

of Bay City Municipal Airport and within 4 miles northeast and 7 miles southwest of the 311° bearing of the Bay City NDB extending from the 7-mile radius to 7.5 miles northwest of the airport.

\* \* \* \* \*

Issued in Fort Worth, TX, on March 13, 2001.

**A.L. Viselli,**

*Acting Manager, Air Traffic Division,  
Southwest Region.*

[FR Doc. 01-7062 Filed 3-22-01; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 00-AWP-12]

#### Modification of Class E Airspace; Molokai, HI

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

**ACTION:** Final rule.

**SUMMARY:** This action modifies the Class E airspace area at Molokai, HI. The development of an Area Navigation (RNAV) Global Positioning System (GPS)-B Standard Instrument Approach Procedure (SIAP) to Kaunakakai/Molokai Airport has made action necessary. Additional controlled airspace extending upward from 700 feet above the surface is needed to contain aircraft executing the RNAV (GPS)-B SIAP to Kaunakakai/Molokai Airport. The intended effect of this action is to provide adequate controlled airspace for Instrument Flight Rules (IRF) operations at Kaunakakai/Molokai Airport, Molokai, HI.

**EFFECTIVE DATE:** 0901 UTC May 17, 2001.

**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 17, 2001, the FAA proposed to amend 14 CFR part 71 by modifying the Class E airspace area at Kaunakakai/Molokai HI (66 FR 3887). Additional controlled airspace extending upward from 700 feet above the surface is needed to contain aircraft executing the RNAV (GPS)-B SIAP at Kaunakakai/Molokai Airport, Molokai,

HI. This action will provide adequate controlled airspace for aircraft executing the RNAV (GPS)-B SIAP to Kaunakakai/Molokai Airport, Molokai, HI.

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 off 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 will be published subsequently in the Order.

#### The Rule

This amendment to 14 CFR part 71 modifies the Class E airspace area at Molokai, HI. The development of an RNAV (GPS)-B SIAP has made this action necessary. The effect of this action will provide adequate airspace for aircraft executing the RNAV (GPS)-B SIAP at Kaunakakai/Molokai Airport, Molokai, HI.

The FAA has determined that this regulation only involved 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; 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 7400.9H, Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

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

\* \* \* \* \*

#### **AWP HI E5 Molokai, HI [Revised]**

Kaunakakai/Molokai Airport, HI

(Lat. 21°09'11"N, long. 157°05'47"W)

Molokai VORTAC

(Lat. 21°08'17"N, long. 157°10'03"W)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of the Kaunakakai/Molokai Airport and within 1.8 miles each side of the Molokai VORTAC 268° radial, extending from the 6.8-mile radius of the Kaunakakai/Molokai Airport to 4.3 miles west of the Molokai VORTAC.

\* \* \* \* \*

Dated: Issued in Los Angeles, California, on March 6, 2001.

**Dawna J. Vicars,**

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

[FR Doc. 01-7274 Filed 3-22-01; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 15 CFR Part 922

[Docket No. 000510129-1004-02]

RIN 0648-A018

#### Florida Keys National Marine Sanctuary Regulations; Announcement of Effective Date

**AGENCY:** Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Announcement of effective date.

**SUMMARY:** This document announces that the Revised Designation Document and the final regulations that were published in the **Federal Register** on January 17, 2001, (66 FR 4267), for the Florida Keys National Marine Sanctuary, became effective in Federal waters on March 8, 2001. The Revised

Designation Document expands the boundary of the Sanctuary and the regulations implement the expansion, establish and implement the Tortugas Ecological Reserve, and make other revisions to the Sanctuary regulations.

**DATES:** The final regulations published at 66 FR 4267 (January 17, 2001) are effective March 8, 2001.

**FOR FURTHER INFORMATION CONTACT:** Mr. Billy Causey, (305) 743-2437.

**SUPPLEMENTARY INFORMATION:**

### Background

This document announces the effective date in Federal waters for the Revised Designation Document expanding the boundary of the Florida Keys National Marine Sanctuary (FKNMS or Sanctuary) and the final regulations that implement the boundary expansion, establish and implement the Tortugas Ecological Reserve, and that make certain revisions to the Sanctuary regulations. The expansion of the Sanctuary boundary encompasses an area of the State of Florida waters and Federal waters at the far western end of the Florida Keys, and the submerged lands thereunder. The **Federal Register** document publishing those regulations also contained the Revised Designation Document and summarized the final supplemental management plan for the Sanctuary. The Revised Designation Document sets forth the geographical area included within the Sanctuary, the characteristics of the area that give it conservation, recreational, ecological, historical, research, education, or esthetic value, and the type of activities subject to regulation. The supplemental management plan details the goals and objectives, management responsibilities, research activities, interpretive and educational programs, and enforcement activities of the area. As stated in the preamble to the final rule, the regulations become effective after the close of a review period of 45 days of continuous session of Congress beginning on the day on which the final rule was published unless the Governor of the State of Florida certifies to the Secretary of Commerce that the designation or any of its terms is unacceptable, in which case the designation or any unacceptable terms shall not take effect in State of Florida waters unless and until approved by the Board of Trustees of the Internal Improvement Fund of the State of Florida. The Congressional review period ended on March 7, 2001. On March 6, 2001, the Governor of the State of Florida certified to the Secretary of Commerce that the revised designation,

the supplemental management plan, and the regulations implementing the Tortugas Ecological Reserve were unacceptable unless and until approved by the Board of Trustees. The Governor further advised the Secretary that the State of Florida is committed to the protection of the Tortugas area and its resources and that it is expected that the Board of Trustees will consider the proposed designation, ecological reserve, and the implementing regulations within a reasonable time.

Accordingly, the designation of the Sanctuary and the regulations implementing that designation became effective in Federal waters on March 8, 2001. The regulations will not take effect in Florida State waters until approved by the Board of Trustees of the Internal Improvement Fund of the State of Florida. This **Federal Register** document announces the effective date of the Revised Designation Document and the final regulations as March 8, 2001.

**Ted I. Lillestolen,**

*Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.*

[FR Doc. 01-7273 Filed 3-22-01; 8:45 am]

**BILLING CODE 3510-08-M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 33

[Docket No. RM98-4-001; Order No. 642-A]

#### Revised Filing Requirements Under Part 33 of the Commission's Regulations

Issued March 15, 2001.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** final rule; order on rehearing.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) is issuing an order addressing requests for rehearing of Order No. 642, a final rule updating the filing requirements applications filed under the Commission's regulations. (65 FR 70984 (Nov. 28, 2000).) Order No. 642 was designed to implement the Commission's Policy Statement concerning mergers under the Federal Power Act. The final rule codified the Commission's screening approach to mergers that may raise horizontal competitive concerns, provided specific filing requirements consistent with Appendix A of the Commission's

Merger Policy Statement, established guidelines for vertical competitive analysis, and identified filing requirements for mergers that potentially raise vertical market power concerns. The order on rehearing addresses issues relating to the Merger Policy Statement, the abbreviated filing requirements, adequacy of data requirements, consideration of retail competitive effects, generic conditions for mergers, a temporary moratorium on mergers and other miscellaneous issues.

**FOR FURTHER INFORMATION CONTACT:**

Diana Moss, Office of Markets, Tariffs and Rates, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 208-0087.

**SUPPLEMENTARY INFORMATION:**

#### Federal Energy Regulatory Commission

Before Commissioners: Curt Hébert, Jr., Chairman; William L. Massey, and Linda Breathitt.

#### Order No. 642-A; Order on Rehearing

##### I. Introduction

The Federal Energy Regulatory Commission (Commission) is issuing an order addressing requests for rehearing of Order No. 642, a final rule updating the filing requirements applications filed under Part 33 of the Commission's regulations, including public utility mergers.<sup>1</sup> The rehearing order denies rehearing but provides clarification on these issues.

##### II. Background

Pursuant to section 203 of the Federal Power Act (FPA), Commission authorization is required for public utility acquisitions or dispositions of jurisdictional facilities, including public utility mergers and consolidations.<sup>2</sup> Since 1996, the Commission has approved such transactions if they are consistent with the public interest under guidelines established in the Merger Policy Statement.<sup>3</sup> The Policy Statement sets out three factors the Commission will generally consider when analyzing a merger proposal: effect on competition, effect on rates, and effect on regulation.

Order No. 642 revised the filing requirements in Part 33 of the Commission's regulations to enable

<sup>1</sup> 65 FR 70984 (Nov. 28, 2000); III FERC Stats. & Regs. ¶ 31,111 (Nov. 15, 2000), codified at, 18 CFR Part 33.

<sup>2</sup> 16 U.S.C. 824(b).

<sup>3</sup> *Inquiry Concerning the Commission's Merger Policy Under the Federal Power Act: Policy Statement*, Order No. 592, 61 FR 68595 (Dec. 30, 1996), III FERC Stats. & Regs. ¶ 31,044 (Dec. 18, 1996), *reconsideration denied*, Order No. 592-A, 62 FR 33341 (1997), 79 FERC ¶ 61,321 (1997) (Policy Statement).