

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR part 71.1 of the Federal Aviation Administration Order 7400.9M, Airspace Designations and Reporting Points, dated August 30, 2004, and Effective, September 16, 2004, is amended as follows

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

\* \* \* \* \*

**ANM CA E5 Mariposa, CA [NEW]**

Mariposa-Yosemite Airport

(Lat. 37°30'65" N., long. 120°02'37" W.)

That airspace extending upward from 700 feet above the surface of the earth within a 6.5 mile radius of the Mariposa-Yosemite Airport.

\* \* \* \* \*

Issued in Seattle, Washington, on October 8, 2004.

**Raul C. Treviño,**

*Area Director, Western En Route and Oceanic Operations.*

[FR Doc. 04-25885 Filed 11-22-04; 8:45 am]

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

[Docket No. FAA-19422; Airspace Docket No. 03-AEA-11]

RIN 2120-AA66

**Proposed Establishment of VOR Federal Airway 623 (V-623)**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to establish Federal Airway 623 (V-623) between the Sparta, NJ, Very High Frequency Omnidirectional Range Tactical Air Navigation (VORTAC) and the Carmel, NY, Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME). The purpose of the proposed airway is to enhance the management of aircraft transiting from the New England area to airports in the Newark, NJ area.

**DATES:** Comments must be received on or before January 7, 2005.

**ADDRESSES:** Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify FAA Docket No. FAA-19422 and Airspace

Docket No. 03-AEA-11, at the beginning of your comments. You may also submit comments on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Paul Gallant, Airspace and Rules, Office of System Operations and Safety, 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-19422 and Airspace Docket No. 03-AEA-11) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at <http://dms.dot.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 FAA Docket No. FAA-19422 and Airspace Docket No. 03-AEA-11." 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 NPRM's**

An electronic copy of this document may be downloaded through the Internet at <http://dms.dot.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at <http://www.faa.gov>, or the

**Federal Register's** Web page at <http://www.gpoaccess.gov/fr/index.html>.

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 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, Federal Aviation Administration, 159-30 Rockaway Boulevard, Jamaica, NY 11434-4848.

Persons interested in being placed on a mailing list for future NPRM's 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.

**History**

On September 5, 2002, the New York Air Route Traffic Control Center (ARTCC) requested an airway be established to accommodate air traffic transiting from the New England area to Newark Liberty International Airport and its satellites. This action responds to this request.

**The Proposal**

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 (part 71) to establish V-623 in the vicinity of Newark, NJ; between the Sparta, NJ; VORTAC and the Carmel, NY; VOR/DME. The proposed airway would enhance the management of aircraft transiting from the New England area to airports in the Newark, NJ, area.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (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 proposed 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.

**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 FAA Order 7400.9M, Airspace Designations and Reporting Points, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

*Paragraph 6010(a) Domestic VOR Federal Airways.*

\* \* \* \* \*

**V-623 [New]**

From Carmel, NY; INT Carmel 275°(M) 263°(T) and Sparta, NJ 039°(M) 028°(T) radials; Sparta.

\* \* \* \* \*

Issued in Washington, DC, on November 16, 2004.

**Reginald C. Matthews,**

*Manager, Airspace and Rules.*

[FR Doc. 04–25881 Filed 11–22–04; 8:45 am]

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**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****18 CFR Part 157**

[Docket No. RM05–1–000]

**Regulations Governing the Conduct of Open Seasons for Alaska Natural Gas Transportation Projects**

November 15, 2004.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Notice of Proposed Rulemaking.

**SUMMARY:** The Federal Energy Regulatory Commission is proposing to amend its regulations to establish requirements governing the conduct of open seasons for proposals to construct Alaska natural gas transportation

projects. These proposed regulations are intended to fulfill the Commission's responsibilities to issue open season regulations under section 103 of the Alaska Natural Gas Pipeline Act (the Act), enacted on October 13, 2004. Section 103(e)(1) of the Act directs the Commission, within 120 days from enactment of the Act, to promulgate regulations governing the conduct of open seasons for Alaska natural gas transportation projects, including procedures for allocation of capacity. According to section 103(e)(2) of the Act, these regulations must include the criteria for and timing of any open season, promote competition in the exploration, development, and production of Alaska natural gas, and for any open seasons for capacity exceeding the initial capacity, provide for the opportunity for the transportation of natural gas other than from the Prudhoe Bay and Point Thomson units.

**DATES:** Comments are due on December 17, 2004.

**ADDRESSES:** Comments may be filed electronically via the eFiling link on the Commission's Web site at <http://www.ferc.gov>. Commenters unable to file comments electronically must send an original and 14 copies of their comments to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street NE., Washington, DC, 20426. Refer to the Comment Procedures section of the preamble for additional information on how to file comments.

**FOR FURTHER INFORMATION CONTACT:** Whit Holden, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8089, [edwin.holden@ferc.gov](mailto:edwin.holden@ferc.gov).

**SUPPLEMENTARY INFORMATION:****Notice of Proposed Rulemaking***I. Introduction*

1. The Alaska Natural Gas Pipeline Act became law on October 13, 2004. Under the Act, Congress mandated the expedited processing by the Commission of any application for an Alaska natural gas transportation project, namely any natural gas pipeline system that carries natural gas derived from that portion of Alaska lying north of 64 degrees north latitude to the border between Alaska and Canada. The new law recognizes the importance of our Alaskan natural gas resources in meeting the rapidly rising demand for natural gas in the United States. The timely development of an Alaska natural gas transportation project to

bring Alaskan natural gas to markets in Alaska and in the lower 48 states will help ensure that the nation has adequate supplies of natural gas at reasonable prices.<sup>1</sup> To this end, the Act charges the Commission with the responsibility of implementing an expedited approval process consistent with the Act. The Act specifically directs the Commission to prescribe the rules which will apply to any open season held for the purpose of soliciting interest in, or making binding commitments to the acquisition of capacity on, any Alaska natural gas transportation project, including the criteria for allocating capacity among competing bidders.

2. To date, it has been the Commission's policy, developed through its orders and opinions, that all new interstate pipeline construction be preceded by a non-discriminatory, non-preferential "open season" process through which potential shippers may seek and obtain firm capacity rights. Congress has determined that it is necessary to supplant Commission policy with specific regulations governing the conduct of open seasons for an Alaska natural gas transportation project in order to take into account the tremendous cost, long lead-time, and environmental sensitivities that are unique to such a project. In this regard, Congress has emphasized that the Commission's regulations are to be designed to promote competition in the exploration, development, and production of Alaska natural gas and, as to any open season for expansion of the initial capacity of any Alaska natural gas transportation project, the Commission's regulations are to specifically provide the opportunity for gas other than Prudhoe Bay and Point Thomson production to have access to the pipeline.

3. In summary, the Commission sees as its goal the creation of an open season process that provides non-discriminatory access to capacity on any Alaska natural gas transportation project while, at the same time, ensuring sufficient economic certainty to support the construction of the pipeline and

<sup>1</sup> Secretary of Energy Spencer Abraham, in requesting the National Petroleum Council (NPC) to undertake a study of natural gas in the United States in the 21st century, sought "the NPC's advice on actions that can be taken by industry and Government to increase the productivity and efficiency of North American natural gas markets and to ensure adequate and reliable supplies of energy for consumers." The NPC's resulting report found that the solution includes accessing "gas resources from previously inaccessible areas of the United States and gas from the Arctic." Balancing Natural Gas Policy—Fueling the Demands of a Growing Economy, A Report of the National Petroleum Council, at 7 (Sept. 25, 2003) (NPC Report).