



U.S. Department
of Transportation
**Federal Aviation
Administration**

ATTACHMENT A: FORMAT FOR SUBPART C, PART 161 REQUIREMENTS FOR A STAGE 2 RESTRICTION:

Notice and analysis made available not less than 180 days prior to set effective date.

161.203 requires evidence that airport operator:

Published: local newspapers

Posted: at airport

Directly notify in writing: parties listed in Part 161.

161.203 requires evidence that the notices: included all of the required information, including need and goal, identification of aircraft types expected to be affected, enforcement, etc.

161.203 requires evidence that the notices: provided a minimum 45 days to comment from the date of notice (at which time all required information is to be completed and made available)

161.205 requires:

analysis of anticipated or actual costs and benefits of proposal

description of alternative restrictions (comparing costs and benefits to proposal)

description of nonrestrictive alternatives comparing costs and benefits to proposal

At the airport operator's discretion, the analysis requirements of section 161.305 may be used to fulfill the analysis requirements of 161.205:

(a) complete text of the proposed restriction, including the proposed wording (required by Subpart C, 161.203(c) and (d)). Note: The phrase "and any submitted alternatives" is unique to Stage 3 restriction analysis requirements; it refers to alternative restriction proposals that the airport operator would have the FAA approve if its preferred Stage 3 restriction does not meet the six statutory conditions for approval.

(b) maps denoting the boundaries and study area (required by Subpart C, 161.205(b))

(c) an analysis of the noise environment (required by Subpart C, 161.205(b)). Note: An environmental assessment or information supporting a categorical exclusion in accordance with FAA orders and procedures regarding compliance

with NEPA is unique to Stage 3 restriction analysis requirements. There is no Federal action as defined by the environmental regulations governing NEPA for a Stage 2 restriction.

(d) A separate Summary of the detailed analysis of 161.305(e) is required when an analysis under Section 161.305(e) is prepared.

(e) an analysis of the restriction, demonstrating by substantial evidence that the statutory conditions are met. The analysis must be sufficiently detailed to allow the FAA to evaluate the merits of the proposed restriction (This is recommended by Subpart C, 161.205(c).)

161.205 requires that a study area be defined and that the Integrated Noise Model be used to model noise

161.205 requires that "currently accepted economic methodology" be followed and that the methods used to analyze the costs and benefits of proposal and alternatives be specified.

161.205 requires that "separate detail on the costs and benefits of the proposed restriction with respect to the operations of Stage 2 aircraft weighing less than 75,000 pounds if the restriction applies to this class." (If this class is exempted from a proposed Stage 2 restriction, there would be "benefits" to that class. A separate analysis demonstrating the noise impacts generated by that class and providing reasons for their exemption would be required to demonstrate that exempting the class is not unjustly discriminatory against any other user class.)

161.207 requires that a public docket or other method has been made available for comments.

161.209 provides requirements for changes to a proposed restriction, and any follow-on work required, including:

notifying interested parties (including any additional parties who commented that were not initially notified--161.209(a))
 any additional analyses
 changes to original data as a result of new information

Note: If change is not "substantial", no additional comment timeframe or effective date is required

161.209 provides for evaluating changes to either the analysis or the proposed restriction to determine whether they are considered "substantial" by part 161 standards, and if so:

to reinitiate notice (161.203), including any additional commenter now considered an "interested party" (161.209)

to include the appropriate additional information (161.209(c)) to notified parties and include a new effective date

of not less than 180 days from the date the new information is made available for public comment

to provide for another minimum 45-day comment period.

[FAA, 5/95]