

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

[Airspace Docket No. 01-AWP-30]

**Modification of Class E Airspace; Twentynine Palms, CA****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final Rule.

**SUMMARY:** This action modifies the Class E airspace area at Twentynine Palms, CA. The establishment of an Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) RNAV (GPS) Runway (RWY) 26 SIAP to Twentynine Palms Airport, Twentynine Palms, CA has made action necessary. Additional controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing the RNAV (GPS) RWY 26 SIAP to Twentynine Palms Airport. The intended effect of this action is to provide adequate controlled airspace for Instrument Flight Rules operations at Twentynine Palms Airport, Twentynine Palms, CA.

**EFFECTIVE DATE:** 0901 UTC April 18, 2002.

**FOR FURTHER INFORMATION CONTACT:** Jeri Carson, Airspace Specialist, Airspace Branch, AWP-520, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725-6611.

**SUPPLEMENTARY INFORMATION:****History**

On January 22, 2002, the FAA proposed to amend 14 CFR part 71 by modifying the Class E airspace area at Twentynine Palms, CA (67 FR 2836). Additional controlled airspace extending upward from 700 feet or more above the surface is needed to contain aircraft executing the RNAV (GPS) RWY 26 SIAP to Twentynine Palms Airport. This action will provide adequate controlled airspace for aircraft executing the RNAV (GPS) RWY 26 SIAP to Twentynine Palms Airport, Twentynine Palms, CA.

Interested parties were invited to participate in this rulemaking, proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. Class E airspace designations for airspace extending from 700 feet or more above the surface of the earth are

published in paragraph 6005 of FAA Order 7400.9J, dated August 31, 2001, and effective September 16, 2001, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

**The Rule**

This amendment to 14 CFR part 71 modifies the Class E airspace area at Twentynine Palms, CA. The establishment of a RNAV (GPS) RWY 26 SIAP to Twentynine Palms Airport has made this action necessary. The effect of this action will provide adequate airspace for aircraft executing the RNAV (GPS) RWY 26 SIAP to Twentynine Palms Airport, Twentynine Palms, CA.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this 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 will only affect air traffic procedures and air navigation, it is certified that this rule 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).

**Adoption of the Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

**PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; 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; 14 CFR 11.69.

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9J, Airspace Designations and Reporting Points, dated August 31, 2001, and effective September 16, 2001, is amended as follows:

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

\* \* \* \* \*

**AWP CA E5 Twentynine Palms, CA [Revised]**

Twentynine Palms Airport, CA  
(Lat. 34°07'56" N, long. 115°56'45" W.)

That airspace extending upward from 700 feet above the surface within a 6.6 mile radius of the Twentynine Palms Airport. That airspace extending upward from 1200 feet above the surface bounded by a line beginning at lat. 34°17'00" N, long. 115°25'03" W.; to lat. 33°28'00" N, long. 115°25'03" W.; to lat. 33°28'00" N, long. 116°18'03" W.; to lat. 34°17'00" W, long. 116°18'03" W., thence to the point of beginning; excluding that airspace within Restricted Areas R-2501E, R-2501S, and R-2507.

\* \* \* \* \*

Issued in Los Angeles, California, on February 22, 2002.

**John Clancy,**

*Manager, Air Traffic Division, Western-Pacific Region.*

[FR Doc. 02-5814 Filed 3-8-02; 8:45 am]

**BILLING CODE 4910-13-M****DEPARTMENT OF DEFENSE****Department of the Army, Corps of Engineers****33 CFR Part 334****United States Navy Restricted Area, Hampton Roads and Willoughby Bay, Virginia****AGENCY:** United States Army Corps of Engineers, DoD.**ACTION:** Final rule.

**SUMMARY:** The U.S. Army Corps of Engineers is amending its regulations which establish a restricted area in waters adjacent to the Norfolk Naval Base at Norfolk, Virginia. This amendment will close off an open area on the south side of the base and changes the enforcement responsibility from the base commander to the Commander, Navy Region, Mid-Atlantic. The regulations are necessary to safeguard Navy vessels and United States Government facilities from sabotage and other subversive acts, accidents, or incidents of similar nature. These regulations are also necessary to protect the public from potentially hazardous conditions which may exist as a result of Navy use of the area.

**EFFECTIVE DATE:** April 10, 2002.

**ADDRESSES:** U.S. Army Corps of Engineers, ATTN: CECW-OR, 441 G Street, NW., Washington, DC 20314-1000.

**FOR FURTHER INFORMATION CONTACT:** Mr. Frank Torbett, Headquarters Regulatory Branch, Washington, DC at (202) 761-4618, or Mr. Rick Henderson, Corps of Engineers, Norfolk District, Regulatory Branch, at (757) 441-7653.

**SUPPLEMENTARY INFORMATION:** Pursuant to its authorities in section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX, of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3) the Corps is amending the restricted area regulations in 33 CFR part 334 by amending section 334.300 which establishes a restricted area in waters adjacent to the Norfolk Naval Base at Norfolk, Virginia.

#### Procedural Requirements

##### a. Review Under Executive Order 12866

This rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

##### b. Review Under the Regulatory Flexibility Act

This rule has been reviewed under the Regulatory Flexibility Act (Public Law 96-354) which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small governments). The Corps expects that the economic impact of this restricted area would have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic and accordingly, certifies that this proposal will have no significant economic impact on small entities.

##### c. Review Under the National Environmental Policy Act

The Norfolk District has prepared an Environmental Assessment (EA) for this action. We have concluded, based on the minor nature of the proposed additional restricted area regulations, that this action will not have a significant impact to the quality of the human environment, and preparation of an Environmental Impact Statement (EIS) is not required. The EA may be reviewed at the Norfolk District office listed at the end of **FOR FURTHER INFORMATION CONTACT**, above.

##### d. Unfunded Mandates Act

This rule does not impose an enforceable duty among the private sector and, therefore, is not a Federal private sector mandate and is not subject to the requirements of Section 202 or 205 of the Unfunded Mandates

Act. We have also found under section 203 of the Act, that small Governments will not be significantly and uniquely affected by this rulemaking.

##### e. Submission to Congress and the General Accounting Office

Pursuant to Section 801(a)(1)(A) of the Administrative Procedure Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, the Army has submitted a report containing this Rule to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office. This Rule is not a major Rule within the meaning of Section 804(2) of the Administrative Procedure Act, as amended.

#### List of Subjects in 33 CFR Part 334

Danger zones, Marine safety, Navigation (water), Restricted areas, Waterways.

For the reasons set out in the preamble, the Corps amends 33 CFR part 334 as follows:

#### PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for part 334 continues to read as follows:

**Authority:** 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

2. Revise §334.300 to read as follows:

##### § 334.300 Hampton Roads and Willoughby Bay, Norfolk Naval Base, Naval Restricted Area, Norfolk, Virginia

(a) *The area.* (1) The waters within an area beginning at latitude 36°55'55" N, longitude 76°20'02" W; thence northwesterly to latitude 36°56'00" N, longitude 76°20'08" W; thence northerly along the eastern limit of Norfolk Harbor Channel to latitude 36°57'52" N, longitude 76°20'00" W; thence easterly to latitude 36°57'52" N, longitude 76°19'35" W; thence to latitude 36°57'47.7" N, 76°18'57" W; thence southeasterly to latitude 36°57'26" N, longitude 76°18'42" W; thence easterly to latitude 36°57'26.2" N, longitude 76°17'55.2" W; thence southerly to latitude 36°57'05" N, longitude 76°17'52" W; thence southeasterly to latitude 36°56'56.2" N, longitude 76°17'27" W; thence northeasterly to latitude 36°57'10" N, latitude 76°16'29" W; thence to the shoreline at latitude 36°57'18.8" N, longitude 76°16'22" W at the Naval Air Station.

(2) Beginning at a point on the Naval Station shore at latitude 36°56'37.5" N, longitude 76°19'44" W; thence westerly and northerly along the breakwater to its extremity at latitude 36°56'41.5" N, longitude 76°19'54" W; thence westerly

to a point on the eastern limit of Norfolk Harbor Channel at latitude 36°56'41.5" N, longitude 76°20'05.5" W; thence northerly along the eastern limit of Norfolk Harbor Channel to latitude 36°57'52" N, longitude 76°20'00" W; thence easterly to latitude 36°57'52" N, longitude 76°19'35" W; thence to latitude 36°57'47.7" N, longitude 73°18'57" W; thence southeasterly to latitude 36°57'26" N, longitude 76°18'42" W; thence easterly to latitude 36°57'26.2" N, longitude 76°17'55.2" W; thence southerly to latitude 36°57'05" N, longitude 76°17'52" W; thence southeasterly to latitude 36°56'56.2" N, longitude 76°17'27" W; thence northeasterly to latitude 36°57'10" N, longitude 76°16'29" W; and thence to the shoreline at latitude 36°57'18.8" N, longitude 76°16'22" W, at the Naval Air Station.

(b) *The regulation.* No vessel or persons may enter the restricted area unless specific authorization is granted by the Commander, Navy Region, Mid-Atlantic and/or other persons or agencies as he/she may designate.

(c) *Enforcement.* The regulation in this section, promulgated by the United States Army Corps of Engineers, shall be enforced by the Commander, Navy Region, Mid-Atlantic, and/or such agencies or persons as he/she may designate.

Dated: February 7, 2002.

**Charles M. Hess,**

*Chief, Operations Division, Directorate of Civil Works.*

[FR Doc. 02-5654 Filed 3-8-02; 8:45 am]

**BILLING CODE 3710-92-P**

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Parts 51, 52, 96, and 97

[FRL-7156-3]

#### Availability of Additional Documents for the Response to the Remands in the Ozone Transport Cases Concerning the Method for Computing Growth for Electric Generating Units

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of data availability for the NO<sub>x</sub> SIP Call and the section 126 rule.

**SUMMARY:** The EPA is providing notice that it has placed in the dockets for the two main rulemakings concerning ozone-smog transport in the eastern part of the United States—the Nitrogen Oxides State Implementation Plan Call (NO<sub>x</sub> SIP Call) and the Section 126