

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 adding a new airworthiness directive (AD) to read as follows:

HOAC-Austria: Docket No. 97-CE-83-AD.

Applicability: Model DV-20 Katana airplanes, certificated in any category, equipped with ROTAX 912-A3 series engines having serial numbers 4,076.064 through 4,380.753.

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 100 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To prevent electromagnetic interference (EMI) on the engine electronic module, which could cause the airplane engine to stop due to the interruption of the airplane's ignition system and result in loss of control of the airplane, accomplish the following:

(a) Replace the engine electronic module, part number (P/N) 965 356 or an FAA-approved equivalent part number, with a new engine electronic module, P/N 965 358 in accordance with the Instructions section of the ROTAX Technical Bulletin No. 912-08, dated August 16, 1995.

(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 time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, Aircraft Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(d) All persons affected by this directive may obtain copies of the document referred

to herein upon request to HOAC-Austria, N.A. Otto-Straße 5, A-2700 Wiener Neustadt, Austria; 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.

Note 2: The subject of this AD is addressed in Austrian AD No. 84, dated October 4, 1995.

Issued in Kansas City, Missouri, on August 18, 1998.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-22701 Filed 8-24-98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No. 980723191-8191-01]

RIN 0648-AL46

National Marine Sanctuary Program Regulations; Olympic Coast National Marine Sanctuary Regulations; Definition of the Term Seabird

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

ACTION: Proposed rule; request for comments.

SUMMARY: NOAA is proposing to amend the Olympic Coast National Marine Sanctuary (OCNMS or Sanctuary) regulations by adding a definition for the term seabird. A seabird is proposed to be defined as any member of any species of marine birds that spend part of all of their life cycle (i.e., feeding, resting, migrating, and/or breeding) in or over the Sanctuary. The Sanctuary regulations protect seabirds from takings including harassment, and a definition for the term seabird is needed to clarify that the Sanctuary regulations protect all avian species of the Sanctuary.

DATES: Comments on the proposed rule are invited and will be considered if received by September 24, 1998.

ADDRESSES: All comments should be mailed to: George Galasso, Acting Manager, Olympic Coast National Marine Sanctuary, 138 West 1st Street, Port Angeles, Washington, 98362-2600. All comments received will be available for public inspection at the same address or at the National Marine Sanctuary Program office at 1305 East-

West Highway, SSMC4, 11th floor, Silver Spring, Maryland.

FOR FURTHER INFORMATION CONTACT:

George Galasso, Acting Manager, Olympic Coast National Marine Sanctuary, 138 West 1st Street, Port Angeles, Washington, 98362-2600; (360) 457-6622.

SUPPLEMENTARY INFORMATION:

I. Background

The regulations of the OCNMS include a prohibition on "[t]aking any marine mammal, sea turtle, or seabird in or above the Sanctuary" (§ 922.152(5)). The term seabird is not defined in the regulations. The Final Environmental Impact Statement (FEIS) for the designation and regulations of the OCNMS at pages II-61 through II-65 discusses in detail seabirds, shorebirds, waterfowl, and birds of prey as Sanctuary resources, all under the heading of "marine birds." Further, the regulations for the Sanctuary define "Sanctuary resource" expressly to include birds. However, the Sanctuary prohibitions refer only to "seabirds." In order to clarify the regulatory intent that the Sanctuary regulations protect all the avian species of the Sanctuary identified in the FEIS, the proposed rule would amend the Sanctuary regulations to define the term seabird as any member of any species of marine birds that spend part or all of their life cycle (i.e., feeding, resting, migrating, and/or breeding) in or over the Olympic Coast National Marine Sanctuary, including but not limited to alacids, tubenoses (e.g., albatrosses and shearwaters) and gulls; shorebirds (e.g., plovers and sandpipers), waterfowl (e.g., ducks and geese) and birds of prey (e.g., bald eagles and peregrine falcons).

II. Miscellaneous Rulemaking Requirements

Executive Order 12866: Regulatory Impact

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

Regulatory Flexibility Act

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this regulatory action, if adopted as proposed, is not expected to have a significant economic impact on a substantial number of small entities as follows:

The proposed rule would amend the Olympic Coast National Marine Sanctuary (OCNMS or Sanctuary)

regulations to add a definition for the term seabird. The term seabird is used in existing Sanctuary prohibitions against takings (e.g., harassment), however the term is not defined. The Final Environmental Impact Statement (FEIS) for the designation and regulation of the OCNMS at pages II-61 through II-65 discusses in detail seabirds, shorebirds, waterfowl, and birds of prey as Sanctuary resources, all under the heading of "marine birds." Further, the regulations for the Sanctuary define "Sanctuary resource" expressly to include birds. In order to clarify the regulatory intent that the Sanctuary regulations protect all the avian species of the Sanctuary identified in the FEIS, the proposed rule would amend the Sanctuary regulations to define the term seabird as any member of any species of marine birds that spend part or all of their life cycle (i.e., feeding, resting, migrating, and/or breeding) in or over the Olympic Coast National Marine Sanctuary.

The definitional change would have no substantive impact on small businesses. The proposed rule would merely clarify the scope of an existing term, consistent with the FEIS for the Sanctuary, thus providing clear notice of the scope of existing Sanctuary prohibitions.

Accordingly, an Initial Regulatory Flexibility Analysis is not required by the Regulatory Flexibility Act and was not prepared.

Paperwork Reduction Act

This amendment of 15 CFR Part 922 would not impose an information collection requirement subject to review and approval by OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. 3500 *et seq.*

National Environmental Policy Act

NOAA has concluded that this regulatory action does not constitute a major federal action significantly affecting the quality of the human environment. Therefore, preparation of an environmental impact statement is not required.

List of Subjects in 15 CFR Part 922

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

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: August 14, 1998.

Evelyn J. Fields,

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

Accordingly, for the reasons set forth above, 15 CFR Part 922 is proposed to be 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 O—Olympic Coast National Marine Sanctuary

2. Section 922.151 is amended by adding the definition of *Seabird* in alphabetical order, to read as follows:

§ 922.151 Definitions.

* * * * *

Seabird means any member of any species of marine birds that spend part or all of their life cycle (i.e., feeding, resting, migrating, and/or breeding) in or over the Olympic Coast National Marine Sanctuary, including but not limited to alclids, tubenoses (e.g., albatrosses and shearwaters) and gulls; shorebirds (e.g., plovers and sandpipers), waterfowl (e.g., ducks and geese) and birds of prey (e.g., bald eagles and peregrine falcons).

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 901

[SPATS No. AL-068-FOR]

Alabama Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Alabama regulatory program (hereinafter the "Alabama program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment consists of revisions to and additions of regulations pertaining to definitions, petitions to initiate rulemaking license applications, operation plans, reclamation plans, subsidence control,

lands eligible for reining, permit applications, small operator assistance program, performance bond release, hydrologic balance, coal mine waste, backfilling and grading, revegetation, soil removal and stockpiling, inspections, and hearings. The amendment is intended to revise the Alabama program to be consistent with the corresponding Federal regulations.

This document sets forth the times and locations that the Alabama program and proposed amendment to that program are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received by 4:00 p.m., c.d.t., September 24, 1998. If requested, a public hearing on the proposed amendment will be held on September 21, 1998. Requests to speak at the hearing must be received by 4:00 p.m., c.d.t. on September 9, 1998.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to Arthur W. Abbs, Director, Birmingham Field Office, at the address listed below.

Copies of the Alabama program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Birmingham Field Office.

Arthur W. Abbs, Director, Birmingham Field Office, Office of Surface Mining Reclamation and Enforcement, 135 Gemini Circle, Suite 215, Homewood, Alabama 35209.

Alabama Surface Mining Commission, 1811 Second Avenue, P.O. Box 2390, Jasper, Alabama 35502-2390.

FOR FURTHER INFORMATION CONTACT: Arthur W. Abbs, Director, Birmingham Field Office. Telephone: (205) 290-7282. Internet: aabbs@osmre.gov.

SUPPLEMENTARY INFORMATION:

I. Background on the Alabama Program

On May 20, 1982, the Secretary of the Interior conditionally approved the Alabama program. Background information on the Alabama program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the May 20, 1982, **Federal Register** (47 FR 22062). Subsequent actions