

with a new one of improved design, P/ N 70975-1. Accomplishment of the proposed replacement would be required in accordance with Snow Engineering Co. Service Letter #165, dated May 15, 1998.

### Cost Impact

The FAA estimates that 1,250 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 2 workhours per airplane to accomplish the proposed replacement, and that the average labor rate is approximately \$60 an hour. The manufacturer will supply parts at no cost to the owners/operators of the affected airplanes. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$150,000, or \$120 per airplane.

### Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (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) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

## PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

### § 39.13 [Amended]

2. Section 39.13 is amended by removing Airworthiness Directive (AD) 96-23-19, Amendment 39-9823 (61 FR 58985, November 11, 1996), and by adding a new AD to read as follows:

**Air Tractor, Inc.:** Docket No. 98-CE-62-AD; Supersedes AD 96-23-19, Amendment 39-9823.

**Applicability:** The following model and serial numbered airplanes, certificated in any category, that do not have a part number (P/ N) 70975-1 flap actuator overtravel stop installed:

Models AT-300, AT-301, AT-302, AT-400, AT-400A, AT-401, AT-401A, AT-401B, AT-402, AT-402A, and AT-402B airplanes, serial numbers 300-0001 through 401B-1013; and

Models AT-501, AT-502, AT-502A, AT-502B, and AT-503A airplanes, serial numbers 502-0001 through 502B-0398.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required within the next 50 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To prevent interference between the flap pushrod and the aileron pushrod caused by the flap actuator overtravel nut disengaging, which could result in loss of aileron control, accomplish the following:

(a) Install a new flap actuator overtravel stop with a new one of improved design, P/ N 70975-1. Accomplish this replacement in accordance with the **REWORK INSTRUCTIONS** section of Snow Engineering Co. Service Letter #165, dated May 15, 1998.

(b) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Fort Worth Airplane Certification Office (ACO), 2601 Meacham Boulevard, Fort Worth, Texas 76193-0150.

(1) The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth ACO.

(2) Alternative methods of compliance approved in accordance with AD 96-23-19 are not considered approved as alternative methods of compliance for this AD.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Fort Worth ACO.

(d) All persons affected by this directive may obtain copies of the documents referred to herein upon request from Air Tractor Inc., P. O. Box 485, Olney, Texas 76374; or may examine these documents at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(e) This amendment supersedes AD 96-23-19, amendment 39-9823.

Issued in Kansas City, Missouri, on July 14, 1998.

**Marvin R. Nuss,**

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

[FR Doc. 98-19327 Filed 7-20-98; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 201

[Release Nos. 33-7555; 34-40203; 35-26896; 39-2365; IA-1730; IC-23315; File No. S7-16-98]

RIN 3235-AH47

### Proposed Amendment to Rule 102(e) of the Commission's Rules of Practice

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** The Securities and Exchange Commission ("Commission") is extending from July 20, 1998 to August 20, 1998 the comment period for Release No. 33-7546 (June 12, 1998), 63 FR 33305 (June 18, 1998) proposing an amendment to Rule 102(e) of the Commission's Rules of Practice. Rule 102(e) allows the Commission to censure, suspend or bar persons who appear or practice before it. The release proposed an amendment to clarify the Commission's standard for determining when accountants engage in "improper professional conduct" under Rule 102(e)(1)(ii).

**DATES:** Comments must be received on or before August 20, 1998.

**ADDRESSES:** Submit comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission,

450 5th Street, NW, Washington, DC 20549-6009. Comments can be submitted electronically at the following E-mail address: rule-comments@sec.gov. All comment letters should refer to File No. S7-16-98; include this file number on the subject line if E-mail is used. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 450 5th Street, NW, Washington, DC 20549-6009. Electronically-submitted comment letters will be posted on the Commission's Internet Web site (<http://www.sec.gov>).

**FOR FURTHER INFORMATION CONTACT:**

Michael J. Kigin, Associate Chief Accountant, Office of the Chief Accountant, at (202) 942-4400; or David R. Fredrickson, Assistant General Counsel, Office of the General Counsel, at (202) 942-0890.

**SUPPLEMENTARY INFORMATION:** On June 18, 1998, the Securities and Exchange Commission proposed for comment an amendment to Rule 102(e), 17 CFR 201.102(e). The Commission requested that comments be received by July 20, 1998.

In light of the importance of comments on this subject, the Commission believes that extending the comment period is appropriate. The extension will permit interested persons to have additional time to comment on the matters the release addresses. The Commission does not anticipate extending the comment period beyond August 20, 1998. Therefore, the comment period for Release No. 33-7546 is extended to August 20, 1998.

Dated: July 15, 1998.

By the Commission.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 98-19372 Filed 7-20-98; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 216

[Docket No. 980629162-8162-01; I.D. 093097E]

RIN 0648-AK42

#### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Rocket Launches

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comment and information.

**SUMMARY:** NMFS has received a request from the 30th Space Wing, U.S. Air Force, for a small take of marine mammals incidental to missile and rocket launches, aircraft flight test operations, and helicopter operations at Vandenberg Air Force Base, CA (Vandenberg). By this document, NMFS is proposing regulations to govern that take. In order to grant the exemption and issue the regulations, NMFS must determine that these takings will have a negligible impact on the affected species and stocks of marine mammals. NMFS invites comment on the application and the proposed regulations.

**DATES:** Comments and information must be postmarked no later than September 4, 1998. Comments on the collection of information requirement must be received no later than September 21, 1998.

**ADDRESSES:** Comments should be addressed to Michael Payne, Chief, Marine Mammal Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3226. A copy of the application, a final Environmental Assessment (EA), a list of references used in the preparation of this document, and other documents mentioned in this proposed rule as being available may be obtained by writing to the above address, or telephoning one of the persons listed (see **FOR FURTHER INFORMATION CONTACT**). Additional supporting technical documentation is available for viewing, by appointment, during normal business hours at either the above address, or at the Southwest Regional Office, NMFS, 501 West Ocean Blvd. Suite 4200, Long Beach, CA 90802.

Comments regarding the burden-hour estimate or any other aspect of the collection of information requirement contained in this rule should be sent to the above individual and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: NOAA Desk Officer, Washington, D.C. 20503.

**FOR FURTHER INFORMATION CONTACT:** Kenneth R. Hollingshead, Office of Protected Resources, NMFS, telephone (301) 713-2055, or Irma Lagomarsino, Southwest Regional Office, NMFS, telephone (562) 980-4016.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 101(a)(5)(A) of the Marine Mammal Protection Act (MMPA)(16 U.S.C. 1361 *et seq.*) directs the Secretary

of Commerce (Secretary) to allow, upon request, the incidental, but not intentional taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations are issued.

Permission may be granted for periods of up to 5 years if the Secretary finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, and regulations are prescribed setting forth the permissible methods of taking and the requirements pertaining to the monitoring and reporting of such taking. NMFS has defined "negligible impact" in 50 CFR 216.103 as "an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival."

#### Description of Request

On September 30, 1997, NMFS received an application for an incidental, small take exemption under section 101(a)(5)(A) of the MMPA from the 30th Space Wing, Vandenberg, to take marine mammals incidental to missile and rocket launches, aircraft flight test operations, and helicopter operations at Vandenberg.

Vandenberg is located on the south-central coast of California. The base covers approximately 98,000 acres in western Santa Barbara County. The primary missions of the Air Force at Vandenberg are to launch and track satellites in space, test and evaluate the United States' intercontinental ballistic missile systems, and support aircraft operations. As a nonmilitary facet of operations, Vandenberg is also committed to promoting commercial space launch ventures.

#### Comments and Responses

On November 14, 1997 (62 FR 61077), NMFS published an advance notice of proposed rulemaking on the application and invited interested persons to submit comments, information, and suggestions concerning the application, and the structure and content of regulations if the application is accepted. During the 30-day comment period on that notice, no comments were received.

#### Description of Activities

Vandenberg anticipates a total of 10 launches annually for Minuteman and Peacekeeper missiles from North Vandenberg and a total of 20 launches annually for space launches