

federal regulatory enforcement and compliance environment.

Anyone wishing to attend or to make a presentation must contact Becky Freund in writing or by fax, in order to be put on the agenda. Becky Freund, Economic Development Specialist, SBA Madison District Office, 740 Regent Street, Suite 100, Madison, WI 53715, phone (608) 441-5519, fax (202) 481-0411, e-mail: [becky.freund@sba.gov](mailto:becky.freund@sba.gov).

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Dated: April 13, 2004.

**Peter Sorum,**

*Senior Advisor, Office of the National Ombudsman.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Advisory Circular (AC) 91-63C, Temporary Flight Restrictions (TFRs)

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

**ACTION:** Notice of issuance of Advisory Circular 91-63C.

**SUMMARY:** This action announces the issuance of Advisory Circular (AC) 91-63C, "Temporary Flight Restrictions (TFRs)." This AC has been revised to include information regarding each type of regulatory TFR that may be issued by the FAA. Like all ACs, this revised AC is not regulatory but provides guidance and policies regarding the intent and application of these TFRs. This AC cancels AC 19-63B.

**DATES:** Advisory Circular 91-63C was issued by the Director of System Operations and Safety, on March 29, 2004, and will be effective on May 20, 2004.

**How To Obtain Copies:** A paper copy of AC-91-63C may be obtained by writing to the U.S. Department of Transportation, Subsequent Distribution Office, DOT Warehouse, SVC-121.23, Ardmore East Business Center, 3341Q 75th Avenue, Landover, MD 20785, telephone 301-322-4779, or by faxing your request to the warehouse at 301-386-5394. The AC will also be available on the Internet at <http://www.faa.gov/ats/ata/ai/index.html>.

Issued in Washington, DC, on March 31, 2004.

**Sabra Kaulia,**

*Director of System Operations and Safety.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice Concerning the Use of Passenger Facility Charge Revenue for Debt Service on Non Eligible Airport-Related Projects

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

**ACTION:** Notice.

**SUMMARY:** Section 122 of the Vision 100—Century of Aviation Reauthorization Act, (Pub. L. 108-176, December 12, 2003) reauthorizing the Federal Aviation Administration (FAA) provides the Secretary of Transportation discretion to allow Passenger Facility Charge (PFC) revenue to be used for making payments for debt service, on debt incurred to carry out a project that is not an eligible airport-related project when a determination is made that such use is necessary due to the financial need of the airport. This notice describes how this new position will be implemented administratively.

**DATES:** This notice becomes effective on April 19, 2004.

**ADDRESSES:** This is an informational notice only and comments are not being solicited at this time.

#### FOR FURTHER INFORMATION CONTACT:

Barry Molar, Manager, Airports Financial Assistance Division (APP-500), Room 620, Office of Airport Planning and Programming, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-8827; or Sheryl Scarborough, Financial Analysis and Passenger Facility Charge Branch (APP-510), Room 619, Airports Financial Assistance Division, Office of Airport Planning and Programming, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-8825.

**SUPPLEMENTARY INFORMATION:** The Aviation Safety and Capacity Expansion Act of 1990, codified under 49 USC 40117, created the PFC program on November 5, 1990. Under the PFC statute, the FAA may authorize a public agency to impose a PFC of \$1, \$2, \$3, \$4, or \$4.50 for each enplaned passenger at those commercial service airports that the public agency controls. The public agency can then use this PFC revenue to finance FAA-approved eligible airport-related projects. The FAA's regulations that govern the PFC program are located in 14 CFR part 158 and became effective on June 28, 1991.

To impose a PFC, use PFC revenue or amend an approved PFC, a public agency operating an airport must apply for FAA approval by following the application process set forth in Part 158. These rules do not differ depending on the size of the airport, the type of project or whether the FAA has previously reviewed the projects details.

On December 12, 2003, President Bush signed the Vision 100—Century of Aviation Reauthorization Act (Pub. L. 108-176) (Vision 100) into law. Section 122 of Vision 100 includes a provision that allows PFC revenue to be used for making payments for debt service on debt incurred to carry out a project that is not an eligible airport-related project when the Secretary of Transportation determines that such use is necessary due to the financial need of the airport. By delegation from the Secretary of Transportation, the FAA has responsibility to administer the PFC program in its entirety.

The statutory provision provides:

SEC. 122. USE OF FEES TO PAY DEBT SERVICE.

Section 40117(b) is further amended by adding at the end of the following: "(6) DEBT SERVICE FOR CERTAIN PROJECTS.—In addition to the uses specified in paragraphs (1) and (4), the Secretary may authorize a passenger facility fee imposed under paragraph (1) and (4) to be used for making payments for debt service on indebtedness incurred to carry out at the airport a project that is not an eligible airport-related project if the Secretary determines that such use is necessary due to the financial need of the airport."

In implementing Section 122, the FAA will process applications for funding in the same manner as traditional PFC applications. The application process will include careful review of the financial need of the individual public agency applicant. The FAA is electing to use the existing process because a determination of need is best handled on a case-by-case basis, focusing on the particular financial situation of the individual public agency submitting the PFC application. This process develops a record appropriate for the FAA to make the determination under Section 122 as to whether funding is necessary due to the financial need of the airport.

All PFC applications are developed and submitted under the guidance offered in 14 CFR 158.25. Public agencies are well acquainted with the information required for inclusion in the PFC application, including documentation of the required consultation process with air carriers. Once the application and supporting attachments have been submitted to the