

## The Proposal

This action proposes to amend Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by revising Class E airspace at Wray, CO. New RNAV GPS SIAPs have been developed at Wray Municipal Airport making it necessary to increase the area of controlled airspace. Additional Class E airspace extending upward from 700 feet or more above the surface of the earth is necessary for the safety of IFR aircraft executing these new SIAPs and transitioning to/from the en route environment.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9L dated September 02, 2003, and effective September 16, 2003, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in this Order.

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 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 only affects air traffic procedures and air navigation, it is certified that this proposed rule would 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

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

#### **PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS**

1. The authority citation for 14 CFR 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 the Federal Aviation Administration Order 7400.9L, Airspace Designations and Reporting Points, dated September 02, 2003, and effective September 16, 2003, is amended as follows:

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

\* \* \* \* \*

#### **ANM CO E5 Wray, CO [Revised]**

Wray Municipal Airport  
(Lat. 40°06'01"N., long. 102°14'27"W.)

That airspace extending upward from 700 feet above the surface of the earth within a 6.5 mile radius of the Wray Municipal Airport; that airspace extending upward from 1,200 feet above the surface of the earth bounded by a line beginning at airway V80 and long. 102°00'00"W.; thence south via long. 102°00'00"W.; thence west via V4; thence north via V169; thence east via V80; thence to the point of origin; excluding that airspace within Federal airways.

\* \* \* \* \*

Issued in Seattle, Washington, on May 27, 2004.

**Suzanne Alexander,**

*Acting Manager, Air Traffic Division,  
Northwest Mountain Region.*

[FR Doc. 04–12975 Filed 6–8–04; 8:45 am]

**BILLING CODE 4910–13–M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 73

[Docket No. FAA–2004–17773; Airspace Docket No. 04–ASW–11]

RIN 2120–AA66

#### **Proposed Modification of Restricted Areas 5103A, 5103B, and 5103C and Revocation of Restricted Area 5103D; McGregor, NM**

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This action proposes to revise Restricted Areas 5103A (R–5103A), 5103B (R–5103B), and 5103C (R–5103C) and revoke Restricted Area 5103D (R–5103D) at McGregor, NM. The United States Army (U.S. Army) requests that the FAA take action to modify R–5103A, R–5103B, and R–5103C by reducing the size of R–5103A; combining a portion of the area currently designated as R–5103A and a portion of the area currently designated as R–5103D and re-designating the combined area as a new

R–5103B; and by combining the areas currently designated as R–5103B and R–5103C and re-designating the combined area as a new R–5103C. The new R–5103A, B, and C would essentially occupy the same overall boundaries and altitudes as the current R–5103A, B, C, and D. Except, a segment of the western boundary of R–5103C would move approximately 1 mile to the west and a portion of the area currently designated as R–5103D would be eliminated. The altitude structure of the new R–5103A would be surface to but not including FL180; R–5103B and R–5103C would be from the surface to unlimited. These modifications are proposed to allow the U.S. Army to activate the restricted areas in a manner that is more consistent with the actual utilization of the airspace.

**DATES:** Comments must be received on or before July 26, 2004.

**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–2004–17773 and Airspace Docket No. 04–ASW–11," at the beginning of your comments. You may also submit comments on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Steve Rohring, Airspace and Rules, Office of System Operations and Safety, ATO–R, 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–2004–17773 and Airspace Docket No. 04–ASW–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 notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2004-17773 and Airspace Docket No. 04-ASW-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.gpo.access.gov/fr/index.html>.

You may review the public docket containing the proposal, any comments received, and any final disposition in person at 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, 2601 Meacham Blvd; Fort Worth, TX 76193-0500.

Persons interested in being placed on a mailing list for future NPRM's should call 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 February 25, the U.S. Army requested that the FAA take action to revise R-5103A, R-5103B, and R-5103C and to revoke R-5103D. Specifically, the requested action would reduce the size of R-5103A; combine a portion of the area currently designated as R-5103A and a portion of the area currently designated as R-5103D, re-designating the combined area as a new R-5103B; and combine the areas currently designated as R-5103B and R-5103C, re-designating the combined area as a new R-5103C. The new R-5103A, B,

and C would essentially occupy the same overall boundaries and altitudes as the current R-52103A, B, C, and D; except, a segment of the western boundary of the new R-5103C would move approximately 1 mile to the west and that portion of the area currently designated as R-5103D that is not combined into the new R-5103B would be eliminated from restricted area airspace. The altitude structure would be from the surface to but not including FL180 for the new R-5103A and from the surface to unlimited for the new R-5103B and R-5103C. These modifications are proposed to allow the U.S. Army to activate the restricted areas in a manner that is more consistent with the actual utilization of the airspace.

#### The Proposal

At the request of the U.S. Army, the FAA is proposing an amendment to title 14 Code of Federal Regulations (14 CFR) part 73 (part 73) to revise R-5103A, R-5103B, and R-5103C and to revoke R-5103D. Specifically, R-5103A would be reduced in size, in that, a portion of the area currently designated as R-5103A and a portion of the area currently designated as R-5103D would be combined and re-designated as a new R-5103B; the areas currently designed as R-5103B and R-5103C would be combined and re-designated as a new R-5103C; and R-5103D would be revoked. The new R-5103A, B, and C would essentially occupy the same overall boundaries and altitudes as the current R-5103A, B, C, and D; except, a segment of the western boundary of R-5103C would move approximately one mile to the west and that portion of the area currently designated as R-5103D that is not combined into the new R-5103B would be eliminated from restricted area airspace. The altitude structure would be from the surface to but not including FL180 for the new R-5103A and from the surface to unlimited for the new R-5103B and R-5103C. These modifications are proposed to allow the U.S. Army to activate the restricted areas in a manner that is more consistent with the actual utilization of the airspace. The requested action would not change the times of use, using agency, or controlling agency.

Section 73.51 of part 73 was republished in FAA Order 7400.8L, Special Use Airspace, dated October 7, 2003.

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 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 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.

#### Environmental Review

This proposal will be subjected to an environmental analysis in accordance with FAA Order 1050.1D, Procedures for Handling Environmental Impacts, prior to any FAA final regulatory action.

#### List of Subjects in 14 CFR Part 73

Airspace, Navigation (air).

#### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 73 as follows:

#### PART 73—SPECIAL USE AIRSPACE

1. The authority citation for part 73 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.

#### § 73.51 [Amended]

2. § 73.51 is amended as follows:

\* \* \* \* \*

#### R-5103A McGregor, NM [Amended]

By removing the current boundaries and designated altitudes and substituting the following:

**Boundaries.** Beginning at lat. 32°03'55" N., long. 106°10'00" W.; to lat. 32°03'30" N., long. 103°53'50" W.; to lat. 32°00'15" N., long. 105°56'42" W.; to lat. 32°00'30" N., long. 106°10'27" W.; to the point of beginning.

**Designated altitudes.** Surface to but not including FL 180.

\* \* \* \* \*

#### R-5103B McGregor, NM [Amended]

By removing the current boundaries and designated altitudes and substituting the following:

**Boundaries.** Beginning at lat. 32°15'00" N., long. 106°10'02" W.; to lat. 32°15'00" N., long. 105°42'02" W.; to lat. 32°03'30" N., long. 105°53'50" W.; to lat. 32°03'55" N., long. 106°10'00" W.; to lat.

32°05'02" N., long. 106°09'22" W.; to lat. 32°06'00" N., long. 106°15'32" W.; to the point of beginning.

*Designated altitudes.* Surface to unlimited.

\* \* \* \* \*

#### R-5103C McGregor, NM [Amended]

By removing the current boundaries and designated altitudes and substituting the following:

*Boundaries.* Beginning at lat.

32°45'00" N., long. 105°53'02" W.; to lat. 32°45'00" N., long. 105°52'22" W.; to lat. 32°33'20" N., long. 105°30'02" W.; to lat. 32°26'20" N., long. 105°30'02" W.; to lat. 32°15'00" N., long. 105°42'02" W.; to lat. 32°15'00" N., long. 106°10'02" W.; to lat. 32°28'00" N., long. 106°02'00" W.; to lat. 32°27'00" N., long. 106°00'02" W.; to lat. 32°36'00" N., long. 106°00'00" W.; to lat. 32°45'00" N., long. 105°59'02" W.; to the point of beginning, excluding that airspace within a 2 NM radius of lat. 32°39'00" N., long. 105°41'00" W.; from the surface to 1,500' AGL and also excluding that airspace beginning at lat. 32°42'49" N., long. 105°48'11" W.; to lat. 32°41'00" N., long. 105°50'00" W.; to lat. 32°40'00" N., long. 105°48'00" W.; to lat. 32°41'48" N., long. 105°46'00" W.; to the point of beginning from the surface to 1,500' above the surface.

*Designated altitudes.* Surface to unlimited.

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#### R-5103D McGregor, NM [Revoked]

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Issued in Washington, DC, May 28, 2004.

**Paul Gallant,**

*Acting Manager, Airspace and Rules, ATO-R.*

[FR Doc. 04-12969 Filed 6-8-04; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 158

[Docket No. FAA-2004-17999; Notice No. 04-09]

RIN 2120-A115

#### Passenger Facility Charge Program, Non-Hub Pilot Program and Related Changes

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

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

**SUMMARY:** The FAA is proposing a pilot program to test new application and application approval procedures for the

passenger facility charge (PFC) program. This pilot program will run for 3 years and is available to non-hub airports. Besides the pilot program, this proposed rule also contains several changes designed to streamline the PFC application procedures for all PFC applications and improve the existing PFC program. The FAA is proposing these changes in response to Congressional direction found in the Vision 100—Century of Aviation Reauthorization Act.

**DATES:** Send your comments on or before August 9, 2004.

**ADDRESSES:** You may send comments (Identified by Docket Number FAA-2004-17999) using any of the following methods:

- DOT Docket Web site: Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.
- Government-wide rulemaking Web site: Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.
- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001.
- Fax: 1-202-493-2251.
- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For more information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

*Privacy:* We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. For more information, see the Privacy Act discussion in the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* To read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Sheryl Scarborough, Airports Financial Analysis & Passenger Facility Charge Branch, APP-510, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8825; facsimile: (202) 267-5302; e-mail: [sheryl.scarborough@faa.gov](mailto:sheryl.scarborough@faa.gov).

**SUPPLEMENTARY INFORMATION:**

#### Comments Invited

The FAA invites interested persons to join in this rulemaking by filing written comments, data, or views. We also invite comments about the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will file in the docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel about this proposed rulemaking. The docket is available for public inspection before and after the comment closing date. If you wish to review the docket in person, go to the address in the **ADDRESSES** section of this preamble between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also review the docket using the Internet at the web address in the **ADDRESSES** section.

*Privacy Act:* Using the search function of our docket web site, anyone can find and read the comments received into any of our dockets. This includes the name of the individual sending the comment (or signing the comment for an association, business, labor union). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or you may visit <http://dms.dot.gov>.

Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change this proposal because of the comments we receive.

If you want the FAA to acknowledge receipt of your comments on this proposal, include with your comments a preaddressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it to you.

#### Availability of Rulemaking Documents

You can get an electronic copy using the Internet by:

- (1) Searching the Department of Transportation's electronic Docket Management System (DMS) Web page (<http://dms.dot.gov/search>);
- (2) Visiting the Office of Rulemaking's Web page at <http://www.faa.gov/avr/arm/index.cfm>; or
- (3) Accessing the Government Printing Office's Web page at <http://www.gpo.gov>.