

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>14</sup>

**J. Lynn Taylor,**

*Assistant Secretary.*

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## DEPARTMENT OF STATE

[Public Notice 4955]

### Bureau of Oceans and International Environmental and Scientific Affairs; Certifications Pursuant to Section 609 of Public Law 101-162

**SUMMARY:** On December 21, 2004, the Department of State certified, pursuant to Section 609 of Public Law 101-162 ("Section 609"), that Venezuela has adopted a program to reduce the incidental capture of sea turtles in its shrimp fisheries comparable to the program in effect in the United States. On December 21, 2004, the Department of State withdrew certification for Trinidad and Tobago and for Panama pursuant to Section 609 because neither country's program for protecting sea turtles in its shrimp fisheries is determined to be comparable to the program in effect in the United States.

**EFFECTIVE DATE:** January 12, 2005.

**FOR FURTHER INFORMATION CONTACT:**

James Story, Office of Marine Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, Washington, DC 20520-7818; telephone: (202) 647-2335.

**SUPPLEMENTARY INFORMATION:** Section 609 of Public Law 101-162 prohibits imports of certain categories of shrimp unless the President certifies to the Congress not later than May 1 of each year either: (1) That the harvesting nation has adopted a program governing the incidental capture of sea turtles in its commercial shrimp fishery comparable to the program in effect in the United States and has an incidental take rate comparable to that of the United States; or (2) that the fishing environment in the harvesting nation does not pose a threat of the incidental taking of sea turtles. The President has delegated the authority to make this certification to the Department of State. Revised State Department guidelines for making the required certifications were published in the **Federal Register** on July 2, 1999 (Vol. 64, No. 130, Public Notice 3086).

On December 21, 2004, the Department certified Venezuela on the

basis that its sea turtle protection program is comparable to that of the United States. This country joins 14 others certified by the Department in 2004 on the same basis. On December 21, 2004, the Department withdrew certification for Trinidad and Tobago and for Panama because the sea turtle protection program in place for commercial shrimp trawl fisheries in these nations is not comparable in effectiveness to that of the United States.

The Department of State has communicated the certification of Venezuela under Section 609, and the withdrawal of certification for Panama and Trinidad and Tobago, to the Office of Trade Program of Customs and Border Protection, as well as to the governments of the affected nations.

Dated: January 5, 2005.

**David A Balton,**

*Deputy Assistant Secretary for Oceans and Fisheries, Department of State.*

[FR Doc. 05-627 Filed 1-11-05; 8:45 am]

**BILLING CODE 4710-09-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Intent To Rule on Request To Release Airport Land at San Bernardino International Airport, San Bernardino, CA

**AGENCY:** Federal Aviation Administration, Department of Transportation.

**ACTION:** Notice of Request to Release Airport Land.

**SUMMARY:** The Federal Aviation Administration (FAA) proposes to rule and invites public comment on the release of approximately 49.90 acres of airport property at San Bernardino International Airport, San Bernardino, California, from all restrictions of the surplus property agreement since the land is not needed for airport purposes. Reuse of the land for commercial/light industrial purposes represents a compatible land use. Disposal of the property will provide an opportunity to acquire additional land that is needed to enhance safety and meet airport design standards.

**DATES:** Comments must be received on or before February 11, 2005.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Airports Division, Federal Register Comment, 15000

Aviation Blvd., Lawndale, CA 90261. In addition, one copy of the comment submitted to the FAA must be mailed or delivered to Donald L. Rogers, Interim Executive Director, San Bernardino International Airport Authority, Inland Valley Development Agency, 294 S. Leland Norton Way, Suite 1, San Bernardino, CA 92408-0131.

**FOR FURTHER INFORMATION CONTACT:**

Tony Garcia, Airports Compliance Specialist, Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Lawndale, California 90261, telephone (310) 725-3634 and FAX (310) 725-6849. The request to release airport property may be reviewed in person by appointment at this same location or at San Bernardino International Airport, San Bernardino, California.

**SUPPLEMENTARY INFORMATION:** In

accordance with the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21), Pub. L. 10-181 (Apr. 5, 2000; 114 Stat. 61), this notice must be published in the **Federal Register** 30 days before the Secretary may waive any condition imposed on a federally obligated airport's interest in surplus property.

The following is a brief overview of the request:

The San Bernardino International Airport Authority (SBIAA) requested a release from surplus property agreement obligations for approximately 49.90 acres of airport land consisting of five parcels at San Bernardino International Airport, San Bernardino, California, originally granted to them for airport purposes by the United States Air Force due to the closure of the former Norton Air Force Base. Three of the parcels are located on the west side, the fourth parcel is located northwest of the airfield and the fifth parcel is located on the east side of the airport property. The parcels are not contiguous or easily accessible to the airfield and are not required for aeronautical purposes. The property's redevelopment for non-aeronautical purposes will comply with local zoning and compatible land-use requirements. The parcels will be disposed of at fair market value based on the land's appraised value. The value of the land will be used to acquire additional land, which is needed for approach and encroachment protection, to enhance airport safety, and to comply with airport design standards. The land disposal and acquisition will provide a direct benefit to the airport and civil aviation.

<sup>14</sup> 17 CFR 200.30-3(a)(12).

Issued in Hawthorne, California, on December 20, 2004.

**George Aiken,**

*Manager, Safety and Standards Branch, Airports Division, Western-Pacific Region.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Noise Exposure Map Notice: Receipt of Noise Compatibility Program and Request for Review for King County International Airport, Seattle, WA

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

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps (NEM) submitted by the airport director for King County 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. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for King County International Airport under part 150 in conjunction with the noise exposure map, and that this program will be approved or disapproved on or before June 21, 2005.

**DATES:** The effective date of the FAA's determination on the noise exposure maps and of the start of its review of the associated noise compatibility program is December 23, 2004. The public comment period ends February 21, 2005.

**FOR FURTHER INFORMATION CONTACT:** Dennis Ossenkop, Federal Aviation Administration, Airports Division, 1601 Lind Ave. SW., Renton, WA 98055-4056, telephone (425) 227-2611. Comments on the proposed noise compatibility program should also be submitted to the above office.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA finds that the noise exposure maps submitted for King County International Airport are in compliance with applicable requirements of part 150, effective December 23, 2004. Further, the FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before June 21, 2005. This notice also announces the availability of this program for public review and comment.

Under 49 U.S.C., section 47503 (the Aviation Safety and Noise Abatement Act, hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by the FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The director of the King County International Airport submitted to the FAA on November 2, 2004, noise exposure maps, descriptions and other documentation that were produced during the King County International Airport FAR Part 150 Study dated March 2002 and a Supplemental Report dated July 2004. It was requested that the FAA review this material as the noise exposure maps, as described in section 47503 of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 47504 of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by the director of the King County International Airport. The specific documentation determined to constitute the noise exposure maps includes the following from the *King County International Airport FAR Part 150 Study of 2004 and Supplemental Report of July 2004*:

- Figure S1 at page S.6, Revised Existing Noise Exposure Map, 2003;
- Figure S3 at page S11 Revised Future Noise Exposure Map, 2008;
- Table S1 at page S.2 Summary of Airport Planning Forecasts 2003-2023 and additional aviation activity data, Table S2 at page S.3;
- Table S4 at page S.5 Existing Noise Exposure Map with Existing Land Use 2003 presents estimates of the number of persons residing with the DNL 55 through 75 noise contours;

- Figures C12 through C15 at pages C.37 through C.40 present Flight Tracks;
- Figures C10 and C11 at pages C.28 and C.29 present Noise Measurement Locations;

- Table S6 at page S.10 Future Noise Exposure Map with Existing Land Use, 2008, presents estimates of the number of persons residing with the DNL 55 through 75 noise contours;
- Pages S.37 through S.47 present the Consultation Process during the study; Appendix F presents Revised Consultation; and

- The potential exists for numerous properties to be eligible for inclusion in the National Register of Historic Places. Consultation with the State Historic Preservation Office has indicated that it is not necessary to perform a detailed evaluation of potential eligible properties at this stage of planning. Detailed evaluation will occur during the preparation of environmental documents required prior to implementation of the program.

The FAA has determined that these maps for King County International Airport are in compliance with applicable requirements. This determination is effective on December 23, 2004. The FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or constitute a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under part 150 or through the FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those