Programs account to the Economic
Support Fund account.
This determination shall be reported
to Congress and published in the
Federal Register.

John F. Kerry,
Secretary of State.

BILLING CODE 4710–AD–P

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration
[Docket No. FAA–2014–0510]

Implementation of Legislative
Categorical Exclusion for
Environmental Review of Performance
Based Navigation Procedures

AGENCY: Federal Aviation Administration, Transportation.

ACTION: Final Notice to Announce
Implementation of Section 213(c)(2)
CATEX and Disposition of Public Comments.

SUMMARY: On August 19, 2014, the
Federal Aviation Administration (FAA) published in the Federal Register [79 FR 49141–49144] a notice regarding the
FAA’s consideration of how to
implement Section 213(c)(2) of the FAA
Modernization and Reform Act of 2012.
Section 213(c)(2) directs the FAA to
issue and file a categorical exclusion for
any navigation performance or other
performance based navigation procedure
that would result in measurable reductions in fuel
consumption, carbon dioxide emissions,
and noise on a per flight basis as
compared to aircraft operations that
follow existing instrument flight rule
procedures in the same airspace. To
inform the FAA’s consideration of
interpretative guidance regarding
Section 213(c)(2), the FAA’s August 19
notice requested public comment on a
Net Noise Reduction Method
recommended by the NextGen Advisory
Committee (NAC) and possible variations
on this method. The FAA has reviewed and considered all comments
and has decided to issue interpretative guidance to implement Section 213(c)(2)
using the Net Noise Reduction Method
with two variations to the NAC’s
recommendation, as described in this
final notice.

DATES: The effective date of this
implementation will be the date the
FAA issues the interpretative guidance.

FOR FURTHER INFORMATION CONTACT:
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SUPPLEMENTARY INFORMATION:

Background

The National Environmental Policy Act
(NEPA) establishes a broad national
policy to protect the quality of the
human environment and to ensure that
environmental considerations are given
careful attention and appropriate weight
in decisions of the Federal Government.
Regulations promulgated by the Council
on Environmental Quality (CEQ) (40
CFR parts 1500–1508) to implement
NEPA establish three levels of
environmental review for federal
actions. An environmental impact
statement (EIS) is the detailed written
statement as required by section
102(2)(C) of NEPA, and is prepared for
together with those actions when one or more
environmental impacts are potentially
significant and mitigation measures
cannot reduce the impact(s) below
significant levels. 40 CFR 1508.11. An
environmental assessment (EA) is a
more concise document that provides a
basis for determining whether to
prepare an environmental impact
statement or a finding of no significant
impact. 40 CFR 1508.9. A categorical
exclusion (CATEX) is used for actions
which do not individually or
cumulatively have a significant effect on
the human environment. 40 CFR 1508.4.
A CATEX is not an exemption or waiver
of NEPA review; it is a level of NEPA
review.

CEQ regulations require agency
procedures to identify classes of actions
which normally require an EIS or an EA,
as well as those actions which normally
do not require either an EIS or an EA
(i.e., a CATEX). 40 CFR 1507.3(b). In
addition to identifying actions that
normally are CATEXed, an agency’s
procedures must also provide for
extraordinary circumstances in which a
normally excluded action may have a
significant environmental effect which
would preclude the use of a CATEX. 40
CFR 1508.4.

The FAA has adopted policy and
procedures for compliance with NEPA
and CEQ’s implementing regulations in
Order 1050.1F, Environmental Impacts:
Policies and Procedures, dated July 16,
2015 [80 Federal Register 44207, July
24, 2015]. Order 1050.1F lists FAA
actions subject to a CATEX in
accordance with CEQ regulations,
including CATEXs for FAA actions
involving establishment, modification,
or application of airspace and air traffic
procedures.