

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA-2004-17596; Airspace
Docket No. 04-AEA-06]

**Proposed Amendments to Class E
Airspace; Norfolk, VA**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class E airspace area in the Norfolk, VA metropolitan area. The development of multiple area navigation (RNAV) Standard Instrument Approach Procedures (SIAP), the proliferation of airports within the Norfolk, VA metropolitan area with approved Instrument Flight Rules (IFR) operations, and the resulting overlap of designated Class E-5 airspace have made this proposal necessary. The proposal would consolidate the Class E-5 airspace designations for fourteen airports and result in the rescission of seven separate Class E-5 descriptions through separate rulemaking action. The area would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before June 10, 2004.

ADDRESSES: Send comments on the 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 number FAA-2004-17596/ Airspace Docket No. 04-AEA-06 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 disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 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, Federal Aviation Administration, Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434-4809.

FOR FURTHER INFORMATION CONTACT: Mr. Francis T. Jordan, Jr., Airspace Specialist, Airspace Branch, AEA-520, Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434-4809, telephone: (718) 553-4521.

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, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. 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 Airspace Docket No. FAA-2004-17596/Airspace Docket No. 04-AEA-06." The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at <http://dmd.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 Documents 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 Office of Air Traffic Airspace Management, ATA-400, 800 Independence Avenue, SW., Washington, DC 20591 or by calling (202) 267-8783. Communications must identify both the docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267-9677 to request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the Class E airspace within the Norfolk, VA metropolitan area. The proposal would consolidate the following airport Class E-5 airspace designations into the Norfolk, VA designation: Norfolk International Airport (ORF), Norfolk, VA; Norfolk NAS, Chambers Field (NGU), VA; Langley Air Force Base (LFI), VA; Oceana NAS, Apollo Soucek Field

(NTU), VA; Fentress NALF (NFE), VA; Felker AAF (FAF), Ft. Eustis, VA; Hampton Roads Executive Airport (PVG), Portsmouth, VA; Chesapeake Regional Airport (CPK), VA; Hummel Field Airport (W75), Saluda, VA; Aberdeen Field Airport (31VA), Smithfield, VA; Suffolk Municipal Airport, Suffolk, VA; Middle Peninsula Regional Airport (FYJ), West Point, VA; Williamsburg-Jamestown Airport (JGG), Williamsburg, VA; Newport News/Williamsburg International Airport (PHF), Newport News, VA. This action would result in the rescission of seven Class E-5 designations under a separate docket. The affected airspace would subsequently be incorporated into the Norfolk, VA description. The airspace will be defined to accommodate the approaches and contain IFR operations to and from those airports. This change would have no impact on aircraft operations since the type of airspace designation is not changing. Furthermore, the IFR approach procedures for the individual airports within the area would not be affected. Class E airspace designations for airspace areas extending upward from 700 ft or more above the surface are published in Paragraph 6005 of FAA order 7400.9L, dated September 2, 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 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. 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 would only affect air traffic procedures and air navigation, it is certified that this proposed rule would not have 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—[AMENDED]

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 Federal Aviation Administration Order 7400.9L, dated September 2, 2003, and effective September 16, 2003, is proposed to be amended as follows:

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

* * * * *

AEA VA E5 Norfolk, VA (Revised)

That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at lat. 36°33'18" N., long. 75°50'31" W., to lat. 36°33'27" N., long. 76°45'46" W., to lat. 36°43'32" N., long. 76°46'23" W., to lat. 36°51'53" N., long. 76°35'05" W., to lat. 37°14'30" N., long. 76°56'21" W., to lat. 37°37'33" N., long. 76°53'14" W., to lat. 37°43'98" N., long. 76°22'17" W., to lat. 37°14'14" N., long. 76°07'30" W., to lat. 36°55'06" N., long. 75°53'33" W., to the point of beginning, excluding that airspace that coincides with W-50A and R-6606 when they are in effect.

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Issued in Jamaica, New York, on May 4, 2004.

John G. McCartney,

*Assistant Manager, Air Traffic Division,
Eastern Region.*

[FR Doc. 04–10692 Filed 5–10–04; 8:45 am]

BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[FRL–7659–5]

Protection of Stratospheric Ozone: Notice of Data Availability; New Information Concerning Carbon Dioxide Total Flooding Fire Extinguishing Systems Listed Under the SNAP Program as an Acceptable Substitute for Ozone-Depleting Halons

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of data availability and request for comment.

SUMMARY: The Environmental Protection Agency (EPA) is making available to the public new information related to

carbon dioxide (CO₂) total flooding fire extinguishing systems, which are currently listed in the fire suppression sector as an acceptable substitute for ozone-depleting halon 1301 under the Significant New Alternatives Policy (SNAP) Program, pursuant to section 612 of the Clean Air Act. Under the Clean Air Act, as amended in 1990, and our regulations, the SNAP program reviews alternatives to Class I and Class II ozone-depleting substances and approves use of alternatives which reduce the overall risk to public health and the environment. Beginning with the March 18, 1994 rule which established the SNAP program, a number of alternative fire protection technologies have been approved, including CO₂ systems which was listed as an acceptable halon 1301 substitute in total flooding applications.

Since the initial SNAP listing, EPA has continued to raise awareness about the precautions needed in using CO₂ systems and has worked with the fire protection industry to promote responsible use of these and other technologies. The Agency has also collected additional information on potential safety hazards associated with carbon dioxide systems, and on the increasing use of CO₂ total flooding fire extinguishing systems, particularly in the marine sector for systems protecting machinery spaces on ships. Today, the Agency is making available for public review and comment two reports: *Review of the Use of Carbon Dioxide Total Flooding Fire Extinguishing Systems* (Wickham, R.T., 2003) and *Carbon Dioxide as a Fire Suppressant: Examining the Risks* (EPA, 2000). We plan to consider the information contained in these two reports and any comment received during the comment period in reviewing the current SNAP listing for the use of CO₂ in total flooding applications. If, after considering this information and comments, we intend to change the current acceptability determination, we will issue a proposed rule.

DATES: We will accept comments on the new information through June 10, 2004.

ADDRESSES: Comments may also be submitted electronically, by facsimile, or through hand delivery/courier. Follow the detailed instructions as provided at the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: For further information about this notice, contact Bella Maranion by telephone at (202) 343–9749, or by e-mail at maranion.bella@epa.gov. Notices and rulemakings under the SNAP program are available on the Internet at <http://www.epa.gov/ozone/snap/regs>.

Information related to this notice is available online through EPA Dockets at <http://www.epa.gov/edocket/> as described below in Section I under **SUPPLEMENTARY INFORMATION**.

SUPPLEMENTARY INFORMATION:

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I. General Information

A. How Can I Get Copies of Related Information?

1. Docket

EPA has established an official public docket for this action under Docket ID No. OAR–2004–0024. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Air and Radiation Docket in the EPA Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1742, and the telephone number for the Air and Radiation Docket is (202) 566–1742.

2. Electronic Access

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search", then key in the appropriate docket identification number. Certain types of