

**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. 00-AEA-16”. The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRMs**

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Regional Counsel, AEA-7, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434-4809.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also 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 establish Class E airspace area at South Albany Airport. An RNAV (GPS) Approach has been established for the South Albany Airport, South Bethel, NY. Controlled airspace extending upward from 700 feet AGL is needed to accommodate the approach. Class E airspace designations for airspace areas extending upward from 700 feet or more

above the surface are published in Paragraph 6005 of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, 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; EO 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 7400.9F dated September 10, 2000, and effective September 16, 2000, 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 NY E5, South Albany, NY**

South Albany Airport, South Bethel, NY (423338.61N/0735002.24)

That airspace extending upward from 700 feet above the surface within a 6 mile radius of South Albany Airport.

\* \* \* \* \*

Issued in Jamaica, New York on January 29, 2001.

**F.D. Hatfield,**

*Manager, Air Traffic Division, Eastern Region.*

[FR Doc. 01–4154 Filed 2–16–01; 8:45 am]

**BILLING CODE 4910–13–M**

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

[Airspace Docket No. 00–AAL–20]

**Proposed Revision of Class E Airspace; Bethel, AK**

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This action proposes to revise Class E airspace at Bethel, AK, in two ways: (1) The FAA intends to cancel the Bethel Very High Frequency (VHF) Omnidirectional Range (VOR) instrument approach to runway (RWY) 36 at Bethel, AK, and to simultaneously reduce the Class E (surface area extension) airspace at Bethel, AK; (2) The FAA intends to correct an administrative error by revising the Class E (surface area) airspace with an exclusion area for Hanger Lake seaplane base operations. This proposed rule would accomplish two actions: (1) Allow for the Napakiak Airport to be outside of the Bethel Class E (surface area extension) airspace and would reduce the required controlled airspace for aircraft flying Instrument Flight Rules (IFR) operations at Bethel, AK; and (2) fix an administrative oversight by adding the Hanger Lake exclusion area to the Class E airspace description at Bethel, AK.

**DATES:** Comments must be received on or before April 6, 2001.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, Operations Branch, AAL–530, Docket No. 00–AAL–20, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587.

The official docket may be examined in the Office of the Regional Counsel for the Alaskan Region at the same address.

An informal docket may also be examined during normal business hours in the Office of the Manager, Operations Branch, Air Traffic Division, at the address shown above and on the Internet at Alaskan Region’s homepage at <http://www.alaska.faa.gov/at> or at address <http://162.58.28.41/at>.

**FOR FURTHER INFORMATION CONTACT:** Robert Durand, Operations Branch,

Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587; telephone number (907) 271-5898; fax: (907) 271-2850; e-mail: [Bob.Durand@faa.gov](mailto:Bob.Durand@faa.gov). Internet address: <http://www.alaska.faa.gov/at> or at address <http://162.58.28.41/at>.

#### 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 the airspace docket number and be submitted in triplicate to the address listed above. Commentors 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. 00-AAL-20." The postcard will be date/time stamped and returned to the commentor. 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 notice may be changed in light of comments received. All comments submitted will be available for examination in the Operations Branch, Air Traffic Division, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK, 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 Notice of Proposed Rulemaking's (NPRM's)

An electronic copy of this document may be downloaded, using a modem and suitable communications software, from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703-321-3339) or the **Federal Register's** electronic bulletin board service (telephone: 202-512-1661).

Internet users may reach the **Federal Register's** web page for access to recently published rulemaking documents at <http://>

[www.access.gpo.gov/su\\_docs/aces/aces140.html](http://www.access.gpo.gov/su_docs/aces/aces140.html).

Any person may obtain a copy of this NPRM by submitting a request to the Operations Branch, AAL-530, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the individual(s) identified in the **FOR FURTHER INFORMATION CONTACT** section.

##### Background

On November 11, 2000, the FAA initiated Airspace Study Number 00-AAL-077NR, Notice of Proposed Revocation of the VOR RWY 36 Approach Procedure at Bethel, Alaska. Comments during several meetings over the last year with airspace users in the Bethel area indicated that they would like to have Napakiak Airport (WNA) excluded from the Class E (surface area extension) airspace at Bethel, AK. The Bethel Airport has four approaches to RWY 36: (1) Localizer (LOC)/Distance Measuring Equipment (DME) Back Course (BC) RWY 36, (2) VOR/DME RWY 36, (3) Global Positioning System (GPS) RWY 36, and (4) the VOR RWY 36. The Bethel VOR RWY 36 instrument approach, with a procedure turn at 1,600 feet, allows aircraft to descend to 700 feet after the procedure turn is completed. The FAA protects airspace from the point an aircraft may legally descend below 1,000 feet with Class E (surface area) airspace. For aircraft going to Bethel Airport, the Napakiak Airport, located 7.1 nautical miles on a 200° true bearing from Bethel VORTAC, is an alternate place to land and wait for weather to improve when the Bethel surface area is restricted due to weather.

The FAA received favorable comments from Craig Air Incorporated, US Coast Guard District 17, Kusko Aviation Incorporated, Alaska Airlines, and the US Fish and Wildlife Service—Bethel. With the adoption of this proposal, the FAA intends to simultaneously cancel the VOR RWY 36 instrument approach and shorten the Class E airspace to the southwest of Bethel. There would be three remaining instrument approaches to the Bethel RWY 36: (1) LOC/DME BC RWY 36, (2) VOR/DME RWY 36, and (3) GPS RWY 36. This proposal would allow Visual Flight Rules (VFR) operations to continue at Napakiak Airport during Special VFR operations at Bethel Airport, AK.

Additionally, this proposal would fix an administrative oversight by including an exclusion area for the Hanger Lake

seaplane base operations to the Class E (surface area) airspace description. Changes to the Bethel airspace would incorporate an exclusion below 1,100 feet MSL between the 061° radial and the 081° radial from 2.9 nautical miles northeast of the Bethel VORTAC.

##### The Proposal

This amendment to 14 CFR part 71 proposes to revise the Class E airspace at Bethel, AK, in two ways: (1) reduce the amount of controlled airspace required southwest of the Bethel airport; and (2) modify the Class E (surface area) airspace description to exclude the Hanger Lake seaplane base operations. The intended effects of this proposal are: (1) to reduce the controlled airspace required for IFR operations at Bethel, AK, thus allowing for VFR operations at Napakiak Airport during Special VFR operations at Bethel Airport and (2) fix an administrative oversight by adding the Hanger Lake exclusion area to the Class E airspace description.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as surface areas are published in paragraph 6002 and the Class E airspace areas designated as an extension to a Class D or Class E surface area are published in paragraph 6004 in FAA Order 7400.9H, *Airspace Designations and Reporting Points*, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations 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 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 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 Federal Aviation Administration Order 7400.9H, *Airspace Designations and Reporting Points*, dated September 1, 2000, and effective September 16, 2000, is to be amended as follows:

\* \* \* \* \*

*Paragraph 6002 Class E airspace designated as surface areas.*

\* \* \* \* \*

**AAL AK E2 Bethel, AK [Revised]**

Bethel Airport, AK  
(Lat. 60°46'47" N., long. 161°50'17" W.)  
Bethel VORTAC  
(Lat. 60°47'05" N., long. 161°49'27" W.)

Within a 4.1-mile radius of the Bethel Airport, excluding that portion below 1,100 feet MSL between the 061° radial and the 081° radial from 2.9 miles northeast of the Bethel VORTAC. This Class E airspace area is effective during the 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.

\* \* \* \* \*

*Paragraph 6004 Class E airspace designated as an Extension to a Class D or Class E surface area.*

\* \* \* \* \*

**AAL AK E4 Bethel, AK [Revised]**

Bethel Airport, AK  
(Lat. 60°46'47" N., long. 161°50'17" W.)  
Bethel VORTAC  
(Lat. 60°47'05" N., long. 161°49'27" W.)

That airspace extending upward from the surface within 3 miles each side of the 022° radial from the Bethel VORTAC, extending from the 4.1-mile radius of the Bethel Airport to 8.2 miles northeast of the airport, excluding that portion below 1,100 feet MSL between the 061° radial and the 081° radial from 2.9 miles northeast of the Bethel VORTAC, within 3.4 miles each side of the Bethel VORTAC 006° radial, extending from the 4.1-mile radius of the Bethel Airport to 11 miles north of the Bethel VORTAC and within 3.5 miles each side of the Bethel VORTAC 213° radial extending from the 4.1-

mile radius of the Bethel Airport to 5 miles southwest of the airport.

\* \* \* \* \*

Issued in Anchorage, AK, on February 12, 2001.

**Stephen P. Creamer,**

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

[FR Doc. 01–4140 Filed 2–16–01; 8:45 am]

**BILLING CODE 4910–13–P**

**CONSUMER PRODUCT SAFETY COMMISSION**

**16 CFR Part 1500**

**Candle Wicks Containing Lead and Candles with Such Wicks; Advance Notice of Proposed Rulemaking; Request for Comments and Information**

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** In March of 2000, the Consumer Product Safety Commission (CPSC) collectively docketed under Petition No. HP 00–3 petitions submitted by several petitioners requesting that the Commission ban candle wicks containing lead and candles with such wicks. A candle wick containing lead is one with a metallic core that contains lead. Based on information in those petitions and subsequent investigations by CPSC staff, the Commission has reason to believe that certain candles with wicks containing lead may emit toxic levels of lead as a result of normal use, and thus may contribute to substantial illness.

This advance notice of proposed rulemaking (ANPR) initiates a rulemaking proceeding that could result in a rule banning certain candle wicks containing lead and candles with such wicks.<sup>1</sup> This proceeding is commenced under the Federal Hazardous Substances Act.

The Commission solicits written comments concerning the risks of illness associated with burning candles with wicks containing lead, the regulatory alternatives discussed in this notice, other possible ways to address

<sup>1</sup> Chairman Brown and Commissioner Moore voted to grant the petition and send the ANPR directly to the Office of the Federal Register for publication. Commissioner Gall voted to grant the petition and to submit the ANPR to the Office of Management and Budget prior to sending it to the Office of the Federal Register for publication. Separate statements of Chairman Brown, Commissioner Moore and Commissioner Gall concerning their votes are available from the CPSC Office of the Secretary.

these risks, and the economic impacts of the various regulatory alternatives. The Commission also invites interested persons to submit an existing standard, or a statement of intent to modify or develop a voluntary standard, to address the risk of illness described in this notice.

**DATE:** Written comments and submissions in response to this notice must be received by April 23, 2001.

**ADDRESSES:** Comments should be mailed, preferably in five copies, to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207–0001, or delivered to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814; telephone (301) 504–0800. Comments also may be filed by telefacsimile to (301) 504–0127 or by e-mail to [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov). Comments should be captioned “ANPR for Candle Wicks Containing Lead.”

**FOR FURTHER INFORMATION CONTACT:** Ms. Kristina Hatlelid, Ph.D., M.P.H., Directorate for Health Sciences, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0494, ext. 1389.

**SUPPLEMENTARY INFORMATION:**

**A. Background/Product**

On March 17, 2000, the CPSC collectively docketed as a petition under the Federal Hazardous Substances Act (FHSA) petitions received from Public Citizen and jointly from the National Apartment Association and the National Multi Housing Council, all of which requested that the Commission ban lead-containing candles and wicks sold for candle-making that contain lead (Petition No. HP 00–3). 65 FR 19742 (April 12, 2000).

A candlewick containing lead is a wick with a metallic core that contains lead. The metallic core may be primarily lead or may be primarily zinc or tin with a lesser lead content. Such metallic cores are used to provide structural rigidity to the wick to keep it straight during candle production and to provide an upright wick during burning.

Information obtained from the petitions and subsequent Commission staff investigations indicates that burning candles containing metallic-cored wicks with a lead content exceeding 0.06% by weight may result in potentially toxic levels of air emissions of lead.

**B. The Risk of Illness**

The scientific community recognizes a level of 10 micrograms of lead per deciliter of blood (10 µg/dL) as a