

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 Charlottesville, VA. A RNAV Point in Space Approach has been developed for University of Virginia Medical Center Heliport, Charlottesville, VA. 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 7400.9E, dated September 10, 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 VA E5, Charlottesville, VA

University of Virginia Medical Center
Heliport
(Lat. 3801.401N—long. 07830.604W)

That airspace extending upward from 700 feet above the surface within a 6 mile radius of University of Virginia Medical Center Heliport.

* * * * *

Issued in Jamaica, New York, on October 13, 2000.

F.D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 00-29910 Filed 11-21-00; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No. 001116322-0322-01]

RIN 0648-A074

Amendment to Florida Keys National Marine Sanctuary Regulations Revising the Boundary of the Northernmost Area To Be Avoided Off the Coast of Florida

AGENCY: National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; Request for public comments; Notice of hearing.

SUMMARY: NOAA, in cooperation with the U.S. Coast Guard (USCG), proposes to revise the boundary of the northernmost Area To Be Avoided (ATBA) off the coast of the Florida Keys. This change to the boundary is expected to increase maritime safety and to avoid harm to the marine environment and its resources.

DATES: Comments must be received on or before January 8, 2001. Public hearings will be held on:

1. December 12, 2000, 3:30 p.m. to 5 p.m., Key Colony Beach, Florida.
2. December 13, 2000, 10 a.m. to 11:30 a.m., Miami, Florida Submit requests to present oral testimony on or before December 8, 2000.

ADDRESSES: Submit all written comments, requests to present oral testimony, and requests for the Draft Environmental Assessment prepared for this action to Billy Causey, Florida Keys National Marine Sanctuary Headquarters, P.O. Box 500368, Marathon, Florida 33050.

The hearing locations are:

1. Key Colony Beach, Florida—Key Colony Beach City Hall, 600 West Ocean Drive, Key Colony Beach, Florida.
2. Miami, Florida—The Port of Miami Conference Room on the 2nd floor, 1015 N. America Way Miami, FL 33132

FOR FURTHER INFORMATION CONTACT:

Billy Causey, Superintendent, Florida Keys National Marine Sanctuary, Florida Keys National Marine Sanctuary Headquarters, P.O. Box 500368, Marathon, Florida 33050, Tel: (305) 743-2357, Email: billy.causey@noaa.gov

SUPPLEMENTARY INFORMATION:

Background

In part, as a result of three large vessel groundings within an 18-day period in the fall of 1989 on the coral reef tract of the Florida Keys, Congress passed the Florida Keys National Marine Sanctuary and Protection Act (FKNMSPA), designating the area as the Florida Keys National Marine Sanctuary (FKNMS). The primary goal of this legislation is to protect the health of the fragile ecosystem of the Florida Keys. Among other things, to accomplish this goal, Congress established four ATBAs where tank vessels and vessels larger than 50 meters are prohibited from entering. Under the FKNMSPA, NOAA and the USCG have the authority to amend the ATBAs.

On April 21, 1998, pursuant to input from the shipping industry, the FKNMS Sanctuary Advisory Council (SAC) recommended a revision to the boundary of the northernmost ATBA to eliminate a small portion of the boundary near “the Elbow” which juts

out further than other portions of the ATBA. The proposed ATBA amendment will permit ships in two opposing traffic patterns located just outside the boundary of the ATBA to increase the distance between them, thus increasing maritime safety in the area. The proposed amendment will not result in bringing ship traffic any closer to the reef than the other parts of the ATBA and, by reducing the potential for collisions, the amendment is beneficial for the protection of the marine environment.

The north- and east-bound vessels utilize the Gulf Stream in this area while the south- and west-bound vessels try to take advantage of countercurrents from eddies off of the Gulf Stream. The existing configuration of the ATBA near the coral reef known as "the Elbow," when examined in relation to the axis of the Gulf Stream, results in a potential convergence of northeasterly bound and southwesterly bound traffic. The potential risk of collision increases when the Gulf Stream meanders closer to "the Elbow." The proposed revision of the ATBA boundary will permit ships in these two opposing traffic patterns to increase the distance between them, thus increasing maritime safety in the area. A collision in this area could cause oil and other material to seep into the Florida Keys damaging marine sanctuary resources, the marine environment, and quite possibly, the recreational, tourism and fishing industries of the Florida Keys.

In March 2000, the USCG conducted a survey of mariners, who frequently travel through this area, to see whether they believed "the Elbow" of the ATBA to be a safety hazard for vessels traveling in that area. Close to half of the mariners surveyed felt that "the Elbow" created a "pinch point" for south- and west-bound vessels that attempt to stay out of both the ATBA and the lanes of traffic for the north- and east-bound vessels. The USCG subsequently recommended the revision of the ATBA boundary in order to increase maritime safety in the area.

Based on these recommendations, and its own draft environmental assessment of the recommendations, NOAA proposes to amend the boundary of the northernmost ATBA. This action is not expected to have a significant adverse impact on the environment.

Miscellaneous Requirements

Executive Order 12866

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

Regulatory Flexibility Act

The Chief Counsel for Regulations of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that the proposed rule is not expected to have a significant economic impact on a substantial number of small entities. The existing ATBA and the proposed boundary change do not apply to a substantial number of small entities because the ATBA only applies to tank vessels and those vessels greater than 50 meters in length. Most of the vessels subject to this rule are foreign flagged vessels that are owned or chartered by large corporations. This measure is not expected to have any impact on the small business community. Accordingly, an initial regulatory flexibility analysis was not prepared.

National Environmental Policy Act Requirements

NOAA has concluded that this regulatory action does not constitute a major federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required. A draft environmental assessment has been prepared. It is available for comment (see **ADDRESSES**).

Plain Language Requirement

The President has directed all agencies to use plain language in their communications with the public, including regulations. To comply with this directive, we seek public comment on any ambiguity or unnecessary complexity arising from the language used in this rule (see **ADDRESSES**).

List of Subjects in 15 CFR Part 922

Administrative practice and procedure, Coastal zone, Marine resources, Penalties, Recreation and recreation areas, Reporting and recordkeeping requirements, Research.

Capt. Ted I. Lillestolen,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

Accordingly, for the reasons set forth in the preamble, 15 CFR Part 922 is proposed to be amended as follows:

PART 922—NATIONAL MARINE SANCTUARY PROGRAM REGULATIONS

1. The authority citation for part 922 continues to read as follows:

Authority: 16 U.S.C. 1431 *et seq.*

922 Appendix VII—[AMENDED]

Subpart P—Florida Keys National Marine Sanctuary

2. Appendix VII to subpart P of part 922 is amended in the table by redesignating the entries for points 23 through 51 as 24 through 52, and by revising the entries under "In the Vicinity of the Florida Keys" to read as follows:

Appendix VII to Subpart P of Part 922—Areas To Be Avoided Boundary Coordinates

IN THE VICINITY OF THE FLORIDA KEYS

[Reference Charts: United States 11466, 27th Edition—September 1, 1990 and United States 11450, 4th Edition—August 11, 1990]

Point	Latitude	Longitude
1	25°45.00'N	80°06.10'W.
2	25°38.70'N	80°02.70'W.
3	25°22.00'N	80°03.00'W.
4	25°06.38'N	80°10.48'W.
5	24°56.37'N	80°19.26'W.
6	24°37.90'N	80°47.30'W.
7	24°29.20'N	81°17.30'W.
8	24°22.30'N	81°43.17'W.
9	24°28.00'N	81°43.17'W.
10	24°28.70'N	81°43.50'W.
11	24°29.80'N	81°43.17'W.
12	24°33.10'N	81°35.15'W.
13	24°33.60'N	81°26.00'W.
14	24°38.20'N	81°07.00'W.
15	24°43.20'N	80°53.20'W.
16	24°46.10'N	80°46.15'W.
17	24°51.10'N	80°37.10'W.
18	24°57.50'N	80°27.50'W.
19	25°09.90'N	80°16.20'W.
20	25°24.00'N	80°09.10'W.
21	25°31.50'N	80°07.00'W.
22	25°39.70'N	80°06.85'W.
23	25°45.00'N	80°06.10'W.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 864, 866, 868, 870, 872, 874, 876, 878, 884, 886, and 888

[Docket No. 99N-0035]

Medical Devices; Reclassification of 38 Preamendments Class III Devices into Class II

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; reopening of comment period.