

aileron control and loss of the airplane, accomplish the following:

(a) Within the next 100 hours time-in-service (TIS) after the effective date of this AD, visually inspect the aileron control links (left-hand and right-hand) at the second 90-degree angle joint from the second Heim bearing for a reinforcement gusset in accordance with the Instructions section of Engineering Design Service Bulletin (SB) No. M20-264, Issue Date:

February 1, 1998.

(1) If a reinforcement gusset is found, no further action is required.

(2) If a reinforcement gusset is not found, prior to further flight, inspect the aileron control links, using a magnetic particle method, for any cracks in accordance with the Instructions section of Engineering Design SB No. M20-264, Issue Date: February 1, 1998.

(i) If cracks are found, prior to further flight, replace the aileron control link with a part of improved design in accordance with the Instructions section of Engineering Design SB No. M20-264, Issue Date: February 1, 1998.

(ii) If no cracks are found, re-inspect for cracks at intervals not to exceed 100 hours TIS in accordance with the Instructions section of Engineering Design SB No. M20-264, Issue Date: February 1, 1998. If cracks are found during any inspection required by paragraphs (a)(2) and (a)(2)(ii) of this AD, prior to further flight, replace the aileron control link with a part of improved design in accordance with the Instructions section of Engineering Design SB No. M20-264, Issue Date: February 1, 1998.

(b) Replacing the aileron control link in accordance with Engineering Design SB No. M20-264, Issue Date: February 1, 1998, is considered a terminating action for the repetitive inspections required in paragraph (a)(2)(ii) of this AD and may be accomplished at any time.

(c) 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.

(d) An alternative method of compliance or adjustment of the initial or repetitive 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. 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.

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

(e) All persons affected by this directive may obtain copies of the document referred to herein upon request to Mooney Aircraft Corporation, Louis Schreiner Field, Kerrville, Texas, 78028; or may examine this document at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on July 16, 1998.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-19486 Filed 7-21-98; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD 13-98-023]

RIN 2115-AE84

Regulated Navigation Area; Strait of Juan de Fuca and Adjacent Coastal Waters of Washington; Makah Whale Hunting

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard, after consultation with the Department of Justice, Department of Interior and the Department of Commerce, proposes to establish a permanent regulated navigation area along the northwest Washington coast and in a portion of the entrance of the Strait of Juan de Fuca. The regulated navigation area would be used to reduce the danger of life and property in the vicinity of Makah whale hunting activities. Within the regulated navigation area a moving exclusionary zone around the Makah hunting vessel would be created for the duration of each hunt.

DATES: Comments must reach the Coast Guard on or before September 8, 1998.

ADDRESSES: You may mail comments to the Commander(m), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, WA 98174, or deliver them to room 3506 at the same address between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is 206-220-7210.

The Thirteenth Coast Guard District Marine Safety Division maintains the public docket for this rulemaking. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room 3506, Thirteenth Coast Guard District Offices, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Chris Woodley (206) 220-7210.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this

rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD98-023) and the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard is establishing a forty-five day comment period for this proposed rule instead of the usual sixty day comment period. The shortened comment period should be sufficient to allow the public to comment on the proposed rule. The shortened comment period is needed so that an effective rule may be put into place by the beginning of the first Makah whale hunt. The Coast Guard will consider all comments received during the comment period. It may change this proposed rule in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Thirteenth Coast Guard District at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The United States Government, on behalf of the Makah Tribe, obtained a quota for the Makah Tribe from the International Whaling Commission to kill up to five gray whales annually in the Makah's usual and accustomed fishing area off the northwest coast of Washington and in the entrance of the Strait of Juan de Fuca. The hunts will be accomplished using harpoons and a .50 caliber hunting rifle, fired from a small boat. The Coast Guard proposes this regulated navigation area and moving exclusionary zone to reduce the dangers to persons and vessels in the vicinity of each hunt. The uncertain reactions of a pursued or wounded whale and the inherent dangers in firing a hunting rifle from a pitching and rolling small boat could potentially endanger life and property if persons and vessels are not excluded from the

immediate vicinity of a hunt. In addition, the Departments of Justice and the Interior have examined the Makah Indian Tribe's Treaty right to hunt whales and informed the Coast Guard that physical interference with the hunt is inconsistent with federal law.

Discussion of Proposed Rule

The proposed rule would establish a permanent regulated navigation area. The regulated area would extend out three nautical miles from shore along the northwest Washington Coast and from shore to the edge of the traffic separation scheme in a portion of the entrance to the Strait of Juan de Fuca. The regulation would not affect normal transit or navigation of the area except during, and in the immediate vicinity of, a hunt. Within the regulated navigation area, a moving exclusionary zone would surround the Makah hunting vessel during each whale hunt. The proposed rule imposes no other restrictions on navigation.

For the duration of each hunt, vessels and persons would be excluded from the column of water from the surface to the seabed within a radius of 500 yards centered on the Makah hunting vessel. This moving exclusionary zone is proposed in order to reduce the danger to nearby vessels and persons by minimizing the risks from the uncertain movements of a pursued or wounded whale and from the dangers of stray rifle fire and ricochets off the water. The activation of the moving exclusionary zone would be signaled by the flying of the international numeral pennant five (5) from a Makah whale hunting vessel. Only Makah vessels actually engaged in pursuing, harpooning, shooting, securing, or towing whales are authorized to fly pennant five (5) within the regulated navigation area. The Makah Tribe would notify mariners of the moving exclusionary zone by a SECURITE broadcast made once an hour on channel 16 VHF-FM beginning one half hour before the hunt. The moving exclusionary zone would only be active while hunting operations are ongoing and the international numeral pennant five (5) is flown. The signal flag would be authorized to be flown from the Makah hunting vessel only during an actual whale hunt.

Regulatory Evaluation

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the

regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). Because of the limited number of whales that can be taken annually and the small size of the moving exclusionary zone, the Coast Guard expects the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this proposed rule, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

Small entities that might be affected could include whale-watching ventures, tugboats and their tows, small passenger vessels, and commercial fishermen. The small size of the moving exclusionary zone should minimize any effects from the proposed rule on these small entities. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on your business or organization, please submit a comment (see ADDRESSES) explaining why you think it qualifies and in what way and to what degree this proposed rule will economically affect it.

Collection of Information

This proposed rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposed rule under the principles and criteria contained in Executive Order 12612 and has determined that this proposed rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that under figure 2-

1, paragraph (34)(g) of COMDTINST M16475.1C, this proposed rule is categorically excluded from further environmental documentation because it establishes a regulated navigation area. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reports and recordkeeping requirements, Security measures, Waterways.

Proposed Regulation

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1 6.04–6 and 160.5; 49 CFR 1.46.

2. Add § 165.1310 to read as follows:

§ 165.1310 Strait of Juan de Fuca and adjacent coastal waters of Northwest Washington; Makah whale hunting—regulated navigation area.

(a) The following area is a regulated navigation area: From 48°10'–0' N, 124°44.0' W northward and eastward along the shoreline of Washington State to 48°20.0' N, 124°29.5' W; thence due north to the southern boundary of the traffic separation scheme in the Strait of Juan de Fuca at 48°23.0' N, 124°29.0' W; thence westerly and southerly along the southern boundary of the traffic separation scheme to its intersection with the three nautical mile line at 48°22.5' N, 124°49.0' W; thence southerly along the three nautical mile line to 48°10.0' N, 124°51.5' W; thence due east back to the shoreline of Washington at 48°10.0' N, 124°44.0' W. Datum: NAD 1983.

(b) During a whale hunt, the following area within the regulated navigation area is a moving exclusionary zone: The column of water from the surface to the seabed with a radius of 500 yards centered on a Makah hunting vessel displaying pennant five (5). This zone is activated for the duration of the hunt and subsequent movement of the whale to shore.

(c) Unless otherwise authorized by the Commander, Thirteenth Coast Guard District or his representative, the area within the moving exclusionary zone is closed to all vessels and persons whenever the Makah Tribe is engaged in a whale hunt and flying pennant five

(5), with the exception that the master of a Makah whale hunting vessel displaying pennant five (5) may authorize vessels assisting the hunt to enter the moving exclusionary zone.

(d) The activation of the moving exclusionary zone described in paragraph (b) of this section is signaled by the display of the international numeral pennant five (5) is from the Makah hunting vessel. This numeral pennant five (5) is authorized to be displayed only from the Mekah hunting vessel during an actual whale hunt.

(e) The Mekah Tribe will make hourly SECURITE broadcasts notifying mariners of the hunt and the moving exclusionary zone on channel 16 VHF-FM while the hunt is in effect.

J. David Spade,

*Rear Admiral, U.S. Coast Guard Commander,
13th Coast Guard District.*

[FR Doc. 98-19423 Filed 7-21-98; 8:45 am]

BILLING CODE 4910-15-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[AZ 072-0085; FRL-6125-6]

Approval and Promulgation of Maintenance Plan and Designation of Area for Air Quality Planning Purposes for Carbon Monoxide; State of Arizona

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to redesignate the Tucson Air Planning Area (TAPA) to attainment for the carbon monoxide (CO) National Ambient Air Quality Standard (NAAQS) and to approve a maintenance plan that will insure that the area remains in attainment. Under the 1990 amendments of the Clean Air Act (CAA), designations can be revised if sufficient data is available to warrant such revisions. In this action, EPA is proposing to approve the TAPA redesignation as meeting the requirements set forth in the CAA.

DATES: Written comments on this proposal must be postmarked on or before August 21, 1998.

ADDRESSES: Comments should be addressed to Eleanor Kaplan at the Region 9 address listed.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations between 8:00 a.m. and 4:30 p.m. on weekdays. A reasonable fee may be charged for copying parts of the docket.

U.S. Environmental Protection Agency, Region 9, Air Division, Air Planning Office, (AIR-2), 75 Hawthorne Street, San Francisco, California 94105-3901, (415) 744-1159

Arizona Department of Environmental Quality, Library 3033 N. Central Avenue, Phoenix, Arizona 85012, (602) 207-2217

Pima County Department of Environmental Quality, 130 West Congress, Tucson, Arizona 85701, (520) 740-3340.

FOR FURTHER INFORMATION CONTACT:

Eleanor Kaplan, Air Planning Office (AIR-2), Air Division, United States US Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901, (415) 744-1159.

SUPPLEMENTARY INFORMATION:

I. Background

On November 15, 1990, the Clean Air Act Amendments (CAAA) of 1990 were enacted. Pub. L., 101-549, 104 Stat. 2399, codified at 42 U.S.C. Sections 7401-7671q. Section 107(d)(1)(C) of the amended Act provides that each CO area designated nonattainment, attainment, or unclassifiable immediately before the date of enactment of the Act is designated, by operation of law, as a nonattainment, attainment, or unclassifiable area, respectively. On November 6, 1991, the Tucson Area of Pima County was classified by operation of law as nonattainment, not classified. See 56 FR 56716 (November 6, 1991). The extent of the Tucson Area is described in 40 CFR 81.303 as the Tucson [sic] Area, Pima County (part) by Township and Range.

EPA describes areas as "not classified" if they were designated nonattainment both prior to enactment of the CAAA and (pursuant to section 107(d)(1)(C)) at enactment, and if they did not violate the primary NAAQS for CO in either year for the 2-year period 1988 through 1989. See 57 FR 13535 (April 16, 1992).

The Pima Association of Governments (PAG), as the designated air planning agency for Pima County, has collected ambient monitoring data that show no violation of the CO NAAQS in the TAPA during the years 1993 through the present. (See discussion in Section III below.) Therefore, in an effort to comply with the CAA and to ensure continued attainment of the NAAQS, on August 21, 1996 the Arizona Department of Environmental Quality (ADEQ) requested redesignation of the area to attainment with respect to the CO NAAQS and submitted a CO limited maintenance plan (LMP) for the TAPA.

The PAG's Regional Council had prepared and adopted the LMP on June 26, 1996. ADEQ submitted evidence that public hearings were held on April 22, 1996 and June 20, 1996. In accordance with section 110(k)(1)(B) of the Act, the TAPA CO redesignation request and maintenance plan was deemed complete by operation of law on February 27, 1997. On October 6, 1997 ADEQ submitted an amended CO LMP for the TAPA including evidence that a public hearing was held on August 20, 1997 on the amendments to the plan.

II. Redesignation Evaluation Criteria

Section 107(d)(3)(E) of the CAA provides specific requirements that an area must meet in order to be redesignated from nonattainment to attainment.

1. The area must have attained the applicable NAAQS;
2. the area has met all relevant requirements under section 110 and part D of the Act;
3. the air quality improvement must be permanent and enforceable; and
4. the area must have a fully approved maintenance plan pursuant to section 175A of the Act.

Section 107(d)(3)(D) allows a Governor to initiate the redesignation process for an area to apply for attainment status.

III. Review of State Submittal

The Arizona redesignation request for the TAPA meets the requirements of section 107(d)(3)(E) noted above. The following is a brief description of how the State has fulfilled each of these requirements.

1. Attainment of the CO NAAQS

Arizona has quality assured ambient air monitoring data showing that the TAPA has met the CO NAAQS. The Arizona request is based on an analysis of quality assured CO air monitoring data which is relevant to the maintenance plan and to the redesignation request. To attain the CO NAAQS, an area must have complete quality-assured data showing no more than one exceedance of the standard per year over at least two consecutive years. The ambient air CO monitoring data for the period from July 1, 1993 through December 31, 1995 relied upon by Arizona in its redesignation request shows no exceedances of the CO NAAQS in the TAPA. Additionally, based on data retrieved from the Aerometric Information and Retrieval System (AIRS), there have been no exceedances of the CO standard from 1995 to the present. Because the area has complete quality assured data