

did not believe that service would currently be profitable, but (2) the airline did believe that a modest subsidy would cover losses in the short term, and (3) the particular market had sufficient potential that it would support profitable service without a subsidy at the end of the promotional subsidy period.

*Unintended consequences:* Some commenters noted that allowing the subsidy of air carrier service with airport revenue, as proposed by SMAA, could produce unintended and counter-productive consequences. Airlines could use such a program to demand subsidies to maintain existing service at an airport. SMAA proposed limitations and conditions on the program that would limit the scope of subsidies (and airline demands for subsidies). However, if promotional subsidy of new airline service were a permissible use of airport revenue, it is not clear what authority FAA would rely on to limit that use to some airports and not others. Several commenters noted another possible consequence of a subsidy to airlines *i.e.*, a subsidy program could reduce funds available for capital improvements and operating and maintenance costs of the airport. Whether a subsidy resulted in a net cost to the airport would depend on whether fees from new service were sufficient to offset the subsidy, and the success of the subsidy in generating new service in the long term.

### III. Conclusion

The FAA understands that SMAA and other airports consider it essential to find ways to attract new air service to their airports. While it is unclear whether temporary subsidies to airlines would be effective in generating new service beyond the subsidy period, we can understand why SMAA and others would like to use every possible tool available for this purpose. The FAA has interpreted other laws to provide flexibility for airport operators, such as the ability to reduce or even waive fees charged to carriers for a substantial promotional period. However, we do not find that same flexibility in the laws governing the use of airport revenue. Congress has repeatedly asserted its interest in the strict interpretation and enforcement of the use of airport revenue for purposes which are clearly capital and operating costs of the airport. We do not find that the petition or comments provide a sufficient basis for the FAA to reverse its longstanding interpretation that subsidies to airlines are not a capital or operating cost of an airport. Accordingly, the petition is denied.

Issued in Washington, DC on October 6, 2004.

**Woodie Woodward,**

*Associate Administrator for Airports.*

[FR Doc. 04-23381 Filed 10-18-04; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### **Notice of Availability of Final Environmental Impact Statement (FEIS), Notice of Holding Period for Master Plan Development Including Runway Safety Area Enhancement/Extension of Runway 12-30 and Other Improvements of Gary/Chicago International Airport located in Gary, IN**

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

**ACTION:** Notice of availability, notice of holding period.

**SUMMARY:** The Federal Aviation Administration (FAA) is issuing this notice to advise the public that a Final Environmental Impact Statement (FEIS)—Master Plan Development Including Runway Safety Area Enhancement/Extension of Runway 12-30 and Other Improvements, Gary/Chicago International Airport, has been prepared and is in a 30-day holding period before a Record of Decision can be signed and issued. Written requests for the FEIS and written comments on the FEIS can be submitted to the individual listed in the **FOR FURTHER INFORMATION CONTACT**. The holding period will commence on October 22, 2004 and will close on November 22, 2004.

*Public Availability:* Copies of the FEIS may be viewed during regular business hours at the following locations:

1. Gary/Chicago International Airport, 6001 West Industrial Highway, Gary, Indiana 46406.
2. Chicago Airports District Office, Room 312, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.
3. Gary Public Library, 220 West 5th Avenue, Gary, Indiana 46402.
4. Hammond Public Library, 564 State Street, Hammond, Indiana 46320.
5. East Chicago Main Library, 2401 East Columbus Drive, East Chicago, Indiana 46312.
6. IU Northwest Library, 3400 Broadway, Gary Indiana 46408.
7. Lake County Main Library, 1919 West 81st Avenue, Merrillville, Indiana 46410-5382.
8. Purdue Calumet Library, 2200 169th Street, Hammond, Indiana 46323-2094.

The FEIS will be available during the Council on Environmental Quality's required 30-day holding period from October 22, 2004 to November 22, 2004. The FAA will accept comments until November 23, 2004 at the address listed in the section entitled **FOR FURTHER INFORMATION CONTACT**.

#### **FOR FURTHER INFORMATION CONTACT:**

Prescott C. Snyder, Airports Environmental Program Manager, Federal Aviation Administration, Airports Division, Room 315, 2300 East Devon Avenue, Des Plaines, Illinois 60018. Mr. Snyder can be contacted at (847) 294-7538 (voice), (847) 294-7036 (facsimile) or by e-mail at [9-AGL-GYY-EIS-Project@faa.gov](mailto:9-AGL-GYY-EIS-Project@faa.gov).

**SUPPLEMENTARY INFORMATION:** At the request of the Gary/Chicago Airport Authority, the FAA has prepared an Environmental Impact Statement. The review addressed specific improvements at the Gary/Chicago International Airport as identified during the 2001 Airport Master Plan process and the 2003 Railroad Relocation Study, and shown on the 2001 Airport Layout Plan. The following improvements have been grouped into four categories and are identified as ripe for review and decision: (1) Improvements associated with the existing Runway 12-30, the primary air carrier runway at the airport, relocate the E.J. & E. Railroad, acquire land northwest of the airport to allow for modifications to the runway safety area, relocate the airside perimeter roadway (including providing a southwest access roadway), relocate the Runway 12-30 nav aids, improve the Runway Safety Area for Runway 12, relocate the Runway 12 threshold to remove prior displacement, and acquire land southeast of the airport, located within or immediately adjacent to the runway protection zone; (2) Extension of Runway 12-30, (1356 feet), relocate the Runway 12-30 nav aids, extend parallel taxiway A to the new end of Runway 12, construct deicing hold pads on Taxiway A at Runway 12 and Runway 30, and develop two high-speed exit taxiways; (3) Expansion of the existing passenger terminal to accommodate projected demands; and (4) analysis of sites adjacent to the extended runway for potential aviation related development, including a future new passenger terminal and air cargo area.

The purpose and need for these improvements is reviewed in the FEIS. All reasonable alternative have been considered including the no-action alternative.

Issued in Des Plaines, Illinois on October 8, 2004.

**Philip M. Smithmeyer,**

*Manager, Chicago Airports Districts Office, FAA, Great Lakes Region.*

[FR Doc. 04-23382 Filed 10-18-04; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Intent To Rule on Application 04-16-C-00-CHO To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Charlottesville-Albemarle Airport, Charlottesville, VA

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

**ACTION:** Notice of intent to rule on application.

**SUMMARY:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Charlottesville-Albemarle Airport (CHO) under the provisions of the 49 U.S.C. 40117 and part 158 of the Federal Aviation Regulations (14 CFR part 158).

**DATES:** Comments must be received on or before November 18, 2004.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Washington Airports District Office, 23723 Air Freight Lane, Suite 210, Dulles, Virginia 20166.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Bryan O. Elliott, Executive Director, Charlottesville-Albemarle Airport of the Charlottesville-Albemarle Airport Authority at the following address: Charlottesville-Albemarle Airport Authority, Charlottesville-Albemarle Airport, 201 Bowen Loop Road, Suite 200, Charlottesville, Virginia 24012-1148.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the public agency full name under § 158.23 of part 158.

**FOR FURTHER INFORMATION CONTACT:** Mr. Terry J. Page, Manager, Washington Airports District Office, 23723 Air Freight Lane, Suite 210, Dulles, Virginia 20166, Telephone: (703) 661-1354.

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 impose and use the revenue from a PFC at Charlottesville-Albemarle Airport under

the provisions of the 49 U.S.C. 40117 and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On October 12, 2004, the FAA determined that the application to impose and use the revenue from a PFC submitted by Charlottesville-Albemarle Airport Authority was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than December 22, 2004.

The following is a brief overview of the application.

*Proposed charge effective date:* August 1, 2007.

*Proposed charge expiration date:* August 1, 2015.

*Level of the proposed PFC:* \$4.50.

*Total estimated PFC revenue:* \$5,499,286.

*Brief description of proposed project(s):* Air Carrier Debt Service; Rehabilitate and Expand General Aviation parking Apron; Rehabilitate Air Carrier Apron; Project Administration Fees.

*Level of the proposed PFC:* \$4.50.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Tax/Commercial Operators (ATCO) required to file 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: Federal Aviation Administration, Eastern Region, 1 Aviation Plaza, Jamaica, New York 11434-4809.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Charlottesville-Albemarle Airport Authority.

Issued in Dulles, Virginia on October 12, 2004.

**Terry J. Page,**

*Manager, Washington Airports District Office, Eastern Region.*

[FR Doc. 04-23385 Filed 10-18-04; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Intent to Rule on Application 04-07-C-00-JNU to Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Juneau International Airport, Juneau, Alaska

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

**ACTION:** Notice of intent to rule on application.

**SUMMARY:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Juneau International Airport under the provisions of the 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

**DATES:** Comments must be received on or before November 18, 2004.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Byron K. Huffman, Manager, Alaskan Region Airports Division, 222 West 7th Avenue, Box 14, Anchorage, AK 99513. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Allan A. Heese, Airport Manager, of the Juneau International Airport at the following address: Juneau International Airport, 1873 Shell Simmons Drive, Juneau, AK 99801.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Juneau International Airport under section 158.23 of Part 158.

**FOR FURTHER INFORMATION CONTACT:** James Lomen, Programming Specialist, Alaskan Region Airports Division, AAL-610, 222 W 7th Avenue, Box 14, Anchorage, AK 99513, (907) 271-5816. 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 impose and use the revenue from a PFC at Juneau International Airport under the provisions of the 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On October 5, 2004, the FAA determined that the application to impose and use the revenue from a PFC submitted by the City and Borough of Juneau, Juneau International Airport, Juneau, Alaska was substantially complete within the requirements of § 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than January 5, 2005.

The following is a brief overview of the application.

*Proposed charge effective date:* January 1, 2005.

*Proposed charge expiration date:* November 30, 2009.

*Level of proposed PFC:* \$4.50.

*Total estimated PFC revenue:* \$4,706,313.

*Brief description of proposed projects:*