

provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).
DATES: Comments must be received on or before October 6, 1995.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Washington Airports District Office, 101 West Broad Street, Suite 300, Falls Church, Virginia 22046.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Theodore E. Mathison, Administrator of the Maryland Aviation Administration at the following address: P.O. Box 8766, BWI Airport, Baltimore, Maryland 21240-0766.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Maryland Aviation Administration under Section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Robert Mendez, Manager, Washington Airports District Office, 101 West Broad Street, Suite 300, Falls Church, Virginia 22046. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to use the revenue from a PFC at Baltimore Washington International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On August 10, 1995, the FAA determined that the application to use the revenue from a PFC submitted by Maryland Aviation Administration was substantially complete within the requirements of Section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than November 11, 1995.

The following is a brief overview of the application.

Level of the proposed PFC: \$3.00.

Proposed charge effective date: October 1, 1992.

Proposed charge expiration date: April 31, 2009.

Total estimated PFC revenue: \$286,057,383.

Brief description of proposed project(s): This application requests the authority to use the PFC revenues previously authorized to impose for the design and construction of a new ARFF

facility to be located southwest of the intersection of Runways 10-28 and 15R-33L.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi/commercial operators filing FAA Form 1800-31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Maryland Aviation Administration.

Issued in Jamaica, New York on August 28, 1995.

Anthony P. Spera,

Acting Manager, Airports Division, Eastern Region.

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BILLING CODE 4910-13-M

FAA Approval of Noise Compatibility Program; Fort Worth Spinks Airport; Fort Worth, TX

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the city of Fort Worth under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96-193) and 14 CFR Part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On February 13, 1995, the FAA determined that the noise exposure maps submitted by the city of Fort Worth under Part 150 were in compliance with applicable requirements. On August 11, 1995, the Administrator approved the Fort Worth Spinks Airport noise compatibility program. All of the recommendations of the program were approved. No program elements relating to mandatory new or revised flight procedures for noise abatement were proposed by the city of Fort Worth.

EFFECTIVE DATE: The effective date of the FAA's approval of the Fort Worth Spinks Airport noise compatibility program is August 11, 1995.

FOR FURTHER INFORMATION CONTACT:

Mike Nicely, DOT/FAA, Texas Airport Development Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0653, (817) 222-5606. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for Fort Worth Spinks Airport, effective August 11, 1995.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing non-compatible land uses and prevention of additional non-compatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) Part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing non-compatible land uses around the airport and preventing the introduction of additional non-compatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable

airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where federal funding is sought, requests for project grants must be submitted to the Federal Aviation Administration, Texas Airport Development Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0650.

The city of Fort Worth submitted to the FAA on February 3, 1994, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from November 1991 through January 1995. The Fort Worth Spinks Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on February 13, 1995. Notice of this determination was published in the **Federal Register** on March 6, 1995.

The Fort Worth Spinks Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion beyond the year 1998. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on February 13, 1995, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained seven proposed actions for noise mitigation on and off the airport. The FAA completed its review and determined that the procedural and

substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program, therefore, was approved by the Administrator effective August 11, 1995.

Outright approval was granted for all of the specific program elements. The following is a listing of the approved actions on and off the airport:

- a. Modify arrival and departure flight tracks (approved as voluntary);
- b. Voluntary use of noise abatement departure and arrival procedures for aircraft weighing over 12,500 Pounds (approved as voluntary);
- c. Maintain current zoning ordinance;
- d. Amend and expand the land use plan for noise compatibility;
- e. Assign a noise abatement officer for noise program management for all three city of Fort Worth airports;
- f. Continue public involvement program;
- g. Conduct noise review and update as required.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on August 11, 1995. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the Fort Worth Department of Aviation Offices.

Issued in Fort Worth, Texas on August 22, 1995.

Otis T. Welch,

Manager, Texas Airport Development Office.

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DEPARTMENT OF THE TREASURY

Customs Service

[T.D. (95-67)]

Crystallinity of Ceramic Tile

AGENCY: Customs Service, Department of the Treasury.

ACTION: Request for comments on the percent of crystallinity necessary to satisfy the Harmonized Tariff Schedules of the United States criteria that a "ceramic article" be a shaped product "of crystalline or substantially crystalline structure."

SUMMARY: Customs is attempting to identify the amount of crystallinity necessary to satisfy the aforementioned phrase "substantially crystalline" as it applies to ceramic floor and wall tile. Ceramic articles of this nature are normally imported under Subheading numbers covered by U.S. Note 1 to Chapter 69 of the Harmonized Tariff Schedule of the United States (HTSUS).

DATES: Comments must be received on or before October 1, 1995.

COMMENTS: Written comments (preferably in triplicate) may be addressed to and inspected at the offices of Laboratories and Scientific Services, room 7113, 1301 Constitution Ave., NW, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Zimmerman, Jr., Office of Laboratories & Scientific Services, (202) 927-1060.

SUPPLEMENTARY INFORMATION:

Background

U.S. Note 1 to Chapter 69 reads in pertinent part "For the purposes of this chapter, a "ceramic article" is a shaped article having a glazed or unglazed body of crystalline or substantially crystalline structure * * *". The U.S. Customs Service wishes to define the concept of "substantially crystalline" in scientific terms based on state-of-the-art ceramic technology. In this request for comments, Customs is limiting the scope in defining the phrase to floor and wall tile. For this purpose Customs is soliciting comments from any interested party.

In a recent study of nearly 300 floor and wall tiles, Customs has found that the percent crystallinity for this group of tiles was never less than 30 percent as determined by x-ray diffraction. Furthermore, over 90 percent of the tiles studied demonstrated a crystallinity in the range of 50 to 90 percent.

The scientific literature indicates that the degree of crystallinity a ceramic attains is critically dependent on the raw materials used to make the tile and the heat treatment to which these materials are subjected. Often ceramic materials are engineered to meet the physical requirements for an intended use. Again in the case at hand, Customs is interested in ceramic floor and wall tiles. Two issues that Customs would consider in making the final determination of the degree of crystallinity include: the percent crystallinity necessary to impart resiliency to the tile for its intended use; the percent crystallinity at which a ceramic becomes a glass or a glass-ceramic. Customs does not wish to limit discussions to these two issues. All information provided will be given full consideration.

A.W. Tennant,

Director, Laboratories and Scientific Services.

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