Based on the above analysis and findings, the FAA has determined that this proposed AD will not have significant economic impact on a substantial number of small entities.

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 part 39 of the Federal Aviation Regulations (14 CFR part 39) 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 adding a new airworthiness directive (AD) to read as follows:

Raytheon Aircraft Company (Type Certificate No. A24CE formerly held by Beech Aircraft Corporation): Docket No. 97–CE–16–AD.

Applicability: The following models and serial number (S/N) airplanes, certificated in any category:

Models	Serial Nos.
B300	FL–1 through FL–23, FL–25 through FL134, FL–136, and FL–137.
B300C	FM–1 through FM–9, and FN–1.

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 200 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent jamming of the elevator trim tab actuator caused by ice formations, which could cause loss of control of the airplane, accomplish the following:

(a) Modify the elevator trim tab system in accordance with the Installations Instructions in Raytheon Kit Part Number (P/N) 130–5011–3 or Raytheon Kit P/N 130–5011–9, which contain Beech Aircraft Corporation Drawing 130–5011, Revision E, dated March 21, 1996 as referenced in the COMPLIANCE section in the ACCOMPLISHMENT INSTRUCTIONS, PART I, PART II, or PART III (whichever is applicable to the airplane serial number) of Raytheon Mandatory Service Bulletin (MSB) No. 2620, Issued: November, 1996.

Note 2: The MATERIALS section in Raytheon MSB No. 2620, Issued: November, 1996 provides a breakdown of the airplane Models and serial numbers affected by PART I, PART II, or PART III of the ACCOMPLISHMENT INSTRUCTIONS section.

(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, Wichita Aircraft Certification Office, Room 100, 1801 Airport Rd., Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita Aircraft Certification Office.

(d) All persons affected by this directive may obtain copies of the documents referred to herein upon request to Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201–0085, 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.

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

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–22700 Filed 8–24–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–83–AD]

RIN 2120–AA64

Airworthiness Directives; HOAC-Austria Model DV 20 Katana Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain HOAC-Austria (HOAC) Model DV 20 airplanes equipped with ROTAX 912 A3 engines. The proposed action would require replacing the engine electronic modules. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Austria. The actions specified by the proposed AD are intended 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.

DATES: Comments must be received on or before September 21, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–83–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from HOAC-Austria, N.A. Otto-StraBe 5, A–2700 Wiener. Neustadt, Austria. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Chudy, Aerospace Engineer, Small Airplane Directorate, Aircraft Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106; (816) 426–5688; facsimile (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 97–CE–83–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–83–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Austro Control Flugtechnik (Austro Control), which is the airworthiness authority for Austria, recently notified the FAA that an unsafe condition may exist on certain HOAC Model DV 20 Katana airplanes that are equipped with ROTAX 912 A3 series engines. The Austro Control reports that several operators with HOAC DV 20 Katana airplanes have experienced stopped or sputtering engines during flight.

Further investigation shows that the poor engine performance occurs when the airplane is flown within close proximity to short wave radio transmissions, which indicates that electromagnetic interference (EMI) or high power short wave sources could cause an interruption to the engine electronic module and possibly cause uncommanded engine disruption.

These conditions, if not detected and corrected, could result in possible loss of control of the airplane.

Relevant Service Information

Bombardier-ROTAX, the manufacturer of the ROTAX 912–A3 series engine, has issued Technical Bulletin No. 912–08, dated August 16, 1995, which specifies procedures for replacing both electronic ignition modules (part number (P/N) 965 356 or an FAA-approved equivalent part number) with an electronic ignition module of improved design.

The Austro Control classified these service bulletins as mandatory and issued AD No. 84, dated October 4, 1995, in order to assure the continued airworthiness of these airplanes in Austria.

The FAA's Determination

This airplane model is manufactured in Austria and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the Austro Control has kept the FAA informed of the situation described above.

The FAA has examined the findings of the Austro Control, reviewed all available information including the service information referenced above, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other HOAC Model DV 20 Katana airplanes of the same type design registered in the United States, the proposed AD would require replacing the electronic ignition module with one of improved design. Accomplishment of the proposed installation would be in accordance with Bombardier-ROTAX Technical Note No. 912–08, dated August 16, 1995.

Cost Impact

The FAA estimates that 20 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 1 workhour per airplane to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $5,600 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $113,200 or $5,660 per airplane.

The manufacturer has informed the FAA that all of the affected airplanes registered in the U.S. have accomplished the proposed action, therefore, the estimated cost impact of the proposed AD on U.S. operators is eliminated.

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 part 39 of the Federal Aviation Regulations (14 CFR part 39) 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 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-StraBe 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]

BILLING CODE 4910–13–P

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 avain 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 alcids, 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)