

comments and will do so to the extent practicable. We will also take note of the date of the USPS postmark for late-filed comments. Please note that Docket Office time stamps all items as they receive them.

Because we cannot be sure if we received filings sent just before October 13 or when, if ever, we will receive filings and comments caught in Brentwood between October 13 and November 27, please check our Dockets Web page (<http://dms.dot.gov>) to see if we received and processed your document(s). If your document is not in the electronic docket, we may not have received it. Please bear in mind that processing a document into the electronic system after receipt may take up to eight business days, especially since the DOT Mail Room must x-ray and screen all package deliveries prior to their acceptance into the DOT Docket Management System. If you do not have the electronic capability to check the docket, many public libraries have computers that you can use to electronically search the DOT dockets. Also, you can come to DOT and use the reading room computers in our Dockets Office, which is located on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, and is open between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

If your check of the docket reveals that we have not received your document, please fax us a copy at 202-493-2251 or resubmit your document with a notation that you are resending it. Please send it to the Docket Management Facility, U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001. Please make sure the docket number is noted on the first page. We ask you to take these steps as soon as possible so that we will be able to consider your comments if we still can.

This notice addresses only preemption determination proceedings of the Research and Special Programs Administration and the Federal Motor Carrier Safety Administration and informal rulemaking proceedings conducted by any of the Department's agencies: the Bureau of Transportation Statistics, the Federal Aviation Administration, the Federal Highway Administration, the Federal Motor Carrier Safety Administration, the Federal Railroad Administration, the Federal Transit Administration, the Maritime Administration, the National Highway Traffic Safety Administration, the Office of the Secretary, the Research and Special Programs Administration,

the St. Lawrence Seaway Development Corporation, and the U.S. Coast Guard.

We currently are accepting U.S. mail delivery by the USPS and deliveries from alternate delivery carriers. We also are accepting hand-delivered packages in the Docket Office, which is located 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. In addition, where possible, we encourage filers to use our Electronic Submission System on the DOT Dockets Web page (<http://dms.dot.gov>) by clicking on ES Submit and following the online instructions.

Issued in Washington, DC, on December 31, 2001.

**Kirk K. Van Tine,**  
*General Counsel.*

[FR Doc. 02-657 Filed 1-9-02; 8:45 am]

**BILLING CODE 4910-62-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Opportunity To Participate, Criteria Requirements and Change of Application Procedure for Participation in the Military Airport Program (MAP)

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

**ACTION:** Notice of criteria and application procedure for designation or re-designation, for the fiscal year 2002 MAP.

**SUMMARY:** This notice announces the criteria, application procedures and schedule to be applied by the Secretary of Transportation in designating or re-designating, and funding capital development annually for 15 current (joint-use) or former military airports seeking designation or re-designation to participate in the MAP. This Notice reflects and incorporates changes made to MAP in the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century.

The MAP allows the Secretary to designate current (joint-use) or former military airports for which grants may be made under the Airport Improvement Program (AIP). The Secretary is authorized to designate an airport (other than an airport so designated before August 24, 1994) if: (1) The airport is a former military installation closed or realigned under the Title 10 U.S.C. 2687 announcement of closures of large Department of Defense installations after September 30, 1977, or under section 201 or 2905 of the Defense

Authorization Amendments and Base Closure and Realignment Acts; or (2) the airport is a military installation with both military and civil aircraft operations. The Secretary shall consider for designation only those current or former military airports, at least partly converted to civilian airports as part of the national air transportation system, that will reduce delays at airports with more than 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings, or will enhance airport and air traffic control system capacity in metropolitan areas or reduce current and projected flight delays (49 U.S.C. 47118(c)).

**DATES:** Airport sponsors should address written applications for new designation and re-designation in the MAP to the FAA Regional Airports Division or Airports District Office that serves the airport. That office of the FAA must receive applications on or before February 14, 2002.

**ADDRESSES:** Submit an original and two copies of Standard Form (SF) 424, "Application for Federal Assistance," prescribed by the Office of Management and Budget Circular A-102, available at <http://www.whitehouse.gov/OMB/grants/index.html>, along with any supporting and justifying documentation. Applicant should specifically request to be considered for designation or re-designation to participate in the fiscal year 2002 MAP. Submission should be sent to the Regional FAA Airports Division or Airports District Office that serves the airport. Applicants may find the proper office on the FAA Web site <http://www.faa.gov/arp/arp/home.htm> or may contact the office below.

**FOR FURTHER INFORMATION CONTACT:** Mr. Murdock ([oliver.murdock@faa.gov](mailto:oliver.murdock@faa.gov)) or Leonard C. Sandelli ([len.sandelli@faa.gov](mailto:len.sandelli@faa.gov)), Military Airport Program Branch (APP-420), Office of Airport Planning and Programming, Federal Aviation Administration (FAA), 800 Independence Avenue, SW., Washington, DC 20591, (202) 267-8244, or (202) 267-8785, respectively.

#### SUPPLEMENTARY INFORMATION:

##### General Description of the Program

The MAP provides capital development assistance to civil airport sponsors of designated current (joint-use) military airfields or former military airports that are included in the FAA's National Plan of Integrated Airport Systems (NPIAS). Airports designated under the program may obtain funds from a set-aside (currently four-percent) of AIP discretionary funds to undertake eligible airport development, including

certain types of projects not otherwise eligible for AIP assistance. Such airports may also be eligible to receive grants from other categories of AIP funding.

### **Number of Airports**

A maximum of 15 airports per fiscal year may participate in the MAP at any time. There are 5 slots available for designation or re-designation in FY 2002.

### **Term of Designation**

The maximum period of eligibility for any airport to participate in the MAP is five fiscal years following designation. An airport sponsor having previously been in the program may apply for re-designation and, if found to satisfy the designation criteria upon reapplication, may have the opportunity to participate for subsequent periods, each not to exceed five fiscal years. The FAA can designate airports for a period less than five years. The FAA will evaluate the conversion needs of the airport in its five-year capital development plan to determine the appropriate length of designation.

### **Re-designation**

Title 49 of the United States Code section 47118(d), permits previously designated airports to apply for re-designation. Applicants reapplying need to meet current eligibility criteria set forth at 49 U.S.C. 47118(a). Re-designation will be considered largely in terms of warranted projects fundable under AIP solely through the MAP. The airport must have MAP eligible projects and the airport must continue to satisfy the designation criteria for the MAP. The FAA will carefully evaluate applications for re-designation, as new candidates tend to have the greatest conversion needs.

### **Eligible Projects**

In addition to other eligible AIP projects, passenger terminal facilities, fuel farms, utility systems, surface automobile parking lots, hangars, and air cargo terminals up to 50,000 square feet of floor space are all eligible to be funded from the MAP. Designated or re-designated military airports can receive not more than \$7,000,000 each fiscal year for projects to construct, improve, or repair terminal building facilities. Also, designated or re-designated military airports can receive not more than a total of \$7,000,000 for MAP eligible projects that include hangars, cargo facilities, fuel farms, automobile surface parking, and utility work.

### **Designation Considerations**

In making designations of new candidate airports, the Secretary of Transportation may only designate an airport (other than an airport so designated before August 24, 1994) if it meets the following general requirements:

(I)(1) The airport is a former military installation closed or realigned under—

(A) Section 2687 of title 10;

(B) Section 201 of the Defense

Authorization Amendments and Base Closure and Realignment Act (BRAC) (10 U.S.C. 2687 note); or

(C) Section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note); or

(2) The airport is a military installation with both military and civil aircraft operations.

(II) The airport is classified as a commercial service or reliever airport in the NPIAS. One of the designated airports, if included in the NPIAS, may be a general aviation (GA) airport (public airport other than an air carrier airport, 14 CFR 152.3) that was a former military installation closed or realigned under BRAC, as amended, or 10 U.S.C. 2687. (49 U.S.C. 47118(g)). There is no general aviation slot available this fiscal year because the slot was assigned to Oscoda-Wurtsmith for two years. FY 2002 is that airport's second year.

(III) In designating new candidate airports, the Secretary shall consider if a grant would:

(1) Reduce delays at an airport with more than 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings; or

(2) Enhance airport and air traffic control system capacity in a metropolitan area or reduce current and projected flight delays.

The application for new designations will be evaluated in terms of how the proposed airport and associated projects would contribute to congestion relief and/or how the airport would enhance air traffic or airport system capacity and provide adequate user services.

### **Project Evaluation**

Recently approved Base Closure and Realignment Acts or Title 10 U.S.C. 2678 military airports as well as active military airfields with new joint use agreements will be in the greatest need of funding to convert to or to incorporate civil airport operations successfully. Newly converted airports and new joint-use locations frequently have minimal capital development resources and will therefore receive priority consideration for designation and MAP funding. The FAA will

evaluate the need for eligible projects based upon information in the candidate airport's five year Airport Capital Improvement Plan (ACIP). Of particular concern is whether these projects are related to development of that airport and/or the air traffic control system. It is the intent of the Secretary of Transportation to fund those airport projects where the benefits to the capacity of the air traffic control or airport systems can be maximized, and/or where the contribution to reducing congestion can be maximized.

1. The FAA will evaluate the candidate airports and/or the airports such candidate airports would relieve based on the following specific factors:

- Compatibility of airport roles and the ability of the airport to provide an adequate airport facility;
- The capability of the candidate airport and its airside and landside complex to serve aircraft that otherwise must use the relieved airport;
- Landside surface access;
- Airport operational capability, including peak hour and annual capacities of the candidate airport;
- Potential of other metropolitan area airports to relieve the congested airport;
- Ability to satisfy, relieve or meet air cargo demand within the metropolitan area;
- Forecasted aircraft and passenger levels, type of air carrier service anticipated, i.e., scheduled and/or charter air carrier service;

• Type and capacity of aircraft projected to serve the airport and level of operations at the relieved airport and the candidate airport;

• The potential for the candidate airport to be served by aircraft or users, including the airlines, serving the congested airport;

• Ability to replace an existing commercial service or reliever airport serving the area; and

• Any other documentation to support the FAA designation of the candidate airport.

2. The FAA will evaluate the development needs, which if funded, would make the airport a viable civil airport that will enhance system capacity or reduce delays. Newly closed installations or airport sponsors with new joint-use agreements with existing military aviation facilities will be strongly considered for designation since they tend to have the greatest conversion needs.

### **Application Procedures and Required Documentation**

Airport sponsors applying for designation or re-designation must complete and submit an SF 424,

“Application for Federal Assistance,” and supporting documentation to the appropriate FAA office serving that airport. The SF 424 must indicate whether it is an initial application or reapplication for the MAP, and must be accompanied by the documentation and justification listed below:

(A) Identification as Current or Former Military Airport. The application must identify the airport as either a current or former military airport and indicate whether it was:

(1) Closed or realigned under section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act, and/or section 2905 of the Defense Base Closure and Realignment Act of 1990 (Installations Approved for Closure by the Defense Base Realignment and Closure Commissions), or

(2) Closed or realigned pursuant to 10 U.S.C. 2687 as excess property (bases announced for closure by DOD pursuant to this title after September 30, 1977 (this is the date of announcement for closure and not the date of the deed to the airport sponsor)), or

(3) A military installation with both military and civil aircraft operations.

(B) Qualifications for MAP:

For (1) through (7) below the applicant does not need to resubmit any unchanged documentation that has been previously submitted to the Regional Airports Division or Airports District Office.

(1) Documentation that the airport meets the definition of a “public airport” as defined in 49 U.S.C. 47102(16).

(2) Documentation indicating that the required environmental review process for civil reuse or joint-use of the military airfield has been completed. This environmental review would not include review of the individual projects to be funded by the MAP. Rather, the documentation should reflect that the environmental review necessary to convey the property, enter into a long-term lease, or sign a joint use agreement has been completed. The military department conveying or leasing the property, or entering into a joint use agreement, generally has the lead responsibility for this environmental review. The environmental review and approvals must indicate that the operator or owner of the airport has good title; satisfactory to the Secretary, or gives assurance that good title will be acquired, to meet AIP requirements.

(3) In the case of a former military airport, documentation that the eligible airport sponsor holds or will hold satisfactory title, a long-term lease in

furtherance of conveyance of property for airport purposes, or a long-term interim lease for 25 years or more, to the property on which the civil airport is being located. Documentation that an application for surplus or BRAC airport property has been accepted by the Government is sufficient to indicate the eligible airport sponsor holds or will hold adequate title or a long-term lease.

(4) In the case of a current military airport documentation that the airport sponsor has an existing joint-use agreement with the military department having jurisdiction over the airport. This is necessary so the FAA can legally issue grants to the sponsor.

(5) Documentation that the service level of the airport is expected to be classified as a “commercial service airport” or a “reliever airport” as defined in 49 U.S.C. 47102(7) and 47102(18).

(6) Documentation that the airport owner is an eligible airport “sponsor” as defined in 49 U.S.C. 47102(19).

(7) Documentation that the airport has an unconditionally approved airport layout plan (ALP) and a five-year Airport Capital Improvement Program (ACIP) indicating all eligible grant projects seeking to be funded either from the MAP or other portions of the AIP.

(8) Information identifying the existing and potential levels of visual or instrument operations and aeronautical activity at the current or former military airport and, if applicable, the relieved airport. Also, if applicable, information on how the airport contributes to air traffic system or airport system capacity. If served by commercial air carriers, the revenue passenger and cargo levels should be provided.

(9) A description of the airport’s projected civil role and development needs for transitioning from use as a military airfield to a civil airport, including how development projects would serve to reduce delays at an airport with more than 20,000 hours of annual delays by commercial passenger aircraft takeoffs and landings or enhance capacity in a metropolitan area.

(10) A description of the existing airspace capacity. Describe how anticipated new operations would affect the surrounding airspace and air traffic flow patterns in the metropolitan area in or near which a current or former military airport is located. Include a discussion of the level to which operations at this airport create airspace conflicts that may cause congestion or whether air traffic works into the flow of other air traffic in the area.

(11) A description of the airport’s five-year ACIP, including a discussion of

major projects, their priorities, projected schedule for project accomplishment, and estimated costs. The ACIP must specifically identify the safety, capacity and conversion related projects, associated costs, and projected five-year schedule of project construction, including those requested for consideration for MAP funding.

(12) A description of those projects that are consistent with the role of the airport and effectively contribute to the joint use or conversion of the airfield to a civil airport. The projects can be related to various improvement categories depending on what is needed to convert from military to civil airport use, to meet required civil airport standards, and/or to provide capacity to the airport and/or airport system. The projects selected; i.e., safety-related, conversion-related, and/or capacity-related, must be identified and fully explained based on the airport’s planned use. Those projects that may be eligible under MAP, if needed for conversion or capacity-related purposes, must be clearly indicated, and include the following information:

#### Airside:

- Modification of airport or military airfield for safety purposes, including airport pavements modifications (i.e. widening), marking, lighting, strengthening, drainage or modifying other structures or features in the airport environs to meet civil standards for airport imaginary surfaces as described in 14 CFR part 77.

- Construction of facilities or support facilities such as passenger terminal gates, aprons for passenger terminals, taxiways to new terminal facilities, aircraft parking, and cargo facilities to accommodate civil use.

- Modification of airport or military utilities (electrical distribution systems, communications lines, water, sewer, storm drainage) to meet civil standards. Also, modifications that allow utilities on the civil airport to operate independently, where other portions of the base are conveyed to entities other than the airport sponsor or retained by the Government.

- Purchase, rehabilitation, or modification of airport and airport support facilities and equipment, including snow removal, aircraft rescue, fire fighting buildings and equipment, airport security, lighting vaults, and reconfiguration or relocation of eligible buildings for more efficient civil airport operations.

- Modification of airport or military airfield fuel systems and fuel farms to accommodate civil aviation use.

- Acquisition of additional land for runway protection zones, other

approach protection, or airport development.

- Cargo facility requirements.
- Modifications which will permit the airfield to accommodate general aviation users.

Landside:

- Construction of surface parking areas and access roads to accommodate automobiles in the airport terminal and air cargo areas and provide an adequate level of access to the airport.

- Construction or relocation of access roads to provide efficient and convenient movement of vehicular traffic to, on, and from the airport, including access to passenger, air cargo, fixed base operations, and aircraft maintenance areas.

- Modification or construction of facilities such as passenger terminals, surface automobile parking lots, hangars, air cargo terminal buildings, and access roads to cargo facilities to accommodate civil use.

(13) An evaluation of the ability of surface transportation facilities (road, rail, high-speed rail, maritime) to provide intermodal connections.

(14) A description of the type and level of aviation and community interest in the civil use of a current or former military airport.

(15) One copy of the FAA-approved ALP for each copy of the application. The ALP or supporting information should clearly show capacity and conversion related projects. Also, other information such as project costs, schedule, project justification, other maps and drawings showing the project locations, and any other supporting documentation that would make the application easier to understand should be included. These maps and ALP's should be cross-referenced with the project costs and project descriptions.

#### **Re-designation of Airports Previously Designated and Applying for Up to an Additional Five Years in the Program**

Airports applying for re-designation to the Military Airport Program need to submit the same information required by new candidate airports applying for a new designation. On the SF 424, Application for Federal Assistance, prescribed by the Office of Management and Budget Circular A-102, airports must indicate their application is for re-designation to the MAP. In addition to the above information, they must explain:

(1) Why a re-designation and additional MAP eligible project funding is needed to accomplish the conversion to meet the civil role of the airport and the preferred time period for re-designation;

(2) Why funding of eligible work under other categories of AIP or other sources of funding would not accomplish the development needs of the airport;

(3) Why, based on the previously funded MAP projects, the projects and/or funding level were insufficient to accomplish the airport conversion needs and development goals; and

(4) The term of the re-designation, not to exceed five years, for which the airport is applying.

This notice is issued pursuant to Title 49 U.S.C. 47118.

Issued at Washington, DC, on January 4, 2002.

**Benito DeLeon,**

*Deputy Director, Office of Airport Planning and Programming.*

[FR Doc. 02-651 Filed 1-9-02; 8:45 am]

**BILLING CODE 4910-13-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **Notice of Intent To Rule on Application (02-02-U-00-HGR) To Use a Passenger Facility Charge (PFC) at Hagerstown Regional Airport—Richard A. Henson Field, Hagerstown, MD**

**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 a passenger facility charge (PFC) at Hagerstown Regional Airport—Richard A. Henson Field 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 February 11, 2002.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Arthur Winder, Project Manager, Washington Airports District Office, 23723 Air Freight Lane, Suite 210, Dulles, VA 22016.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Carolyn S. Motz, Airport Manager, Board of County Commissioners of Washington County, Maryland at the following address: Hagerstown Regional Airport—Richard A. Henson Field, 18434 Showalter Road, Hagerstown, Maryland 21742-1347.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Board of County Commissioners of Washington County, Maryland under § 158.23 of part 158.

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

Arthur Winder, Project Manager, Washington Airports District Office, 23723 Air Freight Lane, Suite 210, Dulles, VA 22016, (703) 661-1363. 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 a PFC at Hagerstown Regional Airport—Richard A. Henson Field 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 28, 1999, the FAA determined that the application to impose and use a PFC submitted by the Board of County Commissioners of Washington County, Maryland 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 April 30, 1999.

The following is a brief overview of the application.

*PFC Application No.: 02-02-U-00-HGR.*

*Level of the proposed PFC: \$4.50.  
Proposed charge effective date:*

January 1, 2002.

*Proposed charge expiration date: July 8, 2003.*

*Total estimated PFC revenue:  
\$206,000.*

*Brief description of proposed project(s):*

—Construct Snow and Equipment Maintenance Building.

*Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Nonscheduled/On-Demand Air Carrier filing 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, Airports Division, AEA-610, 1 Aviation Plaza, Jamaica, NY 11434-4809.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Hagerstown Regional Airport—Richard A. Henson Field.