 to reduce the maximum current of the starter generator to 180 amps Max. continuous.

(2) Install a placard, 125 millimeters long by 10 millimeters wide, on the instrument panel below the vehicle engine multifunction display indicating the starter generator reduced limitation: "MAXIMUM CONTINUOUS GENERATOR LOAD = 180A."

(e) Alternative Methods of Compliance (AMOC)

(1) The Manager, Safety Management Group, Rotorcraft Directorate, FAA, may approve AMOCs for this AD. Send your proposal to: Chinh Vuong, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Safety Management Group, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5110, fax (817) 222–5961, email chinh.vuong@faa.gov.

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before

operating any aircraft complying with this AD through an AMOC.

(f) Additional Information

(1) Eurocopter Alert Service Bulletins No. 01.00.57 and No. 04A002, both Revision 1, and both dated September 14, 2006, which are not incorporated by reference, contain additional information about the subject of this AD. For service information identified in this AD, contact American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, TX 75053–4005, telephone (800) 232–0323, fax (972) 641–3710, or at <http://www.eurocopter.com>. You may review copies of the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

(2) The subject of this AD is addressed in European Aviation Safety Agency AD No. 2006–0337, dated November 7, 2006.

(g) Subject

Joint Aircraft Service Component (JASC) Code: Starter-Generator 2435.

Issued in Fort Worth, Texas, on July 20, 2012.

Kim Smith,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2012–18463 Filed 7–27–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Chapter I

[Docket No. FAA–2012–0754]

Airport Improvement Program (AIP): Policy Regarding Access to Airports From Residential Property

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed policy; implementation of Section 136; opportunity to comment.

SUMMARY: This action proposes a policy, based on Federal law, concerning through-the-fence access to a federally obligated airport from an adjacent or nearby property, when that property is used as a residence. This proposed policy limits application of the FAA's previously published interim policy (76 FR 15028; March 18, 2011) to commercial service airports that certified existing residential through-the-fence access agreements. In addition, this notice proposes to rescind applicability of the interim policy with regard to certain general aviation airports consistent with section 136 of Public Law 112–95 and describes how the FAA will interpret provisions of this

law pertaining to residential through-the-fence access.

When the FAA adopted its interim policy on access to airports from residential property, the FAA announced its intent to initiate another policy review in 2014. This supplemental policy review will no longer be necessary.

DATES: Send your comments on or before August 29, 2012. The FAA will consider comments on the proposed policy and its proposed implementation of Section 136 of Public Law 112–95. Any necessary or appropriate revisions resulting from the comments received will be adopted as of the date of a subsequent publication in the **Federal Register**.

ADDRESSES: You may send comments [identified by Docket Number FAA–2012–XXX] using any of the following methods:

- *Government-wide rulemaking Web site:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- *Mail:* Docket Operations, U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, Routing Symbol M–30, 1200 New Jersey Avenue SE., Washington, DC 20590.

- *Fax:* 1–202–493–2251.

- *Hand Delivery:* To Docket Operations, Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For more information on the notice and comment process, see the **SUPPLEMENTARY INFORMATION** section of this document.

Privacy: We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. For more information, see the Privacy Act discussion in the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: To read background documents or comments received, go to <http://www.regulations.gov> at any time or to Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Randall S. Fiertz, Director, Office of Airport Compliance and Management Analysis, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267–3085; facsimile: (202) 267–5257.

SUPPLEMENTARY INFORMATION:

Privacy: We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Availability of Documents

You can get an electronic copy of this proposed policy and all other documents in this docket using the Internet by:

- (1) Searching the Federal eRulemaking portal (<http://www.regulations.gov/search>);
- (2) Visiting the FAA's Regulations and Policies Web page at http://www.faa.gov/regulations_policies; or
- (3) Accessing the Government Printing Office's Web page at <http://www.gpoaccess.gov/index.html>.

You can also get a copy by sending a request to the Federal Aviation Administration, Office of Airport Compliance and Management Analysis, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–3085. Make sure to identify the docket number, notice number, or amendment number of this proceeding.

Authority for the Policy

This notice is published under the authority described in Subtitle VII, part B, chapter 471, section 47122 of title 49 United States Code.

Background

On September 30, 2009, the FAA issued FAA Order 5190.6B, the Airport Compliance Manual. This order contains policy guidance for agency employees monitoring airport sponsor compliance with the grant assurances. Agency guidance that preceded Order 5190.6B discouraged through-the-fence access at airports with grant obligations, and Order 5190.6B contained specific objections to residential through-the-fence access based on more recent agency experiences. Order 5190.6B did not prescribe any specific actions to be taken by airport sponsors with residential through-the-fence access agreements and created ambiguity with regard to the future of these arrangements. The FAA accepted public comments on FAA Order 5190.6B after it was published. Comments received

from interested airport sponsors, homeowners, and other parties urged the agency to reconsider its views on residential through-the-fence agreements.

In 2010, the FAA's Office of Airport Compliance initiated a policy review which included the review of written comments, meetings with state aviation officials, visits to airports with residential through-the-fence access, listening sessions with homeowners and homeowners' associations, and discussions with aviation membership associations. The FAA published a proposed revision in agency policy on residential through-the-fence access for public comment in September 2010 (75 FR 54946; September 9, 2010).

In March 2011, the FAA announced the adoption of an interim policy *Airport Improvement Program (AIP): Interim Policy Regarding Access to Airports From Residential Property* (76 FR 15028; March 18, 2011). The interim policy modified sponsor Grant Assurance 5, *Preserving Rights and Powers*, to prohibit new residential through-the-fence access to a federally-obligated airport. The interim policy also required airport sponsors to certify their status with regard to the policy, depict existing access points on the airport layout plan, and develop access plans outlining how the airport sponsor meets certain standards related to the sponsor assurances. When the interim policy was adopted, the FAA announced its intent to initiate another policy review of residential through-the-fence access to federally-obligated airports in 2014.

Since adopting the interim policy, 125 federally-obligated airport sponsors have certified their status as having existing residential through-the-fence access agreements. The 125 locations include four commercial service airports, seven privately-owned reliever airports, and 114 general aviation airports.

On February 14, 2012, the FAA Modernization and Reform Act of 2012 (FMRA) was signed into law (Pub. L. 112–95). Section 136 of this law permits general aviation airports, as defined by the statute, to enter into residential through-the-fence agreements with property owners or associations representing property owners. This must be a written agreement that requires the property owner to:

- Pay access charges that the sponsor determines to be comparable to those fees charged to tenants and operators on-airport making similar use of the airport;
- Bear the cost of building and maintaining the infrastructure the

sponsor determines is necessary to provide access to the airfield from property located adjacent to or near the airport;

- Maintain the property for residential, noncommercial use for the duration of the agreement;
- Prohibit access to the airport from other properties through the property of the property owner; and
- Prohibit any aircraft refueling from occurring on the property.

In order to implement this law, the FAA amended the sponsor assurances (77 FR 22376; April 13, 2012). Among the modifications, sponsor assurance 5(g) was redrafted to clarify that sponsors of commercial service airports are not permitted to enter into residential through-the-fence arrangements. However, sponsors of general aviation airports may enter into such an arrangement if the airport sponsor complies with the requirements of section 136 of Public Law 112–95 and the sponsor assurances. In addition, sponsor assurance 29, *Airport Layout Plan*, was amended to require all proposed and existing access points used to taxi aircraft across the airport property boundary be depicted on the airport layout plan (ALP).

A complete list of the current grant assurances can be viewed at: http://www.faa.gov/airports/aip/grant_assurances/

The FAA is proposing its interpretation of the FMRA's section 136 and seeks public comment on this interpretation. In light of the public comment period, the FAA's implementing guidance remains in draft form. The agency will refrain from finalizing its implementing guidance until after a final policy is published in a subsequent public notice. As a result, the FAA will not approve any ALPs depicting new residential through-the-fence access points until final guidance has been issued. The FAA will proceed in a timely manner to address public comments and will not unduly delay final agency action with regard to section 136 of the FMRA.

FAA's Interpretation of the FMRA's Section 136**Enforcement**

Section 136 permits sponsors of general aviation airports, as defined by the statute at 49 U.S.C. 47102(8), to enter into agreements granting through-the-fence access to residential users, but includes specific terms and conditions. The FAA interprets the inclusion of specific terms and conditions as Congress' intent for the FAA to enforce the provision accordingly. Therefore,

the FAA will request sponsors with existing residential through-the-fence agreements to demonstrate their compliance with the law. Additionally, the FAA will also request sponsors of general aviation airports proposing to establish new residential through-the-fence agreements to demonstrate that their agreements will comply with the law. Airport sponsors are encouraged to review the FAA's Compliance Guidance Letter on FAA Review of Existing and Proposed Residential Through-Fence-Access Agreements, which will be issued in draft form concurrently with this notice.

Although the law became effective on February 14, 2012, the FAA will afford airport sponsors a grace period for compliance. Airport sponsors with existing residential through-the-fence agreements must provide evidence of compliance not later than September 30, 2013. In most cases, the FAA will define evidence of compliance as the airport sponsor's submission of required documentation. This may include copies of access agreements, deeds, covenants, conditions, and restrictions, etc.

Airport sponsors of general aviation airports proposing to establish new or add new residential through-the-fence agreements must provide evidence of compliance prior to executing an agreement with a residential user and/or association representing residential users. The establishment of a new residential through-the-fence agreement which does not comply with the law or results in a violation of the sponsor's commitments with the Federal Government may result in enforcement proceedings under 14 Code of Federal Regulations (CFR) part 16.

The FAA acknowledges that its approach to sponsors with existing residential through-the-fence access agreements will be different than the posture to be taken with sponsors of general aviation airports proposing to establish new or add new residential through-the-fence agreements. This is because airport sponsors with existing agreements may have ceded important rights and powers through the execution of these existing agreements, and their ability to comply with the terms and conditions of the law may be severely hampered. The FAA intends to address such situations on a case-by-case basis, assist these airport sponsors in the development of appropriate mitigations when possible, and report these issues to interested Congressional Committees. Going forward, the FAA expects sponsors of general aviation airports proposing to establish new or add new residential through-the-fence

agreements to comply with the terms and conditions of the law. The FAA will not waive these terms and conditions for new agreements.

Applicability

Section 136 applies to sponsors of general aviation airports. The FMRA adopted a definition of "general aviation airport" which is now codified at 49 U.S.C. 47102(8). A general aviation airport is defined as a public airport that is located in a State that, as determined by the Secretary, does not have commercial service or has scheduled service with less than 2,500 passenger boardings each year. This definition excludes privately-owned reliever airports. In implementing section 136, the FAA will grandfather the seven privately-owned reliever airports with existing residential through-the-fence access. The owners of these airports will be asked to comply with the law and be treated in a manner similar to general aviation airports as defined in the statute. However going forward, the FAA will apply the statutory prohibition on privately-owned reliever airports and disallow these airports from entering into such agreements. Publically-owned reliever airports are included in the statutory definition of a general aviation airport; sponsors of publically-owned reliever airports will be permitted to enter into residential through-the-fence agreements that comply with the terms and provisions contained in section 136.

The FAA proposes the policy included in this notice to address commercial service airports with existing residential through-the-fence agreements. Commercial service airports which do not currently have residential through-the-fence agreements continue to be prohibited from entering into such agreements by statute.

Terms and Conditions—Commercial Activities

Section 136 states that residential property owners must maintain their property for residential, noncommercial use for the duration of the agreement. The FAA interprets this as a prohibition on commercial aeronautical services offered by residential through-the-fence users that might compete with on-airport aeronautical service providers, whether existing or not, or chill the airport sponsor's ability to attract new commercial service providers on the airport. Therefore, in its review of agreements proposing to establish new residential through-the-fence access, the FAA will interpret this condition as a prohibition on commercial *aeronautical* activities only. Agreements which limit

the scope of this prohibition to only commercial aeronautical activities will be acceptable. However, the FAA will not concern itself with unrelated commercial activities which may be permitted by local regulation.

The FAA recognizes that some existing residential through-the-fence agreements permit the co-location of homes and aeronautical businesses. In these cases, the FAA will require airport sponsors to execute two separate agreements with the homeowner. One agreement must address the duration, rights, and limitations of the homeowner's residential through-the-fence access, and the second agreement must address the conduct of the commercial aeronautical activity. The second agreement must be consistent with the FAA's current policies on commercial through-the-fence activities and ensure the off-airport business does not result in unjust economic discrimination for on-airport aeronautical service providers. The FAA encourages airport sponsors with these types of mixed-use arrangements to adopt long-term plans to relocate the off-airport commercial aeronautical activity onto the airport when feasible and practicable to do so. Going forward, airport sponsors proposing to establish a residential through-the-fence agreement must meet the statutory terms and conditions, including the prohibition on using the residential property for commercial aeronautical use. Therefore, agreements which propose the co-location or mixed-use of residential and commercial aeronautical activities will be not be consistent with the law.

Terms and Conditions—Authorized Access

Section 136 states that residential property owners must prohibit access to the airport from other properties through the property of the property owner with access. The FAA interprets this as a prohibition on unauthorized access to the airport; this condition does not necessarily prescribe a scenario in which all residential through-the-fence users must have their own dedicated access point to enter the airport. The FAA encourages sponsors of general aviation airports proposing to establish new residential through-the-fence agreements to limit the number of access points in a manner that is consistent with airport planning practices. Compliance with this condition will require access agreements stipulate that residential through-the-fence access agreement holders are prohibited from permitting unauthorized users (any individual not

party to an access agreement with the airport sponsor) to pass through or “piggy back” on their access in order to enter the airport. The FAA expects airport sponsors to establish their own policies, restrictions, and/or requirements to be imposed on fly-in guests who taxi from the airport property to visit off-airport residents.

Terms and Conditions—Fueling

Section 136 states that residential property owners must prohibit any aircraft refueling from occurring on the property with access. The FAA interprets this as a prohibition on the sale of fuel from residential property. The FAA will not concern itself with self-fueling activities which may be permitted by local regulation.

Proposed Final Policy on Existing Through-the-Fence Access to Commercial Service Airports From a Residential Property

Discussion of Revisions to the Interim Policy

In light of section 136 of Public Law 112–95, the FAA proposes the following revisions to the interim policy published on March 18, 2011 (76 FR 54946; September 9, 2010).

Proposed Policy

The law permits sponsors of general aviation airports to enter into residential through-the-fence agreements with property owners or associations representing property owners; however, the law is silent with regard to commercial service airports. The FAA interprets the absence of statutory relief as authority to finalize the interim policy for commercial service airports.

Changes: All references to the policy now clarify that it will be a final measure.

Applicability

The law permits publicly-owned general aviation airports, as defined by the statute, to enter into residential through-the-fence agreements that comply with specific terms and conditions. The FAA’s proposed policy regarding access to airports from residential property will apply only to those commercial service airports with existing residential through-the-fence access.

Changes: The proposed policy now refers only to commercial service airports with existing residential through-the-fence access.

Incorporation of the Law

The proposed policy has been revised to incorporate the terms and conditions contained in section 136 of Public Law

112–95, as implemented by the FAA. As a result, the FAA will consider the airport sponsor’s ability to establish parity in fees between on- and off-airport users as opposed to an airport sponsor’s ability to generate revenue to recover airport costs. This reflects Congress’ intent that residential through-the-fence users pay airport access charges that are comparable to those tenants and operators on-airport making similar use of the airport.

Changes: Section I, Section II, Section III, and Section IV now state that airport sponsors will be required to satisfy the law. Section II specifies the terms and conditions contained in the law which must also be satisfied by the airport sponsor. References to “ability to generate revenue to recover airport costs” have been replaced with “parity of access fees”.

FAA’s Standards for Compliance—Recovery of Costs of Operating the Airport

The law prescribes a single methodology for evaluating fees charged to residential through-the-fence users. Therefore, the FAA will not propose or consider alternative methodologies. The discussion of these methodologies has been replaced with language from the law.

Changes: References to “recovery of costs of operating the airport” have been replaced with “parity of access fees” in Section II. The interim policy’s explanation of FAA’s standard for compliance, which was the requirement for through-the-fence users to bear a fair proportion of airport costs, has been deleted.

Standards for Compliance at Commercial Service Airports Proposing To Extend Through-the-Fence Access

Section 136 of Public Law 112–95 prescribes specific terms and conditions to be contained in agreements establishing residential through-the-fence access. The FAA will require commercial service airports proposing to extend or renew their existing agreements to fully comply with these terms and conditions as a supplemental standard applied by the FAA to review these proposals. In addition, because the law requires residential through-the-fence users to pay access charges comparable to on-airport tenants and users making similar use of the airport, the FAA may no longer entertain alternative financial methodologies.

Changes: A bullet stating “the new access agreement fully complies with the terms and conditions contained in section 136 of Public Law 112–95” has been added as a supplemental standard

discussed in Section III. The bullet discussing access fees which recover airport costs has been deleted.

Revision of Description of FAA Compliance Guidance Letter

The FAA anticipates issuing a draft Compliance Guidance Letter on FAA Review of Existing and Proposed Through-the-Fence Access Agreements. This title is slightly different than the title of the Compliance Guidance Letter previously issued on March 21, 2011.

Changes: The title “FAA Implementation and Review of Residential Through-the-Fence Access Arrangements” has been replaced with “FAA Review of Existing and Proposed Through-the-Fence Access Agreements” in Section IV. All references to this Compliance Guidance Letter describe this document as a draft.

Additional Time To Establish Evidence of Compliance and Clarification of Due Date

The FAA believes all airport sponsors with existing residential through-the-fence access should be afforded additional time to comply with the law. Therefore, the FAA is extending the timeframe for commercial service airports to establish evidence of compliance. All access plans will now be due beginning in Fiscal Year 2014.

Changes: All references to “2013” have been replaced with “2014” in Section IV and Section V. The explanation of the rolling due date contained in the interim policy has been deleted.

Incorporation of Amended Sponsor Assurance 29

On April 13, 2012, the FAA amended sponsor assurance 29 to require all proposed and existing access points used to taxi aircraft across the airport property boundary be depicted on the ALP (77 FR 22376; April 13, 2012). The FAA is incorporating the amended assurance by clarifying that failure to depict all residential through-the-fence access points is a violation of the sponsor’s grant assurances.

Changes: The phrase “may be considered an apparent violation of the sponsor’s grant assurances” has been replaced with “is a violation of the sponsor’s grant assurances” in Section IV.

Actions Requiring Airport Sponsors To Update the Access Plan

The FAA believes its description of actions triggering airport sponsors to update its access plan can be better refined. In addition, the FAA believes that the identification of a safety

concern should be listed as a new triggering event.

Changes: The FAA proposes to define the actions requiring a commercial service airport sponsor to update its access plan to include development of a master plan or an update to an existing master plan, revisions to an ALP, requests for Federal participation in land acquisition, identification of a safety concern, or substantial changes to the access agreement in Section IV.

Airports Currently in Noncompliance

The interim policy included language discussing the treatment of airport sponsors currently in noncompliance due to grant assurance violations associated with their residential through-the-fence access agreements. No sponsors of commercial service airports are currently in noncompliance due to grant assurance violations associated with their residential through-the-fence access agreements. Therefore, the FAA proposes to eliminate this paragraph from Section IV and renumber the subsequent paragraphs.

Changes: The paragraph titled "Airports in noncompliance" and designated as paragraph A.5. in Section IV has been deleted. The paragraphs which follow have been renumbered accordingly.

Airports That Do Not Meet the Compliance Standards

In its interim policy, the FAA proposed to analyze the role played by airports unable to meet the standard of compliance prior to determining the course of action to take. This included determining the role played by the airport in the National Plan of Integrated Airport Systems (NPIAS). Given the more limited applicability of the proposed policy to commercial service airports with existing residential through-the fence access, this analysis is no longer required. The role played by commercial service airports is defined in statute. Instead, the FAA proposes to consider a commercial service airport sponsor's inability to comply with the law and/or the standards of compliance as a militating factor in the FAA's review of any requests for discretionary AIP funding.

Changes: Subparagraphs (a) and (b) of renumbered Section IV.A.5. have been deleted. The last sentence of paragraph (5) proposes that the FAA may consider a commercial service airport's inability to comply with the law and/or the minimum compliance standards as a militating factor in its review of requests for discretionary funding.

Proposed Final Policy on Existing Through-the-Fence Access From a Residential Property

In consideration of the foregoing, the Federal Aviation Administration proposes the following Policy on existing through-the-fence access to federally-obligated commercial service airports from residential property:

Proposed Final Policy on Existing Through-the-Fence Access to Commercial Service Airports From a Residential Property

Applicability

This proposed final Policy applies to commercial service airports with existing residential through-the-fence access.

For the purposes of this proposed final Policy:

In this sense "access" means:

1. An access point for taxiing aircraft across the airport boundary; or
2. The right of the owner of a particular off-airport residential property to use an airport access point to taxi an aircraft between the airport and that property.

"Existing access" through the fence is defined as any through-the-fence access that meets one or more of the following conditions:

1. There was a legal right of access from the property to the airport (e.g., by easement or contract) in existence as of September 9, 2010; or
2. There was development of the property prior to September 9, 2010, in reliance on the airport sponsor's permission for through-the-fence aircraft access to the airport; or
3. The through-the-fence access is shown on an FAA-approved airport layout plan (ALP) or has otherwise been approved by the FAA in writing, and the owner of the property has used that access prior to September 9, 2010.

"Extend an access" is defined as an airport sponsor's consent to renew or extend an existing right to access the airport from residential property or property zoned for residential use, for a specific duration of time, not to exceed 20 years.

"Development" is defined as excavation or grading of land needed to construct a residential property; or construction of a residence.

"Residential property" is defined as a piece of real property used for single- or multi-family dwellings; duplexes; apartments; primary or secondary residences even when co-located with a hangar, aeronautical facility, or business; hangars that incorporate living quarters for permanent or long-term use; and time-share hangars with living

quarters for variable occupancy of any term.

"Transfer of access" through the fence is defined as one of the following transactions:

1. Sale or transfer of a residential property or property zoned for residential use with existing through-the-fence access; or
2. Subdivision, development, or sale as individual lots of a residential property or property zoned for residential use with existing through-the-fence access.

I. Existing Through-the-Fence Access From Residential Property at Federally-Obligated Commercial Service Airports

The agency understands that it may not be practical or even possible to terminate through-the-fence access at many of those commercial service airports where that access already exists. Where access could be terminated, property owners have claimed that termination could have substantial adverse effects on their property value and investment, and sponsors seeking to terminate this access could be exposed to costly lawsuits. Accordingly, the FAA will not consider the existence of existing residential through-the-fence access by itself to place a sponsor in noncompliance with its grant assurances at these commercial service airports.

In some cases, the FAA has found that through-the-fence access rights can interfere with the sponsor's ability to meet its obligations as sponsor of a federally assisted public use airport. This is discussed in detail at 75 FR 54946, 54948 (Sept. 9, 2010). As a result, the FAA believes that sponsors of commercial service airports with existing through-the-fence access agreements must adopt measures to substantially mitigate the potential problems with residential through-the-fence access where it exists to avoid future grant compliance issues. Therefore, the FAA, as a condition of continuing grants to commercial service airports with residential through-the-fence access, will require these sponsors adopt measures to substantially mitigate the potential problems with residential through-the-fence access to avoid future grant compliance issues.

Accordingly, the sponsor of a commercial service airport where residential through-the-fence access or access rights already exist will be considered in compliance with its grant assurances if the airport depicts the access on its airport layout plan (ALP), satisfies the terms and conditions contained in section 136 of Public Law

112–95, and meets certain standards for safety, efficiency, parity of fees, and mitigation of potential noncompatible land uses. Those standards are listed in section II, *Standards for compliance at commercial service airports with existing through-the-fence access*. The FAA's review of those standards will be detailed in a Compliance Guidance Letter which will be issued, in draft form, concurrently and published on the FAA's Web site at www.faa.gov/airports. An airport sponsor covered by this proposed final Policy would be required to seek FAA approval before entering into any agreement that would extend (including renewal of access) through-the-fence access. Sponsors are reminded that nearby homeowners possess no right to taxi aircraft across the airport's property boundary, and no off-airport property owner will have standing to file a formal complaint under 14 CFR part 16 with the FAA to challenge the sponsor's decision not to permit such access.

II. Standards for Compliance at Commercial Service Airports With Existing Through-the-Fence Access

The FAA understands that municipally-owned airports have varying degrees of zoning authority. For example, one sponsor may have strong zoning powers, while another may have none. Also, the nature of existing through-the-fence rights can greatly affect the sponsor's ability to implement measures to control access. Accordingly, the FAA does not expect every sponsor of an airport with existing residential through-the-fence access to adopt a uniform set of rules and measures to mitigate that access. However, the FAA does expect each such sponsor to adopt reasonable rules and implement measures that accomplish the following standards for compliance and satisfy the law, to the fullest extent feasible for that sponsor. In general, the greater the number of residential through-the-fence access points and users of the airport and the higher the number of aircraft operations, the more important it is to have formal measures in effect to ensure the sponsor retains its proprietary powers and mitigates adverse effects on the airport.

In order to satisfy the law, the sponsor and the property owner or an association representing property owners must have a written agreement that requires the property owner to:

- Pay access charges that the sponsor determines to be comparable to those fees charged to tenants and operators on-airport making similar use of the airport;

- Bear the cost of building and maintaining the infrastructure the sponsor determines is necessary to provide access to the airfield from property located adjacent to or near the airport;

- Maintain the property for residential, noncommercial use (the FAA interprets this limitation as a prohibition on commercial aeronautical services only) for the duration of the agreement;

- Prohibit access to the airport from other properties through the property of the property owner (the FAA interprets this limitation as a prohibition on access to the airport not authorized by the airport sponsor); and

- Prohibit any aircraft refueling from occurring on the property (the FAA interprets this as a prohibition on the sale of fuel from residential property).

The FAA's standards for compliance for any sponsor of a commercial service airport with existing residential through-the-fence access are as follows:

1. *General authority for control of airport land and access.* The sponsor has sufficient control of access points and operations across airport boundaries to maintain safe operations, and to make changes in airport land use to meet future needs.

2. *Safety of airport operations.* By rule, or by agreement with the sponsor, through-the-fence users are obligated to comply with the airport's rules and standards.

3. *Parity of access fees.* The sponsor can and does collect fees from through-the-fence users comparable to those charged to airport tenants.

4. *Protection of airport airspace.* Operations at the airport will not be affected by hangars and residences on the airport boundary, at present or in the future.

5. *Compatible land uses around the airport.* The potential for noncompatible land use adjacent to the airport boundary is minimized consistent with Grant Assurance 21, Compatible Land Use.

These standards will be applied, on a case-by-case basis, in the FAA's evaluation of whether each commercial service airport with existing residential through-the-fence access meets the above requirements to the fullest extent feasible for that airport. In situations when access can be legally transferred from one owner to another without the sponsor's review, the FAA will treat the access as existing. Because the ability of some sponsors to control access has been compromised as a result of legal rights previously granted to through-the-fence users, existing access locations may be evaluated under the alternative

criteria for some standards as indicated below, if applicable to that airport.

In some cases, a sponsor may seek to relocate an existing access point. If the sponsor can demonstrate that this action will improve the airport's overall safety or better address issues associated with the sponsor's long-term planning needs, the FAA will not consider the access rights associated with the replacement access point to extend an access. In order to transfer the terms of the existing access point to a new access point without a change in compliance status, the former existing access point must be removed. Such requests should be coordinated with the FAA Airports District Office (ADO) or Regional Airports Division and clearly depicted on the sponsor's ALP.

III. Standards for Compliance at Commercial Service Airports Proposing To Extend Through-the-Fence Access

Once allowed, residential through-the-fence access is very difficult to change or eliminate in the future. This is because residential owners, more so than commercial interests, typically expect that their residential property will remain suitable for residential use and protected from adverse effects for a long time. Residential buyers and their mortgage lenders may ensure that the property is purchased with rights that guarantee no change in the access to the airport for decades, or indefinitely. Because each additional residential through-the-fence access location introduces the potential for problems for the airport in the future, and because this access is effectively permanent and resistant to change once permitted, the FAA will review extensions of existing residential through-the-fence access at public use airports carefully.

The following supplemental standards will be applied to the FAA's case-by-case review of sponsors' proposals to extend residential through-the-fence access. In situations when the transfer of access from one owner to another requires the sponsor's concurrence, the FAA will treat the access as an extension. The FAA will not approve requests to extend access that are inconsistent with the sponsor's grant assurances (excluding Grant Assurance 5, Preserving Rights and Powers, paragraph "g" as amended). Furthermore, the sponsor will be required to demonstrate the following standards for compliance:

- The new access agreement fully complies with the terms and conditions contained in section 136 of Public Law 112–95.

- The term of the access does not exceed 20 years.

- The sponsor provides a current (developed or revised within the last five years) airport master plan identifying adequate areas for growth that are not affected by the existence of through-the-fence access rights, or the sponsor has a process for amending or terminating existing through-the-fence access in order to acquire land that may be necessary for expansion of the airport in the future.

- The sponsor will impose and enforce safety and operating rules on through-the-fence residents utilizing this access while on the airport identical to those imposed on airport tenants and transient users.

- Through-the-fence residents utilizing this access will grant the sponsor a perpetual avigation easement for overflight, including unobstructed flight through the airspace necessary for takeoff and landing at the airport.

- Through-the-fence residents utilizing this access, by avigation easement; deed covenants, conditions or restrictions; or other agreement, have acknowledged that the property will be affected by aircraft noise and emissions and that aircraft noise and emissions may change over time.

- Through-the-fence residents utilizing this access have waived any right to bring an action against the sponsor for existing and future operations and activities at the airport associated with aircraft noise and emissions.

- The sponsor has a mechanism for ensuring through-the-fence residents utilizing this access will file FAA Form 7460-1, Notice of Proposed Construction or Alteration, if necessary and complying with the FAA's determination related to the review of Form 7460-1.

- The sponsor has a mechanism for ensuring through-the-fence residents do not create or permit conditions or engage in practices that could result in airport hazards, including wildlife attractants.

- Where available, the sponsor or other local government has in effect measures to limit future use and ownership of the through-the-fence properties to aviation-related uses (in this case, hangar homes), such as through zoning or mandatory deed restrictions. The FAA recognizes this measure may not be available to the sponsor in all states and jurisdictions.

- If the residential community has adopted restrictions on owners for the benefit of the airport (such as a commitment not to complain about aircraft noise), those restrictions are enforceable by the sponsor as a third-party beneficiary, and may not be

cancelled without cause by the community association.

- The access agreement is subordinate to the sponsor's current and all future grant assurances.

- The sponsor has developed a process for educating through-the-fence residents about their rights and responsibilities.

IV. Proposed Process and Documentation

A. Existing Residential Through-the-Fence Access

1. *General.* The sponsor of a commercial service airport with existing residential through-the-fence access will be considered in compliance with its grant assurances, and eligible for future grants, if the FAA determines that the sponsor complies with the law and meets the applicable standards listed above under *Standards for compliance at commercial service airports with existing residential through-the-fence access*. The sponsor may demonstrate that it meets these standards by providing the ADO or regional division staff with a written description of the sponsor's authority and the controls in effect at the airport ("residential through-the-fence access plan" or "access plan"). Sponsors are encouraged to review the FAA's draft Compliance Guidance Letter on FAA Review of Existing and Proposed Residential-Through-Fence Access Agreements, which will be issued concurrently with this notice, prior to submitting their access plan. This draft guidance letter may be found on the FAA's Web site at www.faa.gov/airports. The ADO or regional division will review each access plan, on a case-by-case basis, to confirm that it addresses how the sponsor complies with the law and meets each of these standards at its airport. The ADO or regional division will forward recommendations regarding each access plan to the Manager of Airport Compliance. Only the Manager of Airport Compliance may accept a commercial service airport sponsor's residential through-the-fence access plan. In reviewing the access plan, the Manager of Airport Compliance may consult with the Transportation Security Administration (TSA). The FAA will take into account the powers of local government in each state, and other particular circumstances at each airport. In every case, however, the access plan must address the law and each of the basic requirements listed under section II of this proposed final Policy.

2. *Residential through-the-fence access plan.* The FAA will require

evidence of compliance before issuing an AIP grant, beginning in Fiscal Year 2014. FY 2014 and later grants will include a special grant condition requiring the ongoing implementation of these access plans. Generally, the FAA will not award discretionary grants to the sponsor until the FAA accepts the sponsor's access plan as meeting the law and the standards to the extent feasible for that airport.

3. *Airport Layout Plan.* The FAA will require all residential through-the-fence access points to be identified on the airport's layout plan. A temporary designation may be added through a sponsor's pen and ink change to immediately identify the locations on the airport property that serve as points of access for off-airport residents. A formal ALP revision that fully depicts the scope of the existing residential through-the-fence agreements should be completed the next time the sponsor initiates an airport master plan study or update.

A sponsor's failure to depict all residential through-the-fence access points is a violation of the sponsor's grant assurances, and the agency may consider grant enforcement under 14 CFR part 16.

4. *FAA review.* The FAA's acceptance of the access plan represents an Agency determination that the commercial service airport has met the law and compliance standards for existing residential through-the-fence access for a period not to exceed 20 years. The following actions will trigger a commercial service airport sponsor to update its access plan prior to its 20-year expiration: Development of a new master plan or an update to an existing master plan, significant revisions to an ALP, requests for Federal financial participation in land acquisition, identification of a safety concern, or substantial changes to the access agreement. A commercial service airport sponsor's failure to implement its access plan could result in a violation of the special grant condition and potentially lead to a finding of noncompliance.

5. *Commercial Service Airports with existing residential through-the-fence access that do not meet the compliance standards.* The FAA recognizes that some commercial service airport sponsors may not be able to fully comply with the law and the standards listed above, due to limits on the powers of the sponsor and/or other local governments, or on other legal limits on the sponsor's discretion to adopt certain measures. Other sponsors have the capability to adopt measures to satisfy the compliance standards but have not done so. The FAA may consider a

commercial service airport sponsor's inability to comply with the law and/or the minimum compliance standards as a militating factor in its review of requests for discretionary funding.

6. *Commercial service airports that fail to submit an access plan.* The FAA expects commercial service airport sponsors with existing residential through-the-fence access to develop an access plan which addresses the law, preserves their proprietary rights and powers, and mitigates the inherent challenges posed by this practice. Beginning in Fiscal Year 2014, a sponsor's failure to comply with the Policy may jeopardize its ability to compete for AIP grant funding.

B. Requests To Extend Residential Through-the-Fence Access at Airports Covered by This Proposed Final Policy

As of the date of the enactment of Public Law 112-95 (February 14, 2012), a sponsor of a commercial service airport proposing to extend an access agreement must submit a current airport master plan and a revised residential through-the-fence access plan as detailed below. The ADO or regional division will forward its recommendations regarding each request to extend access to the Manager of Airport Compliance. Only the Manager of Airport Compliance may approve a sponsor's request to extend access. In reviewing the proposal, the Manager of Airport Compliance may consult with the TSA.

1. *Master Plan.* A sponsor of a commercial service airport wishing to extend an existing residential through-the-fence access agreement must submit a recent airport master plan to the ADO or regional division. The FAA considers a master plan to be recent if it was developed or updated within the past five years. The master plan should explain how the sponsor plans to address future growth, development, and use of the airport property over the next 20 years; sponsors should work with ADO or regional division staff to develop an appropriate scope of work for these master plans.

2. *Residential through-the-fence access plan.* The sponsor is responsible for revising its access plan, as discussed under section IV.A.2 of this proposed final Policy, to reflect how it will meet the standards for compliance for the extended access. Once the FAA has accepted the revised access plan, the FAA will condition future AIP grants upon its ongoing implementation.

3. *Continuing obligations.* Once the revised access plan is accepted by the FAA, and if required, the revised ALP, is approved by the FAA, the sponsor

must continue to comply with obligations described in section IV.A of this proposed final Policy.

V. Eligibility for AIP Grants

A. *General.* Beginning in Fiscal Year 2014, a sponsor of a commercial service airport with existing residential through-the-fence access will be required to submit their residential through-the-fence access plan prior to notifying the FAA of its intent to apply for an AIP grant. The sponsor will not lose eligibility for entitlement grants on the basis of the through-the-fence access, but the FAA will consider the potential constraints on the utility of the airport to be a significant factor in future AIP funding decisions.

B. *Public infrastructure and facilities with substantial benefit to private through-the-fence users.* The FAA may be unable to justify the federal investment in a proposed project when private residential developments with through-the-fence access will receive substantial value from that federally assisted airport infrastructure and/or facility.

C. *Exclusive or primary private benefit.* On-airport infrastructure and facilities used exclusively or primarily for accommodation of through-the-fence users are considered private-use and are ineligible for AIP grants.

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

Randall S. Fiertz,

Director, Airport Compliance and Management Analysis.

[FR Doc. 2012-18058 Filed 7-27-12; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG-2012-0559]

RIN 1625-AA08

Special Local Regulations; 2012 Ironman 70.3 Miami, Biscayne Bay; Miami, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Coast Guard proposes to establish a special local regulation on the waters of Biscayne Bay, east of Bayfront Park, in Miami, Florida during the 2012 Ironman 70.3 Miami, a triathlon. The Ironman 70.3 Miami is scheduled to take place on Sunday, October 28, 2012. Approximately 2500

participants are anticipated to participate in the swim. No spectators are expected to be present during the event. The special local regulation is necessary to provide for the safety of the participants, participant vessels, and general public on the navigable waters of the United States during the event. The special local regulation would establish an area that will encompass the event area. Persons and vessels will be prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port Miami or a designated representative.

DATES: Comments and related material must be received by the Coast Guard on or before August 29, 2012. Requests for public meetings must be received by the Coast Guard on or before August 20, 2012.

ADDRESSES: You may submit comments identified by docket number USCG-2012-0559 using any one of the following methods:

(1) *Federal eRulemaking Portal:*

<http://www.regulations.gov>.

(2) *Fax:* 202-493-2251.

(3) *Mail or Delivery:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202-366-9329.

See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Junior Grade Mike H. Wu, Sector Miami Prevention Department, Coast Guard; telephone (305) 535-4317, email

Mike.H.Wu@uscg.mil. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting

May 31, 2011, to the Bombardier Challenger 605 TLMC Manual.

Note 1 to paragraph (g) of this AD: The maintenance program revision required by paragraph (g) of this AD may be done by inserting a copy of Bombardier Temporary Revision (TR) 5-151, TR 5-250, TR 5-261, and TR 5-2-47 or TR 5-2-9, all dated May 31, 2011, into the applicable TLMC manual. When the TR has been included in general revisions of the TLMC manual, the general revisions may be inserted in the TLMC manual, provided the relevant information in the general revision is identical to that in the applicable TR specified in paragraphs (g)(1) through (g)(4) of this AD.

(h) Initial Compliance Times for Inspections

The initial compliance time for the inspections specified in the temporary revisions specified in paragraphs (g)(1) through (g)(4) of this AD, is before the accumulation of 7,800 total flight cycles, or within 12 months after the effective date of this AD, whichever occurs later.

(i) No Alternative Actions or Intervals

After accomplishing the revision required by paragraph (g) of this AD, no alternative actions (e.g., inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (j) of this AD.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office, ANE-170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone 516-228-7300; fax 516-794-5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(k) Related Information

(1) Refer to MCAI Canadian Airworthiness Directive CF-2011-33, dated August 16, 2011, and the temporary revisions specified in paragraphs (g)(1) through (g)(4) of this AD, for related information.

(2) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514-855-5000; fax 514-855-7401; email thd.crj@aero.bombardier.com; Internet <http://www.bombardier.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

Issued in Renton, Washington, on July 20, 2012.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012-18585 Filed 7-30-12; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2012-0662; Airspace Docket No. 08-AWA-2]

RIN 2120-AA66

Proposed Modification of Class B Airspace Area; Philadelphia, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify the Philadelphia, PA, Class B airspace area to ensure the containment of large turbine-powered aircraft within Class B airspace, reduce controller workload, and reduce the potential for midair collision in the Philadelphia terminal area.

DATES: Comments must be received on or before October 1, 2012.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M-30, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001; telephone: (202) 366-9826. You must identify FAA Docket No. FAA-2012-0662 and Airspace Docket No. 08-AWA-2, at the beginning of your comments. You may also submit comments through the Internet at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace, Regulations and ATC Procedures Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA-2012-0662 and Airspace Docket No. 08-AWA-2) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at <http://www.regulations.gov>.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Nos. FAA-2012-0662 and Airspace Docket No. 08-AWA-2." The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>.

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA 30337.

Persons interested in being placed on a mailing list for future NPRMs should

contact the FAA's Office of Rulemaking, (202) 267-9677, for a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

In December 1974, the FAA issued a final rule that established the Philadelphia, PA, Terminal Control Area (TCA) with an effective date of March 27, 1975 (39 FR 43710). In 1993, as part of the Airspace Reclassification Final Rule (56 FR 65638), the term "terminal control area" was replaced by "Class B airspace area."

The primary purpose of Class B airspace is to reduce the potential for midair collisions in the airspace surrounding airports with high density air traffic operations by providing an area in which all aircraft are subject to certain operating rules and equipment requirements. FAA policy requires that Class B airspace areas be designed to contain all instrument procedures and that air traffic controllers vector aircraft to remain within Class B airspace after entry. Controllers must inform the aircraft when leaving and re-entering Class B airspace if it becomes necessary to extend the flight path outside Class B airspace for spacing. However, in the interest of safety, FAA policy dictates that such extensions be the exception rather than the rule.

The configuration of the Philadelphia Class B airspace area has not been modified since its establishment as a TCA in 1975. Since then, increasing operations have prompted a number of changes at the Philadelphia International Airport (PHL). For example, a new runway (8/26) was opened for use in December 1999; Precision Runway Monitor procedures were implemented in 2003, which permitted the use of independent ILS approaches to Runways 27L and 26; and in early 2009, Runway 17/35 was extended to accommodate continued growth in arrival demand. The newly extended runway alleviated congestion and delays on the airport's two major runways. However, the Class B configuration has not kept pace with airport expansion and increasing operations, and the current design makes it difficult to comply with FAA's policy to contain certain aircraft operations within Class B airspace.

Most aircraft operations at PHL are conducted on parallel Runways 9L/R and 27L/R. Wind conditions dictate operating on a west operation (i.e., landing and departing to the west) approximately 75 percent of the year. On a west operation, Runways 27R, 27L and 26 are in use. On an east operation,

Runways 9L/R are in use. The crosswind Runway (17/35) is also utilized during both operations.

Changes Needed to Existing Class B Airspace

The current Class B design does not fully contain turbine-powered aircraft once they have entered the airspace as required by FAA policy. This deficiency also contributes to increased air traffic controller workload and frequency congestion. Aircraft on all final approach courses drop below the existing floor of the Class B airspace while flying published ILS procedures. This has been documented using the Performance Data Analysis and Reporting System (PDARS) tool. Lower Class B airspace floors are needed to protect all final approach courses and downwinds. A major area of concern is the truncated boundary along the southeast quadrant of the PHL Class B. The original purpose of this area was to allow aircraft inbound to LaGuardia, Newark and McGuire airports to fly up Federal airways east of PHL without infringing on the Philadelphia Class B airspace area. However, this Class B configuration on the southeast side is inadequate to contain aircraft on the downwind and final approach courses for Runway 27 and Runway 35.

Pre-NPRM Public Input

The FAA prepared a preliminary design of the proposed PHL Class B modifications to illustrate the need for change and to serve as a basis for ad hoc committee review. In part, the preliminary design featured a proposed expansion of the surface area from the current 6-miles to 8-miles; expansion of the outer limit of Class B airspace from 20-miles to 24-miles around the majority of the area; lower floors of Class B airspace in certain subareas; and a cutout around Cross Keys Airport, NJ (17N).

An ad hoc committee was formed in 2009 to review the Philadelphia Class B airspace and provide recommendations to the FAA about the proposed design. Meetings were held in March and May of 2009 at the Delaware Valley Regional Planning Commission's Office of Aviation in Philadelphia, PA.

In addition, as announced in the **Federal Register** of November 30, 2010 (75 FR 74127), six informal airspace meetings were held in the Philadelphia area. The meetings were held on: February 15, 2011, at New Castle Airport, New Castle, DE; February 16, 2011, at New Garden Airport, Toughkenamon, PA; February 17 and February 22, 2011, at Wings Field, Blue Bell, PA; February 23, 2011, at Flying W

Airport, Medford, NJ; and February 24, 2011, at Freefall Adventures Skydive School, Williamstown, NJ. The purpose of the meetings was to provide interested airspace users an opportunity to present their views and offer suggestions regarding the proposed modifications to the Philadelphia Class B airspace area.

Discussion of Recommendations and Comments

Ad hoc Committee Input

The ad hoc committee provided the following input on the proposed Philadelphia Class B modifications.

The Committee asked that the surface area cutout be expanded to include Cooper Hospital and Penn's Landing Heliport (P72) to allow Medevac helicopter operations below 1,500 feet, and that an additional ring be created from 6 miles to 8 miles with a 1,000 foot floor so that flights from the Pottstown area could navigate to the Philadelphia center city hospital areas without entering Class B airspace.

The FAA expanded the proposed cutout northeast of PHL to include both Cooper Hospital and Penn's Landing heliports. A direct route of flight from the Pottstown area to center city Philadelphia is almost completely outside of the proposed Class B airspace. A 1,000-foot ring between 6 and 8 miles is unnecessary because aircraft flying from the Pottstown area to downtown Philadelphia could remain outside the proposed Class B with only a small correction to the east.

The Committee said that the proposed cutout for Cross Keys Airport (17N) should be widened to allow VFR traffic to operate in a corridor that provides sufficient access to the airport without encroaching on skydiving operations.

The proposed cutout has been reconfigured to allow for skydiving and access for VFR aircraft arriving from or departing to the southeast.

The Committee suggested a cutout south of Wings Field Airport (LOM) to allow aircraft entering the traffic pattern from the north to cross over the airport at 2,500 feet then descend to traffic pattern altitude. The Committee also noted that VFR aircraft maneuvering south of LOM must be below 2,000 feet to remain below the proposed Class B floor in that area, which could result in compression and concern about the 1,600-foot towers nearby.

Currently, the floor of Class B airspace just to the south of LOM is 3,000 feet. The proposed modifications would lower that floor to 2,000 feet. We are unable to create a cutout south of LOM because that portion of the proposed

Class B is designed to protect aircraft being vectored for the ILS approach to Runway 17 at PHL. Today, aircraft inbound to PHL in this area are routinely vectored to join the ILS localizer at altitudes between 2,000 and 2,500 feet. There would be just over 1 mile available for aircraft approaching LOM from the north and northwest to cross over LOM at 2,500 feet and descend to enter the local traffic pattern without entering the Class B airspace. The requested cutout south of LOM would not allow enough room to keep the Runway 17 arrivals within Class B airspace. The towers referenced above (known as the Roxboro Antennas) are located 7.5 miles south-southeast of LOM and should not be a factor.

The Committee asked for a cutout east of New Garden Airport (N57) to allow glider operations to continue.

While N57 lies well outside the existing 20-mile ring of the Class B airspace area, the proposed modification would extend the Class B airspace boundary out to 24 miles (which would lie just to the east of N57) with a floor of 4,000 feet. N57 is located under an area where a significant amount of commercial traffic is routed on a daily basis. When PHL is on an east operation, aircraft landing Runway 9R are operating in the immediate vicinity of N57. The Runway 9R arrivals from the north and south are handed off to the Final Vector (FV) controller who sequences and spaces these aircraft for landing. To accomplish this, the FV controller vectors and descends the arriving aircraft, blending the two feeds into one. FAA directives require that the aircraft be retained within Class B airspace during this process, but the current Class B configuration does not extend far enough to the west for controllers to comply with this requirement. The requested cutout east of N57 cannot be accommodated because it would not provide sufficient airspace to allow controllers to keep PHL arrivals within Class B airspace.

The Committee said a corridor should be adopted to allow general aviation aircraft flying VFR from the west or northwest of Philadelphia to transit the Class B airspace with some predictability when en route to southeast and southern New Jersey.

The FAA raised the proposed Class B floor in the majority of the 15-mile to 20-mile ring to 3,500 feet. However, two sections between 15 miles and 20 miles (one on the east side and the other on the west side), would still have a 3,000-foot floor. These two 3,000-foot areas are essential for containing aircraft on the ILS approaches to the primary runways. Due to the 3,000-foot areas, pilots would

still need to make a small route change when transitioning to or from the north or south, but setting the proposed floor at 3,500 feet in the remainder of the 15-mile to 20-mile ring would allow greater flexibility for general aviation aircraft operating around Philadelphia. Regarding VFR services, the FAA encourages VFR aircraft to contact PHL and request flight following, advisory and/or Class B separation services. This would allow these aircraft to operate at higher altitudes. PHL Airport Traffic Control Tower (ATCT) has made a commitment to the user community to plan for and staff to provide services to aircraft potentially impacted by the proposed changes to the Class B.

The Committee proposed that a “key hole”, or Runway 24 departure corridor, be established to enable aircraft departing Trenton Mercer Airport (TTN) to climb at a more expeditious rate prior to entering Class B airspace. Also, the use of Continuous Descent Approaches (CDA) for TTN arrivals to Runway 6 should be considered.

TTN currently is, and would remain, well outside the proposed Class B airspace. The FAA believes that the proposed Class B configuration would allow sufficient opportunity (approximately 7 miles) for aircraft departing TTN Runway 24 to either contact Philadelphia approach for Class B clearance or avoid the airspace. CDAs are not operationally feasible in the TTN area. These IFR procedures allow for a continuous descent from an enroute or high initial approach altitude to the runway. ATC sectorization (both inter-facility and intra-facility) in the area northeast of PHL does not allow any procedures (CDAs or Optimized Profile Descents—OPD) that require steep, unrestricted descents.

The Committee opposed the expansion of the surface area radius to 8 miles because it would place the Commodore Barry Bridge (which serves as a landmark used by pilots to stay outside the Class B airspace) within Class B airspace. In addition, the 8-mile ring would place the Pier 36 heliport inside the surface area.

The airspace in this area is required to contain PHL arrivals on the ILS to Runways 9R and 9L. While the proposed 8-mile ring would encompass the bridge, VFR pilots could still use the bridge as a landmark but would have to visually remain 2 miles west of the bridge to avoid the Class B airspace. The expanded ring would also protect small aircraft from possible wake turbulence caused by large and heavy jet aircraft landing Runway 9R. The proposal has been revised so that Pier 36 would be included in the cutout to the northeast

of PHL. Helicopters approaching downtown Philadelphia from the west would be required to either obtain a Class B clearance or circumnavigate the airspace as they do today.

The Committee requested a cutout around Perkiomen Valley Airport (N10) to accommodate flight school and skydive operations.

The preliminary Class B design proposed to expand Class B airspace out to a 24-mile ring. This would have resulted in Class B airspace being established above N10 from 4,000 feet up to 7,000 feet. The FAA reevaluated the need for the 24-mile ring, and decided to propose expanding to 24 miles on only east and west ends in order to encompass the extended finals to the primary runways at PHL. Therefore, the outer boundary of Class B airspace would remain at 20 miles in the vicinity of N10 as it is today.

The Committee suggested that the FAA consider VFR routes through the Class B airspace similar to those in Los Angeles, CA.

Chartered VFR routes associated with the proposed Philadelphia Class B airspace are currently being considered and evaluated by the Philadelphia ATCT staff.

The Committee provided an alternative proposed Class B design, prepared by the Aircraft Owners and Pilots Association (AOPA). AOPA contended that the FAA’s preliminary design appeared overly complex with multiple floors and sectors as well as being larger than needed to contain arriving and departing aircraft.

As previously noted, the FAA changed the proposal remove to the 24-mile ring, except on the east and west ends. However, the alternative design’s higher floors and reduced eastern boundary would not meet the need for containing aircraft on ILS approaches to the primary runways. The alternative design’s 5,000-foot Class B floor to the east and west of the airport would not provide enough altitudes to separate aircraft on opposing base legs. In both areas, 4,000 feet and 5,000 feet must be available for controllers to comply with the vertical separation requirements while aircraft are on opposing base legs (i.e., head-on). Class B airspace also must be extended and lowered to the south of PHL to contain aircraft being vectored to Runway 35. With the increased usage of that runway, the final approach routinely extends beyond 15 miles.

Informal Airspace Meeting Comments

More than 300 people attended the meetings and 46 written responses were received. Three commenters supported

the FAA's proposal, while the remainder objected to various aspects of the proposal. The following section discusses the issues raised.

Many commenters echoed the ad hoc committee recommendation that the proposed 24-mile ring be eliminated. As discussed above, the FAA changed the proposal to delete the 24-mile ring, except to the east and west of PHL along the extended runway centerlines.

Two commenters contended that the proposed expansion of the surface area from 6 miles to 8 miles was not adequately justified, would result in compression of VFR traffic operating below the Class B floor, would cause the boundary to be difficult to identify visually.

This issue was discussed, in part, in the "Ad hoc Committee" section, above. The expansion to 8 miles is necessary because some VFR operations are conducted beneath the final approach courses at locations and altitudes that are causing Traffic Alert and Collision Avoidance System (TCAS) Resolution Advisories (RAs) which cause arriving aircraft to execute unplanned missed approaches. Although the proposed cutout from the surface area was expanded northeast of PHL in response to Ad Hoc Committee input, the alignment of PHL's runways (09/27 and 17/35) makes an 8 mile surface area necessary to protect the final approach courses to those runways.

Several commenters requested either a cutout around Brandywine Airport (OQN) or that the Class B floor above OQN remain at 4,000 feet.

It is necessary to lower the floor of the 20-mile ring (over OQN) from 4,000 feet to 3,500 feet, and the floor of the 15-mile ring (east of OQN), from 3,000 feet to 2,000 feet to contain arrivals landing Runway 9L as they descend on base leg for approach to PHL.

Seven commenters had concerns about the effect of the proposal on glider operations at New Garden Airport (N57). A 5-mile cutout around N57 was requested.

The proposed Class B extension to 24 miles would place the boundary just east of N57, with a floor of 4,000 feet. This airspace is needed to contain arrivals when PHL is on an east operation. Philadelphia ATC personnel are discussing with the users of N57 the possibility of developing procedures via a Letter of Agreement that would minimize the impact of the Class B change on their operation.

Ten commenters were concerned about the potential for compression of traffic and inadvertent Class B intrusions near Wings Field Airport (LOM) and suggested that the Class B

floor over LOM be kept at 4,000 feet; the proposed 2,000-foot floor, south of LOM, be raised to 2,500 feet or 3,000 feet; and/or a cutout around LOM be created.

The proposed Class B airspace in the vicinity of LOM is intended to contain aircraft executing the ILS Runway 17 approach at PHL. These arrivals cross a point about 14 NM north of PHL at 3,000 feet, and descend on the glide path for Runway 17. VFR aircraft arriving at LOM currently overfly the airport at 2,500 feet then enter a left traffic pattern for Runway 24. These aircraft pose a potential conflict with PHL Runway 17 arrivals. PHL ATCT encourages VFR aircraft to contact PHL and request flight following, traffic advisories and/or Class B separation services. This would allow these aircraft to operate at higher altitudes. PHL ATCT has made a commitment to the user community to plan for, and staff to provide services to aircraft impacted by the changes to the Class B.

Nine commenters suggested changes on behalf of the following airports located to the east and south of PHL: South Jersey Regional (VAY), Flying W (N14), Red Lion (N73); and Cross Keys (17N). Issues raised included: simplifying the design by changing the 3,500-foot floor northeast of the 17N airport "cutout" to either 3,000 feet or 4,000 feet to combine with adjacent areas, making the cutout for 17N larger, compression of VFR traffic, and creating a corridor similar to that in the Los Angeles, CA Class B airspace area.

The proposed 17N cutout has been slightly expanded from the design presented at the informal airspace meetings, but it could not be further expanded without having an impact on traffic flows inside the Class B. Raising the floor to 4,000 feet would not be sufficient to contain arriving aircraft within Class B airspace, while a 3,000-foot floor would be more restrictive than needed to contain those aircraft. The proposal's 3,500-foot floor provides adequate protection for PHL arrivals while minimizing the impact on VFR traffic. The volume and flow of traffic at PHL preclude the development of a corridor like the one through the Los Angeles Class B airspace area. However, VFR flyways under and around the airspace would be developed as part of the proposed Class B modification.

Six commenters suggested changes on the east and south sides of the proposed Class B, including: raise the Class B floor or create a cutout over VAY, N14 and N73; modify the Class B north of the 17N cutout so that the direct route between McGuire VORTAC (GXU) and Cedar Lake VORTAC (VCN) does not

create nose-to-nose VFR traffic at 3,000 feet; and expand the "funnel" between Robbinsville VORTAC (RBV) and VCN between the Class B boundary and Alert Area A-220 to prevent compression of VFR traffic.

The FAA understands that the proposed changes would reduce the amount of airspace available for VFR operations southeast of the PHL Class B. To lessen this impact, the 24-mile ring has been reduced in size as discussed previously. However, because VAY, N14 and N73 all lie within 24 miles of PHL, as well as in the arrival area, and less than 4 miles from the final approach course, it is not possible to create a cutout or raise the proposed Class B floor over those airports without a significant impact on PHL arrivals. PHL ATCT would provide clearance through the Class B airspace to VFR flights whenever possible. In addition, traffic from PNE and TTN that transitions PHL airspace to points in South Jersey represents a large number of the conflicts with arrival traffic to Runways 26 and 27R. As such, the VFR corridor designed, more than 25 years ago, is no longer viable. It is PHL ATCT's expectation that this traffic would contact PHL ATCT for flight-following and/or Class B separation services, thus providing a safer environment for all users of the ATC system. VFR aircraft wishing to transit the portion of Alert Area A-220 that would fall within the proposed Class B airspace would be under the control of ATC and therefore would receive separation services from any military aircraft. Pilots that choose to either circumnavigate the area, or fly at altitudes below the Class B airspace, could operate pretty much as they do today except at slightly lower altitudes. The possibility of developing charted routes through the Class B would be considered as a way to mitigate the potential compression issues identified by the commenters.

One commenter suggested the DME distances should be published to identify the Class B rings.

The distances depicted in this proposal are measured from the PHL Airport Reference Point (ARP) defined as lat. 39°52'20" N., long. 75°14'27" W. The lack of a VOR/DME facility at PHL, upon which to base radials and DME distances, limits the options for describing the airspace. There are six ILSs with DME at PHL. The FAA will explore the possibility of publishing an alternate description using ILS/DME distances on the PHL VFR Terminal Area chart with an explanation of how to use the DME distances as a guide for navigating around the area.

One commenter was concerned that the Tabernacle, NJ practice area would not be usable for certain training maneuvers if it was under Class B airspace.

The smaller proposed 24-mile Class B extension would not completely remove the practice area from under Class B airspace; however, no additional adjustments could be made in that area without impacting PHL arrivals. Users of the practice area should be able to get a Class B clearance when PHL is on an east operation and that airspace is not in use for arrivals.

A number of commenters stated that there are too many Class B floor variations in the proposed design which would be confusing to pilots and it would be difficult to determine the boundaries without GPS navigation equipment on board. Further, this could cause compression underneath the Class B.

Simplicity is a goal of airspace design and it is true that using one altitude for the entire circle would be less complex. However, the proposed 3,000-foot floor on the east and west sides could not be raised to 3,500 feet, as some suggested, without impacting PHL arrivals because this airspace is necessary to contain aircraft descending to land at PHL. Lowering the floor to 3,000 feet all the way around for simplicity would create additional impact on VFR operations by designating Class B airspace where a 3,000-foot floor is not required by ATC. The FAA understands the need of VFR pilots to have access to Class B airspace for safety and efficiency of flight, and plans to make this available on request whenever it can be provided without impacting the safety of other aircraft operating in the airspace.

One commenter proposed that the extensions on the east and west be made part-time so that they would only be active when actually being used for traffic containment.

The suggestion for part-time Class B segments could potentially decrease the impact on nonparticipating traffic. A similar concept has been successfully applied to military special use airspace areas. However, further study of various issues is required to determine whether the concept is operationally feasible and could be safely implemented in a Class B airspace environment. These issues include: procedures for activating/deactivating affected Class B sections and ensuring real-time pilot notification of airspace status changes, response to runway changes or closures and inflight emergencies, aeronautical charting specifications, weather factors, safety; etc.

One commenter contended that the need for lower Class B floors could be reduced by eliminating the requirement for aircraft to be below the ILS glideslope when being turned on to final approach and by using a two-stage glide slope set at 3 degrees within 8 to 9 miles from the runway and up to 6 degrees at greater distances.

These suggestions would require a revision of instrument flight procedures and the development of new or additional glideslope equipment which may not be technically feasible and/or may involve flight safety issues. As such, they are outside the scope of this airspace proposal.

The Proposal

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to modify the Philadelphia, PA, Class B airspace area. This action (depicted on the attached chart) proposes to modify the lateral and vertical limits of Class B airspace to ensure the containment of large turbine-powered aircraft once they enter the airspace, reduce frequency congestion and controller workload, and enhance safety in the Philadelphia terminal area. The Class B airspace ceiling would remain at 7,000 feet MSL. Mileages are in nautical miles and, unless otherwise noted, are based on a radius from PHL ARP (lat. 39°52'20" N., long. 75°14'27" W.). The proposed modifications of the Philadelphia Class B airspace area, by subarea, are outlined below.

Area A. This area, extending upward from the surface to 7,000 feet MSL, would be expanded from the current 6-mile radius to an 8-mile radius. A cutout would be incorporated in the northeast quadrant of Area A to accommodate helicopter operations as discussed above.

Area B. No changes are proposed to this area, which extends from 300 feet MSL to 7,000 feet MSL.

Area C. This area, which extends from 600 feet MSL to 7,000 feet MSL, would remain largely the same except that its boundaries would be extended outward to meet the proposed 8-mile radius of Area A.

Area D. This area would extend from 1,500 feet to 7,000 feet between the 8-mile and 11-mile rings around PHL, with an extension out to 15-miles to the east of PHL.

Area E. Area E would extend from 2,000 feet MSL to 7,000 feet MSL between the 11-mile and 15-mile rings from PHL with a cutout around 17N. The existing Class B floor in that area is 3,000 feet MSL.

Area F. Area F would consist of two sections between the 15-mile and 20-

mile rings. One section would be located west of PHL and the other to the east of PHL. These sections would extend from 3,000 feet MSL to 7,000 feet MSL. The purpose of Area F would be to contain arrivals to the primary runways at PHL.

Area G. This area would extend from 3,500 feet MSL to 7,000 feet MSL. It would generally lie between the 15-mile and 20-mile rings, excluding the airspace in Areas F and H. The current Class B floor in most of that area is 4,000 feet MSL. Area G would also create new Class B airspace out to 20 miles to the east and south of PHL with a cutout to accommodate operations at 17N.

Area H. This area would consist of two sections, extending from 4,000 feet MSL to 7,000 feet MSL, between the 20-mile and 24-mile rings, to the east and west of PHL. The purpose of this new Class B airspace would be to contain arrivals to the primary runways at PHL.

The geographic latitude/longitude coordinates in this proposal are based on North American Datum 83.

Class B airspace areas are published in paragraph 3000 of FAA Order 7400.9V, dated August 9, 2011 and effective September 15, 2011, which is incorporated by reference in 14 CFR 71.1. The Class B airspace area proposed in this document would be published subsequently in the Order.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. We have determined that there is no new information collection requirement associated with this proposed rule.

Regulatory Evaluation Summary

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 and Executive Order 13563 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements

Act (Pub. L. 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, the Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this proposed rule.

Department of Transportation Order DOT 2100.5 prescribes policies and procedures for simplification, analysis, and review of regulations. If the expected cost impact is so minimal that a proposed or final rule does not warrant a full evaluation, this order permits that a statement to that effect and the basis for it be included in the preamble if a full regulatory evaluation of the cost and benefits is not prepared. Such a determination has been made for this proposed rule. The reasoning for this determination follows:

In conducting these analyses, the FAA has determined that this proposed rule:

- (1) Imposes minimal incremental costs and provides benefits,
- (2) Is not an economically “significant regulatory action” as defined in section 3(f) of Executive Order 12866,
- (3) Is not significant as defined in DOT's Regulatory Policies and Procedures;
- (4) Would not have a significant economic impact on a substantial number of small entities;
- (5) Would not have a significant effect on international trade; and
- (6) Would not impose an unfunded mandate on state, local, or tribal governments, or on the private sector by exceeding the monetary threshold identified.

These analyses are summarized below.

The Proposed Action

This action proposes to modify the Philadelphia, PA, Class B airspace area to ensure the containment of large turbine-powered aircraft within Class B airspace, reduce controller workload, and reduce the potential for midair collision in the Philadelphia terminal area.

Benefits of the Proposed Action

The benefits of this action are that it would enhance safety, improve the flow of air traffic, and reduce the potential for midair collisions in the PHL terminal area. In addition this action would support the FAA's national airspace redesign goal of optimizing terminal and enroute airspace areas to reduce aircraft delays and improve system capacity.

Costs of the Proposed Action

Possible costs of this proposal would include the costs of general aviation aircraft that might have to fly further if this proposal were adopted. However, the FAA believes that any such costs would be minimal because the FAA designed the proposal to minimize the effect on aviation users who would not fly in the Class B airspace. In addition the FAA held a series of meetings to solicit comments from people who thought that they might be affected by the proposal. Wherever possible the FAA included the comments from these meetings in the proposal.

Expected Outcome of the Proposal

The expected outcome of the proposal would be a minimal impact with positive net benefits and a regulatory evaluation was not prepared. The FAA requests comments with supporting justification about the FAA determination of minimal impact.

Initial Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) (RFA) establishes “as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the business, organizations, and governmental jurisdictions subject to regulation.” To achieve that principle, the RFA requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the Act.

However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small

entities, section 605(b) of the 1980 RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

The proposal is expected to improve safety by redefining Class B airspace boundaries and is expected to impose only minimal costs. The expected outcome would be a minimal economic impact on small entities affected by this rulemaking action.

Therefore, the FAA certifies that this proposed rule, if promulgated, would not have a significant economic impact on a substantial number of small entities. The FAA requests comments on this determination. Specifically, the FAA requests comments on whether the proposal creates any specific compliance costs unique to small entities. Please provide detailed economic analysis to support any cost claims. The FAA also invites comments regarding other small entity concerns with respect to the proposal.

International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

The FAA has assessed the potential effect of this proposed rule and determined that it would have no effect on international trade.

Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of \$100 million or more (adjusted annually for inflation) in any 1 year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is

deemed to be a “significant regulatory action.” The FAA currently uses an inflation-adjusted value of \$143.1 million in lieu of \$100 million. This proposal does not contain such a mandate; therefore the requirements of Title II do not apply.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9V, Airspace Designations and Reporting Points, dated August 9, 2011, and effective September 15, 2011, is amended as follows:

Paragraph 3000 Subpart B—Class B airspace.

* * * * *

AEA PA B Philadelphia, PA [Revised]

Philadelphia International Airport, PA
(Primary Airport)
(Lat. 39°52′20″ N., long. 75°14′27″ W.)
Northeast Philadelphia Airport, PA
(Lat. 40°04′55″ N., long. 75°00′38″ W.)
Cross Keys Airport, NJ
(Lat. 39°42′20″ N., long. 75°01′59″ W.)

Boundaries

Area A. That airspace extending upward from the surface to and including 7,000 feet MSL within an 8-mile radius of the Philadelphia International Airport (PHL),

excluding that airspace bounded by a line beginning at the intersection of the PHL 8-mile radius and the 002° bearing from PHL, thence direct to lat. 39°56′14″ N., long. 75°12′11″ W., thence direct to lat. 39°55′40″ N., long. 75°08′31″ W., thence direct to the intersection of the PHL 8-mile radius and the 061° bearing from PHL, and that airspace within and underlying Areas B and C hereinafter described.

Area B. That airspace extending upward from 300 feet MSL to and including 7,000 feet MSL, beginning at the east tip of Tinicum Island, thence along the south shore of Tinicum Island to the westernmost point, thence direct to the outlet of Darby Creek at the north shore of the Delaware River, thence along the north shore of the river to Chester Creek, thence direct to Thompson Point, thence along the south shore of the Delaware River to Bramell Point, thence direct to the point of beginning.

Area C. That airspace extending upward from 600 feet MSL to and including 7,000 feet MSL, beginning at Bramell Point, thence along the south shore of the Delaware River to Thompson Point, thence direct to the outlet of Chester Creek at the Delaware River, thence along the north shore of the Delaware River to the 8-mile radius of PHL, thence counterclockwise along the 8-mile radius to the 180° bearing from PHL, thence direct to Bramell Point.

Area D. That airspace extending upward from 1,500 feet MSL to and including 7,000 feet MSL within an 11-mile radius of PHL; and that airspace within 7.5 miles north and south of the Runway 27R localizer course extending from the 11-mile radius to the 15-mile radius east of PHL; excluding that airspace within a 5.8-mile radius of North Philadelphia Airport (PNE), and Areas A, B, and C.

Area E. That airspace extending upward from 2,000 feet MSL to and including 7,000 feet MSL within a 15-mile radius of PHL, excluding that airspace within a 5.8-mile radius of PNE, and that airspace bounded by a line beginning at the intersection of the PHL 15-mile radius and the 141° bearing from PHL, thence direct to the intersection of the Cross Keys Airport (17N) 1.5-mile radius and the 212° bearing from 17N, thence clockwise via the 1.5-mile radius of 17N to the 257° bearing from 17N, thence direct to the intersection of the 17N 1.5-mile radius and the 341° bearing from 17N, thence clockwise via the 1.5-mile radius of 17N to

the 011° bearing from 17N, thence direct to the intersection of the PHL 15-mile radius and the 127° bearing from PHL, and Areas A, B, C, and D.

Area F. That airspace extending upward from 3,000 feet MSL to and including 7,000 feet MSL within 7.5 miles north and south of the Runway 9R localizer course extending from the 15-mile radius west of PHL to the 20-mile radius west of PHL; and within 7.5 miles north and south of the Runway 27R localizer course extending from the 8-mile radius east of PHL to the 20-mile radius east of PHL, excluding Area D.

Area G. That airspace extending upward from 3,500 feet MSL to and including 7,000 feet MSL within a 20-mile radius of PHL, excluding that airspace south of a line beginning at the intersection of the PHL 20-mile radius and the 158° bearing from PHL, thence direct to the intersection of the PHL 20-mile radius and the 136° bearing from PHL, and that airspace bounded by a line beginning at the intersection of the PHL 20-mile radius and the 136° bearing from PHL, thence direct to the intersection of the PHL 15-mile radius and the 141° bearing from PHL, thence direct to the intersection of the Cross Keys Airport (17N) 1.5-mile radius and the 212° bearing from 17N, thence clockwise via the 1.5-mile radius of 17N to the 257° bearing from 17N, thence direct to the intersection of the 17N 1.5-mile radius and the 341° bearing from 17N, thence clockwise via the 1.5-mile radius of 17N to the 011° bearing from 17N, thence direct to the intersection of the PHL 15-mile radius and the 127° bearing from PHL, thence direct to the intersection of the PHL 20-mile radius and the 120° bearing from PHL, and Areas A, B, C, D, E and F.

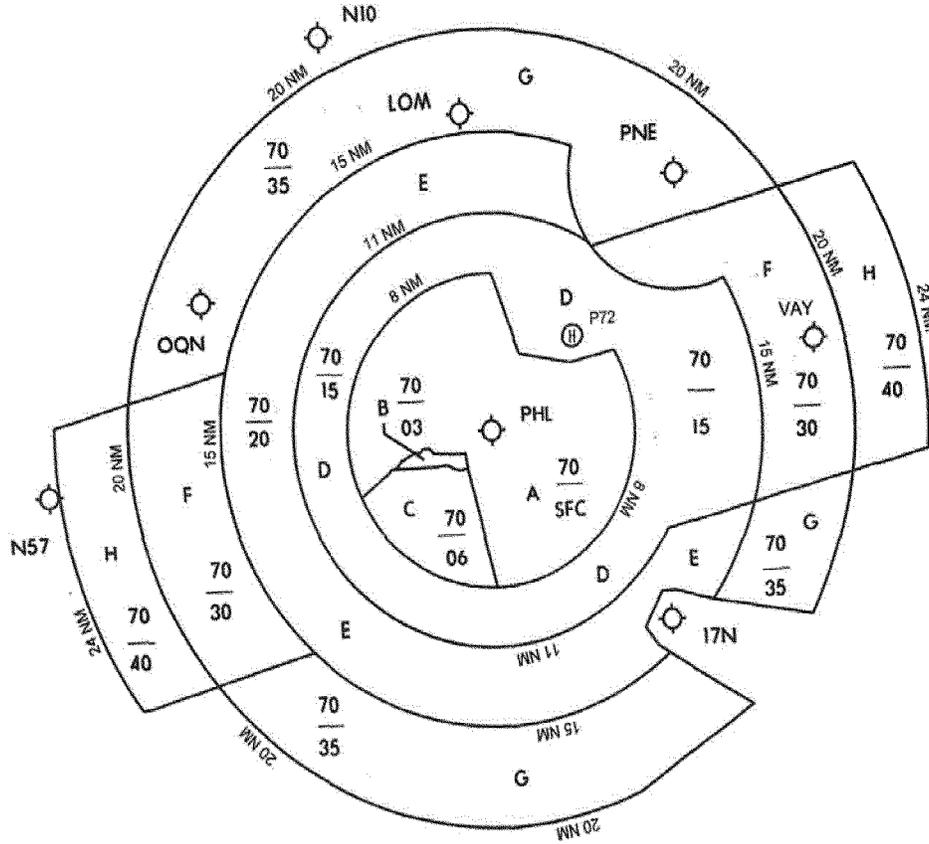
Area H. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL within 7.5 miles north and south of the Runway 9R localizer course extending from the 20-mile radius west of PHL to the 24-mile radius west of PHL; and within 7.5 miles north and south of the Runway 27R localizer course extending from the 20-mile radius east of PHL to the 24-mile radius east of PHL.

Issued in Washington, DC, on July 26, 2012.

Gary A. Norek,

Manager, Airspace Policy and ATC Procedures Group.

PROPOSED MODIFICATION OF THE PHILADELPHIA, PA, CLASS B AIRSPACE AREA (Airspace Docket No. 08-AWA-2)



FOR INFORMATION ONLY
Not for Navigation Purposes

[FR Doc. 2012-18644 Filed 7-30-12; 8:45 am]
BILLING CODE 4910-13-P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1199

[Docket No. CPSC-2012-0040]

Children's Toys and Child Care Articles Containing Phthalates; Proposed Guidance on Inaccessible Component Parts

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed guidance.

SUMMARY: On August 14, 2008, Congress enacted the Consumer Product Safety Improvement Act of 2008 (CPSIA), Public Law 110-314. Section 108 of the CPSIA, as amended by Public Law 112-28, provides that the prohibition on specified products containing phthalates does not apply to any component part of children's toys or child care articles that is not accessible to a child through normal and

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA–2012–0365; Airspace
Docket No. 12–ASO–22]

**Establishment of Class E Airspace;
Arcadia, FL**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E Airspace at Arcadia, FL, to accommodate the new Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures at Arcadia Municipal Airport. This action enhances the safety and airspace management of Instrument Flight Rules (IFR) operations within the National Airspace System.

DATES: Effective 0901 UTC, November 15, 2012. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:**History**

On June 7, 2012, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class E airspace at Oneonta, AL (77 FR 33685) Docket No. FAA–2012–0365. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9V dated August 9, 2011, and effective September 15, 2011, which is incorporated by reference in 14 CFR Part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace extending upward from 700 feet above the surface at Arcadia, FL, to provide the controlled

airspace required to accommodate the new RNAV GPS Standard Instrument Approach Procedures developed for Arcadia Municipal Airport. This action is necessary for the safety and management of IFR operations at the airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore, (1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes controlled airspace at Arcadia Municipal Airport, Arcadia, FL.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, “Environmental Impacts: Policies and Procedures,” paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR Part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9V, Airspace Designations and Reporting Points, dated August 9, 2011, effective September 15, 2011, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ASO FL E5 Arcadia, FL [New]

Arcadia Municipal Airport, FL
(Lat. 27°11’31” N., long. 81°50’14” W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Arcadia Municipal Airport.

Issued in College Park, Georgia, on July 20, 2012.

Barry A. Knight,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2012–18528 Filed 7–30–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA–2011–0386; Airspace
Docket No. 12–AEA–6]

**Establishment of Class E Airspace;
Quakertown, PA**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E Airspace at Quakertown, PA, to accommodate the new Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures at Quakertown Airport. This action enhances the safety and airspace management of Instrument Flight Rules (IFR) operations within the National Airspace System.

DATES: Effective 0901 UTC, September 20, 2012. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-6364.

SUPPLEMENTARY INFORMATION:

History

On May 23, 2012, the FAA published in the **Federal Register** a notice of proposed rulemaking to establish Class E airspace at Quakertown, PA (77 FR 30438) Docket No. FAA-2012-0386. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9V dated August 9, 2011, and effective September 15, 2011, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace extending upward from 700 feet above the surface at Quakertown, PA, to provide the controlled airspace required to accommodate the new RNAV GPS Standard Instrument Approach Procedures developed for Quakertown Airport. This action is necessary for the safety and management of IFR operations at the airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore, (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when

promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes controlled airspace at Quakertown Airport, Quakertown, PA.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures," paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR Part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

- 1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

§ 71.1 [Amended]

- 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9V, Airspace Designations and Reporting Points, dated August 9, 2011, effective September 15, 2011, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AEA PA E5 Quakertown, PA [New]

Quakertown Airport, PA
(Lat. 40°26'07" N., long. 75°22'55" W.)

That airspace extending upward from 700 feet above the surface within an 8.3-mile radius of Quakertown Airport, and within 5.4 miles each side of the 099° bearing from the airport, extending from the 8.3-mile radius to 11.1-miles east of the airport.

Issued in College Park, Georgia, on July 20, 2012.

Barry A. Knight,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2012-18542 Filed 7-30-12; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2011-0249; Airspace Docket No. 12-ASO-16]

Establishment of Class E Airspace; Apopka, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E Airspace at Apopka, FL, to accommodate the new Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures at Orlando Apopka Airport. This action enhances the safety and airspace management of Instrument Flight Rules (IFR) operations within the National Airspace System.

DATES: Effective 0901 UTC, September 20, 2012. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P. O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-6364.

SUPPLEMENTARY INFORMATION:

History

On May 23, 2012, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class E airspace at Apopka, FL

* * * * *

Dated: August 8, 2012.

Karen G. Mills,*Administrator.*

[FR Doc. 2012-19973 Filed 8-17-12; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 97****[Docket No. 30855; Amdt. No. 3490]****Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

SUMMARY: This rule establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective August 20, 2012. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 20, 2012.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

Availability—All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit <http://www.nfdc.faa.gov> to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT:

Richard A. Dunham III, Flight Procedure Standards Branch (AFS-420), Flight Technologies and Programs Divisions, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) Telephone: (405) 954-4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or revoking SIAPs, Takeoff Minimums and/or ODPS. The complete regulators description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The applicable FAA Forms are FAA Forms 8260-3, 8260-4, 8260-5, 8260-15A, and 8260-15B when required by an entry on 8260-15A.

The large number of SIAPs, Takeoff Minimums and ODPs, in addition to their complex nature and the need for a special format make publication in the **Federal Register** expensive and impractical. Furthermore, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their depiction on charts printed by publishers of aeronautical materials. The advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA forms is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs and the effective dates of the associated Takeoff Minimums and ODPs. This amendment also identifies the airport

and its location, the procedure, and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as contained in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPS, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPS contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedures before adopting these SIAPs, Takeoff Minimums and ODPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC, on August 3, 2012.

Ray Towles,

Deputy Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures and/or Takeoff Minimums and/or Obstacle Departure Procedures effective at 0902 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 20 September 2012

Reform, AL, North Pickens, RNAV (GPS) RWY 1, Orig
 Reform, AL, North Pickens, RNAV (GPS) RWY 19, Amdt 1
 Lake Havasu City, AZ, Lake Havasu City, RNAV (GPS) RWY 14, Orig
 Ontario, CA, Ontario Intl, ILS OR LOC RWY 8L, Amdt 9
 Sacramento, CA, Sacramento Intl, RNAV (GPS) Y RWY 34L, Amdt 1A
 Sacramento, CA, Sacramento Intl, RNAV (GPS) Y RWY 34R, Orig-D
 Sacramento, CA, Sacramento Intl, RNAV (RNP) Z RWY 16R, Orig
 San Francisco, CA, San Francisco Intl, RNAV (GPS) RWY 28L, Amdt 2
 San Francisco, CA, San Francisco Intl, RNAV (GPS) X RWY 10R, Orig-B, CANCELED
 San Francisco, CA, San Francisco Intl, RNAV (GPS) Y RWY 10R, Amdt 1
 San Francisco, CA, San Francisco Intl, RNAV (RNP) Z RWY 10R, Amdt 1
 San Francisco, CA, San Francisco Intl, Takeoff Minimums and Obstacle DP, Amdt 8
 San Jose, CA, Norman Y. Mineta San Jose Intl, ILS OR LOC/DME RWY 30L, ILS RWY 30L (SA CAT I), Amdt 22B
 Watsonville, CA, Watsonville Muni, WATSONVILLE TWO Graphic DP
 Aspen, CO, Aspen-Pitkin CO/Sardy Field, LOC/DME-E, Amdt 1B
 Aspen, CO, Aspen-Pitkin CO/Sardy Field, RNAV (GPS)-F, Orig
 Aspen, CO, Aspen-Pitkin CO/Sardy Field, VOR/DME-C, Amdt 5
 Meeker, CO, Meeker, RNAV (GPS) RWY 3, Amdt 3

Pueblo, CO, Pueblo Memorial, ILS OR LOC/DME RWY 8L, Amdt 23
 Pueblo, CO, Pueblo Memorial, ILS OR LOC/DME RWY 26R, Amdt 14
 Pueblo, CO, Pueblo Memorial, VOR/DME RWY 26R, Amdt 28
 Quincy, FL, Quincy Muni, RNAV (GPS) RWY 14, Orig, CANCELED
 Quincy, FL, Quincy Muni, RNAV (GPS) RWY 32, Orig, CANCELED
 Vero Beach, FL, Vero Beach Muni, RNAV (GPS) RWY 4, Amdt 1
 Vero Beach, FL, Vero Beach Muni, RNAV (GPS) RWY 11R, Amdt 2
 Vero Beach, FL, Vero Beach Muni, RNAV (GPS) RWY 22, Amdt 1
 Vero Beach, FL, Vero Beach Muni, RNAV (GPS) RWY 29L, Amdt 2
 Indianapolis, IN, Indianapolis Rgnl, Takeoff Minimums and Obstacle DP, Amdt 3
 Wheaton, MN, Wheaton Muni, NDB OR GPS RWY 34, Amdt 1A, CANCELED
 Wheaton, MN, Wheaton Muni, RNAV (GPS) RWY 16, Orig
 Wheaton, MN, Wheaton Muni, RNAV (GPS) RWY 34, Orig
 Lewistown, MT, Lewistown Muni, RNAV (GPS) RWY 26, Orig
 Roundup, MT, Roundup, RNAV (GPS) RWY 7, Orig
 Roundup, MT, Roundup, RNAV (GPS) RWY 25, Orig
 Roundup, MT, Roundup, Takeoff Minimums and Obstacle DP, Orig
 Wolf Point, MT, L M Clayton, NDB RWY 29, Amdt 4
 Wolf Point, MT, L M Clayton, RNAV (GPS) RWY 11, Amdt 1
 Wolf Point, MT, L M Clayton, RNAV (GPS) RWY 29, Amdt 1
 Kearney, NE., Kearney Rgnl, VOR RWY 13, Amdt 2A
 Middletown, NY, Randall, NDB RWY 26, Amdt 1A, CANCELED
 Middletown, NY, Randall, RNAV (GPS) RWY 8, Amdt 1
 Middletown, NY, Randall, RNAV (GPS) RWY 26, Amdt 1
 Middletown, NY, Randall, Takeoff Minimums and Obstacle DP, Amdt 3
 Middletown, NY, Randall, VOR RWY 8, Amdt 7
 Millbrook, NY, Sky Acres, RNAV (GPS) RWY 17, Amdt 2
 Saranac Lake, NY, Adirondack Rgnl, ILS OR LOC/DME Z RWY 23, Amdt 9
 Saranac Lake, NY, Adirondack Rgnl, LOC Y RWY 23, Orig
 Saranac Lake, NY, Adirondack Rgnl, RNAV (GPS) RWY 5, Amdt 1
 Saranac Lake, NY, Adirondack Rgnl, RNAV (GPS) RWY 9, Orig
 Saranac Lake, NY, Adirondack Rgnl, RNAV (GPS) RWY 23, Orig
 Saranac Lake, NY, Adirondack Rgnl, Takeoff Minimums and Obstacle DP, Amdt 7
 Saranac Lake, NY, Adirondack Rgnl, VOR RWY 9, Amdt 2
 Saranac Lake, NY, Adirondack Rgnl, VOR/DME RWY 5, Amdt 4
 Dayton, OH, Greene County-Lewis A. Jackson Rgnl, VOR RWY 7, Orig
 Dayton, OH, Greene County-Lewis A. Jackson Rgnl, VOR RWY 25, Orig
 Dayton, OH, Greene County-Lewis A. Jackson Rgnl, VOR-A, Orig, CANCELED

Lebanon, OH, Lebanon-Warren County, RNAV (GPS) RWY 1, Amdt 1
 Lebanon, OH, Lebanon-Warren County, RNAV (GPS) RWY 19, Amdt 2
 Lebanon, OH, Lebanon-Warren County, Takeoff Minimums and Obstacle DP, Amdt 1
 Middletown, OH, Middletown Regional/Hook Field, NDB RWY 23, Amdt 9
 Middletown, OH, Middletown Regional/Hook Field, NDB-A, Amdt 3
 Middletown, OH, Middletown Regional/Hook Field, RNAV (GPS) RWY 5, Orig
 Middletown, OH, Middletown Regional/Hook Field, RNAV (GPS) RWY 23, Orig
 Middletown, OH, Middletown Regional/Hook Field, Takeoff Minimums and Obstacle DP, Amdt 2
 Oklahoma City, OK, Will Rogers World, Takeoff Minimums and Obstacle DP, Amdt 1
 Portland, OR, Portland Intl, ILS OR LOC RWY 10L, Amdt 4
 Portland, OR, Portland Intl, ILS OR LOC RWY 10R, ILS RWY 10R (CAT II), ILS RWY 10R (CAT III), ILS RWY 10R (SA CAT I), Amdt 34B
 Portland, OR, Portland Intl, ILS OR LOC RWY 28L, Amdt 3
 Portland, OR, Portland Intl, ILS OR LOC RWY 28R, Amdt 15
 Portland, OR, Portland Intl, RNAV (GPS) X RWY 28L, Amdt 2
 Portland, OR, Portland Intl, RNAV (GPS) X RWY 28R, Amdt 2
 Portland, OR, Portland Intl, RNAV (GPS) Y RWY 10L, Amdt 2
 Portland, OR, Portland Intl, RNAV (GPS) Y RWY 10R, Amdt 2
 Portland, OR, Portland Intl, RNAV (RNP) Y RWY 28L, Orig
 Portland, OR, Portland Intl, RNAV (RNP) Y RWY 28R, Orig
 Portland, OR, Portland Intl, RNAV (RNP) Z RWY 10L, Orig
 Portland, OR, Portland Intl, RNAV (RNP) Z RWY 10R, Orig
 Portland, OR, Portland Intl, RNAV (RNP) Z RWY 28L, Orig
 Portland, OR, Portland Intl, RNAV (RNP) Z RWY 28R, Orig
 Portland, OR, Portland Intl, Takeoff Minimums and Obstacle DP, Amdt 8
 East Stroudsburg, PA, Stroudsburg-Pocono, RNAV (GPS) RWY 8, Orig
 East Stroudsburg, PA, Stroudsburg-Pocono, VOR/DME-A, Amdt 6
 Johnstown, PA, John Murtha Johnstown-Cambria Co, ILS OR LOC/DME RWY 33, Amdt 7
 Johnstown, PA, John Murtha Johnstown-Cambria Co, RNAV (GPS) RWY 5, Amdt 2
 Johnstown, PA, John Murtha Johnstown-Cambria Co, RNAV (GPS) RWY 23, Amdt 2
 Philadelphia, PA, Philadelphia Intl, ILS PRM RWY 26 (SIMULTANEOUS CLOSE PARALLEL), Amdt 4, CANCELED
 Philadelphia, PA, Philadelphia Intl, ILS PRM RWY 27L (SIMULTANEOUS CLOSE PARALLEL), Amdt 3, CANCELED
 Pittsburgh, PA, Allegheny County, ILS OR LOC RWY 10, Amdt 6
 Pittsburgh, PA, Allegheny County, ILS OR LOC RWY 28, Amdt 29
 Pittsburgh, PA, Allegheny County, RNAV (GPS) RWY 10, Amdt 4

Dallas, TX, Collin County Rgnl at Mc Kinney, ILS OR LOC RWY 18, Amdt 4

Gainesville, TX, Gainesville Muni, NDB RWY 17, Amdt 9A, CANCELED

Liberty, TX, Liberty Muni, RNAV (GPS) RWY 16, Amdt 2

Midland, TX, Midland Intl, ILS OR LOC RWY 10, Amdt 15

Midland, TX, Midland Intl, LOC BC RWY 28 Amdt 13

Midland, TX, Midland Intl, RADAR-1, Amdt 6

Midland, TX, Midland Intl, RNAV (GPS) RWY 4, Amdt 1

Midland, TX, Midland Intl, RNAV (GPS) RWY 10, Amdt 2

Midland, TX, Midland Intl, RNAV (GPS) RWY 16R, Amdt 1

Midland, TX, Midland Intl, RNAV (GPS) RWY 22, Amdt 1

Midland, TX, Midland Intl, RNAV (GPS) RWY 28, Amdt 2

Midland, TX, Midland Intl, RNAV (GPS) RWY 34L, Amdt 1

Midland, TX, Midland Intl, Takeoff Minimums and Obstacle DP, Amdt 1

Midland, TX, Midland Intl, VOR/DME OR TACAN RWY 34L, Amdt 10

Midland, TX, Midland Intl, VOR OR TACAN RWY 16R, Amdt 23

Tyler, TX, Tyler Pounds Rgnl, ILS OR LOC RWY 13, Amdt 21

Tyler, TX, Tyler Pounds Rgnl, RNAV (GPS) RWY 4, Amdt 2

Tyler, TX, Tyler Pounds Rgnl, RNAV (GPS) RWY 13, Amdt 2

Tyler, TX, Tyler Pounds Rgnl, RNAV (GPS) RWY 22 Amdt 2

Tyler, TX, Tyler Pounds Rgnl, RNAV (GPS) RWY 31, Amdt 2

Tyler, TX, Tyler Pounds Rgnl, Takeoff Minimums and Obstacle DP, Amdt 1

Tyler, TX, Tyler Pounds Rgnl, VOR RWY 31, Amdt 2

Tyler, TX, Tyler Pounds Rgnl, VOR/DME RWY 4, Amdt 4

Tyler, TX, Tyler Pounds Rgnl, VOR/DME RWY 22, Amdt 4

Rutland, VT, Rutland-Southern Vermont Rgnl, ILS OR LOC/DME Y RWY 19, Orig

Rutland, VT, Rutland-Southern Vermont Rgnl, ILS OR LOC/DME Z RWY 19, Orig

Rutland, VT, Rutland-Southern Vermont Rgnl, LOC Y RWY 19, Amdt 3A, CANCELED

Rutland, VT, Rutland-Southern Vermont Rgnl, LOC Z RWY 19, Amdt 1D, CANCELED

Rutland, VT, Rutland-Southern Vermont Rgnl, RNAV (GPS) Y RWY 19, Amdt 2

Rutland, VT, Rutland-Southern Vermont Rgnl, RNAV (GPS) Z RWY 19, Orig

Rutland, VT, Rutland-Southern Vermont Rgnl, Takeoff Minimums and Obstacle DP, Amdt 4

Vancouver, WA, Pearson Field, Takeoff Minimums and Obstacle DP, Amdt 3

Spencer, WV, Boggs Field, RNAV (GPS) RWY 10, AMDT 1

Spencer, WV, Boggs Field, RNAV (GPS) RWY 28, AMDT 1

Spencer, WV, Boggs Field, Takeoff Minimums and Obstacle DP, Amdt 1

RESCINDED: On July 20, 2012 (77 FR 42627), the FAA published an Amendment in Docket No. 30851, Amdt

No. 3486 to Part 97 of the Federal Aviation Regulations under section 97.33. The following 6 entries for Monticello, NY, effective 23 August, 2012, are hereby rescinded in their entirety:

Monticello, NY, Sullivan County Intl, ILS OR LOC RWY 15, Amdt 6

Monticello, NY, Sullivan County Intl, NDB RWY 15, Amdt 7, CANCELED

Monticello, NY, Sullivan County Intl, RNAV (GPS) RWY 15, Amdt 1

Monticello, NY, Sullivan County Intl, RNAV (GPS) RWY 33, Amdt 2

Monticello, NY, Sullivan County Intl, Takeoff Minimums and Obstacle DP, Amdt 1

Monticello, NY, Sullivan County Intl, VOR/DME RWY 33, Amdt 4

RESCINDED: On July 20, 2012 (77 FR 42627), the FAA published an Amendment in Docket No. 30851, Amdt No. 3486 to Part 97 of the Federal Aviation Regulations under section 97.33. The following 4 entries for Rifle, CO, and 1 entry for Plymouth, MA, effective 20 September, 2012, are hereby rescinded in their entirety:

Rifle, CO, Garfield County Rgnl, ILS RWY 26, Amdt 3

Rifle, CO, Garfield County Rgnl, LOC/DME-A, Amdt 9

Rifle, CO, Garfield County Rgnl, Takeoff Minimums and Obstacle DP, Amdt 10

Rifle, CO, Garfield County Rgnl, VOR/DME-C, Amdt 3

Plymouth, MA, Plymouth Muni, ILS OR LOC/DME RWY 6, Amdt 1B

[FR Doc. 2012-19863 Filed 8-17-12; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30856; Amdt. No. 3491]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic

requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective August 20, 2012. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of August 20, 2012.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located;
3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169; or
4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

*Availability—*All SIAPs are available online free of charge. Visit nfdc.faa.gov to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Richard A. Dunham III, Flight Procedure Standards Branch (AFS-420) Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954-4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Government/Industry Aeronautical Charting Forum Meeting**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces the bi-annual meeting of the Federal Aviation Administration (FAA) Aeronautical Charting Forum (ACF) to discuss informational content and design of aeronautical charts and related products, as well as instrument flight procedures development policy and design criteria.

DATES: The ACF is separated into two distinct groups. The Instrument Procedures Group (IPG) will meet October 23, 2012 from 8:30 a.m. to 5:00 p.m. The Charting Group will meet October 24 and 25, 2012 from 8:30 a.m. to 5:00 p.m.

ADDRESSES: The meeting will be hosted by Air Line Pilots Association at 535 Herndon Parkway, Herndon, VA 20192.

FOR FURTHER INFORMATION CONTACT: For information relating to the Instrument Procedures Group, contact Thomas E. Schneider, FAA, Flight Procedures Standards Branch, AFS-420, 6500 South MacArthur Blvd., P.O. Box 25082, Oklahoma City, OK 73125; telephone (405) 954-5852; fax: (405) 954-2528; Email: thomas.e.schneider@faa.gov.

For information relating to the Charting Group, contact Valerie S. Watson, FAA, National Aeronautical Navigation Products (AeroNav Products), Quality Assurance & Regulatory Support, AJV-3B, 1305 East-West Highway, SSMC4, Station 4640, Silver Spring, MD 20910; telephone: (301) 427-5155; fax: (301) 427-5412; Email: valerie.s.watson@faa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to § 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. II), notice is hereby given of a meeting of the FAA Aeronautical Charting Forum to be held from October 23 through October 25, 2012, from 8:30 a.m. to 5:00 p.m. at the Air Line Pilots Association, at their offices at 535 Herndon Parkway, Herndon, VA 20192.

The Instrument Procedures Group agenda will include briefings and discussions on recommendations regarding pilot procedures for instrument flight, as well as criteria, design, and developmental policy for instrument approach and departure procedures. The Charting Group agenda will include briefings and discussions on recommendations regarding

aeronautical charting specifications, flight information products, and new aeronautical charting and air traffic control initiatives. Attendance is open to the interested public, but will be limited to the space available.

The public must make arrangements by October 5, 2012, to present oral statements at the meeting. The public may present written statements and/or new agenda items to the committee by providing a copy to the person listed in the **FOR FURTHER INFORMATION CONTACT** section not later than October 5, 2012. Public statements will only be considered if time permits.

Issued in Washington DC, on August 14, 2012.

Valerie S. Watson,

Co-Chair, Aeronautical Charting Forum.

[FR Doc. 2012-20488 Filed 8-21-12; 8:45 am]

BILLING CODE M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Noise Exposure Map Notice, Orlando Sanford International Airport, Sanford, FL**

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the Noise Exposure Maps submitted by the Sanford Airport Authority for Orlando Sanford International Airport under the provisions of 49 U.S.C. 47501 *et seq.* (Aviation Safety and Noise Abatement Act) and 14 CFR Part 150 are in compliance with applicable requirements.

DATES: *Effective Date:* The effective date of the FAA's determination on the noise exposure maps is August 16, 2012.

FOR FURTHER INFORMATION CONTACT: Allan Nagy, Federal Aviation Administration, Orlando Airports District Office, 5950 Hazeltine National Drive, Citadel International Building, Suite 400, Orlando, FL 32822, 407-812-6331.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the Noise Exposure Maps submitted for Orlando Sanford International Airport are in compliance with applicable requirements of Title 14 Code of Federal Regulations (CFR) Part 150, effective August 16, 2012. Under 49 U.S.C. section 47503 of the Aviation Safety and Noise Abatement Act (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 14 CFR Part 150, promulgated pursuant to the Act, may submit a Noise Compatibility Program for FAA approval which sets forth the measures the airport operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has completed its review of the Noise Exposure Maps and accompanying documentation submitted by Sanford Airport Authority. The documentation that constitutes the "Noise Exposure Maps" as defined in Section 150.7 of 14 CFR part 150 includes: Table 1: 2009 and 2016 Annual Operations; Table 2: 2009 Domestic and International Air Carrier Fleet Mix; Table 3: 2016 Domestic and International Air Carrier Fleet Mix; Table 4: 2009 Air Taxi Operations and Fleet Mix; Table 5: 2016 Air Taxi Operations and Fleet Mix; Table 6: 2009 Local and Itinerant General Aviation Operations; Table 7: 2016 Local and Itinerant General Aviation Operations; Table 8: 2009 General Aviation Operations and Fleet Mix; Table 9: 2016 General Aviation Operations and Fleet Mix; Table 10: 2009 and 2016 Domestic and International Air Carrier Stage Length Percentages; Table 11: 2009 Itinerant Runway Use Percentages; Table 12: 2016 Itinerant Runway Use Percentages; Table 13: 2009 and 2016 Local Runway Use Percentages; Figure 1: East Flow Flight Tracks; Figure 2: West Flow Flight Tracks; Figure 3: Local Flight Tracks; Figure 4: Existing Land Use; Figure 5: 2011 NEM Contours; Figure 6: 2016 NEM Contours; Figure 7: Future Land Use; Appendix I: Airport Facilities and Airspace; Appendix II: FAA Forecast Approval Letter; Appendix III: Airport Sponsors Noise Exposure Map Certification (including Table 1); Appendix V: FAA AEE Approval of Non-Standard INM Substitute Aircraft. The FAA has determined that these Noise Exposure Maps and accompanying documentation are in compliance with applicable

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9V, Airspace Designations and Reporting Points, dated August 9, 2011, and effective September 15, 2011 is amended as follows:

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

ANM WA E2 Pullman, WA [Modified]

Pullman/Moscow Regional Airport, WA
(Lat. 46°44'38" N., long. 117°06'35" W.)

Within a 4-mile radius of Pullman/Moscow Regional Airport, and within 1.7 miles each side of the Pullman/Moscow Regional Airport 046° bearing extending from the 4-mile radius to 8 miles northeast of the airport, and within 1.7 miles each side of the Pullman/Moscow Regional Airport 227° bearing extending from the 4-mile radius to 6 miles southwest of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ANM WA E5 Pullman, WA [Modified]

Pullman/Moscow Regional Airport, WA
(Lat. 46°44'38" N., long. 117°06'35" W.)

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Pullman/Moscow Regional Airport, and within 1.7 miles each side of the Pullman/Moscow Regional Airport 229° bearing extending from the 10-mile radius to

13 miles southwest of the airport, and that airspace bounded by a line beginning at the intersection of the 10-mile radius of the airport and the Pullman/Moscow Regional Airport 307° bearing to the intersection of the of the 23-mile radius of the airport and the Pullman/Moscow Regional Airport 328° bearing extending clockwise within a 23-mile radius of the Pullman/Moscow Regional Airport; thence to the intersection of the 23-mile radius of the airport and the Pullman/Moscow Regional Airport 064° bearing of the airport to the intersection of the 10-mile radius of the airport and the Pullman/Moscow Regional Airport 066° bearing of the airport; thence to the point of origin. That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 46°46'00" N., long. 117°51'00" W.; to lat. 47°06'00" N., long. 117°29'00" W.; to lat. 47°10'00" N., long. 117°13'00" W.; to lat. 47°07'00" N., long. 116°50'00" W.; to lat. 46°57'00" N., long. 116°28'00" W.; to lat. 46°38'00" N., long. 116°41'00" W.; to lat. 46°31'00" N., long. 116°23'00" W.; to lat. 46°12'00" N., long. 116°25'00" W.; to lat. 46°19'00" N., long. 116°57'00" W.; to lat. 46°24'00" N., long. 117°30'00" W.; thence to the point of origin.

Issued in Seattle, Washington, on August 14, 2012.

John Warner,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2012–20543 Filed 8–20–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 91, 97, 121, 125, 129, and 135

[Docket No. FAA–2011–1082]

Proposed Provision of Navigation Services for the Next Generation Air Transportation System (NextGen) Transition to Performance-Based Navigation (PBN); Disposition of Comments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed policy; disposition of comments.

SUMMARY: On December 15, 2011, the FAA published a **Federal Register** Notice (76 FR 77939) requesting comments on the FAA's plans for providing PBN services, and particularly the transition from the current Very High Frequency Omnidirectional Ranges (VOR) and other legacy navigation aids (NAVAIDS) to Area Navigation (RNAV)-based airspace and procedures. This action responds to the public comments the FAA received.

ADDRESSES: You may review the public docket for this notice (Docket No. FAA–2011–1082) at the Docket Management Facility at DOT Headquarters in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC 20590–0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also review the public docket on the Internet at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Mr. Greg Joyner, AJM–324, Program Management Organization, Navigation Program Engineering, Federal Aviation Administration, 800 Independence Avenue SW., Washington DC 20591; telephone 202–493–5721.

SUPPLEMENTARY INFORMATION:

Summary of the December 15, 2011 FRN

The FAA sought comments on the proposed transition of the U.S. National Airspace System (NAS) navigation infrastructure to enable PBN as part of the NextGen. The FAA plans to transition from defining airways, routes and procedures using VOR and other legacy NAVAIDS, to a NAS based on RNAV everywhere and Required Navigation Performance (RNP) where beneficial. RNAV and RNP capabilities will primarily be enabled by the Global Positioning System (GPS) and the Wide Area Augmentation System (WAAS). The FAA plans to retain an optimized network of Distance Measuring Equipment (DME) facilities and a Minimum Operational Network (MON) of VOR facilities to ensure safety and support continued operations in high and low altitude en route airspace over the Conterminous United States (CONUS) and in terminal airspace at the Core 30 airports. The FAA is also conducting research on non-GPS based Alternate Positioning, Navigation and Timing (APNT) solutions that would enable further reduction of VORs below that of the MON.

In addition, the FAA plans to satisfy any new requirements for Category I (CAT I) instrument landing operations with WAAS Localizer Performance with Vertical guidance (LPV) procedures. A network of existing Instrument Landing Systems (ILSs) will be sustained to provide alternative approach and landing capabilities to support continued recovery and dispatch of aircraft during GPS outages.

This transition is consistent with the FAA's NextGen Implementation Plan (NGIP), NAS Enterprise Architecture (NASEA), and other documentation. More information is available on the

FAA's NextGen Web site at <http://www.faa.gov/nextgen> and the NASEA Web site at <https://nasea.faa.gov>.

Discussion of Comments Received

Summary

The FAA received 330 comments on the FRN. Commenters include aircraft manufacturers, airline operators, individuals, and associations representing users, airports and several federal, state and local government organizations. Most comments were supportive of the evolution of the NAS to an RNAV based system, but a significant number of commenters were concerned about reliance on GPS and WAAS related to possible impacts of interference or disruption, as well as the requirements and costs of avionics. A number of commenters were concerned about loss of approach services at specific airports in the event of discontinuation of service from specific VOR facilities. A substantial number of the comments (185) received were from individuals concerned about noise and environmental impact in the New York metropolitan area. Some reflected concerns about aircraft emissions and flight paths used by helicopters. These comments have been forwarded to the FAA Eastern Region for action.

Discussion

The FAA has reviewed all the comments received in response to the FRN and plans to proceed with the strategy as outlined in the FRN. The FAA is developing an initial VOR MON Plan, which will be publicly available when it is sufficiently matured. Development of this Plan will harmonize with development of a national Concept of Operations (CONOPS) supporting navigation and positioning in the NAS as it evolves from conventional navigation to PBN. When completed, this CONOPS will also be publicly available.

As part of the coordination process, the FAA plans to develop a schedule showing the requisite activities associated with the discontinuance of VOR services. These activities will include timely notification for individual facilities and airspace and procedure redesign.

Comment #1: Several commenters (International Air Traffic Association (IATA), Boeing Commercial Airplanes, National Association of State Aviation Officials (NASAO), Aircraft Owners and Pilots Association (AOPA), Department of Defense (DoD), and Airlines For America (A4A)) expressed interest in being included in the working group that the FRN indicated would be formed

to complete the details of VOR discontinuance. Some airlines commented that they would like to be consulted on the policy.

FAA Response: The FAA will convene a working group that will engage aviation industry stakeholders and other members of the public for input once the Program has reached a sufficient level of maturity conducive to working group.

Comment #2: NASAO commented that planning the transition to NextGen PBN well in advance would be beneficial to the FAA and the state government aviation agencies.

FAA Response: The FAA's VOR MON plan is proceeding to support transition to NextGen PBN in accordance with the NASEA. The NGIP, FRN and NASEA, all publicly available via FAA Web sites, are integral to the transition of the NAS to PBN operations.

Comment #3: The Nebraska Department of Aviation (DoA) recommended that VORs remain available as a viable means for air navigation while the services to support NextGen PBN be provided for users that can obtain benefits from them during a transition.

FAA Response: The VOR MON will remain in place during the PBN transition.

Comment #4: Nebraska state-owned VORs, similar to the FAA inventory of Second Generation VORs, are maintained by the State, who reports there have been no problems with support cost or availability of parts.

FAA Response: VOR facilities not owned or operated by the FAA are not being considered for discontinuance.

Comment #5: Operators that fly outside the United States desired clarification on the GNSS reference to be used.

FAA Response: The FRN used the terms GPS and WAAS, the specific U.S. implementations of the GNSS and Space Based Augmentation System (SBAS) described in ICAO Annex 10. Other countries have, or are building systems that implement these standards, such as Europe's GNSS (Galileo) and SBAS (European Geostationary Navigation Overlay Service (EGNOS)). Since the U.S. does not make regulatory determinations on navigation systems allowed in other countries, the U.S. cannot authorize use of GPS in other countries. The FAA is responsible for determining which services are adequate for operations in the U.S. NAS, and has, to date, only approved the use of the U.S. GPS and WAAS, and Russia's Globalnaya Navigatsionnaya Sputnikovaya Sistema (GLONASS) on a supplemental basis. The U.S. is working

with other GNSS providers to assure that their signals may be used to improve performance in the U.S. when those signals become available. Plans for navigation services will continue to use specific references (e.g., GPS and WAAS) and policies will be updated as additional constellations are approved for use in the U.S. The ability of avionics to use different GNSS constellations and services depends both on the authorized equipment available for specific aircraft and the type of systems the operators decided with which to equip their aircrafts. It also depends on what avionics manufacturers decide to develop. FAA's plans for navigation services will continue to use the "GPS" and "WAAS" terms so that it is clear that the U.S. is referring to U.S. systems/services for the U.S. NAS. Text describing this reasoning will be included in future documents to help ensure clarity.

Comment #6: Some users stated that they either will not equip with GPS avionics or will not be flying in airspace that requires ADS-B. The Nebraska DoA stated that many pilots and users do not plan to equip aircraft with GPS and that instructors will still require students to learn VOR navigation.

FAA Response: Pilots may continue to use VORs that remain in the MON or fly under Visual Flight Rules (VFR) in non-ADS-B airspace. Instructors will still teach VOR navigation.

Comment #7: Operators and some aircraft and equipment manufacturers stated that they did not intend to equip with WAAS because (1) WAAS service is not provided in many parts of the world outside the United States, and (2) many air carrier aircraft are equipped with avionics that allow at least RNAV, if not some level of RNP, and they do not believe WAAS provides benefits commensurate with the added complexity and cost involved with equipage.

FAA Response: WAAS avionics (Technical Standard Order (TSO)-C145/146) with suitable other avionics, such as Flight Management Systems (FMS) support LPV and Lateral Navigation/Vertical Navigation (LNAV/VNAV) terminal procedures and lower minima instrument approaches that are not available to users equipped with non-augmented GPS (TSO-C129 and C196) avionics. Pilots may continue to use non-augmented GPS or other RNAV capabilities as described in FAA advisory circulars AC 90-100, AC 90-101, AC 90-105, AC 90-107 and other directives.

Comment #8: Federal Express stated that the FRN described implementation of PBN based on GPS and WAAS

backed up by a minimum network of VORs and DMEs, which it stated would require equipage of aircraft with avionics that is not offered by major airline airframe manufacturers.

FAA Response: While the FAA intends to reduce the VOR infrastructure to a MON, it will maintain an optimized DME network to support RNAV operations throughout the NAS. In the NextGen timeframe, an optimized DME network could be used to support APNT.

Comment #9: The DoD was concerned about discontinuation of service from all types of ground based navigation aids. The concept and planning described in the FRN does not contemplate discontinuation of service from all ground based navigation aids. It describes the considerations for determining the discontinuation of service by VOR ground based navigation aids. Where the VOR functionality is collocated with DME or DME and UHF azimuth equipment (which is the Tactical Air Navigation or TACAN), the FRN only addresses the VOR service and not these other services.

FAA Response: The MON described in the FRN is a network of VORs only, and does not include TACAN. Retention of DMEs and the DME function provided via TACAN is desirable because of the large proportion of the air carrier fleet that uses DME/DME or DME/DME/Inertial Reference Unit (IRU) for RNAV. Any national discontinuation of DME or TACAN service is separate from the VOR MON, not a part of this activity, and not contemplated in the near future.

Comment #10: Some organizations (IATA, United Air Lines, FedEx, Honeywell, Thales, and A4A) expressed concern about the future of ILSs and other vertically guided approaches, in particular at 14 CFR Part 139 airports serving air carriers.

FAA Response: The FAA has no current plans to remove ILSs, but most new vertically guided approach requirements using Facilities and Equipment funding will be fulfilled with LPV approaches. ILS can continue to be approved under Airport Improvement Program (AIP) funding. While LPVs will receive increasing emphasis for projects funded under the AIP, the needs of users for ILS equipment will be considered in the determination of the types of approach navigation installed under the AIP. It is envisioned that many air carrier runways at major airports will continue to be supported by ILS (in addition to LPV). Additionally, the FAA plans to continue to develop LNAV/VNAV approaches, which can be flown by

GPS-equipped aircraft with barometric vertical navigation and by WAAS-equipped aircraft to qualified runways used by air carrier aircraft. RNP approaches will be developed where beneficial, and GLS approaches will be developed as appropriate at airports with access to GBAS equipment.

APNT

The FAA's NextGen Alternate PNT (APNT) program ensures that alternate PNT services will be available to support flight operations, maintain safety, minimize economic impacts from GPS outages within the NAS and support air transportation's timing needs. APNT will be an alternative for all users. Avionics equipage is a major consideration. APNT requirements will be met with the optimum use of existing avionics. The current plan is for APNT equipage to be optional.

Comment #11: The airline industry voiced support for an increase in DME to provide additional coverage for DME-DME navigation provided by modern Flight Management Systems (FMS).

FAA Response: The FAA concurs. Current planning is for implementation of the new DME sites beginning in 2014. The FAA goal is to have complete DME-DME coverage enroute at FL 180 and above throughout CONUS and in the terminal area of large airports in the CONUS.

Comment #12: The airline industry was concerned about a statement in the FRN that seemed to indicate that WAAS was required for ADS-B.

FAA Response: WAAS is not required for ADS-B. Other methods of meeting the performance requirements are being investigated. ADS-B implementation in international operations will require use of regionally or globally available services.

Comment #13: IATA stated implementation of any new technology should be driven by coordinated operational requirements of stakeholders. The International Civil Aviation Organization PBN Manual (Document 9613) was cited by IATA in describing the steps that must be followed in implementing PBN, and states the FAA may not have followed the described process. IATA then related the plan described in the FRN to the ADS-B Out regulations at 14 CFR 91.225 and 91.227 and the implied SBAS mandate and provides comments on the implementation and the requirements that it states are very different from European requirements to obtain the same performance with simpler equipage. IATA states they do not support use of any SBAS systems such as WAAS and desires to be

consulted on revision of the VOR MON and alternate positioning, navigation and timing and systems, such as eLORAN, Galileo and others. IATA does not support the use of LPV approaches as a universal solution and requires an adequate number of precision approaches be maintained to provide capacity without GNSS. IATA states GBAS and Baro VNAV approaches should be published to complement LPV approaches at airports used by international carriers. IATA does not want PBN levels to be specified that require augmentation unless they are operationally required.

FAA Response: FAA will engage stakeholders via the working group in implementing the MON. PBN transition strategy is currently being developed within the FAA. The FAA will not mandate WAAS. PBN can be achieved by multiple means, such as DME/DME and ILS. GBAS is currently in the Research & Development phase.

Comment #14: Boeing Commercial Airplanes was concerned about the interpretation text for the operational requirements for two independent systems (reference 14 CFR 121.349, 125.203, 129.17 and 135.165). Specifically, they questioned the statement that the requirements for a second navigation system apply to the entire set of equipment needed to achieve the navigation capability, not just the individual components. They are concerned that this statement could be interpreted as requiring dual independent navigation computers. Additionally, they state that existing, certified multi-sensor navigation systems under AC 20-130A can meet the proposed policy requirements.

FAA Response: The text does not imply the need for dual independent navigation computers. The text instead emphasizes the need for independence of the navigation systems and their components to ensure that there will be no potential single point of failure or event that could cause the loss of the ability to navigate along the intended route or proceed safely to a suitable diversion airport. The interpretation of this requirement as applied to an aircraft approved for multi-sensor navigation and equipped with a single FMS is that the aircraft must maintain an ability to navigate or proceed safely in the event that any one component of the navigation system fails, including the FMS. Retaining an FMS-independent VOR capability would satisfy the requirement, even as the NAS is transitioned to the MON. This interpretation corresponds to the advisory wording in AC 20-130A.

Comment #15: The Maryland Aviation Administration (MAA) expressed concern about current GPS equipage rates.

FAA Response: Though approximately 19 percent of all general aviation aircraft are equipped with aviation-qualified GPS, most aircraft that actually file IFR flight plans are typically equipped with GPS. Specifically, more than 72% of aircraft that filed at least two IFR flight plans in 2011 filed with an equipment code indicating they had IFR GPS receivers on board. Of aircraft that filed more than 100 IFR flight plans in a year the rate was above 97%. While it may be the case that a significant number of aircraft flying VFR are not equipped with GPS, the purpose of the VOR system is to provide navigation for aircraft flying IFR, not VFR. VFR traffic is permitted to use hand-held and non-IFR certified GPS equipment for situational awareness as an aid to navigation and often use pilotage and dead reckoning navigation. While the VORs retained in the MON will support VFR aircraft operations, their purpose is clearly to support those aircraft operating under IFR.

Comment #16: Two commenters (the Nebraska DoA and Thales) were concerned over the impact that a reduction in VORs would have on training and training requirements.

FAA Response: The current training standards for the FAA emphasize VORs as the primary navigation source. The transition to NextGen will require that the FAA shift emphasis from VOR navigation to satellite-based navigation by changing training syllabi and the PTS. However, some emphasis will need to remain on VOR and ILS to ensure that pilots can navigate using these systems in the event of a GPS outage. These considerations will be included in the FAA's plan for discontinuance of VORs. Additionally, transfer of FAA-owned VORs not selected to be in the MON to operation under non-Federal ownership for training may be considered on a case-by-case basis.

Comment #17: The Nebraska DoA and Thales were also concerned with airport infrastructure requirements resulting from development of RNAV or RNP approaches.

FAA Response: FAA airport infrastructure requirements resulting from instrument approaches are published in FAA Advisory Circular 150/5300-13. Because airport infrastructure upgrades may be required for the attainment of lowest instrument approach minima, collaboration with local and state officials will be

accomplished during the approach development process. For example, development of an LPV approach could not be accomplished if the required runway length were not available. However, if a decision was made in collaboration with local and state officials, to extend the runway, then an LPV could be reconsidered.

Comment #18: United Air Lines and GE Aviation expressed concern on the use of GPS approach capability by air carriers at alternate airports.

FAA Response: Current FAA policy allows operators of aircraft equipped with WAAS to plan for RNAV (GPS) approaches to the LNAV line of minima at their alternate. Furthermore, the FAA is currently investigating what requirements will be necessary to allow un-augmented GPS (TSO-C129/-C129a, TSO-C196/-C196a) equipped aircraft to plan for RNAV (GPS) or RNAV (RNP) approaches at alternate airports.

Comment #19: Several commenters expressed concern that the navigation transition strategy as outlined in the FRN is indirectly requiring certain types of equipage, specifically GPS or WAAS equipage.

FAA Response: The FAA is committed to the use of performance-based operations in the NAS. They remain the optimal way to both enable technological advances while maintaining safety, efficiency and consistency. Therefore, it is not the intention of the FAA to limit operational approvals to specific technologies or to force retrofit navigation solutions on current operators with legacy equipment. VOR navigation will continue to be a viable option for airspace users for the near future. Once the FAA completes implementation of the VOR MON, VOR navigation will still serve the NAS, albeit in a less robust fashion than today. Early publication of transition considerations and planning will allow users to consider long-term equipage strategies for their aircraft. Operators are encouraged to continue to seek approvals for the use of navigation equipment that was emphasized in the FRN, e.g. DME/DME/IRU, GPS, and WAAS. The FAA will continue to work with industry to advance new technologies not yet matured, e.g., GBAS and APNT. Additionally, the FAA will continue to work with our international partners on global strategies for multi-constellation/multi-frequency GNSS solutions.

Comment #20: AOPA and the National Business Aviation Association (NBAA) both expressed support for direct routing and avoiding excessive

implementation of additional T and Q routes.

FAA Response: In the NextGen environment, T and Q routes increase capacity and efficiency while maintaining safety by minimizing impact to air traffic control. T and Q routes allow controllers to safely manage air traffic during peak periods and to ensure predictable transitions between busy traffic areas. T and Q routes overlaid on existing airways defined by VORs could mitigate potential impacts to the discontinuance of VOR navigation services.

Comment #21: Comments from military and general aviation expressed interest in participating in VOR discontinuation planning.

FAA Response: As stated in the FRN, "The FAA will convene a working group that will develop a candidate list of VORs for discontinuance using relevant operational, safety, cost and economic criteria. As part of the process, this working group will engage aviation industry stakeholders and other members of the public for input." Detailed planning for the implementation of the MON is still under development. As the program planning process is further developed, the FAA will solicit input from government and industry stakeholders before the VORs selected for the MON are finalized.

Comment #22: Several commenters (MAA, Boeing Commercial Airplanes, United Air Lines, AOPA, Thales and DoD) indicated that an overall plan is necessary and requested more detail on the MON. MAA commented that without a national plan for discontinuation, the removal of specific VORs from service might be premature. They believed that several VORs in Maryland are currently planned for discontinuance and they suggested that the discontinuation of specific facilities should be considered on both a regional and national level using analysis to identify costs and benefits in a more holistic manner to make the consideration of facilities objective and consistent.

FAA Response: The FAA has not developed a final list of VORs that will be included in the MON. The FAA is developing objective criteria, which will be applied consistently both nationally and regionally to help identify those VOR facilities that will remain operational. A specific overall national CONOPS and discontinuance plan are being developed to support this effort. The draft CONOPS and draft discontinuance plan will be presented to stakeholders, and the FAA will

engage stakeholders in the discontinuance process.

Comment #23: Military and airline industry commenters expressed concern with the FAA plan to establish the VOR MON by January 1, 2020.

FAA Response: This date coincides with the January 1, 2020 mandate for ADS-B equipage. Once aircraft are equipped with ADS-B, it is assumed that they will be equipped with GPS as well, since currently GPS is the only known position source that can satisfy the NIC/NAC/SIL requirements of ADS-B. At that time, the VOR MON will serve as the required GPS backup for non DME-DME equipped aircraft in the event of a GPS outage. By January 1, 2020, the VOR MON will provide sufficient VOR coverage to enable aircraft to fly VOR-to-VOR either through the GPS outage or to a safe landing.

Comment #24: A number of operators, service providers and equipment manufacturers were concerned about the level of reliance on GPS expressed in the FRN in light of possible interference with the GPS service. Interference on a regular basis from government testing and training was specifically identified, as was possible widespread interference from licensed operators as well as unintentional interference from a variety of human and natural sources. There remains a concern among users that GPS is susceptible to interference and VORs should remain as a cost effective reliable means of navigation.

FAA Response: U.S. National policy recognizes the vulnerability of GPS signals, from both human and natural sources, and requires operations reliant on GPS position, navigation, and timing (PNT) for safety, security, or significant economic benefit to have sufficient backups in place. The FAA has operated and will continue to operate GPS-independent systems to fulfill this requirement, such as ILS, DME, and VOR. As the NAS transitions to NextGen, there is also a requirement to move from conventional facility based navigation to point-to-point navigation using PBN, a role that the airways supported by VORs cannot support. The FAA will continue to operate a subset of the current VOR facilities in a MON to support those aircraft not equipped with GPS-independent RNAV capability, while developing an RNAV-capable APNT system to fulfill this role in the future. DoD Interference with GPS: The FAA recognizes the need for DoD elements as part of their mission to operate and conduct training in a GPS-denied environment. Both the FAA and DoD are committed to working together

to ensure that the DoD mission will not impact the FAA's mission to operate a safe and efficient NAS. DoD GPS interference testing is fully coordinated with the FAA and prior to testing, the FAA issues a Notice to Airmen (NOTAM) that describes the potential extent of interference and the timeframe in which it might occur. During testing the FAA maintains direct communications with DoD at all times and can have tests suspended in the event of any impact to NAS operations. Today, aircraft with non-GPS RNAV avionics are not impacted by this interference, and in the future, all APNT-equipped aircraft will similarly be unaffected.

Comment #25: Comments were received relative to several specific VORs with reasons for their specific retention. In the case of the Wichita, KS VOR (ICT), it was stated that the facility is needed for testing and airworthiness demonstration of new manufactured aircraft by a number of companies in the area.

FAA Response: While a VOR signal is necessary for this activity, it is not necessary that the service be provided by a FAA owned VOR, whose purpose under the MON will be to ensure safe operations in the event of a GPS outage. A non-Federal VOR, owned by an airport authority, state instrumentality or private entity could also perform this function. In cases where individuals/organizations have an interest in maintaining a specific VOR service, the VOR could be transferred to and operated under agreement with the FAA as a non-federal facility.

Comment #26: Thales expressed a concern over how the VOR MON will support non-GPS aircraft and GPS aircraft during GPS interference if a key MON VOR is down for maintenance.

FAA Response: In determining the VORs that will make up the MON, consideration will be given to the availability and continuity of navigation service expected from each facility. The VOR MON's purpose, a non-PBN backup in the event of a GPS outage, will be considered in making this determination. An element of this consideration will be the availability of non-GPS dependent surveillance services that would allow air traffic to provide services in the event of both a GPS and individual VOR service outage. Additionally, the equipage rate of IFR traffic with IFR GPS is significant and expected to be near 100% as we approach the year 2020 ADS-B mandate. While possible to fly IFR using the VOR MON, the increased distance of the VOR-only route as compared to using RNAV navigation will likely be

highly undesirable. This will further drive GPS equipage.

Comment #27: The DoD stated concern on the cost of transition versus benefits for their fleet of aircraft.

FAA Response: The NAS' transition to NextGen is a national priority, in which the FAA plays an important role in concert with other Federal agencies and the aviation community. The transition to PBN as enabling capability for NextGen is a key part of the NGIP. Additionally, the considerations of the military in transitioning a 14,600 aircraft fleet and operating practices to RNAV/RNP stated in comments to the public docket appear to include the notion that TACAN services from VORTAC facilities will be terminated when VOR service is discontinued. This is not the case. The military also desires the FAA to retain VOR and TACAN service for specific enroute and terminal locations and procedures as the military aircraft fleet equipage and operating procedures evolve.

The FAA notes that there is historic precedent for the transition to a single national system—specifically the establishment of VORs and associated airways, DME, and ILS in the 1950s. At that time the military did not want to equip with VOR or ILS in tactical aircraft due to weight and space constraints, stating that Non-Directional Beacons (NDB) and four course ranges for enroute navigation and ground controlled approach (GCA) for landing was sufficient pending implementation of TACAN. The military also wanted to evolve to use TACAN because of weight/size and operational advantages over VOR and to include their implementation of DME, rather than the civil DME standard. The civil community, particularly airlines, wanted VOR for improved accuracy and usability over four course ranges and NDBs with ILS for approaches. In the end the NDBs and four course ranges were retained until military aircraft and operating practices transitioned to TACAN, the military DME standard was adopted for all DMEs and ILS was standardized for approaches, though the military continued GCA approaches, particularly for tactical aircraft.

The transition to RNAV/RNP may be undertaken economically for military aviation by retaining TACAN as a system, discontinuing only specific facilities on an individual basis; incorporating military use considerations for identifying VOR service for discontinuation in enroute and terminal environments; designating special use airspace and other military usage features with RNAV references as well as TACAN or VOR rho/theta and

distance references; and retaining ILS at current sites with installation of new ILSs by military where needed in lieu of LP and LPV.

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Issued in Washington, DC, on August 14, 2012.

Lansine Toure,

Acting Manager, Navigation Programs.

[FR Doc. 2012-20464 Filed 8-20-12; 8:45 am]

BILLING CODE 4910-13-P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 39

RIN 3038-AD47

Clearing Exemption for Swaps Between Certain Affiliated Entities

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rule.

SUMMARY: The Commodity Futures Trading Commission (“CFTC” or “Commission”) is proposing a rule to exempt swaps between certain affiliated entities within a corporate group from the clearing requirement (the “inter-affiliate clearing exemption” or the “proposed exemption”) under Section 2(h)(1)(A) of the Commodity Exchange Act (“CEA”). The Commission also is proposing rules that detail specific conditions counterparties must satisfy to elect the proposed inter-affiliate clearing exemption, as well as reporting requirements for affiliated entities that avail themselves of the proposed exemption. The Commission has finalized a rule that addresses swaps that are subject to the end-user exception. Counterparties to inter-affiliate swaps that qualify for the end-user exception would be able to elect to not clear swaps pursuant to the end-user exception or the proposed rule. The proposed rule does not address swaps that an affiliate enters into with a third party that are related to inter-affiliate swaps that are subject to the end-user exception. The Commission intends separately to propose a rule addressing swaps between an affiliate and a third party where the swaps are used to hedge or mitigate commercial risk arising from inter-affiliate swaps for which the end-user exception has been elected.

DATES: Comments must be received on or before September 20, 2012.

ADDRESSES: You may submit comments, identified by RIN number 3038-AD47, by any of the following methods:

• *The agency’s Web site, at: <http://comments.cftc.gov>. Follow the*

instructions for submitting comments through the Web site.

• *Mail:* David A. Stawick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

• *Hand Delivery/Courier:* Same as mail above.

• *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

Please submit your comments using only one method.

All comments must be submitted in English, or if not, accompanied by an English translation. “Inter-affiliate Clearing Exemption” must be in the subject field of responses submitted via email, and clearly indicated on written submissions. Comments will be posted as received to <http://www.cftc.gov>. You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the established procedures in CFTC regulation 145.9.¹

Throughout this proposed rulemaking, the Commission requests comment in response to specific questions. For convenience, the Commission has numbered each of these comment requests. The Commission asks that, in submitting responses to these requests, commenters identify the specific number of each request to which their comments are responsive.

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse, or remove any or all of a submission from www.cftc.gov that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the rulemaking will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT:

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I. Background

A. Clearing Requirement for Swaps

On July 21, 2010, President Obama signed the Dodd-Frank Wall Street Reform and Consumer Protection Act (“Dodd-Frank Act” or “DFA”).² Title VII of the Dodd-Frank Act amended the CEA,³ and established a new regulatory framework for swaps. The legislation was enacted to reduce systemic risk, increase transparency, and promote market integrity within the financial system by, among other things: (1) Imposing clearing and trade execution requirements on standardized derivative products; (2) creating rigorous recordkeeping and data reporting regimes with respect to swaps, including real-time public reporting; and (3) enhancing the Commission’s rulemaking and enforcement authorities over all registered entities, intermediaries, and swap counterparties subject to the Commission’s oversight.

Section 723 of the Dodd-Frank Act added section 2(h) to the CEA, which establishes a clearing requirement for swaps.⁴ The new section makes it unlawful for any person to engage in a swap, if the Commission determines such swap is required to be cleared, unless the person submits the swap for clearing to a registered derivatives clearing organization (“DCO”) (or a DCO that is exempt from registration).⁵ The

² See Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111-203, 124 Stat. 1376 (July 21, 2010).

³ 7 U.S.C. 1 *et seq.* (2006).

⁴ CEA section 2(h)(1)(A), 7 U.S.C. 2(h)(1)(A).

⁵ See CEA section 2(h)(1)(A), 7 U.S.C. 2(h)(1)(A). The CEA’s clearing requirement states that, “[i]t shall be unlawful for any person to engage in a swap unless that person submits such swap for

¹ 17 CFR 145.9. Commission regulations may be accessed through the Commission’s Web site, <http://www.cftc.gov>.

(a) Effective Date

This AD is effective October 2, 2012.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Honeywell International Inc.:

(1) Model TFE731-5 series turbofan engines, with a first stage low-pressure turbine (LPT1) rotor assembly, part number (P/N) 3075184-2, 3075184-3, or 3075184-4, installed, and

(2) Models TFE731-5AR and -5BR series turbofan engines, with a first stage LPT1 rotor assembly, P/N 3075447-1, 3075447-2, 3075447-4, 3075713-1, 3075713-2, 3075713-3, or 3074748-5, installed, and

(3) Models TFE731-4, -4R, -5AR, -5BR, and -5R series turbofan engines, with an LPT1 rotor assembly, P/N 3074748-4, 3074748-5, 3075447-1, 3075447-2, 3075447-4, 3075713-1, 3075713-2, or 3075713-3, installed.

(d) Unsafe Condition

This AD was prompted by a report of a rim/web separation of an LPT1 rotor assembly. We are issuing this AD to prevent uncontained disk separation, engine failure, and damage to the airplane.

(e) Compliance

Comply with this AD within the compliance times specified, unless already done.

(f) Engines Installed in Dassault-Aviation Falcon 20 and Construcciones Aeronauticas, S.A. (CASA) 101 Airplanes

(1) Remove the LPT1 rotor assembly at the next access to the LPT1 rotor assembly or at the next major periodic inspection, not to exceed 2,600 hours-in-service since last major periodic inspection, or 8 years after the effective date of this AD, whichever occurs first.

(2) Install an LPT1 rotor assembly that is eligible for installation.

(g) Engines Not Installed in Dassault-Aviation Falcon 20 or CASA 101 Airplanes

(1) Remove the LPT1 rotor assembly at the next core zone inspection, not to exceed 5,100 hours-in-service since last core zone inspection, or at the next time the LPT1 rotor disc is removed for cause, or 8 years after the effective date of this AD, whichever occurs first.

(2) Install an LPT1 rotor assembly that is eligible for installation.

(h) Definitions

(1) For the purpose of this AD, “next access” is when the low-pressure tie rod is unstretched.

(2) For the purpose of this AD, an LPT1 rotor assembly “eligible for installation” is an LPT1 rotor assembly not having a P/N listed in this AD.

(i) Installation Prohibition

After the effective date of this AD, do not install any LPT1 rotor assembly listed by P/N in paragraphs (c)(1), (c)(2), and (c)(3) of this AD, into any engine.

(j) Alternative Methods of Compliance (AMOCs)

The Manager, Los Angeles Aircraft Certification Office, FAA, may approve AMOCs for this AD. Use the procedures in 14 CFR 39.19 to request an AMOC.

(k) Related Information

(1) For more information about this AD, contact Joseph Costa, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712-4137; phone: 562-627-5246; fax: 562-627-5210; email: joseph.costa@faa.gov.

(2) Honeywell International Inc. Service Bulletin (SB) No. TFE731-72-3768; SB No. TFE731-72-3769; and SB No. TFE731-72-3770, pertain to the subject of this AD.

(3) For service information identified in this AD, contact Honeywell International Inc., 111 S. 34th Street, Phoenix, AZ 85034-2802; Web site: <http://portal.honeywell.com>; or call Honeywell toll free at phone: 800-601-3099 (U.S./Canada) or 602-365-3099 (International Direct).

(l) Material Incorporated by Reference

None.

Issued in Burlington, Massachusetts, on August 14, 2012.

Robert G. Mann,

Acting Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2012-21010 Filed 8-27-12; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 97**

[Docket No. 30857; Amdt. No. 3492]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under

instrument flight rules at the affected airports.

DATES: This rule is effective August 28, 2012. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of August 28, 2012.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal-register/code_of_federal_regulations/ibr_locations.html.

*Availability—*All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit <http://www.nfdc.faa.gov> to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT:

Richard A. Dunham III, Flight Procedure Standards Branch (AFS-420), Flight Technologies and Programs Divisions, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) Telephone: (405) 954-4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or revoking SIAPs, Takeoff Minimums and/or ODPS. The complete regulators description of each SIAP and its associated Takeoff Minimums or ODP

for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA Forms are FAA Forms 8260-3, 8260-4, 8260-5, 8260-15A, and 8260-15B when required by an entry on 8260-15A.

The large number of SIAPs, Takeoff Minimums and ODPs, in addition to their complex nature and the need for a special format make publication in the **Federal Register** expensive and impractical. Furthermore, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their depiction on charts printed by publishers of aeronautical materials. The advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA forms is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs and the effective dates of the, associated Takeoff Minimums and ODPs. This amendment also identifies the airport and its location, the procedure, and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as contained in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedures before adopting these SIAPs, Takeoff Minimums and ODPs are impracticable and contrary to the public interest and,

where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, and Navigation (air).

Issued in Washington, DC, on August 17, 2012.

Ray Towles,

Deputy Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures and/or Takeoff Minimums and/or Obstacle Departure Procedures effective at 0902 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

- 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

- 2. Part 97 is amended to read as follows:

Effective 20 September 2012

Cold Bay, AK, Cold Bay, ILS OR LOC/DME RWY 15, Amdt 18
Cold Bay, AK, Cold Bay, LOC/DME BC RWY 33, Amdt 10
Fairbanks, AK, Fairbanks Intl, ILS OR LOC RWY 20R, ILS RWY 20R (SA CAT I), ILS RWY 20R (SA CAT II), Amdt 24
Fairbanks, AK, Fairbanks Intl, RNAV (GPS) Y RWY 2L, Orig-B

Fairbanks, AK, Fairbanks Intl, RNAV (GPS) Y RWY 20R, Amdt 1
Fairbanks, AK, Fairbanks Intl, RNAV (RNP) Z RWY 2L, Orig
Fairbanks, AK, Fairbanks Intl, RNAV (RNP) Z RWY 20R, Orig
Riverside, CA, Riverside Muni, ILS OR LOC RWY 9, Amdt 8
Riverside, CA, Riverside Muni, RNAV (GPS) RWY 9, Amdt 2
Riverside, CA, Riverside Muni, Takeoff Minimums and Obstacle DP, Amdt 10
Riverside, CA, Riverside Muni, VOR RWY 9, Amdt 1
Sterling, CO, Sterling Muni, GPS RWY 33, Orig, CANCELED
Sterling, CO, Sterling Muni, NDB RWY 33, Amdt 3
Sterling, CO, Sterling Muni, RNAV (GPS) RWY 15, Orig
Sterling, CO, Sterling Muni, RNAV (GPS) RWY 33, Orig
Sterling, CO, Sterling Muni, Takeoff Minimums and Obstacle DP, Amdt 1
Apopka, FL, Orlando Apopka, RNAV (GPS)-A, Orig
Apopka, FL, Orlando Apopka, RNAV (GPS)-B, Orig
Apopka, FL, Orlando Apopka, Takeoff Minimums and Obstacle DP, Orig
Okeechobee, FL, Okeechobee County, RNAV (GPS) RWY 5, Amdt 1A
Okeechobee, FL, Okeechobee County, RNAV (GPS) RWY 14, Amdt 1
Okeechobee, FL, Okeechobee County, RNAV (GPS) RWY 23, Amdt 2
Okeechobee, FL, Okeechobee County, RNAV (GPS) RWY 32, Orig-B
Williamsburg, KY, Williamsburg-Whitley County, LOC/DME RWY 20, Orig
Williamsburg, KY, Williamsburg-Whitley County, RNAV (GPS) RWY 2, Amdt 2
Williamsburg, KY, Williamsburg-Whitley County, RNAV (GPS) RWY 20, Amdt 1
Williamsburg, KY, Williamsburg-Whitley County, Takeoff Minimums and Obstacle DP, Amdt 1
Williamsburg, KY, Williamsburg-Whitley County, VOR/DME RWY 20, Orig-A
Baton Rouge, LA, Baton Rouge Metropolitan, Ryan Field, ILS OR LOC RWY 22R, Amdt 11
Baton Rouge, LA, Baton Rouge Metropolitan, Ryan Field, RNAV (GPS) RWY 4L, Amdt 2
Baton Rouge, LA, Baton Rouge Metropolitan, Ryan Field, RNAV (GPS) RWY 22R, Amdt 2
Bedford, MA, Laurence G Hanscom FLD, ILS OR LOC RWY 11, Amdt 26
Bedford, MA, Laurence G Hanscom FLD, ILS OR LOC RWY 29, Amdt 7
Bedford, MA, Laurence G Hanscom FLD, NDB RWY 29, Amdt 8
Bedford, MA, Laurence G Hanscom FLD, RNAV (GPS) RWY 23, Orig-A

Bedford, MA, Laurence G Hanscom
FLD, RNAV (GPS) Z RWY 11, Amdt
1

Bedford, MA, Laurence G Hanscom
FLD, RNAV (GPS) Z RWY 29, Amdt
1

Bedford, MA, Laurence G Hanscom
FLD, RNAV (RNP) Y RWY 11, Orig

Bedford, MA, Laurence G Hanscom
FLD, RNAV (RNP) Y RWY 29, Orig

Bedford, MA, Laurence G Hanscom
FLD, VOR RWY 23, Amdt 9

Oxford, ME, Oxford County Rgnl, GPS
RWY 33, Orig, CANCELED

Oxford, ME, Oxford County Rgnl, RNAV
(GPS) RWY 15, Orig

Oxford, ME, Oxford County Rgnl, RNAV
(GPS) RWY 33, Orig

St Louis, MO, Lambert-St Louis Intl,
RNAV (RNP) Z RWY 11, Orig

St Louis, MO, Lambert-St Louis Intl,
RNAV (RNP) Z RWY 12L, Orig

St Louis, MO, Lambert-St Louis Intl,
RNAV (RNP) Z RWY 29, Orig

St Louis, MO, Lambert-St Louis Intl,
RNAV (RNP) Z RWY 30R, Orig

Kearney, NE., Kearney Rgnl, ILS OR
LOC RWY 36, Amdt 2

Kearney, NE., Kearney Rgnl, RNAV
(GPS) RWY 13, Orig

Omaha, NE., Eppley Airfield, RNAV
(GPS) Y RWY 14L, Amdt 1A

Omaha, NE., Eppley Airfield, RNAV
(GPS) Y RWY 14R, Amdt 1A

Omaha, NE., Eppley Airfield, RNAV
(GPS) Y RWY 18, Amdt 2A

Omaha, NE., Eppley Airfield, RNAV
(GPS) Y RWY 32L, Amdt 1A

Omaha, NE., Eppley Airfield, RNAV
(GPS) Y RWY 32R, Orig-B

Omaha, NE., Eppley Airfield, RNAV
(RNP) Z RWY 14L, Orig

Omaha, NE., Eppley Airfield, RNAV
(RNP) Z RWY 14R, Orig

Omaha, NE., Eppley Airfield, RNAV
(RNP) Z RWY 18, Orig

Omaha, NE., Eppley Airfield, RNAV
(RNP) Z RWY 32L, Orig

Omaha, NE., Eppley Airfield, RNAV
(RNP) Z RWY 32R, Orig

Omaha, NE., Eppley Airfield, RNAV
(RNP) Z RWY 36, Orig

Trenton, NJ, Trenton Mercer, GPS RWY
16, Orig-B, CANCELED

Trenton, NJ, Trenton Mercer, GPS RWY
34, Orig-A, CANCELED

Trenton, NJ, Trenton Mercer, ILS OR
LOC RWY 6, Amdt 10

Trenton, NJ, Trenton Mercer, NDB RWY
6, Amdt 7

Trenton, NJ, Trenton Mercer, RNAV
(GPS) RWY 16, Orig

Trenton, NJ, Trenton Mercer, RNAV
(GPS) RWY 34, Orig

Trenton, NJ, Trenton Mercer, RNAV
(GPS) Z RWY 6, Orig

Trenton, NJ, Trenton Mercer, RNAV
(GPS) Z RWY 24, Orig

Trenton, NJ, Trenton Mercer, RNAV
(RNP) Y RWY 6, Orig

Trenton, NJ, Trenton Mercer, VOR OR
GPS RWY 24, Amdt 4B, CANCELED

Albuquerque, NM, Albuquerque Intl
Sunport, RNAV (GPS) Y RWY 3, Orig-
B

Albuquerque, NM, Albuquerque Intl
Sunport, RNAV (GPS) Y RWY 8, Orig-
A

Albuquerque, NM, Albuquerque Intl
Sunport, RNAV (RNP) Y RWY 21,
Orig

Albuquerque, NM, Albuquerque Intl
Sunport, RNAV (RNP) Z RWY 3, Orig

Albuquerque, NM, Albuquerque Intl
Sunport, RNAV (RNP) Z RWY 8, Orig

Albuquerque, NM, Albuquerque Intl
Sunport, RNAV (RNP) Z RWY 21,
Orig

Roseburg, OR, Roseburg Rgnl, Takeoff
Minimums and Obstacle DP, Amdt 7

Providence, RI, Theodore Francis Green
State, RNAV (GPS) Y RWY 23, Amdt
1A

Providence, RI, Theodore Francis Green
State, RNAV (RNP) Z RWY 23, Orig

Harlingen, TX, Valley Intl, RNAV (GPS)
Y RWY 13, Amdt 1A

Harlingen, TX, Valley Intl, RNAV (GPS)
Y RWY 17R, Amdt 2

Harlingen, TX, Valley Intl, RNAV (GPS)
Y RWY 31, Amdt 1A

Harlingen, TX, Valley Intl, RNAV (GPS)
Y RWY 35L, Amdt 1A

Harlingen, TX, Valley Intl, RNAV (RNP)
Z RWY 13, Orig

Harlingen, TX, Valley Intl, RNAV (RNP)
Z RWY 17R, Orig

Harlingen, TX, Valley Intl, RNAV (RNP)
Z RWY 31, Orig

Harlingen, TX, Valley Intl, RNAV (RNP)
Z RWY 35L, Orig

Chase City, VA, Chase City Muni, RNAV
(GPS) RWY 18, Amdt 1

Chase City, VA, Chase City Muni, RNAV
(GPS) RWY 36, Amdt 1

Pullman/Moscow, ID, WA, Pullman/
Moscow Rgnl, RNAV (GPS) RWY 6,
Amdt 2

Pullman/Moscow, ID, WA, Pullman/
Moscow Rgnl, RNAV (GPS) RWY 24,
Amdt 1

Pullman/Moscow, ID, WA, Pullman/
Moscow Rgnl, Takeoff Minimums and
Obstacle DP, Amdt 4

Pullman/Moscow, ID, WA, Pullman/
Moscow Rgnl, VOR RWY 6, Amdt 9

Clarksburg, WV, North Central West
Virginia, ILS OR LOC RWY 21, Amdt
3

Clarksburg, WV, North Central West
Virginia, RNAV (GPS) RWY 3, Amdt
1

Clarksburg, WV, North Central West
Virginia, RNAV (GPS) RWY 21, Amdt
1

Clarksburg, WV, North Central West
Virginia, Takeoff Minimums and
Obstacle DP, Amdt 6

Clarksburg, WV, North Central West
Virginia, VOR-A, Amdt 1

Effective 18 October 2012

Fort Huachuca/Sierra Vista, AZ, Sierra
Vista Muni/Libby AAF, RADAR 1,
Amdt 5, CANCELED

[FR Doc. 2012-20863 Filed 8-27-12; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30858; Amdt. No. 3493]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective August 28, 2012. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 28, 2012.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located;
3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,
4. The National Archives and Records Administration (NARA). For

(f) Compliance

You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

(g) Wiring Modifications

Within 6,000 flight hours or 36 months after the effective date of this AD, whichever occurs first: Incorporate the wiring modifications specified in and in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 8-24-87, Revision B, dated April 3, 2012.

(h) Airplane Maintenance Program Revision

Within 30 days after the effective date of this AD: Revise the airplane maintenance program by incorporating Task 2420/13, Operational Check of Relays K4, K5, K6, and K7 (Post Modsum 8Q101917), in the applicable temporary revision specified in paragraph (h)(1), (h)(2), or (h)(3) of this AD. The initial compliance time for Task 2420/13 is within 18,000 flight hours after accomplishing the actions specified in paragraph (g) of this AD, or 30 days after the effective date of this AD, whichever occurs later.

(1) For Model DHC-8-102, -103, and -106 airplanes: de Havilland Dash 8 Series 100 Temporary Revision AWL-117, dated April 8, 2011, to Section AWL—Systems Maintenance, of Part 2, Airworthiness Limitations, of the Bombardier Dash 8 Series 100 Maintenance Program Manual, PSM 1-8-7.

(2) For Model DHC-8-201 and -202 airplanes: de Havilland Dash 8 Series 200 Temporary Revision AWL 2-48, dated April 8, 2011, to Section AWL—Systems Maintenance, of Part 2, Airworthiness Limitations, of the Bombardier Dash 8 Series 200 Maintenance Program Manual, PSM 1-82-7.

(3) For Model DHC-8-301, -311, and -315 airplanes: de Havilland Dash 8 Series 300 Temporary Revision AWL 3-118, dated April 8, 2011, to Section AWL—Systems Maintenance, of Part 2, Airworthiness Limitations, of the Bombardier Dash 8 Series 300 Maintenance Program Manual, PSM 1-83-7.

(i) No Alternative Actions or Intervals

After accomplishing the revision required by paragraph (h) of this AD, no alternative actions (e.g., inspections) or intervals may be used, unless the actions and intervals are approved as an AMOC in accordance with the procedures specified in paragraph (k)(1) of this AD.

(j) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 8-24-87, dated May 26, 2011; or Bombardier Service Bulletin 8-24-87, Revision A, dated October 5, 2011.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, New York Aircraft

Certification Office (ACO), ANE-170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone 516-228-7300; fax 516-794-5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Airworthy Product*: For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(l) Related Information

(1) Refer to MCAI Canadian Airworthiness Directive CF-2012-09, dated February 15, 2012, and the service information specified in paragraphs (l)(1)(i) through (l)(1)(iv) of this AD, for related information.

(i) Bombardier Service Bulletin 8-24-87, Revision B, dated April 3, 2012.

(ii) de Havilland Dash 8 Series 100 Temporary Revision AWL-117, dated April 8, 2011, to Section AWL—Systems Maintenance, of Part 2, Airworthiness Limitations, of the Bombardier Dash 8 Series 100 Maintenance Program Manual, PSM 1-8-7.

(iii) de Havilland Dash 8 Series 200 Temporary Revision AWL 2-48, dated April 8, 2011, to Section AWL—Systems Maintenance, of Part 2, Airworthiness Limitations, of the Bombardier Dash 8 Series 200 Maintenance Program Manual, PSM 1-82-7.

(iv) de Havilland Dash 8 Series 300 Temporary Revision AWL 3-118, dated April 8, 2011, to Section AWL—Systems Maintenance, of Part 2, Airworthiness Limitations, of the Bombardier Dash 8 Series 300 Maintenance Program Manual, PSM 1-83-7.

(2) For service information identified in this AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416-375-4000; fax 416-375-4539; email thd.qseries@aero.bombardier.com; Internet <http://www.bombardier.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221.

Issued in Renton, Washington, on August 22, 2012.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012-21102 Filed 8-27-12; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Chapter 1**

[Docket No. FAA-2012-0754]

Airport Improvement Program (AIP): Policy Regarding Access to Airports From Residential Property; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed policy; implementation of Section 136; opportunity to comment; correction and extension of time to comment.

SUMMARY: The FAA is correcting an inadvertent omission in the Addresses paragraph in the Proposed Policy Regarding Access to Airports From Residential Property that was published in the **Federal Register** on July 30, 2012. The FAA is also extending the comment period to September 14, 2012.

DATES: The comment period for the proposed policy document published July 30, 2012 (77 FR 44515), is extended to September 14, 2012.

FOR FURTHER INFORMATION CONTACT: Randall S. Fiertz, telephone: (202) 267-3085; facsimile: (202) 267-5257; email: randall.fiertz@faa.gov.

SUPPLEMENTARY INFORMATION:**Need for Correction**

On July 30, 2012, the Federal Aviation Administration published a Notice of Proposed Policy in the **Federal Register** at 77 FR 44515 proposing an FAA policy, based on Federal law, concerning through-the-fence access to a federally obligated airport from an adjacent or nearby property, when that property is used as a residence. The Notice also proposed to limit application of the FAA's previously published interim policy (76 FR 15028; March 18, 2011) to commercial service airports that certified existing residential through-the-fence access agreements and rescind applicability of this interim policy with regard to certain general aviation airports consistent with section 136 of Public Law 112-95. In addition, that notice described how the FAA will interpret provisions of the law pertaining to

residential through-the-fence access and invited comments.

There was an inadvertent omission in the Notice which FAA is correcting through this amendment. In the Addresses paragraph, the FAA inadvertently omitted the applicable Department of Transportation Docket Number.

Correction

In the document published on July 30, 2012 (77 FR 44515) FR Doc. 2010–18058, on page 44515 in column 3, under the heading **ADDRESSES** paragraph of this document, replace “Docket Number FAA–2012–XXX” with “Docket Number FAA–2012–0754”.

Extension of Time To Comment

The Experimental Aircraft Association requested the FAA extend the comment period an additional two weeks. The FAA believes this is a reasonable request and hereby extends the comment period to September 14, 2012.

Dated: Issued in Washington, DC, on August 22, 2012.

Randall S. Fiertz,

Director, Airport Compliance and Management Analysis.

[FR Doc. 2012–21147 Filed 8–27–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 21

[Docket No. FDA–2011–N–0252]

Office of the Secretary

45 CFR Part 5b

Privacy Act, Exempt Record System

AGENCY: Office of the Secretary, Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) of the Department of Health and Human Services (HHS) will be implementing a new system of records, 09–10–0020, “FDA Records Related to Research Misconduct Proceedings, HHS/FDA/OC.” HHS/FDA proposes to exempt this system of records from certain requirements of the Privacy Act to protect the integrity of FDA’s scientific misconduct inquiries and investigations and to protect the identity of confidential sources in such investigations.

DATES: Submit either electronic or written comments by November 13, 2012. If HHS/FDA receives any significant adverse comments, the Agency will publish a document withdrawing the direct final rule within 30 days after the comment period ends. HHS/FDA will then proceed to respond to comments under this proposed rule using the usual notice and comment procedures.

ADDRESSES: You may submit comments, identified by Docket No. FDA–2011–N–0252, by any of the following methods:

Electronic Submissions

Submit electronic comments in the following way:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Written Submissions

Submit written submissions in the following ways:

- FAX: 301–827–6870.
- Mail/Hand delivery/Courier (For paper or CD–ROM submissions): Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Instructions: All submissions received must include the Agency name and docket number for this rulemaking. All comments received may be posted without change to <http://www.regulations.gov>, including any personal information provided. For additional information on submitting comments, see the “Request for Comments” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Frederick Sadler, Division of Freedom of Information, Office of Public Information & Library Services, Food and Drug Administration, 12420 Parklawn Dr., Rockville, MD 20857, 301–796–8975, Frederick.Sadler@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is implementing a new system of records called the “FDA Records Related to Research Misconduct

Proceedings.” The purpose of this system of records is to implement FDA’s responsibilities for addressing research integrity and misconduct, in accordance with the Public Health Service (PHS) Policies on Research Misconduct (42 CFR part 93), for research performed by persons who are FDA employees, agents of the Agency, or who are affiliated with the Agency by contract or agreement. The term “research misconduct” is defined at 42 CFR 93.103 to mean “fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.” The general policy of the PHS Policies on Research Misconduct is that “Research misconduct involving PHS support is contrary to the interests of the PHS and the Federal government and to the health and safety of the public, to the integrity of research, and to the conservation of public funds.” (42 CFR 93.100(a)). The PHS Policies on Research Misconduct provide for a number of HHS administrative actions that can be taken in response to a research misconduct proceeding, such as the suspension of a contract, debarment, or an adverse personnel action against a Federal employee (42 CFR 93.407). In addition, under 42 CFR 93.401, FDA shall at any time during a research misconduct proceeding notify HHS’ Office of Research Integrity (ORI) immediately to ensure that FDA’s Office of Criminal Investigations, HHS Office of Inspector General, the Department of Justice, or other appropriate law enforcement Agencies, are notified if there is a reasonable indication of possible violations of civil or criminal law.

FDA’s new system of records will be modeled after the system of records maintained by ORI, entitled “HHS Records Related to Research Misconduct Proceedings, HHS/OPHS/ORI” System No. 09–37–0021 (59 FR 36717, July 19, 1994; revised most recently at 75 FR 44847, August 31, 2009).

FDA’s scientific misconduct inquiry and investigation records are located in the Office of the Chief Scientist in FDA’s Office of the Commissioner. FDA is preparing to organize and operate these records as a “system of records” as that term is defined by the Privacy Act. FDA is publishing a System of Records Notice (SORN) for this system in the **Federal Register** contemporaneous with publication of this proposed rule.

Under the Privacy Act (5 U.S.C. 552a), individuals have a right of access to information pertaining to them which is contained in a system of records. At the same time, the Privacy Act permits certain types of systems to be exempt

Commission, 1721 North Front Street, Harrisburg, Pennsylvania 17102–2391, or submitted electronically through <http://www.srbc.net/pubinfo/publicparticipation.htm>. Any such comments mailed or electronically submitted must be received by the Commission on or before September 4, 2012, to be considered.

SUPPLEMENTARY INFORMATION: The business meeting will include actions on the following items: (1) Ratification/ approval of agreements; (2) partial waiver of application fees for withdrawn applications; (3) conditional transfer extension request of Talon Holdings, LLC related to the Hawk Valley Gold Course, Lancaster County, Pa.; (4) issuance of corrective docket to Nature's Way Purewater Systems, Inc. (Covington Springs Borehole), Dupont Borough, Luzerne County, Pa.; and (5) Regulatory Program projects. Projects listed for Commission action are those that were the subject of a public hearing conducted by the Commission on August 23, 2012, and identified in the notice for such hearing, which was published in 77 FR 44703, July 30, 2012.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806, 807, and 808.

Dated: August 17, 2012.

Thomas W. Beauduy,
Deputy Executive Director.

[FR Doc. 2012–21125 Filed 8–27–12; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Air Traffic Data in the Possession of Government Contractors

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The recently enacted Pilot's Bill of Rights (PBR) provides, among other things, that “air traffic data” should be made accessible to, or obtainable by, an airman in Federal Aviation Administration (FAA) investigations when such data are in the FAA's possession and the data will facilitate the individual's ability to participate in a proceeding related to an FAA investigation. Some “air traffic data” are in the possession of government contractors providing operational services to the FAA. This notice specifies how and where an airman may request the FAA's assistance in seeking “air traffic data” from government contractors.

SUPPLEMENTARY INFORMATION:

A. Background

On August 3, 2012, the Pilot's Bill of Rights, Public Law 112–153, was enacted. The PBR requires that the FAA notify an individual who is the subject of an investigation relating to the approval, denial, suspension, modification, or revocation of an airman certificate of certain information regarding the investigation. Among other things, the PBR requires the FAA to inform the individual that he or she “is entitled to access or otherwise obtain air traffic data.” The FAA may delay in providing such notification if it is determined that such notification “may threaten the integrity of an investigation.”

The PBR defines “air traffic data” in the possession of the FAA to include (i) relevant air traffic communication tapes; (ii) radar information; (iii) air traffic controller statements; (iv) flight data; (v) investigative reports; and (vi) any other air traffic or flight data in the FAA's possession that would facilitate the individual's ability to productively participate in a proceeding related to the investigation. The PBR recognizes that some air traffic data are in the possession of government contractors, not the FAA. The PBR provides that an individual—who is the subject of an FAA investigation related to the approval, denial, suspension, modification, or revocation of an airman certificate—is entitled to obtain air traffic data that are “government contractor air traffic data” that would assist the individual in participating in a proceeding related to such an investigation. The PBR provides that such an individual can request that the FAA obtain air traffic data from a government contractor providing operational services to the FAA, including control towers and flight service stations. Under the law, when the FAA requests such data from a government contractor and when the contractor provides the data to the FAA, the FAA is required to transmit the data obtained from the contractor to the individual described above.

B. Centralized FAA Point-of-Contact for Requests for Air Traffic Data From Government Contractors

Shortly, the FAA's Internet Web page (www.faa.gov) will have a “Pilot's Bill of Rights” hyperlink. An individual who is the subject of an investigation related to the approval, denial, suspension, modification, or revocation of an airman certificate may “click” on that hyperlink on the FAA Web page to find out what information the FAA needs to process a request for air traffic data in the

possession of government contractors providing operational services to the FAA. The FAA Web site will also provide the individual with an FAA email address—AirmenDataRequest@faa.gov—where the airman can send his or her request for contractor air traffic data.

Because of the costs associated with storing air traffic data, much of it is destroyed or otherwise disposed of within a few days or weeks after it is generated. For an individual's request to be meaningful, it must be expeditiously received by the FAA at a centralized location by FAA personnel who are trained to process such requests, and then it must be submitted to the government contractors before those contractors destroy or otherwise dispose of air traffic data in the normal course of business. FAA personnel who are knowledgeable about government contractors that provide operational services to the FAA (including control towers and flight service stations) will check for submissions made to AirmanDataRequest@faa.gov, and those FAA personnel will expeditiously forward such requests to the appropriate government contractor.

C. What Should Be Contained in the Request for Government Contractor Air Traffic Data

The PBR requires that when an individual who is the subject of an FAA investigation relating to an airman certificate requests air traffic data that are in the possession of a government contractor that provides operational services to the FAA (including control towers and flight service stations), the individual must: (1) Describe the facility at which such information is located; and (2) identify the date on which the information was generated.

Because government contractors may have a tremendous amount of air traffic data, it is important for the individual to provide as much detail as possible regarding the air traffic data being sought. Such things about the aircraft operation as the local time of day, the heading of the aircraft, and its altitude will increase the chances that the appropriate data can be located, retrieved, preserved, and transmitted in accordance with the requirements of the Pilot's Bill of Rights.

Issued in Washington, DC, on August 22, 2012.

Peter J. Lynch,

Assistant Chief Counsel for Enforcement.

[FR Doc. 2012–21145 Filed 8–27–12; 8:45 am]

BILLING CODE P

National And International News Articles

World's going to need a lot more pilots: Boeing

Puget Sound Business Journal

Date: Wednesday, July 11, 2012, 5:52am PDT

There will be an "exponential growth in demand" for new pilots in the world over the next two decades, according to **Boeing Co.**

Boeing (NYSE: BA) said the world is going to need 460,000 new commercial airline pilots in the next 20 years, according to its [2012 Pilot & Technician Outlook](#).

Boeing also said the world is going to need more than 600,000 new commercial airline maintenance technicians by 2031.

"In many regions of the world, our customers are facing challenges in recruiting personnel due to pilot and technician shortages," said [Sherry Carbary](#), vice president, Boeing Flight Services, [in a statement](#).

The Airport Of The Future Is About More Than Takeoff And Landing

WRITTEN BY: Bill Hooper

To reconnect with irritated and discombobulated travelers, airports around the world are reinventing themselves as relaxing destinations--complete with pools, golf courses, and movie theaters--rather than just the awful place where they search your bags before you get on a plane.

[4 Comments](#)

More than 5 billion travelers passed through the airports of the world in 2011, according to Airports Council International. That's an incredible number, considering the population of the entire planet is something like 7 billion. And all air travelers--everywhere, every day--stand united by something powerful: angst! Airports can be hell.

But for an industry that has seen its share of dark places, hell is not a final destination. It's an opportunity to repent and change. And indeed, with increasing fervor, airport owners and developers around the globe are reinventing the airport as a place that people actually want to spend time. That includes the "forevermore" kind of time. The Stockholm Arlanda Airport offers a wedding package with nuptials in the control tower balcony.



Incheon.

At Incheon International Airport in Seoul, South Korea, it's all about the shopping. Renowned as one of Asia's finest shopping destinations--not just an airport with good shopping--Incheon is constructing a new terminal set to open in 2018. Designed by my firm, Gensler, the new, six-level Terminal 2 will present even more luxe shopping to travelers, but in an environment that is anything but hermetically sealed. The terminal is designed to look airborne and feel like a terrarium with lots of glass, sunlight, tropical plants and curiosities that make people happy. Among them and all inside the terminal: two central parks, a babbling brook, native gardens, aviary and lots of butterflies. There also will be a stage for live performances.

With similar attention to crowd-pleasing, a new airport is being considered near Lagos, Nigeria, and there's talk about making it a go-to destination for what arriving African shoppers really want: the opportunity to purchase international appliances, like refrigerators and washing machines. Available duty-free. Only at the airport.

In Munich, the airport takes travelers to a precisely honed Bavarian wunderland, a microcosm of Munich with an onsite brewery, indoor beer garden and slick Audi showroom. Changi Airport in Singapore has a Balinese-themed swimming pool among its long list of amenities. In Hong Kong, the airport entertains. Consider the outdoor nine-hole golf course and 350-seat IMAX theater that claims the largest projection screen in Hong Kong.



Denver.

The Denver International Airport is getting more “Colorado.” It’s being expanded and transformed into a quasi city center, connected both physically and emotionally to downtown Denver and the region. A Westin hotel and conference center (with a dynamite rooftop pool and views of the Rockies) is part of the expansion program along with an outdoor public plaza for staging community events and a new fast rail line (and station) that will whisk travelers and Denver residents alike to/from downtown Denver.

And then there’s Chennai Airport in southern India, which is about to open two new terminals, both developed around the concept “calm oasis.” With plant life visible from both inside and out, passengers cross an enclosed glass bridge over a tropical garden filled with palm trees, orchids and other indigenous plants. The sequence was designed to feel restorative.

Surely, there’s more going on here than making nice-nice with travelers. “Aspirational” airports—those that have mastered the art of distracting and ultimately luring travelers—have the potential to make big money.

According to the ACI, in 2010, airports in Europe reported revenues of approximately \$7 billion on airport concessions and food/beverage sales alone. In the Asia-Pacific region (home of Incheon, which reported \$1.53 billion in duty-free sales last year, the highest of any airport in the world): \$6 billion in concessions and food/beverage sales. In North America: \$1.7 billion. The new Terminal 2 at San Francisco International Airport is a shining moment for North America, which lags behind the rest of the world in terminal bliss investment. Terminal 2 at SFO was specifically designed to reflect Bay Area culture in its food, art, atmosphere and diehard sustainable focus. And travelers here are

eating it up. Terminal 2's sales per passenger are 22% higher than in the other two domestic terminals at SFO, according to the airport.

That non-aeronautical revenue is critical to airports and airlines—both of which are feeling the effects of airline bankruptcies, mergers, and consolidation of flights. (*The New York Times* recently did a story on languishing secondary hubs in the U.S.—St. Louis; Pittsburgh; and Oakland, Calif., among them—and these airports' attempts to find new revenue-generating business.) An airport's lively concession program can and has eased the airlines' burden of airport operating costs. Airlines used to pay some 70% of those airport costs and now shoulder only about 40% of that burden largely because concession programs have been ramped up.

Although 9/11 certainly changed the dynamics of how people get through airports, the uncertainties of air travel and subsequent “reinvention” of the airport did not start then. It started more than 30 years ago with the birth of the low-cost airline, which had budget travelers foraging for food to bring onboard and lining up for unassigned seats.

Airport owners and developers learned then that people—even the cost-conscious folks—will indulge themselves at the airport, allowing themselves extra time and, perhaps, a splurge item or two or three.

Today, more than a decade after 9/11, the same trend has resurfaced. This time, it's fueled by travelers' acceptance of security lines and the utility of “connectivity,” which allows people to simultaneously be at the office and at the airport dining on a splurge steak and glass of red wine before their flight, sans guilt.

Where will terminal bliss go from here? The edge cities sprouting up around airports, as predicted in the book *Aeorotropolis* (by Co.Exist contributor Greg Lindsay), are already starting to happen. It's a form of airport bliss. But more immediate and more pervasive will be airports vying for travelers' approval and dollars with all kinds of new-fangled amenities that draw people to that particular airport over another connecting city. Call it the Destination Airport. Call those 5 billion air travelers: Captive consumers but finally having some fun again.

Bill Hooper is an architect and Principal at Gensler, a global design firm, whose airport design portfolio includes Incheon Airport's forthcoming Terminal 2, San Francisco International Airport's Terminal 2, and JFK's Terminal 5 (JetBlue).

Federal News Articles

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Travel recovery looks steady despite global weakness

Tue, Jul 17 2012

By [Karen Jacobs](#)

(Reuters) - Strong demand from business and leisure travelers will help U.S. hotels and airlines produce solid revenue and profit in the second and third quarters.

But aside from that bright spot, Europe's economic woes and possible slowing growth in China and India could make for a murkier travel outlook. Those factors, combined with investor nervousness over the result of the upcoming U.S. presidential election, are spurring worries that business and leisure consumers could curb their travel a bit farther down the road.

"The reality is growth has slowed a little bit," said Jon Cummins, chief operating officer of Philadelphia-based Amerimar Enterprises, which owns properties that cater to business travelers such as the luxury St. Ermin's Hotel in London and Sheraton Atlanta. "Yet we're still seeing modest improvements in the hotel metrics."

The two main components of the travel industry -- hotels and airlines -- are somewhat different animals. In general, the hotel industry has a more favorable outlook this year thanks in part to the limited supply of rooms. The airline industry is more volatile due to the price of jet fuel and other factors.

Some U.S. hotel chains have already reported results for the latest quarter, while airlines will begin reporting quarterly earnings later this week.

Hotels and airlines have been aided by a strong comeback in business travel and continued solid leisure demand since the 2008-09 downturn. U.S. airlines merged, trimmed money-losing routes and added charges for luggage and food to restore profit after the recession. They also have shown discipline in recent years in cutting back flights to match demand and raised fares to recoup fuel-price increases.

On Tuesday, Host Hotels & Resorts (HST.N: [Quote](#), [Profile](#), [Research](#), [Stock Buzz](#)), a lodging real estate investment trust, raised its full-year forecast after higher room rates and strong group business lifted quarterly results.

"Based on our booking pace and expectations for fundamentals in the business, including continued low supply growth, we believe that the growth cycle on lodging will be sustained," Host Hotels Chief Executive Ed Walter told analysts.

To be sure, pockets of international weakness showed up last week in Marriott International's second-quarter results. The franchiser of Courtyard, Ritz-Carlton and Marriott hotels lowered its fee revenue forecast for 2012 on softness in Europe and other international markets [ID:nL3E8IB44N].

Still, the revised Marriott forecast did not spur big worries that the U.S. recovery, which has been the key engine behind improving hotel metrics, was being derailed.

"There doesn't seem to be anything related to the U.S. economy that's weakening travel habits at this point, whether we're talking about leisure or business," said Will Marks, a San Francisco-based hotel analyst with JMP Securities LLC.

Marks said hotels are likely to keep reporting solid results as improved demand and limited construction of new U.S. properties allows them to push up room rates and gain pricing power. He said he will be looking for signs of international softness in results of Starwood Hotels (HOT.N: [Quote](#), [Profile](#), [Research](#), [Stock Buzz](#)), due out July 26. Starwood has greater exposure to international markets than Marriott.

Enrique Torres, a lodging analyst with Green Street Advisors real estate research firm in Newport Beach, California, said that barring major shocks to the U.S. economic system, the recovery in hotel operating metrics could go on for another two years.

"Assuming we continue along our current path of low (GDP) growth, we see the recovery lasting pretty robustly through 2014," said Torres, who added that improving hotel statistics have already driven up share prices to a point at which hotel stocks now look expensive compared with other real estate segments.

The spring and summer flying pickup should yield second-quarter profit for airlines. Analysts expect stronger operating profit at the major U.S. carriers on higher revenue, and a smaller loss from AMR Corp (AAMRQ.PK: [Quote](#), [Profile](#), [Research](#), [Stock Buzz](#)) unit American Airlines, which has been operating under U.S. bankruptcy protection since November.

Though falling oil prices in recent months will aid airlines, increases in unit revenue will likely wane beyond the U.S. Labor Day holiday in early September as flying slows from the warm-weather months, said Ray Neidl, an aerospace analyst with Maxim Group. U.S. crude prices are currently in the \$89 a barrel range; they peaked at \$110 in March.

"That's why it's so important for the airlines now to keep controlling costs and be prepared to do some reductions in capacity if necessary," Neidl said.



It is not just the European debt crisis and other international markets that are a source of worry. The stock market as a whole has been hit by uncertainty over whether U.S. Congress and the president will agree to extend tax cuts before year-end. Traders fear a failure to do so could send the United States back into recession.

(Reporting by Karen Jacobs; editing by [Matthew Lewis](#))

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Congress Seeks To Tighten Rules for Alien Flight Students

AVIATION INTERNATIONAL NEWS • SEPTEMBER 2012

by **PAUL LOWE**

September 1, 2012, 1:55 AM

In the wake of a [Government Accountability Office \(GAO\) report](#) showing that foreign flight students can be cleared for flying lessons earlier than they would be cleared to fly commercially on U.S. airlines, the ranking Democrat on the House Homeland Security Committee has filed a bill to close a loophole in the Alien Flight Student Program (AFSP).

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Rep. Bennie Thompson (D-Miss.) said that the Republican-led panel should quickly schedule a hearing to consider [H.R. 6159](#), the “Flight School Security Act of 2012.” In a letter to Rep. Mike Rogers (R-Ala.), chairman of the transportation security subcommittee, he wrote, “H.R. 6159 would require all persons seeking flight training to be checked against the terrorist watch list before they receive training.”

Under current rules, the FAA certifies flight students before they are checked against the Transportation Security Administration (TSA) “No Fly” list. According to the GAO report to Congress, the TSA vets foreign flight student applicants through the AFSP, but weaknesses exist in the vetting process and in the Department of Homeland Security’s process for identifying flight students who may be in the country illegally.

From January 2006 through September 2011, more than 25,000 foreign nationals applied for FAA airman certificates, indicating they had completed flight training. However, TSA computerized matching of FAA data determined that some known number of foreign nationals did not match with those in the TSA’s database, raising questions about whether they had been vetted.

In addition, AFSP is not designed to determine whether a foreign flight student entered the country illegally. Thus, a foreign national can be approved for training through AFSP after entering the country illegally. A March 2010 Immigration and Customs Enforcement (ICE) flight school investigation led to the arrest of six such foreign nationals, including one who had a commercial pilot certificate.

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As a result, the TSA and ICE jointly worked on vetting names of foreign students against immigration databases, but the GAO found the agencies have neither specified desired outcomes and time frames nor assigned people with responsibility for fully instituting the program. Congress was told that having a road map, with steps and time frames, and assigning individuals the responsibility for fully instituting a pilot program could help the TSA and ICE better identify and prevent potential risk.

Stephen Lord, director for homeland security and justice issues for the GAO, noted that two versions of the report—titled “General Aviation Security: Weaknesses Exist in TSA’s Process for Ensuring Foreign Flight Students Do Not Pose a Security Threat”—were released prior to a July 18 hearing before Rogers’ subcommittee.

The version released at the congressional hearing did not contain some “sensitive security information,” which must be protected from public disclosure. “Therefore, this report omits sensitive information regarding potential vulnerabilities we identified related to the TSA’s vetting process for foreign nationals seeking flight training, and associated recommendations we made,” the GAO revealed. “In addition, we have omitted sensitive background information on the potential damage that could be caused by different types of general aviation aircraft crashing into buildings.”

Rogers’ panel questioned TSA officials about the possibility of another hijacking by terrorists trained to fly in a U.S. flight school. “[Zacarias] Moussaoui was actually flying the same simulators I flew at Northwest Airlines, so this is a personal issue for me,” said Rep. Chip Cravaack (R-Minn.) during the July 18 hearing. Moussaoui is a French citizen who was convicted of conspiring to take part in the 9/11 terrorist attacks after taking flight lessons in Oklahoma.

Although the thrust of the GAO report was ensuring that foreign flight students do not pose a security threat, the agency briefly touched on other GA security topics. The report noted that the TSA’s [proposed Large Aircraft Security Program \(Lasp\)](#) has been in limbo since October 2008. “However, in light of concerns expressed by the aviation industry, including concerns about the cost of implementing provisions of the proposed rule, the TSA delayed issuing a final rule and instead plans to issue a new proposed rule in late 2012 or 2013,” the GAO said.

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matt
on September 1, 2012 - 6:40pm

What happened to immigration control?

U.S. airport terminals upgrade to first class

By Curtis Tate
McClatchy Newspapers



Travis Long / Raleigh News & Observer/MCT

The second half of Raleigh-Durham International Airport's Terminal 2 opened in January 2011, completing a \$570 million improvement project that took nearly a decade to finish.

A year ago, a dingy, cramped and aging terminal greeted travelers to Sacramento International Airport. The utilitarian, 44-year-old building was designed for another era in air travel, one without long security lines and with in-flight dining.

Now the old terminal is gone, replaced by a soaring structure filled with natural light and with restaurants, shops, artwork and a row of wooden rocking chairs where passengers can sit and watch planes take off and land.

Airport terminals built half a century ago are wearing out, and no longer meet security or passenger needs. Some were tailored for airlines that no longer exist. And while the struggling economy has reduced travel demand, aviation experts say that now's the time to modernize ahead of an expected increase in air travel.

"As you can imagine, in the '50s, air travel was not what it is today," said Victor White, the director of airports for the Wichita Airport Authority, which expects to begin building a \$200 million terminal in the next few weeks.

Costly? Yes. Some of the larger makeovers run \$1 billion or more.

But airport officials claim the projects can pay off in the long run. The Federal Aviation Administration forecasts that annual passenger totals will pass the 1 billion mark in the next decade, assuming average growth in the economy and the population.

"Short-term issues are short-term issues," said David Magna, a spokesman for Dallas/Fort Worth International Airport, which began a nearly \$2 billion, seven-year renovation last year. "People are still going to travel."

Besides Dallas-Fort Worth, several major hubs have undergone upgrades in recent years, including Atlanta, Miami, Las Vegas, Los Angeles, San Francisco and Seattle. Other busy airports have built modern new terminals, such as Indianapolis, Raleigh-Durham, N.C., and Sacramento. Wichita, Kan., and Myrtle Beach, S.C., are ready to break ground, and Kansas City, Mo., is drafting a blueprint to consolidate three 40-year-old terminals into one.

In 1960, 62 million domestic and international passengers boarded planes at U.S. airports, according to the federal Bureau of Transportation Statistics. In 2011, the count had risen to more than 800 million.

The new terminals won't improve on-time arrivals and departures. They won't upgrade the nation's antiquated air-traffic control system. Passengers will still have to take off their shoes at security checkpoints and pay extra to check their bags.

But you can admire colorful sculptures, sip a fresh latte while charging up your iPad or buy that shirt you forgot to pack.

"Sometimes with flight delays and things that happen, the experience can feel quite gruesome," said Curtis Fentress, an architect involved in the design of the Sacramento and Raleigh terminals. "What we as architects try to do is make the experience as pleasant as possible."

Airlines and travelers help pay for the projects through increased fees, but the recession has taken its toll.

Indianapolis opened its \$1.1 billion terminal in 2008, only to see traffic drop from 8 million passengers to 7.2 million last year. When Sacramento's \$1 billion Terminal B opened last year, the airport handled about 2 million fewer passengers than the 10.6 million in 2007. Raleigh-Durham saw nearly 9 million travelers last year when the \$570 million Terminal 2 was finished, a million fewer than in 2007.

It might take a decade or more from the initial design phase of a terminal to final construction, and conditions can change. Airlines can add or subtract planes, but airports can't add or subtract gates.

"Oftentimes, an airport will begin a project in a very different economic cycle," said Debby McElroy, the executive vice president for policy and external affairs at Airports Council International-North America, an industry group. "Airlines can quickly respond. Airports have less flexibility."

She said airports could scale down projects to save money. Sacramento put plans for a parking garage and hotel on hold. When the recession hit, Wichita hit pause on its entire project.

"There was a benefit," White said. "Because the economy had been so poor, the construction costs are better than what they were two years ago. It helps stretch the dollars that much more."

Wichita, called the Air Capital for its large concentration of aircraft manufacturers, got bad news in January when its largest employer, Boeing, announced that it was shutting down operations there. But White said the new terminal was less about economic development than about giving the city a portal worthy of its heritage.

"Even the design of the building captures the history," he said. "Those kinds of things will make people proud when we're done."

Dallas-Fort Worth is updating its four original terminals, which date to 1974. Magna said the overhaul included more space for the comprehensive security screenings that have been a part of the travel routine since the Sept. 11, 2001 terrorist attacks, and less space for ticket counters. Travelers print their boarding passes at home and check fewer bags because most airlines charge for it.

He also said more space would be allotted to restaurants, cafes, coffee shops and bars, owing to the shift away from in-flight meal and beverage services.

“A lot of that has reverted back to the airports,” he said. “Passengers are looking for choices.”

No detail is too small. Restroom stalls need space to store luggage. Passengers need enough electrical outlets to charge cellphones, laptops and iPads. The right kind of flooring is important, too, because almost everyone has a suitcase with wheels.

“Our current terminal is 100 percent carpet,” White said, explaining why Wichita’s new one will have smoother terrazzo tile floors. “The passengers hate it when they’re pulling a suitcase or pushing a wheelchair.”

The old terminals looked very similar. The newest ones reflect the history and culture of their communities. Fentress, the architect, incorporated wood beams into the Raleigh-Durham terminal’s design, in a manner that pays tribute to two elements of the state’s heritage: handcrafted wood furniture and the Wright brothers’ first flight.

“They said they wanted it to be welcoming and warm, and they wanted it to feel like North Carolina,” Fentress, who grew up in the state, said of the airport board. “They did not want something that looked like everything else.”

Sacramento’s Terminal B also uses wood, but in a different way. Hardy Acree, the director of the Sacramento County airport system, approached a team of architects that included Fentress and asked whether a decommissioned bridge made of old-growth redwood timbers could be reused.

“So we thought, ‘Wow, that’s interesting,’ ” Fentress said. “We didn’t quite know what to do with it.”

Look up: It’s part of the gracefully curved high ceiling.

“It gives a nice warmth to the building,” Fentress said.

Fliers pinched as airfares take off; blame fuel, mergers, profits

By Charisse Jones, USA TODAY

Updated 1d 2h ago

65

4



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Source: U.S. Bureau of Transportation Statistics. Fares for 2011 not adjusted for inflation.

Bill Catlette has a new rule of thumb for his business trips. If the destination is 500 miles away or less, he'll hop behind the wheel instead of fly.

Recently, Catlette, a business consultant, drove even farther, when he found out a round-trip flight from Memphis to Jacksonville would cost \$900 for a seat in coach.

"They're totally putting the squeeze on us," Catlette, who regularly flies out of Memphis, says of Delta, the city's dominant airline. "It's not that I like driving that much, but at some point, it's nuts. At least I don't have to take my shoes off."

Fares were up this year, from facilities such as [Memphis International Airport](#) to Atlanta's Hartsfield-Jackson to Boston's Logan. Don't expect them to drop any time soon.

The volatile price of jet fuel, multiple airline mergers that have winnowed competition and a determination by carriers to not offer more seats than there are passengers to fill them have let airlines boost prices and their bottom lines.

"While nobody wants to pay more for anything, including airline tickets, we have to remember that airlines are businesses," says airline and travel analyst Henry Harteveldt. "They're going to do whatever they can to earn a profit."

But federal transportation data show the number of passengers flying [U.S.](#) carriers dipped 0.3% between

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H. Darr Beiser, USA TODAY file

A plane takes off from Ronald Reagan Washington National Airport as another approaches.

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May of last year and May 2012. Fare watchers say that indicates some fliers may have had enough.

"I think leisure travelers have been pushed to their breaking point in the current economic conditions," says Rick Seaney, of FareCompare.com, which analyzes ticket prices. "Airlines are on that bubble, where adding another couple of bucks is going to hurt demand."

Inflation changes picture

When adjusted for inflation, airfares are actually lower than they were in the mid- to late 1990s. But many fliers, who'd grown used to steep discounts during the depths of the recession, are now suffering a bit of sticker shock as airlines try to make up lost ground.

"I haven't seen a domestic flight below \$600 in forever," says Jeff Pearce, of Fayetteville, Ga., who owns his own business. He drives when he can for business and vacation.

Average domestic fares increased 4.8% in the first three months of 2012 compared with the same period last year, according to the Transportation Department's [Bureau of Transportation Statistics](#). Adjusting for inflation, that's 2.1% higher than last year and 10.1% higher than in 2009.

Among the largest 100 airports in the U.S. (excluding Alaska, Hawaii and Puerto Rico), Flint, Mich., saw the biggest increase, with the average domestic fare jumping 23.7% in the first quarter compared with last year, according to the most recent data available from the Bureau of Transportation Statistics.

Other airports in the top 10 include Cincinnati, which had the highest average domestic fare in the nation, at \$526.25, and where ticket prices rose 13%, and Pensacola, Fla., which had a fare bump of 15% to \$446.70 on average.

In a market such as Cincinnati, a large number of premium-paying business trekkers is likely a key reason for higher average fares, transportation analysts say. But the high cost of fuel has lifted fares in many cities across the country.

Delta spokesman Trebor Banstetter says fares are determined by a range of factors, from the date tickets are booked to the specific route. "Like all airlines, Delta has been adjusting to a significant increase in the price of jet fuel." Delta spent \$12 billion last year on fuel, \$3 billion more than in 2010, he says.

High fuel costs have helped spur airlines to focus on routes that are money makers, and pare seats to make sure there's demand for the flights they offer — and less need to discount fares.

"Higher fuel prices were a factor that put upward pressure on fares and downward pressure on capacity," says John Heimlich, chief economist for Airlines for America, a trade group that represents most major U.S. carriers.

But competition also plays a big role in dictating price, and there's less of it following multiple industry mergers: Delta linking with Northwest; United, with Continental; and Southwest, with AirTran.

"Certainly, consolidation ... (has) reduced competition and increased the pricing power of airlines in certain cities, on certain routes," says fare watcher Seaney. Noting that a ticket from [New York to Los Angeles](#) can cost the same as a flight from New York to Washington, D.C., he says it's "pretty clear that ... (it) has little to do with distance and everything to do with competition."

An analysis released in August of a possible merger between [U.S. Airways](#) and [American Airlines](#) said federal officials should determine whether all the mergers in the industry are leading to higher fares before approving yet another one.

"I can't say for sure mergers are responsible for higher fares, but it's something that deserves a closer look," says Diana Moss, vice president and director of the American Antitrust Institute, which co-authored the report with the Business Travel Coalition.

The report says a preliminary analysis of pre- to post-merger fare changes show that on 70% of routes where Delta and Northwest once competed, fare increases were above the average for all flights at the departure airports. Similarly, pre- to post-merger fare increases were above the average at the departure airports on more than 90% of routes where United once competed with Continental.

Mergers are also having an impact on airports, Moss says. Hubs that once were home to many carriers are now increasingly dominated by a single airline. That carrier then has more power to boost prices. Monopoly of an airport also makes it harder for other airlines, including low-cost carriers that tend to drive down prices, to move in, Moss says.

"When an airline dominates the hub, it's extraordinarily hard for another airline to enter," Moss says. "As we continue to eliminate choices, as airlines become bigger at these fortress hubs and low-cost carriers become less able to discipline fares, that argument that consumers have lots of choices is harder and harder to make."

Seaney, of [FareCompare.com](#), says it is the lack of competition on particular routes that has the bigger impact on price.

"It isn't just about airport dominance of an airline," he says. "Even an airline with only a handful of cheap-priced routes from an airport can force the dominant airline into discounting, as long as they have a few flights a day."

But Heimlich of [Airlines for America](#) says that the price of an airline ticket has risen much less than other products, despite the industry's soaring operating costs. And he says mergers can benefit consumers, by increasing their flight options, even bringing fares down.

"For a series of these consolidations, the levels of air service and fares paid for them after the merger were ... better than they would've been if the airlines had continued as separate brands," Heimlich says.

I'll drive, thanks

Still, higher fares are discouraging some fliers.

"Our local boarding traffic is down a bit," primarily because of higher fares, says [Larry Cox](#), president and CEO of the Memphis-Shelby County Airport Authority. With "fewer airlines, fewer non-stop options, prices go up. Therefore, some people don't travel anymore, or they try to find alternate ways to meet their travel needs."

The strong presence of low-cost carriers Frontier and AirTran led to significant passenger increases at Milwaukee's General Mitchell International airport from 2009 through much of 2011, says airport spokeswoman Pat Rowe, as travelers who otherwise would have flown out of Chicago's O'Hare chose the Wisconsin airport to save a few dollars.

Since then, Frontier has cut back service out of Milwaukee, and AirTran's hub disappeared when it merged with Southwest. The airport's average domestic fare jumped 11.6% between the first quarter of 2011 and the first three months of this year.

Despite that, Milwaukee's average ticket prices remain lower than most other airports in the country, and Rowe says the airport will likely continue to benefit from the presence of eight carriers, including Delta and Southwest, all vying for passengers.

"When you look at the airports that have the highest average fares, they're airports that generally are dominated by one carrier," Rowe says, adding that Southwest and Delta are increasing their service in Milwaukee. "And we have six other airlines. ... When we have a good mix of strong airlines, that works to keep fares at a competitive rate."

Ultimately, it's the passenger who will have the final say, analysts say.

"It used to be you could pick up some reasonable fares if you shopped a little bit, but that's less the case," says Catlette, the frequent business traveler from Tennessee.

Now, he consolidates his business trips and drives whenever he can. "When you're gone, stay gone," says Catlette, who lives in Collierville, Tenn., and has driven the roughly 365 miles to Atlanta three times in the last few weeks. "If you can bolt two or three trips together, you often times can save some money."

23.7%

Rise in airfares

at Flint, Mich.

Graphic, 2B

Contributing: Barbara Hansen

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9 comments

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Kaarin Brooke

People need to remember that flying is a luxury, In the 60's it cost 25k to buy a house, 3k to buy a car and 1k to buy an airline ticket. Even in the 80's this was true. There never should have been 'discount' tickets! We are finally starting to get back to what is fair pricing for airline tickets. The discount tickets allowed for miserable flying experiences. Hopefully these prices will eliminate the 'greyhound bus experience' from flying!

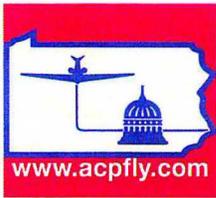
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Shane Jolley · Top Commenter

You are right. Why is it unless a business is bankrupt there rinning us off. They are not a

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Pennsylvania Aviation News

Vol 51, No 1

September 2012

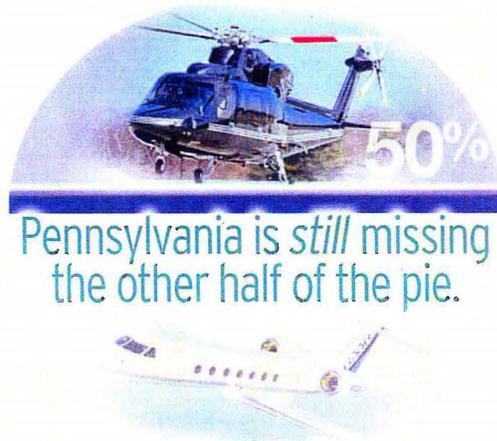
FIXED-WING AIRCRAFT INDUSTRY CAN NOT COMPETE

The fixed-wing aircraft industry in Pennsylvania continues to be held hostage by out-of-date sales and use tax (SUT) policies. These policies have choked off the fixed-wing aircraft sales and maintenance industry in Pennsylvania according to **Bob Rockmaker** with the Aviation Council. The Council continues to receive phone calls about when Pennsylvania will be open for aerospace business.

Some of the biggest and best names in the aerospace business including **Honda Jet** and **Embraer Aircraft** wanted to locate regional service centers in Pennsylvania. The primary reason for their passing on Pennsylvania was the fixed-wing aircraft SUT policies. As the economy continues to come back, these family-sustaining aerospace job creators will continue to bypass Pennsylvania.

According to a study by the Aeronautical Repair Station Association (ARSA) based in

Washington, D.C., Pennsylvania ranks far behind other states of comparable size and population when it comes to aircraft maintenance and repair jobs. ✈



in this issue

PHILADELPHIA INT'L AIRPORT RECOGNIZED, PAGE 7



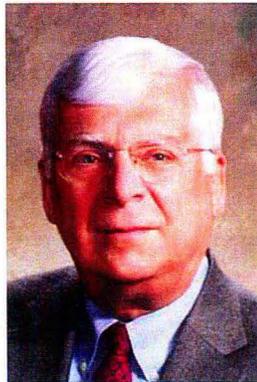
SEC. OF COMMERCE TO ADDRESS ATTENDEES AT SEPTEMBER'S AEROSPACE CONFERENCE

Attendees at this year's annual **Pennsylvania Aviation & Aerospace Conference** will have the opportunity to hear from Secretary of Commerce **C. Alan Walker**. Walker is a successful business person and head of the DCED who reports to Governor **Tom Corbett**.

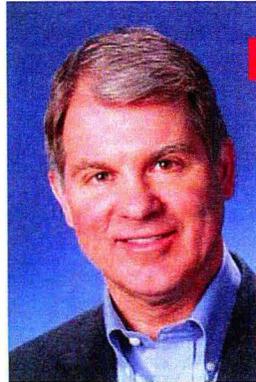
The Aviation Council has been working to advance the understanding of how large the aerospace industry is on a global basis. As long as machines fly into the air and space, there will be a strong workforce demand for people who design, build, operate and maintain these flying machines and their related components.

The Pennsylvania Department of Community and Economic Development (DCED) is responsible for both the retainage and development of new business enterprises that have an interest in calling Pennsylvania

► **SEC. OF COMMERCE**, page 3



**PA Secretary of Commerce
C. Alan Walker**



Senator David Argall

PA AVIATION AND AEROSPACE CAUCUS CREATED

Senator **David Argall**, who represents parts of Berks, Carbon, Lehigh, Monroe, Northampton and Schuylkill Counties, has formed a senate caucus designed to help advance the aerospace industry in Pennsylvania. This is the first time that the Pennsylvania aviation and aerospace industry has

had a dedicated caucus. As of July 31, 2012, the following senators have joined the caucus:

- | | | |
|------------------|----------------|-----------------|
| David Argall | James Ferlo | Richard Kasunic |
| Lisa Boscola | Mike Folmer | Timothy Solobay |
| Michael Brubaker | Vincent Hughes | Gene Yaw |
| Edwin Erickson | | |

"I'm pleased to join my colleagues as we examine the important issues surrounding our aviation industry in Pennsylvania," said Argall. "Our goal is to

► **CAUCUS**, page 8



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council mission

To represent the Pennsylvania aviation and aerospace community in matters involving government and private sector interests; to improve aviation in partnership with the Commonwealth and the federal government; and to increase public awareness of aviation and aerospace.

2 September 2012



a word

from our president

It seems like just yesterday when I started out in my role as president of the Aviation Council. Time really flies. Today, we can look back and report that our much needed fixed-wing aircraft sales and use tax policy project has been advanced with the passage of House Bill 1100 whose prime sponsor was Representative Peter Daley. The House passed HB 1100 by a vote of 179 to 19 on May 22, 2012.

The Council appreciates the efforts of House members Peter Daley, Rick Geist, Jim Marshall, Kerry Benninghoff and all of the other House members who have come to recognize just how critical it is to get Pennsylvania positioned to compete for aerospace jobs.

Senator David Argall has sponsored Senate Bill 1552 which is a companion bill to HB 1100. The Council membership and various aerospace business firms are watching for the day when Pennsylvania will be able to compete for the good paying, family-sustaining aerospace jobs.

It is important to note that the Council board is deeply concerned about the serious financial challenges that are now upon the Pennsylvania Aviation Development Program (ADP). Annual revenue collections which fund the airport safety design and construction programs have fallen from \$15M to \$8.0M on an annual basis. We are now at a critical point where the Bureau of Aviation is finding it difficult to fund the state's 5% match which is used to match the FAA Airport Improvement Program (AIP) grants. We believe we are now in a crisis with respect to this funding issue.

We applaud Governor Tom Corbett for addressing the statewide multi-modal transportation funding issue by forming the Transportation Funding Advisory Commission (TFAC). The final TFAC report was released August 1, 2011. The Council encourages Governor Corbett to take the required action to fund the much needed multi-modal transportation infrastructure improvements. Continued deferment will cause Pennsylvania to fall further behind and not be able to compete for new business and industry.

As I prepare to leave the Aviation Council president's chair in September, I wish to express my appreciation to the officers and board members who work behind the scenes and attend various meetings to help advance our aerospace agenda. I also want to thank our members and supporters who have written letters and made phone calls to help advance our agenda.

I hope to see all of you at this year's Pennsylvania Aviation & Aerospace Conference on September 12-14 in Lancaster. This is your association. I encourage you to get involved. Collectively, we are making a difference. We thank everyone for their support. Enjoy the balance of your summer.

Rick Holes, P.E.
President, Aviation Council of Pennsylvania
814-472-7700 or rick.holes@lrkimball.com

Alaska Lt. Governor Mead Treadwell, chairman of the Aerospace States Association



AVIATION COUNCIL PARTNERS WITH AEROSPACE STATES ASSOCIATION (ASA)

As part of the Aviation Council's long-range aerospace initiatives that are underway, the Council has become active with the **Aerospace States Association (ASA)**. This Washington, D.C.-based trade association represents the interests of the aviation and aerospace industry in America on the state level.

ASA is a bi-partisan representative of the grass roots of American aerospace. It is an organization of lieutenant governors and state-appointed delegates. Alaska Lieutenant Governor **Mead Treadwell** is the current chair. ASA was formed to promote a state-based perspective in federal aerospace policy development and support state aerospace initiatives that enhance student/teacher education outreach and economic development opportunities. ASA is now working to rally America to improve U.S. global aviation/aerospace competitiveness. ✈️

Sec. of Commerce from page 1

their home.

As Pennsylvania continues to ramp up the aerospace sector, both the direct and indirect economic impacts will begin to emerge in communities large and small. The aerospace industry creates family-sustaining jobs which is what people need to survive in today's world. ✈️

Our dollars and jobs are going to nearby aerospace-friendly states.

It is imperative that Pennsylvania lifts its sales and use taxes on fixed-wing aircraft sales, parts, maintenance and repairs now in order to retain and attract good jobs and new aerospace-related businesses.



AIRCRAFT MAINTENANCE REPAIR & OVERHAUL (MRO) JOBS COMPARISON

— Top 12 states ranked by population —

STATE ¹	POPULATION ²	BASED AIRCRAFT ³	NO. OF AIRCRAFT MAINTENANCE JOBS ⁴
California	37,691,912	22,830	33,379
Texas	25,674,681	17,595	29,580
New York	19,465,197	6,457	8,372
Florida	19,057,542	16,126	18,317
Illinois	12,869,257	6,112	5,931
Pennsylvania	12,742,886	6,012	4,123
Ohio	11,544,951	5,823	6,595
Michigan	9,876,187	6,112	5,027
Georgia	9,815,210	5,843	12,587
North Carolina	9,656,401	5,883	4,732
New Jersey	8,821,155	2,954	2,789
Virginia	8,096,604	5,178	1,395

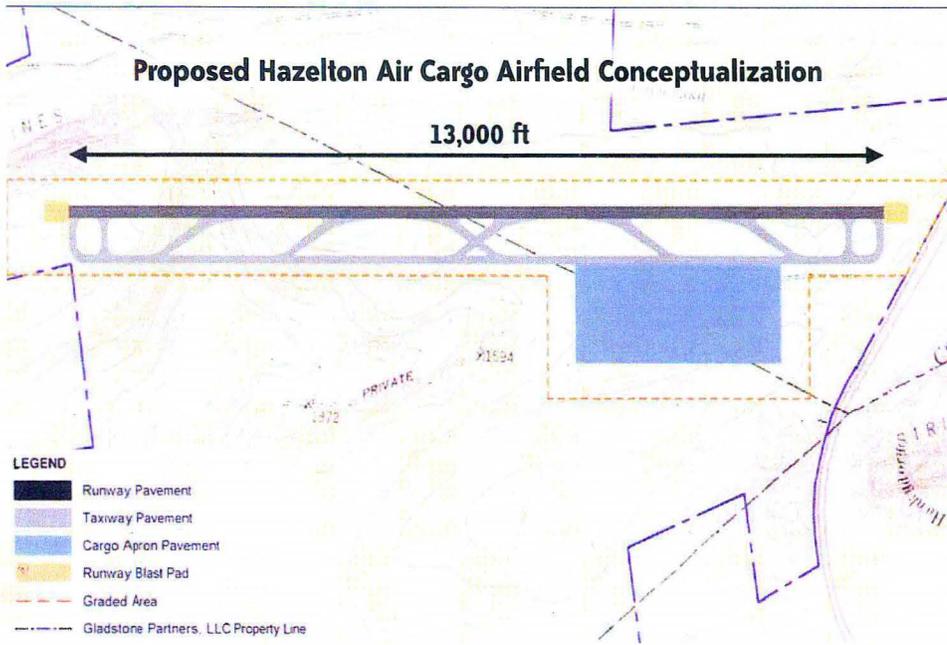
1. Ranked by population

2. Estimates for July 1, 2011 (based on U.S. Census Bureau data)

3. Only active aircraft

4. Employees that conduct aircraft maintenance, repair and overhaul services.

Employment statistics courtesy of Aeronautical Repair Station Association based on analysis of 2009 federal government and industry data. Last update April 2010.



ON-TIME PERFORMANCE

U.S. airlines are on pace to post their best year for on-time arrivals. Here is a list of what percent of flights at some of the nation's largest airports arrived on-time in the first six months of 2012:

1. Salt Lake City 89.72
2. Charlotte, N.C. 87.54
3. Minneapolis/St. Paul 87.14
4. Phoenix 86.85
5. Las Vegas 86.67
6. Chicago Midway 86.16
7. Baltimore 86.14
8. Atlanta 85.91
9. Detroit 85.73
10. Portland, Ore. 85.37
11. Tampa, Fla. 85.35
12. Seattle 85.10
13. Orlando, Fla. 84.92
14. San Diego 84.70
15. Denver 84.52
16. New York JFK 84.35
17. Dallas/Fort Worth 84.23
18. Miami 84.21
19. Los Angeles 83.70
20. Fort Lauderdale, Fla. 83.59
21. Washington National 83.18
22. Philadelphia 82.73
23. Boston 82.56
24. Chicago O'Hare 81.91
25. Washington Dulles 81.02
26. New York, LaGuardia 80.32
27. Houston 79.70
28. San Francisco 73.35
29. Newark, N.J. 70.61

Source: Bureau of Transportation Statistics

GLADSTONE PARTNERS ADVANCES NEW AIRPORT IN SCHUYLKILL COUNTY

On August 2, the Schuylkill County zoning board granted a special exception request to **Gladstone Partners LP** from Pittsburgh. Gladstone is proposing to develop an air cargo airport on 4,500 acres in Schuylkill County. The runway lengths are estimated to be 13,000 feet in length. Air cargo aircraft require long runways to accommodate the take-off distance requirements when they are flying stage lengths of 3,500 to 7,000 miles nonstop. The new airport project was originally talked about in 2007.

The zoning application was granted with the following conditions:

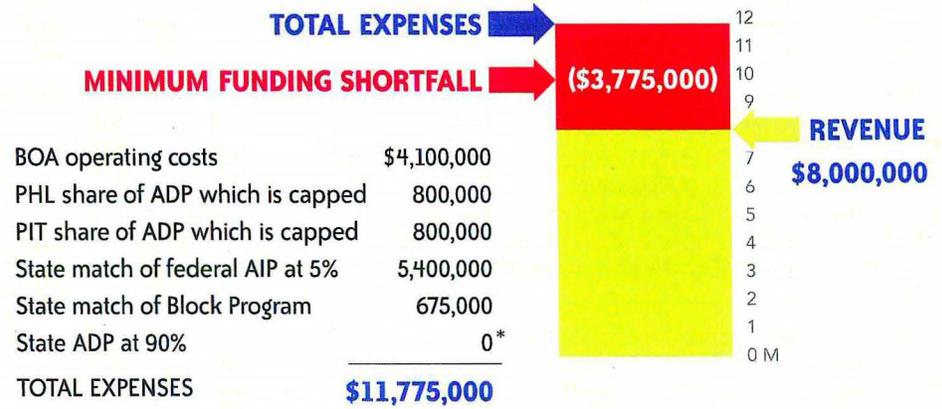
- A new roadway needs to be built from Interstate 81 to the airport.
- Primary access to the airport will be from Interstate 81.
- Gladstone will appoint a representative who is fully aware of the project status and will report to the townships and the county until the airport is operational.
- Airport emergency services will be fully self sufficient and not rely on local emergency personnel to support an emergency situation. ✈️

PA AVIATION SOURCE AND USE OF AVIATION GRANTS

The **Pennsylvania Aviation Development Program (ADP)** is in serious financial difficulty. This has been brought about several factors that include:

- Revenue into the aviation restricted account has dropped from \$15.0M to \$8.0M annually
- There have been no increases in revenue for over 28 years
- Jet aircraft engines are 20% -35% more fuel efficient

Here is a snapshot for FY 2012/2013 of the revenue and expenses for the PennDOT Bureau of Aviation which administers the aviation grant program in Pennsylvania.



NOTES
 *Due to a lack of funds, few if any ADP projects can be funded at the 90% funding level. The Bureau of Aviation's first priority is to match the federal Airport Improvement Grants Program issued by the FAA in Washington D.C.

AVIATION COUNCIL JOINS GLOBAL AEROSPACE'S AIRPORT SAFETY ADVOCACY PROGRAM

Global Aerospace Inc. has announced the enrollment of the **Aviation Council of Pennsylvania (ACP)** into its innovative Airport Safety Advocacy Program (ASAP). As a result of this partnering, exclusive benefits and products specifically designed for the airport segment will be made available to ACP members.



WHO IS GLOBAL AEROSPACE?

Global Aerospace is the world's leading specialist aerospace insurance provider. Since 1924, Global has provided best-in-class protection to customers worldwide. Their exclusive aerospace focus enables Global to understand your specific challenges, customize solutions to meet your needs and provide dedicated value-added services. Their experienced staff of professionals is unrivaled in the aerospace insurance industry and their commitment to the aviation community continues to this day.

WHAT IS THE ASAP PROGRAM?

The Airport Safety Advocacy Program is a partnership between Global Aerospace, state level aviation associations and their member airports. ASAP has been specifically designed for the airport segment, and provides them with access to online safety products as well as affordable comprehensive insurance.

"Safety is important to us all, and we recognize the important impact the ACP is making to the aviation community," noted Global senior underwriter **Sebastian Ciepiela**. "Through lobbying, conventions, forums and sharing of information and best practices, they are a vital link in the safety chain. Global Aerospace feels strongly about this link, and our ASAP program is designed to help support the ACP's mission."

WHAT'S IN IT FOR THE COUNCIL?

1. The ASAP program will help support the mission of the Aviation Council. ACP airport members who bind their

Policy enhancements for ACP members

- Policy premium guaranteed for two years (if no losses over \$5,000)
- Policy expiration will be "continuous until cancelled," so no need to re-issue the policy and certificates each year
- Electronically-issued policies
- Automatic eligibility for our Accident Forgiveness Program (rate increase waived for first loss up to \$5,000)
- Global will reimburse your Aviation Council membership dues for one year, up to \$250
- SM4 Safety Benefit—access to Global's training webinars: "Safety Management for Small Airports"

insurance with Global Aerospace will be helping to support their trade association reach its goals and objectives.

2. In an effort to keep the ACP airport membership segment active and growing, Global will reimburse membership dues for one year—up to \$250—for any ACP airport member that binds their insurance with Global Aerospace.

3. **SM4 Safety Benefit**—an important component to this program. Every member airport insured by Global, has access to our training webinars entitled "Safety management for Small Airports."

AS AN ACP AIRPORT MEMBER, WHAT DO I NEED TO DO?

When your next airport insurance renewal approaches, ask your insurance broker to obtain an airport liability quotation from Global Aerospace. If you bind with Global, not only are you supporting the ACP, but you will qualify for several enhancements (see box).

For more information, please contact Sebastian Ciepiela at 973-490-8604 or sciepiela@global-aero.com ✈

ADVOCACY DAY 2012 SPONSORS

The **Tenth Annual Pennsylvania Aviation & Aerospace Advocacy Day** was held in Harrisburg on June 13. Taking the time and making the investment to come to Harrisburg was well worth it. Telling the aerospace story is critical to the long-term health of the aerospace industry in Pennsylvania.

The Aviation Council thanks those who helped make 2012's event a success:

Roger Moog
AvFlight Harrisburg Corp
Bucks County Airport Authority
Cheyenne Air Service
CYX Aviation
Erie Regional Airport Authority
Global Aerospace Inc.
Harrisburg Int'l Airport
Lancaster Airport Authority
Lehigh Valley Int'l Airport
L.R. Kimball
Lycoming Engines

National Business Aviation Association
Pittsburgh Jet Center
Saker Aviation Services
Schuylkill County Airport
Sikorsky Global Helicopters
University Park Airport
Washington County Airport
Wilkes-Barre/Scranton Int'l Airport
Williamsport Regional Airport
anonymous



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September 12-14, 2012 | Lancaster

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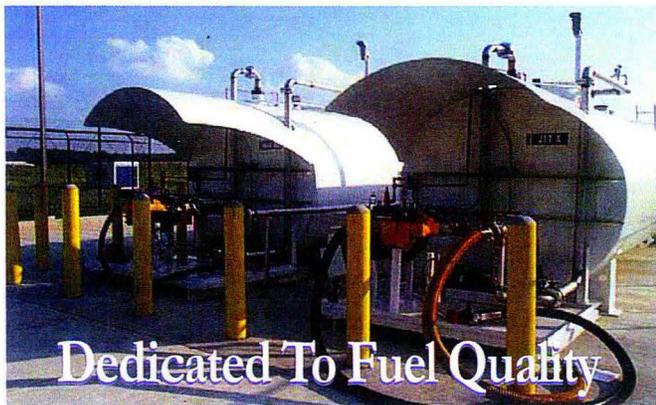
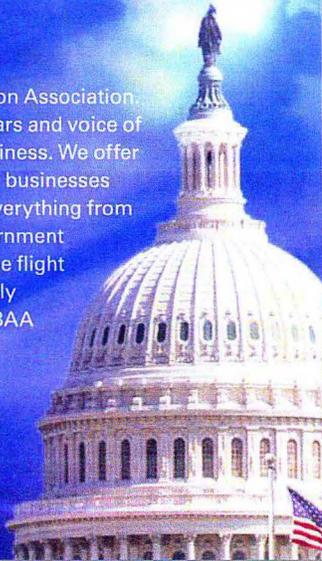


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CREATING AN AIRPORT ADVISORY BOARD

Today more than ever, public-use airports have to work even harder to keep the ship headed in the right direction. Staying connected to your customers is absolutely essential if you intend to keep your business model on solid ground. One of the ways to help keep your airport engaged with your customers is by establishing an **airport advisory board** or **committee**.

Airport managers and sponsors need to recognize that every person that steps foot on their airport is a customer. If an airport has scheduled passenger service, every enplaned passenger is your customer. If you operate a general aviation airport, every person that steps onto your property is your customer.

The creation of this type of work group should be looked at as an extension of the airport with the establishment of deeper roots into the community. Advisory boards can help create important connectors between the airport and the local business and citizenry.

Advisory boards are not intended to replace the governing body of the airport such as airport authority members.

Who should be considered for a seat at that table?

In most cases, it is best to have the CEO or top leader of an organization be invited to participate. There may be times when a person is requested to fill a seat due to the specialty of their career path, ie., senior vice president of marketing or finance.

Here is a list of possible categories to consider when forming an advisory board:

Economic development agency

Chamber of commerce

Media TV, radio, newspaper and web-based

Local elected officials and/or a representative from their staff

State elected officials and/or a representative from their staff

Tourism agency

Local entrepreneurs

Medical industry

Finance/banking/legal

The creation of an advisory board is like adding another set of helpers for both the good and not so good times. These are people who live, work and play in the community. They have a vested interest in wanting to see the local airport remain viable, vibrant and forward looking.

Advisory boards will normally meet four to six times each year. There may be occasions when more time investment may be required based on the airport and related needs. Airport operators of all sizes should highly consider this addition to their business model. ✈

PHILADELPHIA INTERNATIONAL AIRPORT IN THE SPOTLIGHT

BERNIE PRAZENICA APPOINTED TO AIRPORT ADVISORY BOARD

Philadelphia Mayor **Michael A. Nutter** announced on August 3, his appointment of **Bernie Prazenica** to the Mayor's Airport Advisory Board. Prazenica is president and general manager of WPVI-TV 6ABC, a graduate of Temple University, and an active member of the Philadelphia community. As a member of the Airport Advisory Board, he will help support the growth and success of one of Philadelphia's most valuable economic development assets.

"Bernie Prazenica continues to show his commitment to Philadelphia, and I look forward to putting his leadership and management expertise to work to help guide the ongoing improvement of Philadelphia International Airport," said Mayor Nutter. "I would like to thank Bernie for his willingness and interest to serve in this important capacity."

The intent of the Airport Advisory Board is to assist PHL CEO **Mark Gale** and the administration in achieving goals and objectives, particularly on continued infrastructure improvements and expansion, revitalizing and refocusing efforts on customer service and amenities and fostering economic development. The board also advocates for key business initiatives and programs that enhance the overall operation and passenger experience at Philadelphia International Airport, and further supports the airport as Philadelphia's international gateway and one of our region's largest economic engines. ✈️



▲ **Bernie Prazenica**

▶ **Mark Gale, left, CEO of PHL, accepts COMTO Ambassador Award from Raynard W. Hughes, COMTO Philadelphia Chapter president on June 1.**



CONFERENCE OF MINORITY TRANSPORTATION OFFICIALS RECOGNIZES MARK GALE AND PHL

Philadelphia International Airport CEO **Mark Gale** has received the **Conference of Minority Transportation Officials (COMTO)** Executive of the Year award in recognition of his leadership in the PHL's many initiatives and successes that support COMTO's mission. Gale was presented with the award at the organization's 41st National Meeting and Training Conference in Denver on July 24.

Gale was selected based upon his leadership, efforts and accomplishments in several areas including COMTO service, activities and contributions; hiring and promotion of minorities in executive management and supervisory positions; ensuring growth in contracting opportunities for historically disadvantaged business enterprises; and leadership in supporting equal opportunity and increased access for minorities.

"Mark deserves this great honor as it demonstrates his dedication in promoting the mission and values of COMTO," said **Rina Cutler**, deputy mayor, Transportation and Utilities. "Mark and the entire airport team are to be applauded for taking a leadership role regard-

ing the advancement of minorities in the transportation industry. It is a tribute to the goals of the Nutter administration and to be recognized as Executive of the Year in a national forum."

Earlier this year, COMTO's Philadelphia Chapter presented its first Ambassador Award to PHL at its Annual Scholarship Luncheon. COMTO Luncheon Co-Chair **Herman W. Lloyd** stated that "under [Mark Gale's] leadership, PHL has gone beyond its customary bounds, putting forth outstanding efforts to represent, support and advocate the principles of COMTO." Lloyd also noted the airport's "longstanding dedication, and employee engagement to the Philadelphia Chapter of COMTO."

PHL has maintained a strong partnership with COMTO by supporting the organization's Scholarship Program, which this year distributed \$40,000 among 21 deserving high school seniors and college students from the area; co-sponsoring the 40th National Meeting and Training Conference in Philadelphia; and supporting employee involvement, including facilitating training at the national conference. ✈️

ABOUT COMTO

Founded in 1971 on the campus of Howard University in Washington, D.C., Conference of Minority Transportation Officials (COMTO) has thirty-nine chapters throughout the United States. The organization's mission is to "ensure a level playing field and maximum participation in the transportation industry for minority individuals, businesses and communities of color through advocacy, information sharing, training, education and professional development."

“AIRPORTS,” AN EXPANDED DEFINITION

Many people do not realize the value that a local airport brings to a community. Never undersell your local airport; if you do, you are greatly reducing the overall value of your community. Here is the true meaning of your local airport:

- Airports ...provide **A**ccess to the community
- ...provide a gateway for **I**ndustrial growth
- ...provide **R**esources in the community
- ...provide a **P**ortal for the community
- ...provide **O**pportunity for the community
- ...provide **R**ecreational venues for the community
- ...provide a **T**ransportation tool for the community
- ...contribute to a **S**ecure future for the community

Caucus from page 1

make Pennsylvania an industry leader, which would provide for good-paying jobs and new economic opportunity we desperately need.”

The aerospace industry comprises between 2% to 4% of the annual United States gross domestic product (GDP). With the help of the senate aviation and aerospace caucus, Pennsylvania will begin to be better positioned to both retain and attract a wide assortment of aerospace firms to Pennsylvania.

The growth of the aerospace industry will lead to economic development and job creation at Pennsylvania’s system of airports and the local communities that they serve. We will see new job creation both on and off the airports according to **Bob Rockmaker**, executive director of the Aviation Council.

The Aviation Council is deeply appreciative to Senator David Argall and all of the senate members who have stepped up to participate in this aerospace precedent-setting process. ✈

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“GREEN” AIRFIELD TURFGRASS TAKES FLIGHT



Constant mowing of airfield turfgrass is costly and generates excessive fuel emissions. **Christina Kobland** envisioned a better way, **FlightTurf**,[®] a patent-pending turfgrass vegetation management system that is revolutionizing airfield management and could save airports significant dollars in the process.

“I hated seeing airports waste dollars in trying to deter geese and other wildlife,” says Kobland, president of Native Return,[®] LLC which specializes in using native plants to restore balance to declining ecosystems. “It makes more sense to plant a vegetative cover that wildlife would avoid, rather than trying to manage geese after they entered the airfield.”

Based on Kobland’s years of research on airfields—including, among others, Philadelphia Division of Aviation’s Northeast Philadelphia Airport—this turfgrass and vegetative management system requires only one mow a year to maintain an average height of six inches.

“Reduced mowing eliminates the disturbances such as the flush of insects, mutilation of small animals and production of hay, all of which would otherwise attract wildlife,” says Kobland.

FlightTurf meets FAA specifications. The Pennsylvania Bureau of Aviation supports its use as well.

MULTIPLE ADVANTAGES

Mowing requirement reductions alone result in major economic advantages. Assuming a low 2010 fuel cost of \$2.10 per gallon and 22 mows a year for conventional grass, estimated annual savings with FlightTurf average \$800 per acre. For an airport the size of

Philadelphia International (PHL), with 870 mowable acres, that translates into an annual savings of \$696,000. “These figures don’t even take into account the potential reduction in wildlife management expenses,” says Kobland. Less wildlife means fewer runway interruptions and safer conditions. With fewer mowing crews, airports tighten security and risk exposure—and reduce capital

costs for mowing equipment.

“With FlightTurf, greenhouse gas emissions attributable to mowing are reduced 95 percent,” Kobland says. “What’s more, the deeper root structure of FlightTurf reduces stormwater runoff and reduces or eliminates the need for watering or fertilization.”

A new installation of FlightTurf is competitively priced compared to a standard seeding installation, because FlightTurf requires less fertilization and liming. “When replacing a traditional stand of turfgrass with FlightTurf, an airport can recover its conversion costs in two to four years,” Kobland says.

Recently **Erie International Airport** included 92 acres of FlightTurf in its AIP runway extension project. “I saw no downside to using FlightTurf,” says **Chris Rodgers**, executive director at Erie International. “If it reduces mowing and deters wildlife, great. If it doesn’t, we are no further behind than we would be with the usual turfgrass.”

Find out more at www.FlightTurf.com or call 610-834-7848. ✈

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WELCOME NEW MEMBERS

The Aviation Council board of directors extends a warm welcome to the following persons who have recently joined the Council. We appreciate your support and look forward to your involvement.

(Since December 15, 2011)

Kelly B. Brown
Gulfstream Aerospace Corporation

Susan Kittle
Lehigh Northampton Airport Authority

Scott A. Miller
Lycoming Engines

David R. Friend
Cheyenne Air Service

Craig J. Stephan
Cheyenne Air Service

Carl C. Perkins, pilot

Janine Berard,
Aon Risk Services

Richard D. Farwell Jr.
Triple F Flying Inc.

James T. Goetz, student pilot

Sebastian W. Ciepiela
Global Aerospace Inc.

David W. Eley
BPG Properties Ltd

Anthony R. Provenzano
private pilot

Stephen W. Simchak
Hazelton Municipal Airport

David Chronowski
Saker Aviation

To join the Aviation Council or for additional information on membership, please visit us at www.acpfly.com or call 610-797-6911. ✈



ACP MEMBERSHIP DUES REMINDER

Reminder notices have been sent out. Your investment helps the Council to advance aerospace in Pennsylvania.

PLEASE SHARE YOUR NEWS

If you have news about your organization that you think other members would benefit from reading, please add the Aviation Council to your news release list: info@acpfly.com.

ADD-ON COWORKER MEMBERSHIP IN ACP MAKES SENSE

Many Council members find that an add-on coworker membership is an easy way to help advocate for Pennsylvania aerospace and at the same time let their staff stay up-to-date on the latest aerospace goings-on in our state.

Any employee is eligible whose organization holds a membership in the Council. The cost is just \$50 per person.

For an application, call our office at 610-797-6911 or visit us at www.acpfly.com

ACP MEMBERS, SAVE MONEY ON ELECTRIC BILLS

The Aviation Council has formed a strategic partnership with **APPI Energy**—a leading electric consulting firm which specializes in providing their clients with the best possible information in respect to the selection of an electric supplier.

We encourage all members to speak with APPI when it is time to select an electric supplier. Every Aviation Council member who contracts with APPI, will be helping to support the Council and its mission. Please contact APPI Energy at 800-520-6685 or www.appienergy.com. ✈



The
Aerospace
Industry in America
represents
2%-4%
of the annual U.S. gross
domestic product

Source: Aerospace Industries Association

Aviation Council of Pennsylvania's 2012 Aviation Scholarship PROGRAM

Awards ranging from \$500 to \$2,000 are available in three categories:



- AVIATION TECHNOLOGY
- AVIATION MANAGEMENT
- PROFESSIONAL PILOT

If you are a Pennsylvania resident interested in an aviation career and would like to apply, you'll find the application at: www.acpfly.com

Deadline to apply: October 26, 2012



ATTENTION ACP MEMBERS— GLOBAL AEROSPACE SAFETY PROGRAM HAS BENEFITS EXCLUSIVELY FOR YOU

Global Aerospace Inc. has announced the enrollment of the **Aviation Council of PA (ACP)** into its innovative Airport Safety Advocacy Program (ASAP). As a result of this partnering, exclusive benefits and products specifically designed for the airport segment will be made available to ACP airport members. (Complete article on page 5.)

For more information, please contact Sebastian Ciepiela at 973-490-8604 or sciepiela@global-aero.com



COUNCIL MEMBERS ARE INVITED TO SERVE ON THEIR BOARD OR JOIN A COMMITTEE

Board of Directors: The Aviation Council of Pennsylvania wants to hear from its members who have an interest in serving on its board. There is no pay, however the ability to help lead and guide your trade association is a wonderful way to help build and support aerospace in Pennsylvania.

Committees: Council members are encouraged to volunteer on one or more of the active committees. Committee work is where great things take off. Exciting times lie ahead for the Aviation Council and our committees are a key.

For more information about being on the board or a committee, please contact the Council office at 610-797-6911 or feel free to call any of these committee chairpersons:

AEROSPACE DEVELOPMENT	Roger Moog	215-238-2884
	Dorith Hakim.....	610-644-4430
ANNUAL CONFERENCE	David Eberly	717-569-1221
ANNUAL CONFERENCE SITE SELECTION	Barry Centini	570-602-2000
AWARDS, EDUCATION AND SCHOLARSHIP	Lowell Levensgood ..	601-689-0787
BY-LAWS	Jay Beratan.....	215-399-4314
CORPORATE OPERATORS	Kevin Boardman	215-365-5252
FINANCE	John Mininger	215-538-0371
FIXED-BASE OPERATION	Carl Adkins	717-944-4666
	David Holman.....	724-452-1290
FUNDING AGENCY LIAISON	Bryan Rodgers	814-865-5511
LEGISLATIVE/PUBLIC AFFAIRS	Barry Centini	570-602-2001
MEMBERSHIP	Stephanie Saracco...	412-472-3500
NOMINATING	Jay Beratan.....	215-969-8103
SMALL AIRPORTS	Carl Adkins	717-944-4666
	David Holman.....	724-452-1290
SUPPLIER	Dan Gallogly	724-449-1179

2012 AVIATION ADVISORY MEETINGS

The **Pennsylvania Aviation Advisory Committee** meets four Wednesdays out of the year. The public is invited.

For complete information, or to be added to the Advisory Committee's email list, please contact **Patrice Bratcher** at 717-783-2026 or pbratcher@state.pa.us

Dates: **September 19**
December 12

Time: **11:00 a.m. - 3:00 p.m.**

Location: **Commonwealth Keystone Building**
(Rm 8N1), 400 North St., Harrisburg

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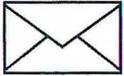
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Pennsylvania Aviation News

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If you have news regarding events or projects at your airport, fixed-base operation, flight department, flight school, or supply firm or ideas for future newsletters, please forward them to:

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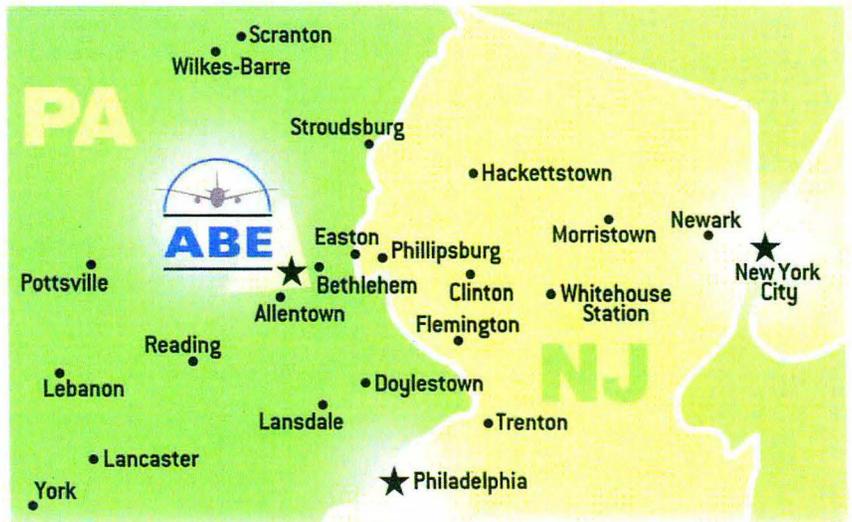
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The Aviator

Summer 2012 • Vol. 6, Issue 2



From the Desk of Arlene Feldman, President, NJAA

Thank you for your continued support. Your membership and contributions have provided us with the ability to serve you and others who have an interest in protecting, improving and promoting Aviation in New Jersey.

We continue to maintain our strategic alliances with a variety of organizations, including the National Business Aviation Association (NBAA), the NJ Chamber of Com-

SEPTEMBER 19, 2012...

Attend the NJAA 4th Annual
Excellence in Aviation Awards Luncheon

• Complete the Registration Form on page 4



merce (NJCOA), the National Association of State Aviation Officials (NASAO), the National Aviation Transportation Association (NATA), and Mid-Atlantic Aviation Coalition (MAAC). NJAA is now recognized by the myriad of state and national organizations for our role in influencing public policy concerning general aviation.

I hope to see you at our annual "Excellence in Aviation" awards luncheon on September 19th. This event provides us with the opportunity to honor legislators and others who have played an important role in our success. We had the pleasure

Continued on page 5

What about the Passengers?

by Matt Zuccaro, President of HAI

As you might guess, I get involved in a lot of discussions related to safety within the helicopter industry and, more specifically, regarding individual accidents that have occurred. I believe the intense examination of an accident is a beneficial education tool, lest we repeat the errors of those that came before us.

On one such recent occasion, something struck me as odd. As I discussed several accidents with a group, I took note that we collectively focused on the aircraft, the crew, the weather, the mission, and all other related topics. Not once did anyone mention the passengers who had been fatally injured.

The desired result of these discussions is to learn what caused the accident and examine the effects of an accident on the industry, the company or aircraft owner, the crew, and so on. Many times we tend to note that, yes, there were X number of fatalities, including the crew and passengers. Most of us either knew the crew or remember them, or read about them and who they were, which is proper. We also acknowledge that our thoughts and prayers go out to the passengers and their families. But what do we really know about the passengers and their loved ones?

I think it would benefit us in the helicopter industry to not only focus on the logistics and technicalities of the ac-

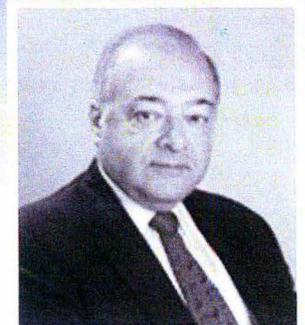
cident, but to take that next step and get to know the victims and their loved ones as well as we do the accident event. What end goal would this serve, you ask?

It would personalize the event, the loss of life, or injury to a level that would sensitize those involved in the operation of helicopters as to the ultimate loss that has occurred. Hopefully, this new focus would affect our safety culture and decision-making in a positive manner.

We are not just talking about aircraft wreckage, litigation, or loss of business or market share here. We are talking about someone's parent, child, family member, or loved one, both crew and passengers. A fatal accident always involves at least one life that ended unexpectedly and far too soon. The worst part is that, in almost all cases, this was preventable.

Recently at the National Transportation Safety Board hearings on public aircraft operations, I had the good fortune to meet Ms. Juanita Gomez, mother of firefighter Edrik Gomez, 19 years of age, who along with nine others was killed in one of the helicopter accidents discussed at the hearing. One look in her eyes was all it took for me to realize

Continued on next page



Member Profile:

William (Bill) Lewis Fritsche

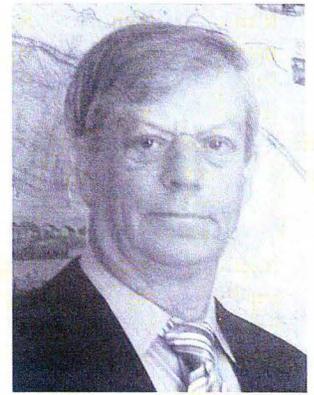
Bill is the part owner of Alexandria Field Airport and Fixed Base Operator of Alexandria Field, Inc., a NJ public use airport, that has been owned by his family since 1944. In addition to his role as the Chief Pilot for the flight school, Bill developed and ran air taxi operations and is responsible for continuous airport development.

Some of his accomplishments include building of a new airport entrance road: placing power lines underground off 26, paving of the ramp area, new taxiways, new parking area and pavement, a new entrance to hangar areas, and the widening and overlay of taxiways. Bill converted his fuel farm to meet 1986 State requirements for underground storage facilities and added a PAPI system, He Improved runway lighting and windsock systems and added new T-hangars. Bill has been very active in an effort to remove tree obstructions at his and other New Jersey airports.

From 1989-1998, Bill was the aviation director for The MAGIC OF ALEXANDRIA Balloon Festival, which increased attendance from 18,000 to 65,000, gave donations of over \$210,000 to charities over 10 years and was the winner of the 1993 NJ Governor's Award for Best Event. It was also the winner of the 1993 NJ Business Development Award and the winner of the Hunterdon County Chamber of Commerce in 1994. In 1997, the Balloon Festival was ranked 6th of the nation's top 250 events by Events Business News Magazine.

Bill was a pilot with Trans World Airlines from 1967-2001 and with American Airlines from 2001 to 2003 until his retirement. He holds FAA certificates and ratings in Basic,

Advanced, Instrument, Ground Instructor; SMEL Instrument, Instructor, Commercial SMEL; ATP, MEL. He is rated in Boeing 727, 757, 767, 747; Lockheed L1011; Turbo-Jet Flight Engineer and has experience on B727, B707, L1011.



Bill graduated from Rutgers with a BA in Business Administration. He received Planning Board Member Training from the State.

Bill was born and raised in Alexandria Township. He soloed at age 16 (T-50, J3 Cub and a PA-12).

Bill's father was inducted into the NJ Aviation Hall of Fame 2004.

With Bill as Mayor, his was the first New Jersey Municipality to adopt ordinances to incorporate the 1983 Airport Safety and Zoning Act, with little or no opposition from affected property owners.

Bill's government activities include Alexandria Township Mayor from 1982-84; Planning Board member since 1979 (vice-chairman); involved in township Master Plan revisions; involved in Highlands activities and is the current member of the Open Space and Farmland Retention Committee. In 2010, Bill was elected to the Board of Directors of the New Jersey Aviation Association. He currently serves as an elected member of the Hunterdon County Republican Committee for Alexandria Township. ←

What about the Passengers? *continued from page 1*

this woman had suffered a parent's worst nightmare. What amazed me was her focus and resolve, which she shared with others who had lost loved ones in the accident.

These families' only interest was to prevent a similar event from happening again. Their hope is that the loss of their loved one was not in vain and that some good will come from it. They want to know that the various stakeholders - industry, government, and end users - truly understand the human loss and pain accidents bring with them. They want an end to our disagreements, blame games, and statistical justifications. They want us to make the accidents stop. Ms. Gomez and the families of other passengers and crew alike deserve nothing less than our best efforts.

We in the helicopter industry have a basic responsibility to make decisions predicated on what is safe and best for those who place their lives in our hands each day. The

expectation is that our industry will at all times provide safe, professional transportation and do no harm in the process. Please note: this obligation extends over all

sectors of the industry, not just commercial operations. The same expectation holds true for private/personal FAR Part 91 operators and their passengers, or guests if you prefer, and for the relationship between instructors and their students.

I, for one, am glad I had the opportunity to meet Ms. Gomez and the other families, to hear about their lost loved ones, their dreams, hopes, and lives. For me, hearing that from them provided further focus on our shared goal of No Accidents and more motivation to reach that goal.

What are your thoughts? Let me know via e-mail at tailrotor@aol.com



New Airport Improvement Program (AIP) Federal Reauthorization Legislation

by Roger Moog, Vice-Chairman of NJAA and former Manager of Airport Planning for DVRPC

After over four years since the last FAA/AIP reauthorization expired, President Obama signed the "FAA Modernization and Reform Act" into law on Feb.14, 2012. Since the last act's expiration, airport capital projects and FAA operations have been funded by a series of multi-month continuing resolutions which did not allow for full projects funding but only partial, separate, components. The AIP portion of this new bill authorizes \$3.35 billion a year for multi-years, whereas the previous legislation had a slightly higher funding level. Appropriations levels may be 20% less, annually. The new legislation reduces the federal share for eligible projects from 95% to 90%, which will put an additional burden on airports and state and local governments to provide the 10% match. Specific financial emphasis is also placed on advancing the Next Gen airspace program, which currently is suffering from \$4.2 billion in cost overruns, according to the GAO. FAA ATC and administrative duties will also be paid through this authorization.

The legislation has several factors which will impact general aviation airports. The higher match requirement will make it more difficult for financially strapped states like NJ and PA to match all the federal grant money available to them. Airports suffering from lower activity levels and revenue may find it harder to fund their shares. Less state funds will be available for non-federally eligible airport capital needs. Provisions in the reauthorization provide funds for conversion of more military bases to civilian airports if they meet needs criteria. Sponsor assurances for sale of private GA airports to public entities for continued operation as publicly owned airports have been modified to permit some sale proceeds to go to the private owner after prorated portions of any previous FAA grants are repaid to FAA. Specific requirements are included for review of the National Plan of Integrated Airport Systems (NPIAS) to determine the roles and functions of non-commercial airports and then to revise the NPIAS, possibly eliminating non-federally eligible and other airports. This activity is probably related to the soon-to-be completed FAA ASSET study. Also, thru-the-fence operations at federally eligible airports will be allowed if they meet certain criteria.

Finally, provision is made to allow funding of continued state and regional systems planning, as well as master planning, although no dedicated funds are provided. These projects must continue to compete with construction projects for discretionary funding. Special consideration will be given to systems planning work relating to planning for compatible land use around airports. Systems planning grants, especially for regions, have been reduced in number, financial size, and work scope in recent years by FAA. If the number of privately owned public airports in the NPIAS is reduced in the future, systems planning may be further devalued by FAA and remaining systems programs deemed unnecessary.

Generally speaking, privately owned, public use airports in the northeast corridor of the US appear to be an endangered species. ←

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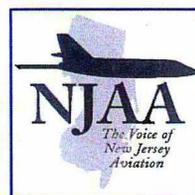
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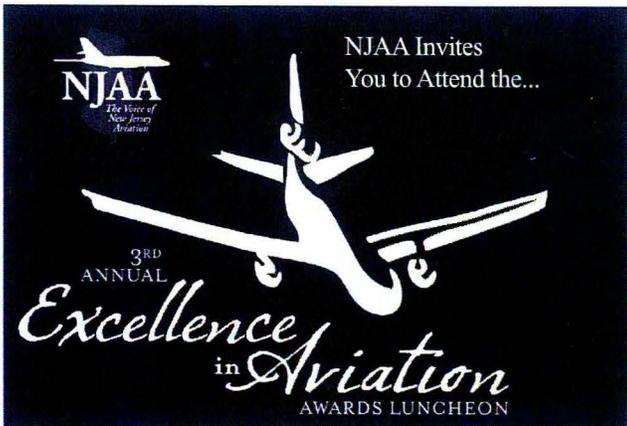
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- **Serving as the Voice of New Jersey Aviation** – informing and educating the general public together with State and local decision makers on the importance and the economic impact of aviation within the State.
- **Supporting and protecting** the interests of New Jersey companies employing air transportation to do their business within the State of New Jersey and nationally.
- **Encouraging the growth** of New Jersey's air transportation infrastructure in balance with the State's economic, environmental and social goals.
- **Supporting and assisting** New Jersey's Commissioner of Transportation in providing a safe and efficient air transportation system.
- **Informing New Jersey educators and students** regarding career opportunities within the aviation industry and assisting students in achieving their aviation educational and career goals.



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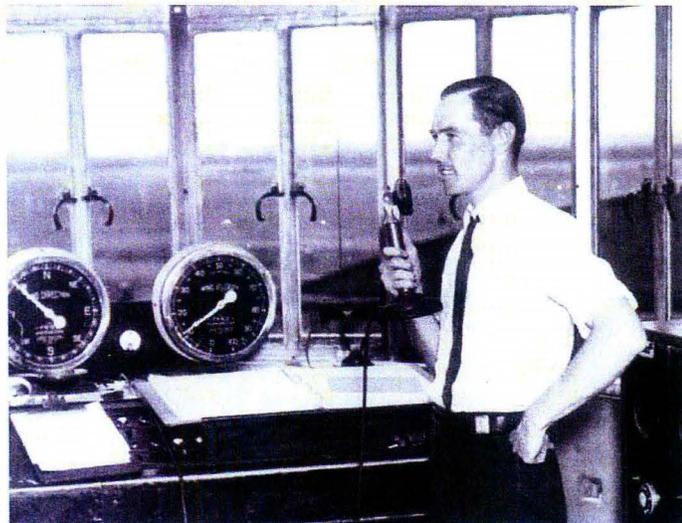
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Milestones in Aviation...

Continuing with our historical feature from previous issues, here are a couple more photos from the LaGuardia Air Traffic Control Tower Exhibit. These images are courtesy of FAA, the Port Authority of New York and New Jersey, the Library of Congress, and NASA. *More photos can be viewed online at www.faa.gov/about/history/celebration/media/LaGuardia%20Exhibit%20Album.pdf*



Above: 1936 – The first radio equipped tower at the Newark, NJ, airport.
Right: 1940s – Women begin working as air traffic controllers.



Justin Takes New Post

Justin Edwards, who served for the last 15 years as the Manager at the Trenton Mercer County Airport has accepted a new position with the firm of Hoyle, Tanner and Associates (HTA), based in Manchester, NH, with offices across the country.

Justin, the former Chairman of the New Jersey Aviation Association and one of its founders, was recently recognized by NJAA for his outstanding service to New Jersey's general aviation community.

Prior to his position at Mercer County, Justin was employed as the Assistant Airport Manager at the Lakeland Linder Regional Airport (LAL) in Florida and served in a wide array of different positions at the Morristown Municipal Airport (MMU) also here in New Jersey. During his 22 plus year career, he functioned in almost every facet of airport management and has decided to utilize his talents and experiences to "assist other airports reach their fullest potential."

Justin is relocating to Florida and will be working out of HTA's Oviedo office (just outside of Orlando). He will be concentrating the majority of his efforts in the state of Florida but will also be assisting the firm in the New England and North East regions.

Justin will be sadly missed by his many friends and colleagues who wish him the very best in his new endeavor. ←



President's Message *continued from page 1*

of having Henry Ogrodzinski, the President of the National Association of State Aviation Officials, as keynote speaker and this year, we are fortunate to have Ed Bolen, President and CEO of the National Business Aviation Association.

With the encouragement of NBAA and others, we continue to develop a legislative advocacy group (known elsewhere as a legislative caucus.) We are extremely pleased that Assemblyman John Amodeo (New Jersey District 2) responded to our call and has contacted those legislators who have airports in their districts to encourage their involvement. NJAA will serve as liaison to the group and will be called upon to offer advice and recommendations. Assemblyman Amodeo will be an honoree at this year's ceremony.

With the support of NBAA and AOPA, we continue to represent you at events such as the League of Municipalities and "Aviation Advocacy Day" where we have had the opportunity to meet with legislators and other decision makers to provide them with a greater knowledge of the benefits of general aviation. We are still enjoying the attention brought by our testimony provided to the Legislative Transportation Committees.

We are working with the Aviation Across America Alliance, the National Business Aviation Association, AOPA, and NASAO. With our support, the national organizations continue to fight threatened user taxes. I have included the letter to President Obama from our Chairman expressing our concerns. In addition, we continue to maintain an excellent relationship with the New Jersey DOT.

With your help we will accomplish even more in the future. Your dues and generous contributions make a tremendous difference in our ability to preserve and improve NJ's aviation infrastructure while protecting against use restrictions and ill informed legislation that adversely affect your ability to operate effectively. We ask that you please again support NJAA so that we can continue our efforts on your behalf. Supporting our efforts is an investment in your future.

If you have questions, please don't hesitate to call me at 856-520-8484. I look forward to speaking with you. Thanks!

Sincerely,
Arlene Feldman, President, NJAA



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A Letter to President Barack Obama

Dear Mr. President,

I am writing to ask you to recognize the vital importance that general aviation has to the economies and communities of New Jersey and the other states across our nation. The General Aviation industry supports 1.2 million American jobs and generates over \$150 billion in economic impact annually. It is a vital economic engine for our national economy. As American industry has relocated away from the major cities during the past 50 years, general aviation, more reliably than the airlines, keeps it connected to global markets. The small businesses, first responders, charitable organizations and farmers that depend on it and the airports that support it, represent a strategically vital resource for all our states.

While general aviation is, thus, one of the most important sectors of our economy, and, in fact, is one of the only manufacturing sectors which contributes positively to our balance of trade, it has been hit hard in the past few years by this recession. Worse, during the first six months of 2011, there was a significant drop in general aviation aircraft shipments, and billings for general aviation have dropped nearly 25%. In fact, over 20,000 aviation sector workers have been laid off.

For all states, including New Jersey, general aviation aircraft and the airports they utilize represent a critical link to emergency services. Whether it pertains to disaster response, law enforcement or crucially-needed emergency medical services such as blood, organs or patient transport, the general aviation community is literally saving lives in every state every day.

We agree that putting our nation's financial house in order must remain the top priority in Washington. However, doing so through new tax burdens on an already suffering sector of our economy will do more economic harm than good and put thousands more jobs at risk. For this reason, we oppose the imposition of new "user fee" taxes on general aviation aircraft operators in any form.

Finally we note that virtually no nation imposing aviation user fees is covering the cost of collecting them. In the end, generally, it has been a money losing proposition all around.

Thank you for keeping the concerns of our citizens, our businesses, and our farms in mind as you move forward.

Please call me if you have any questions or in any event if I may be of any assistance.

Kindest personal regards.

Very truly yours,
Jack McNamara
Chairman, NJAA

Copy: Governor Christopher J. Christie-New Jersey

Predicting The Future

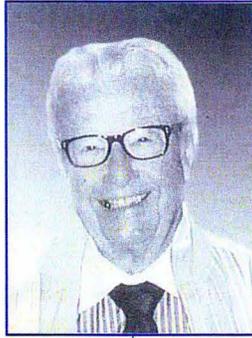
by Bill Shea former FAA Associate Administrator
Reprinted with permission from the International Airport Review

World aviation growth for 2012 will exceed present forecasts! Aviation is on a roll in the US. We have lift off. At last, the U.S. Federal Government, the aviation industry and aviation interest groups are pulling together to build a more efficient national and international airspace system.

Of course, where the rubber hits the road, the airport runways are paramount to success of any global air transport system. The new Next Generation (Next Gen) Air Traffic Control System will help immeasurably in improving efficiency and capacity. And dramatic new improved weather reporting should be available in the future at all international airports. It is my opinion that the U.S. Federal Aviation Administration Airports Office has done a great job and I am sure that the stellar cadre of FAA Airport Experts will ensure success in these future endeavors.

Periods of congestion and gridlock will continue to be problematic at airports in the US, particularly in the Northeast corridor and the West Coast mega-populated areas. Present aircraft arrivals and departure procedures at airports in those areas are working now. However, much more is needed, particularly for new airports to relieve congestion and gridlock. Safety is paramount but present fixes (artificial constraints) will not prepare the world's air transport system for the future, therefore new global strategic planning is needed. Aeronautical engineers will design and build quieter, more efficient airliners in the future to handle the concerns of the environment. Additionally, airport management has made major strides in improving airport operations both on the landside and the airside.

Airline mergers and alliances will continue around the globe. Even with all the debate regarding the changing of the US Federal Law relating to the foreign ownership of US air carriers,



the future growth and dramatic demand of air travel in the U. S. will continue.

Whether the airlines be US owned, or foreign or a combination of both, airline services will always be available and the number of carriers will increase by 12 percent by 2022.

Recent news from Boeing has been favourable for present and for future production of US airliners. Even sophisticated corporate and general aviation aircraft production will increase in sales and demand. We can expect 800 to 1,000 passenger airliners within six years and supersonic airline flights within five to six years.

Hang on to your hat! Within six years, the present archaic airliner speeds of 500 to 600 miles-per-hour will be a thing of the past (at long last!) and we will see an increase in airliner speed to Mach 1 and 2 plus. Kudos indeed, to advanced hypersonic aeronautical engineers. NASA's effort in the past to increase civil aircraft speeds will soon be achieved. For example, Lockheed Martin's research in the 1990s with the hypersonic X-33 will have finally paid off. I predict we will see advanced airliner speeds of Mach 3 by 2020 or sooner. Intercontinental destination distances will be cut in half or more. Commercial intercontinental orbit flights will be available by 2022. Finally, aviation needs to do more to invite young university, technical school graduates and former qualified military personnel into the aviation industry. During the last century the industry had no problems obtaining personnel. Today is different as there is more competition for talented people in many industries. The final report of the Commission on the future of the US aerospace industry, summed this up by stating;

"The Aerospace industry holds a promise for the future, by kindling a passion within our youth that beckons them to reach for the stars and thereby assures our nation's destiny." ✈

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New Jersey airport owner creating a GA stronghold

E | Mp P rruh



Peter Weidhorn, who has invested millions of his own money building a sleepy airstrip into a general aviation destination, tops off the tanks from a newly-installed fuel farm at Eagles Nest Airport (31E). Photo courtesy Peter Weidhorn.

Concrete is being poured for hangars; a fuel tank now offers self-serve avgas from Phillips 66 where none was available before. Lights are on the way, and owner Peter Weidhorn has big dreams for what was until recently just a 3,200-foot runway and little else, the only landing strip for miles around on the southern coast of New Jersey.

"For the last 40 years it's just been a little sleepy field," said Weidhorn, an AOPA President's Council member and the prime benefactor of the only public-use field between Atlantic City and Toms River. Weidhorn has staked more than \$3 million of his own money on expanding [Hdj dv Q hw](#) into a full-service general aviation destination, bringing electrical and other utilities in where none existed before. "It's my pleasure: It's my passion."

New Jersey Transportation Commissioner James Simpson is well acquainted with Weidhorn's effort, himself a longtime GA pilot and life member of AOPA. Simpson said the state has invested \$1.15 million to rebuild the runway and install lights in recent years, funding that has been doled out more carefully under his administration.

Preservation of the state's 44 general-use airports is a state priority, Simpson said, adding that in that respect the administration of Gov. Chris Christie is very much in step with AOPA.

"Peter is the kind of guy that you really want to have," Simpson said. "It takes that kind of private investment today. It's great to see."

Weidhorn said he is counting on Simpson to continue the state's support of his effort—particularly with construction of a taxiway. He hopes to attract an FBO, a maintenance operation, and a flight school. He has adjacent land earmarked for hangar homes, but much will depend on the support of both government and the flying public.

There are promising signs—several of the new hangars being built in coming weeks are already rented—and more at stake than infrastructure. Long active in education and philanthropy, Weidhorn said aviation has great power to separate a generation of children from their portable electronics and get them dreaming.

There are "so many opportunities for jobs and so many opportunities to learn and be stimulated through flying," Weidhorn said.

Weidhorn is working with regional EAA chapters to create more of those opportunities. He has already hosted a pair of open house events, inviting local residents to come and get to know what an airport can offer. Even with no signage and a fledgling website, Weidhorn has fielded a dozen or more inquiries about flight training.

"It's amazing how many people have called me for flight training," Weidhorn said.

Weidhorn said an important lesson has come of his effort to date: Airports must be saved at all costs. Even with the benefit of pre-existing use, the task of securing local approvals has been cumbersome, to say the least, and it is impossible to imagine undertaking such an effort from scratch.

"When we lose existing airports we lose the franchise," Weidhorn said. He has high hopes his effort and investment will pay off in the form of new pilots, a fleet of based aircraft, and a vibrant community of aviators and learners. "With any luck, we're going to do fine."

The Delaware County Daily Times (delcotimes.com), Serving Delaware County, PA

News

Tinicum petition denied by courts

Wednesday, July 11, 2012

By PATTI MENGERS

pmengers@delcotimes.com, [@pattimengers](https://twitter.com/pattimengers)

Tinicum commissioners are mulling their next move in their fight against the Philadelphia International Airport expansion after last Friday's denial by the Third Circuit U.S. Court of Appeals for a review of the Federal Aviation Administration's approval of the plan.

"By no means are the township board of commissioners giving up on this issue. They believe it is an extreme intrusion into the community and into the quality of life in the community," said Tinicum Township Solicitor Sam Auslander.

Seventy-two Tinicum homes and 80 businesses would be demolished and 82 acres of wetlands would be lost in the \$5.2 billion expansion that also calls for the filling in of 23 acres of waterways and 24.5 acres of the Delaware River. The plan includes four parallel runways and one crosswind runway. One runway would be added and two would be extended eastward.

Airport officials have maintained that the expansion, known as a capacity enhancement program, or CEP, would enable the airport to accommodate current aviation demands in all weather and an additional 1.2 million passengers by 2025, as well as reduce the amount, length and cost of delays both locally and nationally. They applauded the appeals court's decision.

"The airport is recognized as one of the most powerful engines that drives our regional economy. However, the airport has been plagued by chronic delays over the last decade. The CEP provides us the opportunity to develop a world-class airport to better serve our region's residents, business community and hospitality/tourism industry," said Philadelphia International Airport spokesperson Victoria Lupica.

Restoration of wetlands and waterways would occur in phases as the project progresses, according to FAA officials.

The township's court petition disputed the FAA's air quality analysis of the airport expansion plan, alleging it violated the National Environmental Policy Act and the consistency provision of the Airport and Airway Improvement Act. The petition was filed in February 2011 by California-based aviation attorney Barbara Lichman, who presented oral arguments before an appeals court panel on March 6.

In their July 6 decision, the appeals court panelists noted: "As the lead agency, the FAA has some latitude to determine the level of analytical detail necessary to support an informed decision and to adequately disclose air quality impacts to the public. The technical errors alleged by Tinicum do not render the FAA's air quality analysis arbitrary or capricious."

The appeals court also denied township commissioners' request for a supplemental environmental impact study, maintaining new information would just confirm the FAA's original analysis. In addition, the appeals court ruled that FAA officials reasonably looked to the Delaware Valley Regional Planning Commission's plans for the development of the area surrounding the airport and their determination that the airport expansion was consistent with these plans "was neither arbitrary nor capricious."

Auslander said the commissioners are currently reviewing the appeals court decision that is in excess of 20 pages and fairly technical. They expect to determine their next plan of action within two weeks in accordance with the appeals court deadline. While appealing the lower court's ruling to the U.S. Supreme Court is an option, he noted, it is not the only one.

"Preliminary to that, we could ask the (U.S. Third Circuit) court for a reconsideration or for reconsideration by a full court as opposed to a panel," said Auslander.

The solicitor noted that the court panelists felt some of the arguments raised by township officials were good.

"We're obviously disappointed in their decision, but it wasn't entirely unexpected," he said.

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To: Pelzer, Reiner
Subject: Queen city - FYI Big Metz

The Morning Call

LVIA chairman says Queen City can't be sold

Feds lay out too many obstacles to selling small-plane airport, LVIA chairman says. Mayor: I won't give up.

July 19, 2012|By Matt Assad, Of The Morning Call

The Federal Aviation Administration has ruled that the Lehigh-Northampton Airport Authority can't sell Queen City Airport any time soon , and even then would first have to build a replacement airport for its small planes.

An FAA letter that arrived this week doesn't outright reject plans to sell the 210-acre airfield in south Allentown, but the obstacles it lays out make selling it so difficult and so expensive that it's time for the authority to stop trying, said authority board Chairman Tony Iannelli.

The ruling would appear to be a lethal blow to Allentown Mayor Ed Pawlowski's hope of transforming the airport into a revenue-generating, job-creating property on the city tax rolls.

"I totally understand the mayor's goal here, but unfortunately the hurdles are too high and too many," Iannelli said. "I believe the board will decide that the sale of Queen City be taken off the table. It's time we move forward."

He said the authority board could vote as early as Tuesday to officially end its flirtation with selling the facility.

"It would appear that selling Queen City is not feasible," said Charles Everett Jr., general manager of Lehigh Valley International Airport. "This should at least set the board of governors up to have a frank discussion about how to proceed."

Pawlowski is not eager to go in that direction.

"I'm disappointed in the FAA's decision. The Lehigh-Northampton Airport Authority owes millions as a result of losing a developer's lawsuit and the very future of our regional airport is at stake," Pawlowski said in a written statement.

"I viewed the proposal to sell Queen City Airport as a cost-effective way to pay this costly judgment and allow for development of a very key regional parcel. I continue to maintain that the minimal air traffic at Queen City can be easily handled at the main airport."

Pawlowski said he intends to respond to the FAA letter by writing to Congress and the White House.

The authority is trying to sell assets to raise money to pay off the remaining \$16 million of a \$26 million court judgment against the airport for seizing development land in the 1990s. But for the past six months the authority appeared to be proceeding down two conflicting paths to do so.

One path involved raising \$20 million to \$40 million by selling all or part of Queen City, and the other involved marketing hundreds of acres of undeveloped land for sale or lease. The land includes the 632-acre WBF Associates property the authority took in the 1990s, triggering the lawsuit.

The authority has received several offers from investors looking to take advantage of Queen City's prime location along Interstate 78, including Philadelphia-area investors who have offered \$16.2 million to turn half the airport land into warehouses.

General aviation advocates oppose selling Queen City, saying it's a key authority asset that keeps small-plane traffic off LVIA and benefits local pilots and businesses.

The authority is negotiating with Petrucci Development and Design of Asbury, N.J., to have the company assess what can be sold, how it can be developed and how long it will take.

Though the authority has four years to pay off its \$16 million debt, Iannelli last month said it may have to borrow money to pay the bill until the land sale money arrives.

The letter from Randall S. Fiertz, FAA director of airport compliance and management analysis, arrived this week after the authority in March requested a formal ruling on whether it could sell Queen City.

Fiertz's four-page response states that if Queen City is to be sold, all the proceeds must be used to build a replacement airport outside the flight path of LVIA, and any money left over would have to be spent on an approved FAA aviation-related project or turned back to the FAA.

Those conditions conflict with Pawlowski's suggestion that the replacement airport could economically be built at LVIA or on the undeveloped WBF land next to it.

Other requirements include years of environmental impact and assessment studies, prohibition of any sale until the replacement airport is up and operating, and FAA refusal to consider any further grants for Queen City until the authority nixes its plans to sell it. That includes a \$551,000 grant initially approved, but now held up, to design a new taxiway at Queen City.

All that may be the source of great disappointment for Pawlowski, but it's welcome news for Mike Rosenfeld, president of the Lehigh Valley General Aviation Association, which represents hundreds of pilots seeking to improve small-plane aviation Valleywide.

"We've been fighting this battle for more than a decade," Rosenfeld said. "I hope this puts the issue to rest. I'd like to get back to spending my time making Queen City into the best general aviation airport in the nation — rather than fighting for its very life."

What FAA ruling says

< b>The Federal Aviation Administration has set these requirements for selling all or part of Queen City Airport:

- Years of environmental impact studies must be completed first.
- All money from a sale must be used to build a replacement airport, or for an approved FAA aviation project, or be turned back to the FAA.

- A replacement airport can't be built on the grounds of Lehigh Valley International Airport or in its flight path.
- A replacement airport of equal or greater value must be operating before the FAA will approve closing Queen City.

Source: Federal Aviation Administration

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Airport will further develop Queen City, not sell it

Board votes to reject offers. New project will allow for 60 more small planes.

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Queen City Airport in Allentown. (MICHAEL KUBEL, THE MORNING CALL / July 18, 2012)

By [Matt Assad](#), Of The Morning Call
9:43 P.M. EDT, JULY 24, 2012

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After a nearly yearlong flirtation with selling Queen City Airport, the Lehigh-Northampton Airport Authority has decided not only to keep it, but also to further develop it.

The board voted Tuesday to reject any offers for the 210-acre airfield in south Allentown, and Friday will embark on a project to create room to house as many as 60 more small planes. Demand is high, an authority staffer told the board.

The decision follows a [Federal Aviation Administration](#) letter this month that said if Queen City is sold, the proceeds would have to be used to build a new airport and could not go to paying off authority debt.

The board's vote — and the expansion project — would appear to end the on-again, off-again talks of selling Queen City, likely scrapping Allentown Mayor [Ed Pawlowski](#)'s campaign to transform it into a jobs-creating development on the city tax rolls.

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Pawlowski on Tuesday was the only member of the board to vote against the new policy.

"That's the biggest and most valuable asset we have to sell," Pawlowski said of Queen City. "I think this is a shortsighted move. It only makes matters worse to then build a new taxiway for planes we don't have, and hangars we don't have the money to build."

The board's action allows the authority to open bids Friday to begin building a 360-foot taxiway for 10 to 60 planes. The project was on hold — as was the FAA's \$551,000 grant for design work — while the authority decided whether to sell the airport.

With the new course set, board Chairman Tony Iannelli said it's time the authority turn Queen City into a money-making operation.

"I totally understand the mayor's intentions here, but in light of the FAA's decision, it's just not going to work out," Iannelli said. "The FAA has spoken and it's time for us to move on. We're keeping Queen City and making it the most successful general aviation airport we can."

The authority is trying to sell assets to raise money to pay off the remaining \$16 million of a \$26 million court judgment against it for seizing development land in the 1990s.

But in recent months the authority has debated whether to sell Queen City Airport or the vacant 632-acre WBF Associates land near Lehigh Valley International Airport that the authority took in the 1990s.

Because of Queen City's prime location just off Interstate 78, talk of selling it brought a stream of offers, including one from a developer who wanted to pay \$16.2 million to develop warehouses on half the property while leaving the rest for small-plane use.

But the FAA seemed to close the door on that idea and the notion of using a Queen City sale to pay down debt.

The four-page, July 12 letter from Randall S. Fiertz, FAA director of airport compliance and management analysis, says all the proceeds must be used to build a replacement airport outside the flight path of much-larger LVIA. Any money left would have to be spent on an approved FAA aviation-related project or turned back to the FAA.

With a sale off the table, the authority is embarking on a \$1.1 million project to build a taxiway where eight to 10 plane hangars can be built, said Brian Sinnwell, director of planning and development.

The project could be under way by October and completed by early next year. FAA grants typically pay for 95 percent of the projects, but Sinnwell said some of the new hangars could be built by private companies that need aircraft space.

It would open that section of the airport to as many as 60 more small planes and businesses for such things as aircraft maintenance, transport and charter flights, said LVIA General Manager Charles Everett Jr.

"We have an airport with 100 small planes and a waiting list of people who want to be there. That's rare in this economy," Everett said. "I have no doubt that this can be a revenue-generating airport."

Pawlowski, apparently resigned that his battle is lost, suggested maximizing the money generated by turning Queen City over to a private operator that can pay a hefty lease fee and also take over capital improvements and marketing costs.

The authority's change in direction was good news for small-plane advocates, who say their airport has been under constant assault from development advocates.

"I guess we can finally breathe a sign of relief," said Rae Klahr, vice president of the Lehigh Valley General Aviation Association. "At least for now."

Expanding Queen City with federal grant money that would have to be paid back if the airfield were sold would appear to close the door on a future sale, but Pawlowski warned that advocates like Klahr shouldn't get too comfortable.

"I'll probably be long gone, but as property gets gobbled up along I-78, this land will become incredibly valuable," Pawlowski said. "This authority will have no choice but to look at this again later. This isn't over."

matthew.assad@mcall.com

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Wealthy Merchant at 12:57 PM July 26, 2012

Maybe they could team up with an airline and run direct flights to puerto rico.

captamericaa1 at 12:05 PM July 26, 2012

"and yet they spend more time and money protecting Queen City for the rich and Famous of the Lehigh Valley"

What an absurd and uniformed comment. The rich keep their planes at LVIA, hanger 7.

There is lots of undeveloped land and unused inventory in the area, they don't need this land.

pawdouchebagville at 10:28 AM July 26, 2012

Aviation enthusiasts WIN. Pawloser and Shirley Licisko LOSE.

Just as we have said all along, the FAA does not want Queen City closed, PERIOD.

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Casey asks FAA to permit Allentown fire school sale

Senator writes letter asking FAA to reconsider nixing sale.

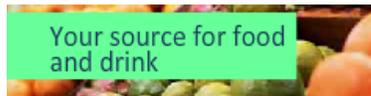
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By [Scott Kraus](#), Of The Morning Call
11:09 P.M. EDT, JULY 26, 2012

When the [Federal Aviation Administration](#) put the kibosh on Allentown's plan to sell 2.5 acres of land near the Queen City Airport last week, Mayor [Ed Pawlowski](#) vowed he'd get help fighting its ruling.

That effort is apparently underway.

U.S. Sen. Bob Casey Jr. weighed in Thursday with a letter asking the FAA to let the city sell the portion of a six-acre parcel that contains the city's fire-fighter training academy.



Pawlowski has said the sale of the land to Health Network Laboratories would allow the Lehigh Valley Health Networks subsidiary to expand its medical testing labs, adding 150 employees. Lehigh Valley Health Networks has declined comment.

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The city plans to relocate the fire training school. The nearby Mack South Fire Station would remain.

"Given the economic challenges currently facing Allentown, it is imperative that the FAA engage in a constructive dialogue with city officials to seek a resolution and give all due consideration to the city's proposal in a manner consistent with applicable law," Casey wrote.

After the FAA ruled out the sale, citing a 2000 settlement agreement with the [U.S. Justice Department](#) that awarded the land to Allentown in perpetuity, Pawlowski promised to fight the decision.

"I don't think they have the facts right," Pawlowski said at the time. "We will address that and work with our senators and the White House to make sure that gets rectified."

Casey spokesman John Rizzo said the senator had been working with the city on the sale for months, and wrote to the FAA when the city encouraged him to weigh in after the agency rejected the plan.

An FAA official said the agency "looks forward to hearing Sen. Casey's concerns."

"I expect to speak with FAA officials about this soon," Pawlowski said in a statement Thursday. "I anticipate that we will be able to get it resolved to the city's satisfaction."

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The city did not approach U.S. Rep. [Charlie Dent](#), R-15th District, to intervene with the FAA. Casey and Pawlowski are [Democrats](#).

"We've been made aware of discussions between the FAA, mayor and Senator Casey's office, but have not been contacted by the city," said Collin Long, a spokesman for Dent.

U.S. Sen. Pat Toomey, R-Pa. is a member of the [Senate](#) Commerce, Science and Transportation Committee, which oversees airports. It was not immediately clear if he had been contacted by the city.

Scott.kraus@mcall.com

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goprodious at 7:16 AM July 27, 2012

The people of Allentown are fortunate that they have at least one member of Congress who is actually interested in helping people, rather than those other "Party Members" who's mission it is to promote the radical agenda of the cabal of corrupt billionaires who have raised their ugly heads in recent years, and who are bent on transforming America into their own Banana Republic.

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Business D



Posted: Sun, Sep. 2, 2012, 3:01 AM

Cargo City is Phila. airport's brawny kin

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Everyone heading to Philadelphia International Airport sees the signs for Cargo City. From I-95, drivers have choices: arriving flights, departing flights, and Cargo City.

What is Cargo City - a real city with a mayor, and its own zip code?

Nah.

It is to freight what Terminals A to F are to 31 million annual air travelers in Philadelphia.

Big-rig trucks haul U.S. mail and parcels 24/7 to and from Cargo City. The eight buildings there front on public roads, accessible to tractor trailers. Inside each cargo plant is a demarcation point, across which only badged employees can take packages to the aircraft.

Cargo City, which got its name in 1966 when Philadelphia allocated \$50 million to develop the 150 acres in the airport's northwest corner, is surrounded by an 8-foot high fence topped by barbed wire for security.

Some freight comes in on aircraft and gets unloaded and put on trucks or other planes. Other freight is delivered by truck and loaded on planes.

"The primary operating hours of Cargo City is just the opposite of our passengers - early in the morning and late at night," said deputy aviation director James Tyrrell. "It makes for a great synergy" and a way to maximize the use of the airport.

Cargo is a huge business. Philadelphia airport handled more than 432,000 tons of freight last year. This does not include the tons of U.S. mail that were also



SHARON GEKOSKI-KIMMEL / Staff Photographer

Every day, FedEx's 300 workers unload and reload eight to ten aircraft with thousands of packages.



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US Airways, Philadelphia's largest passenger airline, said cargo was 1.3 percent, or \$171 million, of the company's total revenues in 2011.

"US Airways is the largest tenant in Cargo City and occupies seven buildings there," said Rhett Workman, the airline's managing director of corporate real estate. The three largest are an aircraft hangar, a cargo facility, and a ground support equipment-maintenance building.

US Airways spent \$5.8 million in rent and taxes in 2011 for more than one million square feet in Cargo City, including ramps, loading docks, and vehicle parking, Workman said.

Freight travels by air when it's perishable, time-sensitive, or valuable. And freight can be anything - tropical fish, lobster, fresh fruit, pharmaceuticals.

The U.S. Postal Service said it ships 200,000 pounds of mail every day in and out of Cargo City.

FedEx Corp. handles the bulk of overnight "express" U.S. Postal mail in this region, headed to all 50 states, said USPS spokeswoman Cathy Yarosky.

Other carriers - US Airways, United Airlines, Delta Air Lines, and United Parcel Service - have contracts to transport first-class and priority Postal Service mail here, while international mail goes through New York's JFK airport, Yarosky said.

A staff of 300 FedEx employees in Cargo City unloads and reloads eight to 10 aircraft a day, with thousands of packages. FedEx planes arrive from and return to Memphis and Indianapolis, where parcels are sorted and fly on to other destinations across the globe - for delivery the next day.

"We always think of our operation as starting on the p.m.," said FedEx senior manager Eileen Kelly in Cargo City's Building C-7. "When the package is picked up by the courier, then it starts the process of moving through the FedEx system, which ends on the a.m."

FedEx has the latest package drop-off in the region, with a front counter in Cargo City that's open until 9:15 p.m. every night (except Sunday) and on Saturdays.

"It's right at the ramp. At about 9 p.m. our counter is packed," Kelly said. "It's everybody coming in from the city, everybody that has a deadline and needs a package to be there absolutely, positively, tomorrow."

UPS is not technically in Cargo City but runs its second-largest U.S. air freight hub, after Louisville, Ky., on 212 acres on the Delaware River, adjacent to the airport's main east-west runways.

UPS hauls more than 50 percent of all the freight at Philadelphia airport. FedEx transports 25 percent more, and passenger airlines carry the remainder, Tyrrell said.

The Philadelphia region is a hotbed of pharmaceutical companies - Merck, Pfizer, GlaxoSmithKline, AstraZeneca - and all have operations here. Not surprisingly, pharmaceuticals are a major air freight - both finished medicines and raw materials.

"One of our bigger businesses, and the growing business, is pharmaceuticals," said Todd Anderson, US Airways manager of cargo, sales and service.

US Airways' daily flight from Tel Aviv, Israel, often carries pharmaceuticals in the belly of the plane with passengers' luggage.

The world's largest generic drug maker, Teva Pharmaceutical Industries Ltd., is based in Israel.

Teva's Americas headquarters is in North Wales, Montgomery County. Manufacturing is in Sellersville, Bucks

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"Teva USA uses both passenger and cargo aircraft into PHL to transport active pharmaceutical ingredients and finished pharmaceuticals," the company said.

Currently, most of the pharmaceuticals are "inbound from the international community," especially Tel Aviv and Europe, said Lewis Townes, US Airways cargo manager in Philadelphia.

"We move a lot of lobsters out of here, going overseas," Townes said. "We get fruit coming in from Europe, and other seafood, as well."

US Airways flies tropical fish from Philadelphia to cities in Canada and Florida, and ships tissue samples and human organs all over the United States.

With 453 daily flights here and 3,197 systemwide, US Airways offers an "express" service that can be quicker than overnight mail. "It may be that we put a package on a flight in Philadelphia at noon and it's in Boston at 3 p.m.," Anderson said.

The average citizen cannot ship packages on a passenger flight because of federal rules that require passenger carriers to do business only with known shippers. Cargo airlines do not have that restriction.

With valuables, security is always a concern. "There have been instances of theft, sure," said the airport's Tyrrell. "I am sure there are opportunities for theft in every aspect of the movement of cargo, from the time it gets loaded on the truck in the warehouse."

FedEx has its own security on-site in Cargo City "every night and every morning," said senior manager Tim Swierczek. "Security for the employees and the packages."

How freight moves is often the work of freight forwarders, which are companies that arrange transportation. A dozen or more freight forwarders have offices in or near Cargo City.

Forwarders quote a rate, per pound, to customers, and negotiate space with airlines. They have warehouses that accept delivery of shipments, and they sometimes package the freight, before taking it to the planes. Cargo flies in containers, pallets, or crates - not loose.

Panalpina, a global freight forwarder based in Switzerland, with an office in Sharon Hill, moves general cargo, "pretty much anything," said Barbara Carman, local business manager.

"You can just take a look at the market here - all the different industries - to see what would move in and out of the Philadelphia airport," she said. "It could be electronics, health care and medical devices, automotive parts, telecommunications equipment, consumer retail products - anything that you find on the shelves in stores."

"We move as much as we can through the Philadelphia airport, but we have other options because we are located in pretty much every major airport in the country," Carman said.

Contact staff writer Linda Loyd at 215-854-2831 or lloyd@phillynews.com.

Find this article at:

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US Airways plane departs Philadelphia; no explosives found

By Michael Muskal

10:42 AM CDT, September 6, 2012

A US Airways plane that was [recalled to Philadelphia](#) after law enforcement officials received an anonymous tip that liquid explosives were on board resumed its flight to Dallas on Thursday morning after authorities searched the plane and found no explosive materials, the FBI said.

Flight 1267, carrying 74 passengers and crew members, resumed its scheduled activities after the fruitless search, FBI special agent J.J. Klaver said in a telephone interview with the Los Angeles Times.

There have been no arrests in connection with the incident, nor is anyone in custody, Klaver said. Authorities were interviewing a man as they investigated who had made the false report, he said.

Police received a report about the plane after it left Philadelphia International Airport about 8 a.m., bound for Dallas-Fort Worth International Airport. The plane was recalled about an hour later and searched.

No other flights were delayed because of the incident, officials said.

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ROOM TO GROW WITHOUT DELAY(S)

There's no denying the power of Philadelphia International Airport as an economic driver for the region. But eliminating flight delays and improving customer service could greatly increase the airport's impact.



By JOHN SCANLON

When he was formally appointed the city's new airport chief back in December 2009, Mark Gale knew the likelihood of turbulence ahead was quite real. The nation was mired in an economic bust, a recession notable for aftershocks that linger to this day, and the airlines — and the airports — were feeling the money drain as much as any industry. The hard times had come as the industry was riding a four-year wave of rebounding ridership and revenue, a painstaking recovery from the infamy of the terror attacks of September 11, 2001.

This harsh economy also skidded along the tarmac of Philadelphia International Airport, a business Goliath that planners and politicians alike hail as the “economic engine that drives the Delaware Valley” — a transportation hub that pumps some \$14 billion a year into the regional economy.

Mr. Gale knew that everyone with a stake in the airport had to keep flying. The time since has been a frenzy of activity, significant for hefty financial investments to upgrade facilities and operations, but Mr. Gale is convinced that Philly International's enhanced stature as an urban aviation center is about to deliver even more horsepower to this economic engine.

“Infrastructure improvements continue to be so important,” he said, noting that the issue was among his immediate priorities when Mayor Michael Nutter anointed him CEO of the city's Division of Aviation after the retirement of Charles J. Isdell. “If we're going to remain strong and vital in the market, the airport facilities have to be bigger and better. There's a saying in this business that if you're not building, you're falling behind. I'm confident there is still a good amount of growth in Philadelphia's future, and the airport has to grow along with it if we're going to remain an important hub for this economic activity.”

As he spoke, work continued on the \$117-million conversion of Terminal F — only a decade old but already obsolete by aviation standards — to a operationally efficient structure for US Airways Express flights and a retail haven with broader offerings of eateries and shops.

But it's a far more ambitious and costly project — the Capacity Enhancement Program, or CEP — that has created a buzz amid Center City Philly's ongoing resurrection of the past two decades. For the airport, CEP and its comprehensive list of runway construction, terminal modifications, a centralized ground-transportation center and construction of a high-tech transport system to move passengers around the airport.

It's the most expansive undertaking ever for a transit complex that debuted on June 20, 1940, as Philadelphia Municipal Airport with four airlines that transported 40,000 passengers that first year. Almost 31 million people traveled through the airport last year.

The price tag for this project? About \$6.4 billion. The construction schedule: about 13 years, starting next year and resuming in phases through 2025. The sober-



PHOTO COURTESY OF PHILADELPHIA INTERNATIONAL AIRPORT

Major Projects, Investments

Capacity Enhancement Program: The airport culminated a 10-year planning process and a seven-year environmental-review process in January 2011 when the Federal Aviation Administration approved CEP. This \$6.4-billion project, which starts next year and has a targeted completion in 2025, provides for construction of a new runway that will allow independent, simultaneous aircraft operations in all weather conditions to significantly reduce delays; extension of two runways (one of which will provide the necessary runway length to accommodate non-stop, long-haul flights and facilitate greater global reach); enlarging and reconfiguring the existing terminal complex; relocating several off-airport facilities; developing a centralized ground-transportation center; constructing an automated people-mover for transport of passengers between terminals; and adding parking facilities that will interface with the existing SEPTA rail line. The funding will be aided in part by the FAA's intent to contribute \$466.5 million over the life of the airport CEP.

Terminal F Expansion: The \$117 million project, with an expected completion in 2015, will provide additional capacity for passenger — and baggage-processing and airline operations. The project reconfigures the terminal and adds about 80,000 square feet to the existing 205,000 square feet. It will feature a new and expanded “central hub” to accommodate additional concessions and centralize airline operations. Highlights include a new baggage-claim building, passenger-service amenities, additional operations facilities for US Airways, and a corridor linking terminals F and E to allow passengers to move between all airport terminals without having to leave the secure areas to be rescreened. Since opening in

2001 to accommodate US Airways Express, Terminal F has become one of the airport's busiest terminals, serving 16.7 percent of passengers.

Terminal D/E Modernization and Expansion: This project consists of a new 210,000-square-foot, multi-level connector building between terminals D and E; a 50,000-square-foot addition to the Terminal E concourse that provided three additional passenger gates; a 9,000-square-foot connector building between Bag Claims D and E; and other renovations. The baggage-claim renovations and the Terminal E expansion were completed in early 2010. The expansion includes a 500-seat waiting area, mini-food court with three new concessions, high-bay ceiling with natural light and new permanent artwork. The total estimated cost of the D/E project is currently \$345 million. Projected completion date of the final phase is September 2013.

Terminal A-East Improvements: This project will make it fully compatible with the newer adjacent international Terminal A-West. The first phase, including a new seven-lane security checkpoint and upgrade of the fire-alarm systems, has been completed. The second phase, including concourse and ticketing space improvements, was completed in mid-2011. The final phase, modifying the outbound baggage-handling system to provide a full Explosive Detection System for checked baggage, is under construction with an estimated completion of early 2014. Total cost: \$78 million.

Rehabilitation of Runway 9L-27R and Connector Taxiways: This \$36 million project is highlighted by pavement replacement to extend the life of the 9,500-foot runway and connecting taxiways. Projected completion is in July 2013.



Billions of dollars are being invested to increase the airport's capacity and improve customer service. COURTESY PHILADELPHIA INTERNATIONAL AIRPORT

ing reality is that in light of an impressive list of mega-million-dollar infrastructure upgrades over the past decade — totaling about \$1.2 billion by official calculations — the airport is mortgaged to the hilt, but CEP is regarded as a lifeline necessary for the region's growth and prosperity.

The project also gets a thumbs-up from the big economic-growth players in town, from the Greater Philadelphia Chamber of Commerce to Select Greater Philadelphia and the Philadelphia Convention and Visitors Bureau. These major groups that are on board with the consultant studies and Mr. Gale's assertion that this long-conceived project will deliver greater airport efficiency, make life more pleasant for the harried traveler, and enable the airport to tap revenue sources generated by a global economy.

CEP also is being embraced as the long-sought solution to a lingering problem: flight delays. It's an issue that can have an impact on the bottom line.

"We launched into our master-plan process in 2000," recalled Mr. Gale, at the time an administrator who oversaw operations and facilities, "and in 2002 we were cited by then-U.S. transportation secretary (Norman) Mineta for what he called our negative effects on the air transportation system because of our delays. These delays affected not just our airport here in Philadelphia, but it was contributing to a national problem."

According to a Federal Aviation Administration review in 2004, airports finally were starting to recover from the September 11 attacks, which had severely drained both revenue and passengers, but the welcome surge in business — generated in part by the competition from low-fare airlines expanding to bigger cities, as Southwest Airlines did in Philly in 2004 — was accompanied by the challenges of getting these passengers through tougher security checkpoints.

"For a long time, people had to deal

with the geographical limitations of this airport," Mr. Gale said "Our planning indicates that we have made significant changes, and there is a necessity for more of these changes, or relocation of some facilities, and anything less simply means that whatever we do in the future will always be just a Band-Aid."

Early in 2009 while serving an 11-month tenure as acting aviation director, Mr. Gale noted the need to address an average 10-minute delay for arriving or departing flights. Despite all the improvement, flight delays are the elephant in the terminal that cannot be ignored.

According to an FAA report, the delays have long contributed to slowdowns throughout the National Airspace System — the airport has the dubious honor of being a "pacing airport" whose delays cause a ripple effect across the country's air transportation network, in turn exacting a heavy toll in time and money for passengers, airlines and cargo ship-

pers.

The FAA stared into its crystal ball decade ago to paint a likely picture of the airport's future, and it wasn't pretty. The agency analyzed existing and projected passenger levels and aircraft activity — the forecast right now is that the airport could be handling an annual load of 52.2 million passengers and 760,000 takeoffs/landings by 2030 — and figure that delays would continue to increase from an average level of more than 11 minutes per operation in recent years to more than 19 minutes by 2025.

Here was the agency's gloom-and-doom forecast for the airport:

"When an airport reaches twenty minutes of AAD (annualized average delay) airport users (passengers and airlines) will curtail planned activity and growth in airport operations will largely cease. Simulations indicate that the Philadelphia airport will reach this point before 2025."

The aviation analysts ticked off a li



PHOTO COURTESY OF PHILADELPHIA INTERNATIONAL AIRPORT

Pa. Airport's Overall Economic Impact Lags

Commercial aviation helps regional economies to fly high. Airports Council International-North America, a policy and advocacy organization for the nation's airports, commissioned this 2010 analysis of airports' contributions to state economies in the U.S. New Jersey ranked 12th in economic output; Pennsylvania ranked 13th.

The impact study, prepared by CDM Smith Inc., used FAA methodology to analyze employment, annual payroll and economic impact based on 490 commercial airports. Overall in the nation, aviation supported 10.5 million jobs, created annual payroll of \$365 billion, and delivered \$1.2 trillion to the economy.

The leading states:

State	Airports	Output
California	29	\$157.9 billion
Florida	21	\$125.8 billion
Texas	26	\$116.6 billion
New York	16	\$85.9 billion
Georgia	9	\$80.5 billion
Illinois	10	\$50.6 billion
Virginia	9	\$49.6 billion
Arizona	11	\$44 billion
Nevada	5	\$40.5 billion
Colorado	14	\$34.6 billion
Washington	12	\$32.9 billion
New Jersey	2	\$30.8 billion
Pennsylvania	13	\$30.2 billion

of what's wrong here. Foremost is "inadequate all-weather airfield capacity" because of configuration. And there's a host of runway problems:

- The runways are too closely spaced.
- The runway lengths tend to be limited.

• The airport needs more runways. These limitations restrict simultaneous takeoffs and landings, according to the FAA report, and it doesn't help that the airfield taxiway configuration causes aircraft bottlenecks and frequent long lines on runway approaches.

What's a beleaguered airport to do? "Runways that were 1,400 feet apart locked us in as we tried to achieve the things we needed to do to make the airport better," Mr. Gale said. "It really comes down to the way we've been reconfigured over the past several decades. When you get into rebuilding a terminal complex, or perhaps knocking down terminals that existed since the 50s and 60s, the consideration is always whether we have enough space."

But those old-school practices still squeeze the airport. Mr. Gale will tell

you it's fun running the ninth-busiest airport in the nation, but not so much fun running the seventh-most-delayed, as the FAA portrayed it in a September 2010 report.

Yet it isn't entirely fair to dump all this in the airport's lap. The FAA has been feeling its own heat in recent years, notably from a chorus of airline and airport execs around the country who lament that the skies are getting too crowded, thus contributing to flight delays, and that the federal agency must do more to restore order.

There has always been glib acceptance that the East Coast corridor is a mess, especially the congested airspace from Boston to Washington, D.C. Even the FAA acknowledged that "the airspace serving the New York, New Jersey and Philadelphia metropolitan areas is the busiest, most complex airspace in the world and has remained largely unchanged since the 1960s."

This admission coincided about four years ago with a preview of the FAA's own strategy to ease airport delays: The New York/New Jersey/Philadelphia Airspace Redesign. It won't be a quick fix. The painstaking process of planning, environmental-impact reports and public meetings will culminate with route realignments and a redesign of high- and low-altitude airspace for more efficient arrival and departure routes, but it's conceivable that this massive undertaking won't meet an implementation originally planned for late fall in 2016.

But the FAA says it will be in place when Philly International completes the final phases of its Capacity Enhancement Program in 2025.

The city high-rollers whose chips are on Philadelphia's continued economic growth — Mayor Nutter, Mr. Gale, the CEOs of business and tourism groups — concur on the good things that will come from CEP. Thomas G. Morr, president and CEO of Select Greater Philadelphia, an economic-development organization that attracts companies to the region, said the airport's ability to accommodate more passengers and flights is critical.

"If the capacity of the airport were maxed out, it would impact the growth of this region," Mr. Morr said. "The Capacity Enhancement Program will provide that greater capacity and certainly help us as we go about our efforts to attract new business to the region."

Over at the Philadelphia Convention and Visitors Bureau, president and CEO Jack Ferguson, whose staff shares the similar mission of marketing Philly to businesses and tourists, regards CEP as vital to expanding a key offering.

"Direct flights to the airport impact our international tourism efforts greatly," Ferguson explained. "We see higher visitation where there are direct flights, and Philadelphia's accessibility is always top-of-mind for meeting planners in choosing our city."

So what's the moral of this Philadelphia story? Basically that the airport must neutralize flight delays in the

Regional Airports Offer Relief, Economic Impact

With all the heavy jet power that roars into Philadelphia International Airport each day, it's easy to overlook the key aviation roles played by facilities like Northeast Philadelphia Airport.

The state's air system ranges from large commercial-service airports to small, privately owned airfields that collectively deliver \$23.6 billion a year to Pennsylvania's economy, according to the state Department of Transportation.

But could smaller airports be even stronger partners as revenue producers for state aviation? Just what these airports can and cannot do in the name of commerce is restricted because of well-defined classifications by the Federal Aviation Administration.

For example, there are two categories of commercial-service airports — primary and non-primary — cargo service airports, reliever airports and general aviation.

Northeast Philadelphia Airport, like Philadelphia International, is city-owned, and both comprise the Philadelphia Airport System. But Northeast's lack of commercial certification means that it can't accept scheduled passenger service or cargo shipments from air carriers, said Mark Gale, director of the

city's Division of Aviation.

"The problem with Northeast," he said, "is that it hasn't had commercial service since 1989, when it returned its certification to the FAA."

That was required because the airport, whose origins date to the early 1940s, had been without commuter service since the mid-1980s. Gale doesn't hold much hope that it could be resurrected as an all-purpose airport.

It would mean a heavy investment to fulfill today's FAA regulations.

"Today, to turn Northeast into a commercial airport, with all the requirements that would have to be met, it would take a lot," he said. "Just the limitation of its runway length, to start with. It simply is not ideal for commercial use."

Northeast, however, is certified by the FAA as a "reliever" airport, meaning it can accept diverted aircraft, such as corporate planes, at times of congestion on PHL's runways. The airport also has proved to be a more convenient, controlled environment for the landings of dignitaries or political VIPs who then are whisked down I-95.

Yet, Northeast does have a high aviation profile. It encompasses roughly



The approach to Lehigh Valley International Airport. GLENN LONG

1,150 acres and provides general-aviation services — everything from aircraft and hangar rentals to flight training — supplied by onsite support businesses.

According to the FAA, there are 15 commercial-service airports in Pennsylvania — the primary airports (more than 10,000 passengers boarding each year) are Philadelphia International, Harrisburg International Airport, and the Lehigh Valley International Airport in Allentown, which generates more than \$300 million annually for the Lehigh Valley economy.

In addition to Northeast, 12 state airports have FAA "reliever" certification, including Bucks County's Doylestown Airport, the Brandywine Airport in West

Chester, and the Chester County G.O. Carlson Airport in Coatesville.

The FAA identifies 113 general-aviation airports in the state. Most of the nation's airports are classified as such, for the most part not approved for scheduled passenger or cargo service but serving communities as aviation centers for small recreational or business aircraft, flight schools, aircraft sales or skydiving lessons.

In New Jersey, aviation provides almost \$2 billion annually to New Jersey's economy. The state is home to three large commercial airports — Atlantic City International Airport, Trenton-Mercer Airport, and the Newark Liberty International Airport.

name of customer service and economic growth. It's also why Mr. Gale, who started his climb up the airport's administrative ladder in 1989, is so gung-ho about the significant redevelopment to date and the even bigger plans that will shape the airport's future.

"Though we have that great 14.4-billion number," he said, referring to the annual dollars pumped into the region's economy, "it's not the best it could be. I'm convinced it should be more. It's a number that is predicated on the airport we have today. When you're moving people through your airport smoothly, when your facilities are operating as efficiently as possible, that 14.4 number is going to grow. But when you're experiencing chronic delays or slowdowns as we are, it has the potential to perhaps discourage some airlines from either moving in or escalating existing service, and it may

influence the decisions made by travelers as well. It's costing you business."

The infrastructure overhauls spelled out in CEP will make air travel smoother and more timely, Mr. Gale said. And number crunchers have told him that the airport could be pumping \$26 billion into the annual regional economy sometime between 2025 and 2030, when the construction dust of CEP finally settles.

So what exactly does it mean? The phrase is "economic engine of the region," a phrase you hear a lot, as when Mayor Nutter stood at a news conference not too long ago and applauded a preview of the upcoming Capacity Enhancement Program by saying, "Philadelphia International Airport is the economic engine for all of Southeastern Pennsylvania. This expansion program is critical to the economic health and growth of our

entire region and will create thousands of jobs."

Analysts who like to measure the output of such an engine will tell you that the huge economic number — \$14.4 billion in this case — is tied to hundreds of things. Hundreds of spinoffs, more precisely. The magazine you buy at the airport. The salary of the clerk who sells you that magazine. The cabbie you pay to get to the hotel and the money you pay at the front desk to stay there. The dinner you eat. The tourist sites you visit. And so on.

That \$14.4 billion in regional economic stimulus — and the roughly 141,000 jobs tied to it — has been reported by the state's Bureau of Aviation, a division of PennDOT, as part of an overview of the economic clout of airports and aviation in Pennsylvania.

The airport's link to the tourism and

convention business is huge. Last year, \$9.34 billion flowed into the Greater Philadelphia economy, courtesy of the tourism industry. It's projected that by the end of this year, meetings, conventions and group visits booked by the Philadelphia Convention and Visitors Bureau will have filled more than 592,000 hotel rooms and contributed an economic jolt of about \$842 million. And the newly expanded Pennsylvania Convention Center, according to PCVB figures, has amassed \$2.8 billion in bookings for 2012 and beyond.

"The airport is our city's global connection to the world," said Mr. Ferguson. "It is many times the first experience or engagement that a traveler has with our city. The airport can set the tone for what is to come. If it is clean, friendly, welcoming and engaging, it can excite the visitor for what lies ahead."



The Terminal E expansion was part of a \$345 million project that included work on Terminal D. COURTESY OF PHILADELPHIA INTERNATIONAL AIRPORT

Even in this moribund economy, Mr. Ferguson and his staff have been able to keep the convention crowd coming to Philly. Creative incentives — among them flexible pricing plans and early-signing bonuses — encourage meeting planners to bring their conferences or trade shows here.

As they sell their audiences on the charms or strategic business offerings of the city these days, Messrs. Ferguson and Morr have plenty in common, and the airport is a significant marketing tool. Both executives are looking overseas to entice tourists or CEOs with museums or a sophisticated business climate, the Liberty Bell and cheesesteaks.

“Communities will grow more from companies that start or grow in Philadelphia or are here and choose to expand,” Morr said. “We spend a fair amount of our efforts trying to attract companies

from other parts of the world to expand their operations in Philadelphia.”

In his seven-year affiliation with the non-profit Select Greater Philadelphia, Mr. Morr and his staff have lured 83 companies to the region — defined as Southeastern Pennsylvania, South Jersey and northern Delaware — amid a down economy that hasn’t made things easy. The staff remains keenly aware that opportunity knocks loudly in other sections of the world.

“Just under 70 percent of the business prospects we’re working on now are from overseas, mostly Europe, and airport facilities are very important to them,” said Mr. Morr, who calls the airport the region’s “front door to the world.”

According to city figures, more than 700 foreign-owned companies from 39 countries have an office or facility in the region. Mr. Morr notes that Philly flaunts

a sophisticated business base these days, with the death of its manufacturing economy after World War II gradually leading to a business renaissance focused today on what he calls “knowledge-driven industries,” such as pharmaceutical, information technology, financial services, and research and development.

These times also inspire Mr. Ferguson to look overseas. According to the U.S. Office of Travel and Tourism Industries, international travel to Philly exploded by 7 percent in 2010, bringing 633,000 foreign visitors here and making Philly the nation’s 13th-most-visited city among international travelers. Overall, more than 37 million tourists came to town that year, roughly a million more than in 2009.

Mr. Ferguson said there have been great dividends from PCVB’s partnership with the airport over the years to grow

business here and abroad. An initiative that brought US Airways onto the team led to the creation of 21 direct flights daily to Israel and locales across Western Europe, based on findings of traveler demand.

This aviation empire known as Philadelphia International Airport encompasses 2,370 acres in the southwestern part of the city and straddles Tincum Township in Delaware County, just seven miles from Center City. About 800 city aviation employees are part of the airport’s 24-hour operation, but the personnel swells to about 40,000 when you add airline employees, staffers of the federal Transportation Security Administration, city parking authority workers and the employees of airport restaurants and stores.

Local tax revenues don’t support Philly International and federal law prohibits

cities from curing their own budget blues by raiding airport funds. Philly International pays its own way, relying on its own aviation fund fueled by revenue from airline fees, space rentals in terminals, parking revenues and concession income, and FAA infrastructure grants.

The airport — an expansive complex of seven terminal buildings, 126 boarding gates and four runways — serves the fifth-largest metropolitan area in the nation, and the 30.8 million domestic and international passengers who flew there last year, roughly the same as the year before, were part of 448,129 takeoffs and landings. On a daily basis, 29 airlines and cargo-transport carriers are part of 620 departures to 123 cities, a figure that includes 55 non-stop flights to 36 international destinations.

The airport's financial statements for the 2011 fiscal year paint the picture. Even with a struggling economy, the airport's finances added some muscle during the budget year, with total net assets (the difference between assets and liabilities) of \$835.2 million, an increase of \$30.2 million, or 3.7 percent, over the prior year.

The aviation fund had operating revenues of \$258 million, roughly \$18 million better than in fiscal 2010. Operating expenses, however, also were up by \$16.1 million, or just over 6 percent, to \$281.7 million in the 2011 fiscal year. That caused a \$23.7 million drop in the fund's operating income.

Like other airports, PHL's financial health rides on a menu of fees and charges. In addition to \$181.5 million earned from concession and retail leases at the airport, for example, the bottom line is supplemented annually by \$60.2 million in landing fees assessed to airlines, nearly \$86 million in terminal-space rentals, and about \$34 million contributed by the Philadelphia Parking Authority, which oversees the approximate 18,500 parking spots — on surface lots and in parking garages — at the airport.

But there's also a significant revenue producer paid by passengers — the Passenger Facility Charge, an FAA-approved surcharge capped at \$4.50 per traveler and assessed to everyone who buys a ticket, and that fee generated \$62.3 million last year, according to financial statements.

In this multi-million dollar tale, the central character is US Airways, whose main hub is Philadelphia. The primary airline serving PHL flew 69 percent of the passengers who boarded flights there, according to the fiscal 2011 budget report. The airline and its regional US Airways Express affiliates delivered nearly \$122 million in operating revenue to PHL last year, or about 47.2 percent of the aviation fund's total operating money.

These profitable associations can be thorny, too. At the start of the year, the airline, which has been probing a merger with American Airlines, announced it wouldn't support the Capacity Enhancement Program, in particular because it had doubts about the need to build a fifth — and expensive — runway.

The airline has insisted that the runway would cost \$3 billion, not the \$1.8 billion projected by airport officials, and it doesn't share their conviction that the construction is necessary to remedy chronic flight delays

Military jets once routinely flew in and out of the Horsham Township air base. When the land reuse authority considered limited air traffic, residents came out in force against the plan.



Residents Outrage Thwarted Efforts to Put Willow Grove Air Base Into Aviation Mix

For 75 years, hundreds of acres of former farmland in rural Horsham Township served as a takeoff and landing spot for early aviation, as well as military aircraft.

In 1926 aviator Harold F. Pitcairn built an airfield along the now-bustling Easton Road to test and fly a variety of rotary wing planes that he would, over the coming years, manufacture at an adjacent facility.

During World War II, the federal government saw the value of the airfield and condemned the field for military use only. By 1943, the site transformed to the Willow Grove Naval Air Station.

As the military base evolved — in the 90s becoming Naval Air Station Joint Reserve Base Willow Grove — to include all branches of the military, the space grew to roughly 1,100 acres.

When the federal government decided in 2005 to close the base, two main options for the next logical chapter remained: Continue it as an airport, or redevelop it for other purposes.

Perhaps the most viable flight option considered was put forth by the Bucks County Airport Authority, the entity that operates airports in Doylestown and Quakertown.

The authority's executive director, John Mininger, has said the authority had hoped to use the 8,000-foot-long runway for personal and business travel in aircraft.

Mininger had said the authority was not interested in scheduled flights, which would require special certification.

But, for many in the Eastern Montgomery County township of Horsham who had endured decades of loud, low-flying military aircraft coming and going at all hours of the day and night, an airport of any sort was not what they wanted. Many feared that over time the roughly 680 acres that the Bucks County

Airport Authority had requested for the proposed Pitcairn Aviation Business Center, would morph into a reliever facility for Philadelphia International Airport, or be used for FedEx deliveries.

For months leading up to the July 2011 decision to redevelop the land sans airport, hundreds of mostly Horsham residents came out in droves to Horsham Land Reuse Authority meetings to protest the consideration of the bulk of the available 862 acres for an airport.

Clutching yellowed newspaper clippings of a handful of crashes and fatalities, residents cited the safety of an airport for citizens of the community of roughly 26,000. Many viewed the drone of planes as a negative for property values and quality of life issues.

In a February 2011 survey of 160 people in attendance, establishing a civilian airport and aviation facility came in dead last of eight possible redevelopment options.

That sentiment was reflected in the HLRA board's March 2012 decision to approve a mixed-use reuse plan for practically everything — except an airport. A town center, business complexes and more than 1,400 homes are the cornerstones for the massive redevelopment, which officials have said will take about 25 years to build out and cost more than \$145 million in infrastructure costs.

Aviation proponents, on the other hand, have said that establishing an airport would have cost virtually nothing and could have been open in practically no time.

Since the military flew its last planes from the now-shuttered air base in March 2011, more of the airspace has been freed up and planes fly even lower than was the case while the military owned the property.

at Philly International. The airline's anti-runway sentiment has been shared by three other carriers, Southwest Airlines, Delta and cargo company UPS.

It's clearly a taut tightrope. "We and the airlines regularly sit across from each other at the table to analyze our rates and fees," Mr. Gale said, "because it's in our best interests to work with our airlines at a time when they're trying to recover from stated losses which, collectively, enter the billions and billions of dollars, and at a time when they're dealing with volatile fuel prices. Yet it's important for us to produce revenue and operate in a way that we stay lean and mean but still accomplish what we're setting out to achieve."

That harmony especially is key when you're trying to maintain good relations with an airline that has a hand in more than two-thirds of your airport's flight business. Standard & Poor's, the financial research and analysis firm that issues credit ratings for the debt of public and private companies, is bullish on the airport's solid management and financial health, affording an A+ credit rating to its revenue bonds and classifying its fiscal situation as stable because of a strong "origin and destination" (O&D) market — about 63 percent of Philly International's travelers start and end their trips at the airport — as well as good passenger trends and a manageable overall debt burden.

Just the same, S&P did raise a cautionary flag for the future. A 2010 analysis of PHL's operations and finances noted reservations about the airport's heavy reliance on business from US Airways, as well as concerns that its debt burden could increase significantly in the years ahead as a result of heavy borrowing via airport bond issues to help fund the \$6.4 billion CEP project.

"Our downside sensitivity analysis shows that the airport has the financial resources to absorb lower passenger levels, assuming US Airways remains largely committed to the market," the S&P analysis said. "However, if US Airways were to eliminate most of its service, we could lower our rating."

The airport and the airline have weathered some turbulent times. In 2005, US Airways emerged from bankruptcy protection, and if Mr. Gale had been holding his breath while rooting for the airline's recovery, he was able to exhale a couple years ago. US Airways Group reported a record profit in the second quarter that ended June 30, riding lower fuel costs



The Terminal A-East has seen a lot of public-facing improvements. More behind-the-scenes work is in progress. COURTESY OF PHILADELPHIA INTERNATIONAL AIRPORT

and a burst in passengers to realize net income of \$306 million, well above the profit of \$92 million earned during the same quarter last year.

Mr. Gale said he's trying not to fret too much over the highs and lows of these recent months.

"About 70 percent of our market share is tied to US Airways, so yes, I'd say that could always be characterized as a concern," he said. "But the airport also has a great 'O and D' market, which is critical to any airport's success. I think we manage ourselves well. As a team, we're prudent when it comes to investing in the facilities or improvements that will give travelers the airport they're looking for, but I also think we're very in tune with managing the risks to achieve that."

You can tell a lot about an airport by its restrooms. At least Mr. Gale and his administrative team think so, which led to the recent debut of fully refurbished and modernized restrooms in a section of Terminal C. The restrooms feature natural lighting, a colorful décor and contemporary fixtures.

It had been nearly 25 years since the restrooms were upgraded.

This also is in keeping with another Gale priority when he became CEO nearly three years ago.

"Customer service and amenities ... they're key," he said. "It is very important that a passenger's experience with our airport must be one of good customer service. If our facilities are lacking or if a customer says an employee was rude or wasn't very helpful, that's not good for the airport, and it certainly isn't good for the city. This is why we have (marketing)

people who have come up with some creative and innovative ways to make our customers feel good about bringing their travel business here."

These brainstorming sessions have produced the third year of "Just Plane Fun." It's a summer program that lets the good times roll for airport customers — a mix of entertainment and kid activities and informative displays, not to mention nice raffle prizes. There's also the allure of the Passenger Chillin' Zone, a comfy living room in Terminal C where folks can await flights in couch-potato splendor.

"It's an extremely popular program," Gale said. "We also have a summer refreshment program, where we offer a free glass of lemonade if customers are stuck in long security lines. A gesture as simple as that can make such a difference."

What do the customers make of all this?

Turned to SkyTrax, a popular website devoted to consumer reviews of the nation's airports. Of roughly 100 critiques of PHL posted during the past four years, the airport has an "average" score of 5.2 out of a high of 10, meaning half of the fliers recommended the airport, half of the fliers couldn't.

So what you get is the good:

"My complaints were with US Airways, not with Philadelphia International itself. I found this airport quite lovely, the TSA (Transportation Security Administration) and airport staff were very nice and helpful. There's a mound of concessions and stores to occupy your time if you have a lengthy layover. Cleanliness was pretty good and I will fly through PIA again."

And you get the not-so-good:

"Travel advice: Arrange your international flight to connect through any American city other than Philadelphia. Two hours between flights should be ample time to make a connection, but customs took an hour and a quarter. Security took another 20 minutes. There is no allowance for connecting passengers. After security, we had just minutes to make it from the A gates to the B gates, something the TSA guy said would take five minutes. Well, it is only five minutes — if you're in a flat-out dead run, which we were. My husband ran in his socks, still holding his shoes and belt. We asked for a ride from two separate drivers of those airport electric carts. Both carts were empty but neither driver would help. This airport, its U.S. Customs office and its TSA operation are mismanaged. The staff are rude."

Even if they can't please everyone, Mr. Gale and his team can take comfort in knowing that customers generally seem impressed with a retail network of about 170 eateries and shops throughout the airport's seven terminal buildings.

It also reflects a \$161 million investment by the airport to rejuvenate its food and retail program. Oversight of this sector is left to MarketPlace Development, a Newton, Mass., company that develops and manages retail projects at a budding list of airports around the country. According to its fiscal 2011 financial report, retail-space leases and profit-sharing generated \$181.5 million for the airport, making the partnership the most lucrative non-aviation lease for airport officials.

"I think we've made phenomenal strides over the years; we've gone through necessary modifications and renovations, addressed issues to make us better, and I truly believe that we compete quite well with other airports in the country in terms of image, in terms of infrastructure," Mr. Gale said. "Without a doubt, certainly there are critics out there ... 'something should be done about this, what about that, why don't you have what such-and-such airport has?' ... but I'm satisfied that we have worked hard to match our infrastructure to what the customer has in mind, and that remains the key focus."

Freelance journalist John Scanlon lives in the New Jersey suburbs of Philadelphia.

Airline News Articles

Posted on: June 28, 2012

Delta and United reduce capacity amid demand concerns

By Jay Boehmer

Delta Air Lines and United Airlines in the past week alone reduced on a combined basis "about 1% of their seats" for the second half of the year, according to Rodman & Renshaw analyst Dan McKenzie, who cited "the darkening economic outlook" as the trigger for the cuts in capacity.

The carriers are pulling capacity ahead of an expected demand slowdown in the post-Labor Day shoulder season to try to maintain a firm grip on pricing, McKenzie reasoned.

"It's evident the two carriers are continuing to take steps to support pricing in the back half of the year to compensate for the weaker economic backdrop," McKenzie said.

JP Morgan analyst Jamie Baker in a Tuesday research note forecasted "softer demand" for the second half of the year. "It seems logical that the post-Labor Day resumption of corporate travel may not prove as robust as in prior years," he said.

Despite demand concerns, UBS analyst Kevin Crissey in a research note on Wednesday affirmed, "We don't see a collapse in pricing yet," noting that average fares for July and August were up year over year by mid-single-digit percentages.

Fourth-quarter available seats provided by the 10 largest U.S.-based passenger airlines are expected to grow 1% year over year, but the new cuts from Delta and United reduced that rate from the previously anticipated 2.5%, McKenzie noted.

"Airlines are continuing to make network adjustments in 4Q, so it's still too early to draw firm conclusions about what capacity will ultimately look like," he added.

As for the third quarter, McKenzie noted that year-over-year capacity offered by those 10 carriers "now shrinks 1% or more each month through September, even after factoring in aggressive growth by Virgin, Spirit and JetBlue."

Among the newly revealed cuts, Delta effective Aug. 30 will cancel its five weekly Detroit-Hong Kong flights, according to schedule updates posted on UBM Aviation's Airline Route website. Those cuts follow other recent Delta reductions focused on the transatlantic.

Though McKenzie did not indicate where United intends to trim capacity, the Airline Route website showed a slew of transatlantic reductions for the winter 2012-13 season, including reduced weekly frequencies on Chicago–Amsterdam, Newark–Berlin, and separate services from Washington Dulles to Dublin, Frankfurt and Manchester; the cancellation of Newark–Copenhagen; and the seasonal winter suspension of Newark–Rome and Washington Dulles–

Moscow.

Source: [Business Travel News](#)

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Airlines must combat stress of flying, finds Airbus study

Jul 06, 2012 08:53AM GMT



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Airline services of the future need to be more sustainable, less stressful, provide more frequencies and continue to offer face-to-face interaction despite the social media revolution.

These are key conclusions drawn from exhaustive two-year research involving more than 1.75 million travellers released today by Airbus ahead of next week's Farnborough International Air Show.

It found that:

- 63% of people worldwide say they will fly more by 2050
- 60% do not think social media will replace the need to see people face-to-face
- 96% believe aircraft will need to be more sustainable or 'eco-efficient'
- Almost 40% feel air travel is increasingly stressful

The study, which spells out what passengers want from flying in the future, also found:

- 86% of people think less fuel burn is key and 85% want a reduction in carbon emissions
- 66% want quieter aircraft and 65% want aircraft which are fully recyclable

The aircraft manufacturer's engineering executive vice president Charles Champion said: "Aviation is the real World Wide Web. The results of the survey show that there is nothing better than face to face contact.

"The world is woven together by a web of flights that creates ever-expanding social and economic networks: 57 million jobs, 35% of world trade, and \$2.2 trillion in global GDP."

But he as more people fly more often, the greater their expectations will be for the "end-to-end passenger experience."

The Airbus consultation highlights a predictable list of concerns such as queues at passport control; slow check-in and baggage collection; sitting on the tarmac; and circling in holding patterns around airports.

"In London, for example, we've seen concern about queues at airports and people are understandably not happy about it," Champion said.

"But the reality is those capacity constraints are a sign of things to come unless the industry can work together to cut delays, and with aviation set to double in the next 15 years, that's what we're looking at."

He added: "It's clear that people are really excited about the future of sustainable flight and we want them to be part of shaping that future."



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United Airlines orders 150 Boeing 737s

JOSHUA FREED, AP Airlines Writer

Updated 01:31 p.m., Thursday, July 12, 2012

[United Airlines](#) ordered 150 Boeing 737s on Thursday, a big win for the jet-maker and a clear sign that the world's largest airline is shifting increasingly toward Boeing planes.

United ordered 50 Boeing's 737-900ERs, which begin arriving late next year. It's also buying 100 new 737 Max 9s, a revamped 737 that is getting new engines and other tweaks to make it more fuel efficient. They start arriving at United in 2018.

The order doesn't necessarily mean United is getting bigger. The 737-900ERs will replace older 757-200s, which Boeing no longer makes. It said the new planes are 15 percent more fuel-efficient per seat than the ones they will replace.

The Maxes that begin arriving in 2018 could either replace old planes or make United's fleet bigger, CEO [Jeff Smisek](#) said. The 737 is a workhorse of domestic flying. United already flies 43 of those planes, which seat 173 people. For the new 737 Max, United is ordering the biggest version Boeing makes, which seats up to 215 people.

The order would be worth more than \$14 billion at list prices, although big airlines like United don't pay list prices.

At the time of the United-Continental merger in 2010, Continental flew 737s and United flew the competing A320 from Airbus. The combined airline's fleet of 701 planes still includes 152 of those Airbus planes. It also has an order, placed by United before the merger, for 25 Airbus A350s set to begin arriving in 2016.

"We'll have Airbus planes for a long time," Smisek said.

Still, the airline has 25 Airbus planes under firm order, compared to some 250 Boeing jets, including Thursday's order. And some of the new planes could potentially replace A320s, Smisek said.

Boeing Co. has been hoping to boost orders for the Max. Airbus beat Boeing to the punch last year by offering a competing version of its own A320 with a new engine earlier than Boeing did. And Airbus scored big when it got American Airlines to order 260 jets last year, versus 200 for Boeing.

Smisek said his airline had "extensive discussions with both Airbus and Boeing" before picking Boeing. He spoke at a news conference in Chicago, where both Boeing and United Continental Holdings Inc. are based.

Boeing Chairman and CEO [Jim McNerney](#) also attended the news conference, along with [Ray Conner](#), the new CEO of Boeing's commercial airplanes division. Conner was recently back from the Farnborough Airshow near London, where Boeing booked orders and commitments for 396 planes, worth \$37 billion, including the United order. That was more than double Airbus' orders and commitments for 115 planes worth \$16.9 billion.

Shares of United Continental

Read more: <http://www.seattlepi.com/business/article/United-Airlines-orders-150-Boeing-737s-3702057.php#ixzz20X9MGcvJ>

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Major U.S. Airlines Projected to Report Record Revenue for Second Quarter

By James Shillinglaw July 18, 2012 11:01 PM

AirlineFinancials.com, which provides airline industry data, analysis and consulting services, is projecting that the seven largest U.S. airlines, by the end of next week, will have collectively reported \$2 billion in profits from \$37.1 billion in revenue for the second quarter. This will be a record for second quarter revenue and the second highest second quarter profit since the 1990s. This will be the first time since the 1990s the industry will have a second quarter profit three years in a row.

For the full year 2012, AirlineFinancials.com is projecting these seven airlines will report \$5.8 billion in profits from \$141 billion in revenues. This profit and revenue will also be records for the airline industry and the first time since the 1990's the industry will have annual profits three years in a row.

Individual airline projections for second quarter 2012 include: United, \$613 million profit from 10.1 billion revenue; Delta, \$609 million profit from \$9.7 billion revenue; American, \$69 million profit from \$6.5 billion revenue; Southwest, \$257 million profit from \$4.6 billion revenue; US Airways, \$267 million profit from \$3.8 billion revenue, JetBlue, \$60 million profit from \$1.3 billion revenue; Alaska, \$116 million profit from \$1.2 billion revenue.

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Lower airfares expected soon

Airfares should drop 10% to 20% starting next month as fall fares start, says Rick Seaney, CEO of travel website FareCompare.

By Hugo Martín, Los Angeles Times

1:32 AM PDT, July 30, 2012

Air travelers, rejoice: Relief from soaring airfares may be just around the corner, at least temporarily.

For travelers, it can't happen soon enough. In the first three months of the year, the average domestic airfare in the U.S. climbed to \$373, up 4.8% from the same period last year, according to the U.S. Transportation Department.

That was on top of an 8.3% increase in fares in 2011 and another 8.3% increase in 2010, according to statistics from the agency.

But air travelers should get a break next month, when airfares are expected to drop 10% to 20%.

That is the prediction from Rick Seaney, chief executive of travel website FareCompare. He said the price drop should affect flights starting around Aug. 21, with the start of the slow fall travel season.

In late August, children start to head back to school as summer vacations end, prompting many airlines to drop their "peak travel season" surcharges, he said.

For example, a round-trip ticket between San Diego and Providence, R.I., sells for about \$380 if the flight is in mid-August but drops to \$222 if the flight is in September, according to data from FareCompare. A round-trip ticket between Washington and San Francisco sells for about \$255 for a mid-August flight but \$208 for a September flight, the website said.

"Demand appears to be slightly down this summer from what had been expected," Seaney said. "And the airlines are not pushing their luck with further price increase attempts — at least for now."

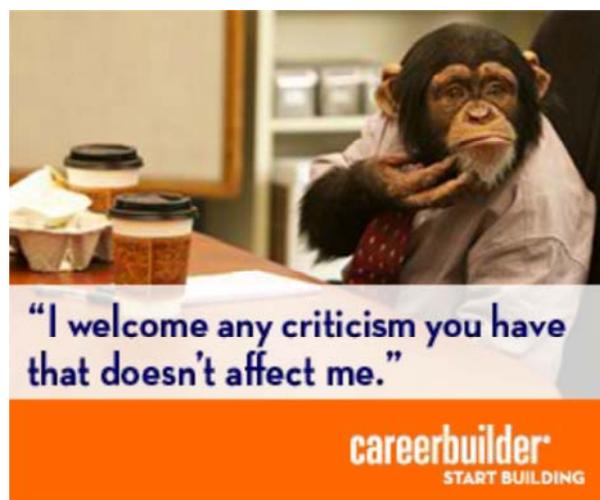
Most Americans would like to bring pets on all trips

As Americans, we love our pets and we love to travel.

How much?

Given the chance, 51% of U.S. pet owners said they would bring their pets on every trip they took, according to a new

advertisement



survey by the American Automobile Assn. and Best Western International Inc., one of the world's largest hotel chains.

Among the pet owners surveyed, 95% said finding lodging that accepts animals is crucial to travel planning. But if they can't find pet-friendly hotels or motels, 25% of those surveyed said, they sneak their pets into their rooms anyway.

Not all pets make good travel buddies. Eighty-five percent of pet owners say they travel with a dog and only 21% bring along a cat, according to the survey.

US Airways aims to sell more goods and services

US Airways is looking into new ways to sell goods and services to passengers for use on the plane and at the passengers' final destinations.

Under a renewed contract with the Tempe, Ariz., airline, Toronto technology firm GuestLogix Inc. announced last week that it would provide US Airways flight attendants with hand-held devices they could use to charge a passenger's credit card by simply tapping the card on the device.

GuestLogix is also working with US Airways to advertise deals and offers to passengers through emails, onboard announcements and brochures stuffed in seat-back pockets.

The goal is to get travelers to funnel a bigger share of their travel spending through the airlines, said Patrick O'Neill, senior vice president and general manager for GuestLogix USA.

"The airlines have an advantage because they know where we are going," O'Neill said.

For example, passengers flying on US Airways to Las Vegas might get offers to buy tickets to shows or sporting events in the city, he said. "We want to make the offers relative to the travelers and the cities they are going to," he said.

Passengers should begin to see the offers on US Airways flights in the first half of next year, O'Neil said.

The world's largest airlines reported collecting \$22.6 billion in extra passenger fees in 2011. That was a 5% increase from the previous year, according to a study by IdeaWorksCompany, a Wisconsin consultant on airline revenues, and Amadeus, a travel technology firm based in Madrid.

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Since the year concluded integrating Continental Airlines, Smisek acknowledged that the carrier "added new stress to the system by simultaneously converting to a single passenger system, implementing hundreds of new processes and procedures, rerouting aircraft across our network and harmonizing our maintenance programs. Those changes were in large part responsible for the degradation of our operational performance," which included what he called declining performance "on metrics such as on-time arrival, mishandled bag rates and cancellations."

In recent months, some United corporate customers, frequent flyers airing grievances on Internet forum FlyerTalk and various media reports pointed to a variety of glitches stemming from the March cutover to Hewlett-Packard's Shares reservations system, which Continental had been using before the United merger. Those included a "buggy" website, check-in issues, mileage accrual problems, upgrade difficulties and long hold times to speak with United customer service agents. In the immediate wake of the cutover, problems also included unsynced passenger name records and missing itineraries.

While acknowledging "a number of issues" following the cutover, Smisek deemed the Shares conversion "successful," adding that glitches have subsided and further improvements are in the works.

"As we identified each conversion-related issue, our top priority was to

mileage-plus miles for United nights now post within 48 hours of travel; and complimentary upgrades for our

Smisek further outlined plans to improve the Shares system for employees, which he expected to result in im-

loss in share today." Instead, Compton claimed United has "been improving our share." 

Survey: Dissatisfaction With Airline, Airport Wi-Fi

BY DAVID JONAS

FOR BUSINESS TRAVELERS, Internet access is essential. While airports and airlines are making it more widely available, they still are falling short of travelers' expectations, at least according to one recent poll. Flight information provider FlightView this spring surveyed more than 600 business travelers and found that 28 percent and 32 percent are dissatisfied with the Wi-Fi provided by airlines and airports, respectively.

"They want it to be free, they don't want to watch an ad and they just want it to work,"

FlightView CEO Mike Benjamin told *BTN*. "As it's becoming free in more places, there is that expectation."

When asked why some airports choose to charge for Wi-Fi while others don't, Benjamin said, "Certainly there is some cost to them, and some feel justified in passing it on. I haven't talked to any airport people that view it as a big money maker, but it is moving into realm of keeping the bathrooms clean—it is just something you have to do if you want to run a good airport."

FlightView conducted its survey of business travelers, part of a larger poll of 2,600 of its users, between March and May. According to the results, released last month, about 94 percent want flight status reports delivered to their phones, 70 percent want mobile alerts when

their flight is boarding and 63 percent want seat upgrade availability notifications. "The last two are less available," Benjamin said, noting that flight status updates are widely available from FlightView and other information providers. "The upgrade piece of tentimes is not as simple as it sounds from an air-

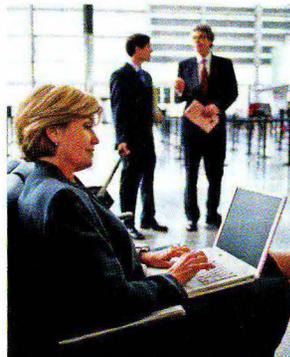
line systems point of view. Delta has a pretty good system for publishing and managing that kind of information, but that is not the case at all airlines. Some airlines are doing things where the person at the gate has more judgment than you would think."

Among other findings, nearly 70 percent of business travelers want the ability to rebook via mobile apps; more than 57 percent want standby status and terminal maps on their mobile devices; and 36 percent want their mo-

bile devices to handle ticket upgrades and ground transportation bookings. Meanwhile, 84 percent of business travelers said they use their smartphones on airplanes while for laptops, it's "less than half and about tied with tablets," according to Benjamin. "It struck me as surprising that more business travelers are leaving their laptops at home."

To empower travelers with the information they want, Benjamin suggested that "the airlines probably have a leadership role in general, but that's not to say that the airports can't make a big difference. [Airlines and airports] realize it's in their interest to get the information out there so people are not in the dark. That is a big change from years past when the agent wouldn't tell you because they didn't know or didn't want you to get upset. But at this point, you are going to find out through some other means, so they might as well get it out there so people can deal with it. That transparency shines a light on the process and improves it."

FlightView counts among its clients 120 airports, Expedia, Trondent, various airlines and other travel companies. It claims 1 million downloads of its apps, including a new release in July of a free app including flight status notifications. 





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Air Execs: Business Travel Demand 'Solid' And 'Steady'

September 06, 2012 - 03:50 PM EST

By **Jay Boehmer**

New York - Delta Air Lines president Ed Bastian said the economic backdrop remains "choppy," while US Airways president Scott Kirby cited a macroeconomic environment that continues "to muddle along." Despite such characterizations of stagnation, which dotted executive presentations at two aviation conferences here on Wednesday and Thursday, corporate demand for air travel remained "steady," according to Kirby, and "solid," according to Bastian. Not all airlines presenting this week shared such optimism, as United Airlines gave minimal detail on corporate demand and even alluded to worse-than-anticipated corporate marketshare performance.

Among the airlines that presented this week, Delta delivered perhaps the most sanguine outlook and shared the most specific corporate booking data, disclosing that corporate revenue for the quarter ending this month is trending upward by 9 percent year over year, a rate similar to those the carrier witnessed in the first two quarters of the year.

"Corporate revenue strength is broad-based, led by the automotive sector, financial services and a significant gain that we're picking up in the banking sector, including many banks here in the New York area," Bastian said Thursday during the Deutsche Bank 2012 Aviation and Transportation Conference, noting Delta's emboldened presence at LaGuardia Airport. "The only sector that we have that's showing any real weakness is transportation, and that's been driven by cutbacks at Federal Express in some of their current spending."

Bastian also cited "corporate-contracting gains" Delta realized from its competitors, helping it stay on pace "to produce solid September-quarter results."

United executives struck a different tone about the corporate market, and acknowledged a potentially negative impact from service disruptions related to the integration of Continental Airlines. "When you're in the middle of a lot of construction, people will sometimes take a detour around the construction until the construction is finished, then they come back and take the route they prefer," United CEO Jeff Smisek said during a presentation at the Deutsche Bank conference. "From our perspective, we have a

very good corporate share. The growth of our corporate share has been less than we anticipated because of the integration issues. But those integration issues are transient; they will go away."

United CFO John Rainey Wednesday during the Dahlman Rose & Co. Global Transportation Conference here said little about the carrier's corporate demand outlook but acknowledged "modest slowness in the economic outlook" in announcing the United's plan to [further reduce capacity](#) for the remainder of the year. Meanwhile, Smisek said he expects 2013 capacity to be down 1 percent from this year. "We see a slowing economy, and we'd like to get out ahead of that to make sure that we can always get compensatory fares," he said.

While US Airways president Scott Kirby did not highlight specific corporate travel metrics Wednesday during the Dahlman Rose & Co. conference, he pointed to growth for the remainder of the year.

Even though some meeting, convention and "discretionary" business travel slowed around the "end of May, beginning of June" as uncertain economic news prevailed, Kirby said, "I think businesses are still doing their core business travel."

Indeed, [ARC data showed](#) that total U.S. travel agency air transactions declined 5.4 percent year over year in June, the largest decline in any month since April 2011. Total June air sales including fares, taxes and fees decreased by 1.8 percent from June 2011, the largest drop since October 2009. Yet that improved in ARC's [most recent data](#), showing U.S. travel agencies in July processing 2 percent more transactions than they did a year earlier.

Kirby expected the business demand environment to improve further "as we get into the fourth quarter and we get more certainty around the election, more certainty around the fiscal cliff and perhaps some certainty around Europe."

He envisioned business demand "returning to levels in the March-April period, even if it's a little below those levels today." Kirby, meanwhile, pointed to "strong transatlantic business demand," claiming marketshare gains from competitors at the European point of sale.

Meanwhile, JetBlue Airways CFO Mark Powers during the Dahlman Rose & Co. conference said "early signs are encouraging" with regards to business travel demand during the post-Labor Day shoulder season, though he cautioned, "It's still too early to tell given nature of our close-in booking curve." While Southwest Airlines senior vice president of planning Tammy Romo did not detail business-specific trends, she expected third-quarter unit revenue to increase by low-single-digit percentages. The carrier in August experienced some "softness on the yield side" but strength in load factors, she said during the Deutsche Bank conference.



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United Airlines plans to fly fewer planes

September 05, 2012

(AP) — United Airlines will reduce flying more than expected during the rest of this year because of higher fuel prices and a sluggish economy.

United will cut flying capacity by 2 to 3 percent from September through the rest of the year, Chief Financial Officer John Rainey said at an investors' conference in New York on Wednesday.

United previously expected to cut flying by 1 to 2 percent during the fourth quarter.

"We are beginning to see some modest slowness in the economic outlook and we're responding accordingly," he said.

For all of 2012, the airline now expects that flying capacity will fall 0.75 percent to 1.75 percent.

For an airline, capacity is the number of seats times the number of miles flown. So airlines can cut capacity by parking planes, using smaller planes or flying shorter distances.

Most of the big U.S. airlines have been keeping capacity flat or down as they cope with high fuel prices and a tepid economy.

United Continental Holdings Inc., based in Chicago, was formed in 2010 after the merger of United and Continental. Its shares rose 89 cents, or 4.9 percent, to \$18.99 in afternoon trading.

Policy and Regulatory News Articles

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GOP platform seeks privatization of airport security

By [Joe Davidson](#), Published: August 30

Unemployment in the private sector too high?

One way to improve that is to turn thousands of federal jobs over to corporations.

That's what Republicans call for in the platform they adopted this week in Tampa.

The platform says Transportation Security Administration "procedures — and much of its personnel — need to be changed. It is now a massive bureaucracy of 65,000 employees who seem to be accountable to no one for the way they treat travelers. We call for the private sector to take over airport screening wherever feasible and look toward the development of security systems that can replace the personal violation of frisking."

That [plank](#) drew this retort from Rep. Bennie Thompson of Mississippi, the top Democrat on the House Homeland Security Committee:

"Like much of the Republican platform, the provision calling for privatization of the TSA workforce is not based on an understanding of the facts. Private screeners are in place today at 16 airports and enforce the same policies, use the same procedures, and operate the same machines as screeners employed by the Federal government. There is no evidence that the use of screeners who are paid by a private company would improve security or produce a savings for the taxpayer."

He added this ominous note: "On September 11th [2001], screeners at our airports were employed by private companies — a return to a pre-9/11 status for screeners would not improve aviation security or assist national security."

The TSA had no comment on the platform.

Encouraging private companies to run airport screening operations has long been pushed by Republicans. [Orlando Sanford International Airport](#), which is not to be confused with the larger Orlando International Airport, recently gained TSA approval to privatize its workforce. Sanford's screeners remain federal employees as the transition process continues, though the airport's application was accepted in June.

At that time, Rep. John L. Mica (R-Fla.), chairman of the House Transportation and Infrastructure Committee and a proponent of the private operations, said that "transitioning to the private-federal model at Orlando Sanford and other airports will allow TSA to focus on security and not on personnel management, and it will result in better customer service for passengers, improved security services, and more cost-effective security operations. . . . As more airports across the country will be encouraged to opt out, both taxpayers and air travelers will benefit from this cost-effective program."

The right turn

If you haven't read it, take a look at an informative [article](#) by my colleague Marc Fisher about the conservative evolution of Republican platforms.

Regarding federal workers, Marc writes: "[The 1960 plank](#), for example, touts 'progressive Republican policies' such as 'liberal pay' and says the government 'must be truly progressive as an employer.'" Later in the article: "The 1960 plank calls for government workers to receive 'salaries which are comparable to those offered by private employers.'"

But [the 1984 platform](#), adopted before Ronald Reagan's second term, derisively designates federal workers as "bureaucrats" and blames "Washington's governing elite" for causing "declining literacy and learning, an epidemic of crime, a massive increase in dependency and the slumming of our cities."

It's worth noting that the [current platform](#) recognizes "the dedication of federal workers" and also calls for the "adjustment of pay scales and benefits to reflect those of the private sector." Republicans reject [surveys](#) indicating federal workers on average are significantly underpaid, compared with their private counterparts. The surveys, which have been conducted for many years under Democratic and Republican administrations, use Bureau of Labor Statistics data and are released by the [Federal Salary Council](#). Its members include government officials, union representatives and outside pay experts.

The GOP platform calls for developing a more flexible pay system and revising the civil service.

Ignoring the Federal Salary Council, Republicans, as we reported Thursday, instead cite conservative think tank studies and a Congressional Budget Office report. They say federal employees are compensated more, including benefits, than similar private-sector workers. So, basing compensation on those reports would mean federal workers would get less. The methodology of the reports has been hotly contested by federal union leaders.

Unlike their more moderate political predecessors, don't expect today's Republicans to say Uncle Sam must be "truly progressive as an employer." But at least no one now is blaming federal employees for causing crime and creating slums.

Previous columns by Joe Davidson are available at wapo.st/JoeDavidson.

