

limitations presented in the appendix to this AD.

(i) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with Raytheon Mandatory Service Bulletin SB 27-3478, Issued: September 2001. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You can get copies from Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201-0085; telephone: (800) 429-5372 or (316) 676-3140. You may view this information at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(j) *When does this amendment become effective?* This amendment becomes effective on December 13, 2001.

#### Appendix to Docket No. 2001-CE-35-AD

The following must be adhered to in order to obtain a special flight permit as specified in paragraph (h).

Limitations—Flaps must be retracted for all takeoffs.

#### Emergency Procedures

##### *Asymmetrical Flaps*

Attempt to retract the flaps. If flaps will not retract, the airplane will have a tendency to roll in the direction of the retracted flap. This roll tendency will increase with increasing speed. Use aileron trim and reduce speed as required to reduce roll forces.

##### *Flaps-Up or Asymmetrical-Flap Landing*

Follow all published Before Landing Procedures except for airspeed. Maintain the published Flaps-Up Approach Speed. If this speed is not published, use one of the following:

(a) Multiply the highest indicated flaps-up stall speed, found in the Performance Section, by 1.3.

or

(b) For Bonanza Series, T-34A, T-34B, and 45, add 10 knots to the published Flaps-Down Landing Approach Speed.

(c) For Baron Series, add 15 knots to the published Flaps-Down Landing Approach speed.

Plan on longer landing distance.

Issued in Kansas City, Missouri, on November 13, 2001.

**James E. Jackson,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 15 CFR Part 922

[Docket No. 010416096-1265-02]

RIN 0648-AP22

#### Revisions to Anchoring Prohibitions in the Flower Garden Banks National Marine Sanctuary

**AGENCY:** Marine Sanctuaries Division (MSD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Final rule.

**SUMMARY:** The National Oceanic and Atmospheric Administration (NOAA) is amending the regulations governing the anchoring and mooring of vessels in the Flower Garden Banks National Marine Sanctuary (FGBNMS or Sanctuary). NOAA is making this change to conform the regulations to anchoring prohibitions adopted by the International Maritime Organization (IMO), at its December 6, 2000 meeting. NOAA will prohibit all anchoring and mooring in the Sanctuary with the exception that vessels 100 feet (30.48 meters) and under in length are permitted to moor at existing Sanctuary mooring buoys. The intent of this rule is to prevent further injuries to corals in the Sanctuary from anchoring.

**EFFECTIVE DATE:** This rule will take effect on November 21, 2001.

**FOR FURTHER INFORMATION CONTACT:** G.P. Schmahl (979) 779-2705, or Lisa Symons (301) 713-3141, ext. 108.

**SUPPLEMENTARY INFORMATION:**

#### I. Background

The Sanctuary consists of three separate areas of ocean waters over and surrounding the East and West Flower Garden Banks and Stetson Bank (the Banks), and the submerged lands thereunder including the Banks, in the northwestern Gulf of Mexico. The area designated at the East Bank is located approximately 120 nautical miles (nmi) south-southwest of Cameron, Louisiana, and encompasses 19.20 nmi<sup>2</sup>. The area designated at the West Bank is located approximately 110 nmi southeast of Galveston, Texas, and encompasses 22.50 nmi<sup>2</sup>. The area designated at Stetson Bank is located approximately 70 nmi. southeast of Galveston, Texas, and encompasses 0.64 nmi<sup>2</sup>. The three areas encompass a total of 42.34 nmi<sup>2</sup>

(145.09 square kilometers). The area is unique among the world's coral reefs. The area contains the northernmost coral reefs on the North American continental shelf and supports the most highly developed offshore hard-bank communities in the region.

The Sanctuary is home to organisms unknown on the world's other continental shelves. These organisms are generally associated with the hypersaline, anoxic brine seep having a chemosynthetic energy base analogous to that found at deep-sea hydrothermal vents. The reefs in Flower Garden Banks crest at approximately 15 meters below the water surface and extend downward to 46 meters depth, where the hermatypic corals are replaced by reefal communities dominated by coralline algae and sponges. This deeper "algal terrace" covers most surfaces down to a depth of 90 meters. The area has at least 20 species of hermatypic (reef building) corals, 80 species of algae, 196 known macro-invertebrate species, and more than 200 fish species. The reef-building corals and coralline algae construct and maintain the substratum and, through a multitude of relationships, largely control the structure of benthic communities occupying the banks. As the primary building-blocks of the entire ecosystem of the Banks, the coral and algae are by far the most important organisms in the Flower Garden Banks.

Observations by Sanctuary staff, researchers and members of the diving public indicate that anchoring of large commercial ships, particularly internationally flagged vessels, has caused considerable damage to the corals and other resources of the Sanctuary despite existing domestic regulations prohibiting anchorage of vessels greater than 100 feet (30.48 meters). There is clear evidence of anchoring damage to Flower Garden Banks from large ships. Scars or tracks of pulverized coral have been documented by studies conducted by submersibles and divers. The largest scar from anchoring found to date extends for approximately 1.7 kilometers and resembles a continuous, "roadcut-like" gouge into the bank. Another crater-like scar measures approximately 50 meters in diameter. Scars from the swinging of ships on their anchor chains are evident on many corals. There are hundreds of coral colonies abraded, fractured or toppled, apparently by the dragging of anchors or anchor cables and chains. Loose coral pieces act as agents of further injury to the living coral, particularly during heavy seas and storms as the pieces are repeatedly driven into and around the living coral. The regeneration of the reef

from anchor damage may never occur. Even if optimal conditions for regeneration occur, it would still take hundreds and perhaps thousands of years for the reef to return to its pre-damage condition.

Safety considerations also support establishment of this measure. The area is transited by commercial ships, many of which are en route to and from the U.S. ports in Texas and Louisiana. The safety of a ship can depend on the ability of its anchor to hold. The character of the bottom is of prime importance in determining whether an anchor will hold. Coral provides an unstable anchoring bottom. The scars and damage to the coral in this area evidence that anchors tend to drag along the bottom when deployed in coral rather than hold in the coral.

In July of 2000, the United States delegation to the International Maritime Organization (IMO), submitted a proposal to ban anchoring in the FGBNMS for vessels greater than 100 feet (30.48 meters). The IMO, out of concern for impacts to corals, modified the United States' proposal to prohibit all anchoring, but vessels 100 feet (30.48 meters) and under would be allowed to moor using existing Sanctuary mooring buoys. Implementation of this regulation and the restrictions on anchoring adopted by IMO will prevent further injury to the coral and reef community. The new international measure will also ensure that no-anchoring zones are marked on all charts internationally. This rule will conform the Sanctuary regulations to the IMO action.

Recreational and commercial vessels 100 feet (30.48 meters) and under in length may continue to use existing mooring buoys. There are currently 12 buoys on East and West Flower Garden Banks and 3 buoys on Stetson Banks. Additional buoys will be provided within or adjacent to the Sanctuary if necessary.

The Animal Protection Institute was the only party submitting written comment on the proposed rule (66 FR 26822, May 15, 2001). The Animal Protection Institute stated: "We hope the proposed rule will improve compliance with this restriction by ensuring the Sanctuary is marked on all international charts that identify no-anchoring zone . . . This proposal is a step toward providing the Flower Garden Banks coral reef ecosystems the protection it needs and it reflects the values of a majority of Americans who support strong protections for our nation's protected wild areas."

**II. Miscellaneous Rulemaking Requirements**

*National Marine Sanctuaries Act*

Section 301(b) of the National Marine Sanctuaries Act, 16 U.S.C. 1434, provides authority for comprehensive and coordinated conservation and management of these areas in coordination with other resource management authorities.

*National Environmental Policy Act*

NOAA has concluded that this regulatory action would not have a significant effect, individually or cumulatively, on the human environment. Further, the action is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement in accordance with Section 6.05b.2 of NOAA Administrative Order 216-6. Specifically, this action is not likely to result in significant impacts as defined in 40 CFR 1508.27.

*Executive Order 12866*

This action has been determined to be not significant for the purpose of Executive Order 12866.

*Regulatory Flexibility Act*

The Chief Counsel for Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities. Vessels 100 meters and under in length, which are those most likely to belong to small entities, will be allowed to moor using Sanctuary mooring buoys. The majority of users in this area are divers either on their own vessels or vessels operated by dive charter organizations in the area. The dive charter operations use the existing Sanctuary moorings and since their vessels are less than 100 feet in length, they are not likely to be effected by this rule. Most of the vessels subject to this rule are foreign flagged vessels that are owned or chartered by large corporations. There is no reason to expect that this regulation will have a measurable impact on the small business community. Accordingly, an initial regulatory flexibility analysis was not prepared. No comments on this certification were received.

*Paperwork Reduction Act*

This rule does not contain any collection of information requirements subject to the Paperwork Reduction Act. (Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

**List of Subjects in 15 CFR Part 922**

Administrative practice and procedure, Coastal zone, Historic preservation, Marine resources, Natural resources, Penalties, Recreation and recreation areas, Reporting and recordkeeping requirements, Wildlife.

Dated: November 9, 2001.

**Jamison S. Hawkins,**

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

Accordingly, for the reasons stated above, 50 CFR part 922 is amended as follows:

**PART 922—[AMENDED]**

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

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

**Subpart L—Flower Garden Banks National Marine Sanctuary**

2. Section 922.122 (a)(2) is revised to read as follows:

**§ 922.122 Prohibited or otherwise regulated activities.**

- (a) \* \* \*
- (2)(i) Anchoring any vessel within the Sanctuary.
- (ii) Mooring any vessel within the Sanctuary, except that vessels 100 feet (30.48 meters) or less in registered length may moor on a Sanctuary mooring buoy.

\* \* \* \* \*

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**DEPARTMENT OF THE INTERIOR**

**Office of Surface Mining Reclamation and Enforcement**

**30 CFR Part 913**

[SPATS No. IL-100-FOR]

**Illinois Regulatory Program**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.  
**ACTION:** Final rule; approval of amendment.

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSM) is approving an amendment to the Illinois regulatory program (Illinois program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Illinois proposed revisions to and additions of statutory provisions concerning lands eligible for remining, the Illinois Interagency Committee on Surface Mining Control and