

PART 91—GENERAL OPERATING AND FLIGHT RULES

1. The authority citation for Part 91 continues to read as follows:

Authority: 49 U.S.C. 106(g), 1155, 40103, 40113, 40120, 44101, 44111, 44701, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46502, 46504, 46506, 46507, 47122, 47508, 47528–47531; articles 12 and 29 of the Convention on International Civil Aviation 961 stat. 1180.

2. Section 91.157 is amended by revising paragraph (b)(4) introductory text to read as follows:

§ 91.157 Special VFR weather minimums.

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(b) Special VFR operations may only be conducted—

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(4) Except for helicopters, between sunrise and sunset (or in Alaska, when the sun is 6 degrees or more below the horizon) unless—

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Issued in Washington, D.C. on December 18, 1995.

Harold W. Becker,

Acting Program Director for Air Traffic Rules and Procedures.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Parts 922, 924, 925, 935, 936, 938, 940, 941, 942, 943 and 944

[Docket No. 951201283–5283–01]

RIN 0648–A151

National Marine Sanctuary Program

AGENCY: Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Final rule.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) is removing 15 CFR Parts 924, 925, 935, 936, 938, 940, 941, 942, 943, and 944 and revising 15 CFR Part 922 by consolidating therein the removed regulations. As revised, Part 922 implements the National Marine Sanctuaries Act, as amended, (Act), 16 U.S.C. 1431 *et seq.* and governs ten of the present twelve National Marine Sanctuaries. The rulemakings to implement the designations of the

eleventh and twelfth Sanctuaries, the Florida Keys National Marine Sanctuary and the Hawaiian Islands Humpback Whale National Marine Sanctuary, are presently ongoing and the regulations governing the old Key Largo and Looe Key National Marine Sanctuaries (15 CFR Parts 929 and 937) subsumed in the new Florida Keys Sanctuary will continue to be maintained until replaced by regulations governing the entire Florida Keys Sanctuary. This final rule does not make substantive changes to the existing regulations governing the other ten Sanctuaries, rather it removes duplicative and outdated provisions, makes technical changes to incorporate current term usage and achieve uniformity in regulatory language, and consolidates and reorganizes all remaining provisions in a more logical and cohesive order. The effect of this final rule is to make the regulations implementing the Act more concise, better organized, and thereby easier for the public to use.

EFFECTIVE DATE: December 27, 1995.

FOR FURTHER INFORMATION CONTACT: Harriet Sopher, Office of Ocean and Coastal Resource Management, at 301–713–3125 (ext. 109), fax: 301–713–0404, e-mail: hsopher@ocean.nos.noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The National Oceanic and Atmospheric Administration (NOAA) is removing 15 CFR Parts 924, 925, 935, 936, 938, 940, 941, 942, 943, and 944 and is revising 15 CFR Part 922 by consolidating therein the removed regulations.

In March 1995, President Clinton issued a directive to Federal agencies regarding their responsibilities under his Regulatory Reinvention Initiative. This initiative is part of the National Performance Review and calls for immediate, comprehensive regulatory reform. The President directed all agencies to undertake an exhaustive review of all their regulations, with an emphasis on eliminating or modifying those that are obsolete, duplicative, or otherwise in need of reform. This final rule is intended to carry out the President's directive with respect to the regulations implementing the Act and the National Marine Sanctuary program and revises those regulations as follows:

II. Consolidates National Marine Sanctuary Regulations in One CFR Part, 15 CFR Part 922, and removes Ten CFR Parts Containing Site-Specific Regulations

Currently, regulations implementing the Act are included in 13 separate Parts

of title 15, Code of Federal Regulations. This rulemaking removes ten parts of the Code and consolidates the removed regulations, which addressed ten of the twelve National Marine Sanctuaries, in 15 CFR Part 922. The rulemakings to implement the designations of the eleventh and twelfth Sanctuaries, the Florida Keys National Marine Sanctuary and the Hawaiian Islands Humpback Whale National Marine Sanctuary, are presently ongoing and the regulations governing the old Key Largo and Looe Key National Marine Sanctuaries (15 CFR Parts 929 and 937) subsumed in the new Florida Keys Sanctuary will continue to be maintained until replaced by regulations governing the entire Florida Keys Sanctuary. As revised, subparts A, D and E of the 15 CFR Part 922 are applicable to all the ten Sanctuaries. Site-specific regulations for each of the ten appear in each Sanctuary's own subpart (subparts F through O). Subparts B and C apply to the Site Evaluation List (SEL) and to the designation of future Sanctuaries.

III. Makes Technical Changes to Incorporate Current Term Usage and Achieve Uniformity in Regulatory Language, and Replaces the Duplicative Provisions in the Site-Specific Regulations With Uniform Definitions and Provisions in Subparts A, D and E Applicable to the Ten Covered Sanctuaries

Many of the existing regulations for the ten Sanctuaries covered by this rulemaking contain identical or nearly identical provisions addressing matters such as definitions, emergency regulations, penalties, appeals of administrative action, and permit procedures and criteria. The consolidation of these provisions and the deletion of the duplicative provisions results in the deletion of many pages of text from the CFR.

The site specific prohibitions were retained for each Sanctuary in its own respective subpart. Site-specific definitions were only retained in those cases where application of a given term to other Sanctuaries other than the Sanctuary in question might create a conflict with either regulatory provisions or management practice at another Sanctuary.

IV. Reorganizes Remaining Regulations

The final rule reorganizes the remaining regulations of the present 15 CFR Part 922 in a more logical and cohesive order. For example, those provisions relating to the SEL and to the designation of future Sanctuaries have been moved to two separate subparts. Provisions pertaining to management