

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA 2003–16805; Airspace Docket 03–ANM–22]

#### Proposed Establishment of Class D Airspace; Provo, UT

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This proposal would establish Class D airspace at Provo, UT. An FAA Airport Traffic Control Tower (ATCT) is being constructed at Provo Municipal Airport, Provo, UT, which will meet criteria for Class D airspace. Class D surface area airspace is required when the ATCT is open.

**DATES:** Comments must be received on or before August 12, 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 the Docket FAA 2003–16805; Airspace Docket 03–ANM–22, at the beginning of your comments. You may also submit comments on the Internet at <http://dms.dot.gov>. You may review the public docket containing the proposal, any comments received, and any final dispositions in person in the Docket Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office, 1–800–647–5527, is on the plaza level of the Department of Transportation NASSIF Building at the above address.

An informal docket may also be examined during normal business hours at the Office of the Regional Air Traffic Division, Northwest Mountain Region, Federal Aviation Administration, 1601 Lind Avenue, SW., Renton, WA 98055.

#### 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 Docket FAA–2003–16805; Airspace Docket 03–ANM–22, and be submitted in triplicate to the address listed above. Commentators 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 Docket FAA–2003–16805; Airspace Docket 03–ANM–22”. The postcard will be date/time stamped and returned to the commentators.

#### Availability of NPRM

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 Superintendent of Document’s Web page at <http://www.access.gpo.gov/nara>.

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration, Airspace Branch ANM–520, 1601 Lind Avenue, SW., Renton, WA, 98055. Communications must identify both document numbers for this notice. Persons interested in being placed on a mailing list for future NPRM’s should contact the FAA’s Office of Rulemaking at 202–267–9677 to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

#### The Proposal

The FAA is considering an amendment to Title 14 Code of Federal Regulations part 71 (14 CFR part 71) to establish Class D airspace at Provo, UT. An ATCT is being constructed at Provo Municipal Airport and Class D airspace is required during the hours the ATCT

is open. Class D controlled airspace is necessary for the safety of aircraft executing SIAPs and other IFR operations at Provo Municipal Airport. Class D airspace will be effective during specified dates and times established in advance by a Notice to Airmen. The effective date and time will, thereafter, be published in the Airport/Facility Directory.

Class D airspace areas designated as surface areas are published in Paragraph 5000 of FAA Order 7400.9L dated September 2, 2003, and effective September 16, 2003, which is incorporated by reference in 14 CFR part 71.1 The Class D airspace designation listed in this document would be published subsequently in the 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. It, therefore, (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 11013; 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.

#### 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, 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 2, 2003, and effective September 16, 2003, is amended as follows:

*Paragraph 5000 Class D airspace designated as surface area for an airport.*

\* \* \* \* \*

#### **ANM UT D Provo, UT [Added]**

Provo Municipal Airport, UT  
(Lat. 40°13'09" N., long. 111°43'24" W.)  
Spanish Fork-Springville, UT  
(Lat. 40°08'30" N., long. 111°39'41" W.)

That airspace extending upward from the surface to and including 7,000 feet MSL within a 4.3-mile radius of Provo Municipal Airport, excluding that airspace within 2.4 mile radius of the Spanish Fork-Springville Airport. This Class D airspace is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

\* \* \* \* \*

Issued in Seattle, Washington, on June 9, 2004.

**Raul C. Treviño,**

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

[FR Doc. 04–14633 Filed 6–25–04; 8:45 am]

**BILLING CODE 4910–13–M**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 73**

**[Docket No. FAA–2004–17178; Airspace  
Docket No. 03–AWA–7]**

**RIN 2120–AA66**

#### **Proposed Establishment of Prohibited Area 51, Bangor, WA**

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

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

**SUMMARY:** This action proposes to establish a prohibited area (P–51) over the U.S. Naval Submarine Base, at Bangor, WA. The proposed prohibited area would replace a Temporary Flight Restriction (TFR) that is currently in effect. The FAA is proposing this action to enhance the security of the Naval Submarine Base, at Bangor, WA.

**DATES:** Comments must be received on or before August 12, 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–2004–17178 and Airspace Docket No. 03–AWA–7 at the beginning of your comments. You may also submit comments through the Internet to <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Ken McElroy, 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–2004–17178 and Airspace Docket No. 03–AWA–7) 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–2004–17178 and Airspace Docket No. 03–AWA–7.” 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, 1601 Lind Avenue, SW, Renton Washington 98055.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

#### **History**

On September 11, 2001, the United States (U.S.) suffered catastrophic terrorist attacks involving four hijacked U.S. commercial aircraft. In response to these attacks, the FAA took action to temporarily shut down the National Airspace System with the exception of certain military, law enforcement, and emergency aircraft flight operations. Additionally, to hinder the potential for further airborne attacks and to specifically respond to security concerns, the FAA issued numerous TFRs to limit or prohibit aircraft flight operations in the vicinity of critical military, government, and national infrastructure locations across the country. Beginning on September 12, 2001, the FAA issued a series of TFRs to prohibit aircraft flight operations over a wide area in the vicinity of the U.S. Naval Submarine Base at Bangor, WA. The current NOTAM 4/0221 for this area was issued on January 9, 2004.

#### **U.S. Navy Request**

Due to the current world situation and continued security concerns at this facility, the U.S. Navy has requested that the FAA designate a prohibited area at Bangor, WA, to enhance Navy security efforts at the submarine base. This proposal responds to that request.

#### **Statutory Authority**

The FAA Administrator has broad authority to regulate the safe and