

statutorily required consultation has been accomplished.

Copies of the full noise exposure map documentation and of the FAA's evaluation of the maps are available for examination at the following locations:

Federal Aviation Administration, Community and Environmental Needs Division, APP-600, 800 Independence Avenue, SW., Washington, DC 20591;

Federal Aviation Administration, Western-Pacific Region, Airports Division, Room 3012, 15000 Aviation Boulevard, Hawthorne, California 90261;

Federal Aviation Administration, San Francisco Airports District Office, 831 Mitten Road, Burlingame, California 94010-1303;

W. Carl Honaker, Acting Director of County Airports, County of Santa Clara, Roads & Airports Department, Airport Division, 2500 Cunningham Avenue, San Jose, California 94148.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Hawthorne, California, on January 13, 2004.

**Ellsworth L. Chan,**

*Acting Manager, Airports Division, AWP-600, Western-Pacific Region.*

[FR Doc. 04-2205 Filed 2-2-04; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Commission

#### Receipt of an Amendment to Noise Compatibility Program and Request for Review

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces that it is reviewing a proposed amendment to the noise compatibility program that has been submitted on January 12, 2004 for Toledo Express Airport under the provisions of 49 U.S.C. 47501 *et seq.* (the Aviation Safety and Noise Abatement Act, hereinafter referred to as "the Act") and 14 CFR part 150 by Toledo-Lucas County Port Authority. This amendment to the program was submitted subsequent to the approval by FAA of the noise compatibility program on July 22, 2003 and a determination that the associated noise exposure maps submitted under 14 CFR part 150 for Toledo Express Airport were in compliance with applicable requirements, effective January 24,

2003, published in the **Federal Register** February 14, 2003. The proposed noise compatibility program amendment will be approved or disapproved on or before July 11, 2004.

**EFFECTIVE DATE:** The effective date of the start of FAA's review of the noise compatibility program amendment is January 14, 2004. The public comment period ends March 13, 2004.

**FOR FURTHER INFORMATION CONTACT:** Katherine S. Jones, Community Planner, DET ADO 606, Detroit Airports District Office, 11677 South Wayne Road, Ste. 107, Romulus, MI 48174. Comments on the proposed noise compatibility program amendment should also be submitted to the above office.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA is reviewing a proposed noise compatibility program amendment for Toledo Express Airport, which will be approved or disapproved on or before July 11, 2004. This notice also announces the availability of this program amendment for public review and comment.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has formally received the noise compatibility program amendment for Toledo Express Airport, effective on January 12, 2004. The airport operator has requested that the FAA review this material and that the noise mitigation measure, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 47504 of the Act. Preliminary review of the submitted material indicates that it conforms to FAR Part 150 requirements for the submittal of noise compatibility program amendment, but that further review will be necessary prior to approval or disapproval of the program amendment. The formal review period, limited by law to a maximum of 180 days, will be completed on or before July 11, 2004.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, section 150.33. The primary considerations in the evaluation process are whether the proposed amended measures may

reduce the level of aviation safety or create an undue burden on interstate or foreign commerce, and whether they are reasonably consistent with obtaining the goal of reducing existing non-compatible land uses and preventing the introduction of additional non-compatible land uses.

Interested persons are invited to comment on the proposed program amendment with specific reference to these factors. All comments relating to these factors, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the existing approved noise compatibility program and the proposed noise compatibility program amendment are available for examination at the following locations:

Federal Aviation Administration, Detroit Airports District Office, 11677 South Wayne Road, Ste. 107, Romulus, Michigan 48174.

Toledo-Lucas County Port Authority, Toledo Express Airport, 11013 Airport Highway, Box 11, Swanton, Ohio 43558.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Romulus, Michigan, January 14, 2004.

**Irene R. Porter,**

*Manager, Detroit Airports District Office.*

[FR Doc. 04-2199 Filed 2-2-04; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Proposed Notification Regarding Function and Reliability Testing for Turbofan-Powered Airplanes of 6,000 Pounds or Less Maximum Certificated Weight

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

**ACTION:** Notice of intent and request for comments.

**SUMMARY:** All new certification projects for turbofan-powered airplanes of 6,000 pounds or less maximum certificated weight will be reviewed for possible issuance of special conditions to require function and reliability testing. The special condition, if required, would effectively require compliance with the requirements of 14 CFR part 21, section 21.35, paragraphs (b)(2) and (f), and would be issued under the procedural rules found in 14 CFR part 11. Such a special condition will not be applied to

any ongoing, active certification project with an established certification basis.

**DATES:** Send comments by March 4, 2004.

**ADDRESSES:** Send all comments to Mr. Steve Thompson, Small Airplane Directorate (ACE-112), Federal Aviation Administration, 901 Locust, Room 301, Kansas City, Missouri 64106. Comments may also be sent by electronic mail to [steven.thompson@faa.gov](mailto:steven.thompson@faa.gov). Comments may be inspected at the above address between 7:30 a.m. and 4 p.m. weekdays, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Steve Thompson, Small Airplane Directorate (ACE-112), Federal Aviation Administration, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone (816) 329-4126, fax (816) 329-4090.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

We invite your comments on this notice. Send any data or views about the subject of this notice, as desired. Identify comments with "Small Jets Function and Reliability Comments, ATTN: Steve Thompson." The FAA will consider all comments received by the closing date listed above before issuing a final notice.

**Background**

Before Amendment 3-4, Section 3.19 of Civil Air Regulation (CAR) part 3 required service tests of all airplanes type certificated on or after May 15, 1947. The purpose of these tests was to "ascertain whether there is reasonable assurance that the airplane, its components, and equipment are reliable and function properly."

Amendment 3-4 to CAR part 3 became effective January 15, 1951, and deleted the service test requirement in Section 3.19 for airplanes of 6,000 pounds maximum weight or less. The introductory text published in Amendment 3-4 explained that most of the significant changes in the amendment stemmed from "the desire for simplification of the rules in this part with respect to the smaller airplanes, specifically those of 6,000 pounds maximum weight or less, which would be expected to be used mainly as personal airplanes." The introductory material also stated the service test requirement was removed for airplanes of 6,000 pounds maximum weight or less because "experience seems to indicate that this rule imposes a burden upon the manufacturers not commensurate with the safety gained." The requirement for function and reliability testing, and the exception for airplanes of 6,000 pounds or less

maximum weight, is now found in 14 CFR part 21, section 21.35(b)(2).

The decision to except airplanes of 6,000 pounds maximum weight or less from function and reliability testing was based on the state of technology envisaged in 1951. At that time, airplanes of 6,000 pounds maximum weight or less were expected to be used mainly as personal airplanes. The safety gained by requiring function and reliability testing for these airplanes did not warrant the associated added burden on the manufacturers. However, advances in technology have made possible creating turbofan-powered airplanes weighing less than 6,000 pounds that have complexity and design features not envisaged in 1951. These airplanes may also incorporate turbine engines of a type not previously used in a type-certificated aircraft. Because of their capabilities, these airplanes are viable business and commercial transportation and are not expected to be used mainly as personal airplanes. Therefore, a special condition to require function and reliability testing for turbofan-powered airplanes weighing 6,000 pounds or less may be needed to establish safety equivalent to that established by the existing airworthiness standards.

Issued in Kansas City, Missouri, on January 13, 2004.

**Dorenda D. Baker,**

*Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 04-2195 Filed 2-2-04; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**Notice of Intent To Rule on Application 04-16-C-00-ORD To Impose a Passenger Facility Charge (PFC) at Chicago O'Hare International Airport and To Use the Revenue at Chicago O'Hare International Airport, Chicago, Illinois.**

**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 a PFC at Chicago O'Hare International Airport and use the revenue at Chicago O'Hare International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the

Federal Aviation Regulations (14 CFR Part 158).

**DATES:** Comments must be received on or before March 4, 2004.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Chicago Airports District Office, 2300 East Devon Avenue, Room 320, Des Plaines, Illinois 60018.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Thomas R. Walker, Commissioner of the City of Chicago Department of Aviation at the following address: Chicago O'Hare International Airport, P.O. Box 66142, Chicago, IL 60666.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of Chicago Department of Aviation under section 158.23 of part 158.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas E. Salaman, Chicago Metropolitan Program Manager, Federal Aviation Administration, Chicago Airports District Office, 2300 East Devon Avenue, Room 320, Des Plaines, IL 60018, telephone (847) 294-7436. 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 a PFC at Chicago O'Hare International Airport and use the revenue at Chicago O'Hare International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On January 21, 2004, the FAA determined that the application to impose and use the revenue from a PFC submitted by the City of Chicago Department of Aviation was substantially complete within the requirements of section 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than April 21, 2004.

The following is a brief overview of the application.

*PFC application number:* 04-16-C-00-ORD.

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

*Revised proposed charge expiration date:* October 1, 2019.

*Total estimated PFC revenue:* \$37,000,000.

Brief description of proposed projects at the \$4.50 level: