

the AD. Lucas Aerospace Power Systems starter/generator units installed on other makes and models of airplanes are not affected by this AD. Likewise, other makes and models of starter/generator units installed on airplanes other than the Model 4101 are not affected by this AD.

In light of the possible confusion that may have been created relative to this point, the FAA finds that AD 96-13-09 should be clarified to specify the name of the manufacturer of the affected starter/generator units.

In all other respects, however, the AD is correct and adequate as issued.

Action Taken by FAA

Action is taken herein to clarify AD 96-13-09 by identifying the name of the manufacturer of the subject starter/generators, and to correctly add the AD as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13).

The final rule is being reprinted in its entirety for the convenience of affected operators. The effective date remains July 15, 1996.

Since this action only clarifies a current requirement, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedures hereon are unnecessary.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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 correctly adding the following new airworthiness directive:

96-13-09 Jetstream Aircraft Limited: Amendment 39-9677. Docket 96-NM-129-AD.

Applicability: All Model 4101 airplanes, certificated in any category.

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 as indicated, unless accomplished previously.

To prevent severe vibration of one or both engines, which could cause in-flight engine shutdown, accomplish the following:

(a) Within 7 days after the effective date of this AD, review the airplane maintenance records to determine the hours time-in-service (TIS) accumulated on the bearings in the Lucas Aerospace Power Systems starter/generator units of both engines, in accordance with Jetstream Alert Service Bulletin J41-A24-036, dated February 26, 1996.

(1) If the bearings on both of the starter/generator units have accumulated 300 or more hours TIS: Prior to further flight, replace at least one of the starter/generator units with a unit having bearings with less than 300 hours TIS, in accordance with the alert service bulletin.

(2) If the bearings on one or both starter/generator units have bearings with less than 300 hours TIS: Prior to the accumulation of 300 hours TIS on the bearings on both starter/generator units, remove at least one of the units and replace it with a unit having bearings with less than 300 hours TIS, in accordance with the alert service bulletin.

(b) As a continuing requirement thereafter: Prior to the accumulation of 300 hours TIS on the bearings on both of the Lucas Aerospace Power Systems starter/generator units on the airplane, remove at least one of those units and replace it with a unit having bearings with less than 300 hours TIS, in accordance with Jetstream Alert Service Bulletin J41-A24-036, dated February 26, 1996.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(d) 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.

(e) The actions shall be done in accordance with Jetstream Alert Service Bulletin J41-A24-036, dated February 26, 1996. This

incorporation by reference was approved previously by the Director of the Federal Register, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51, as of July 15, 1996 (61 FR 33647, June 28, 1996). Copies may be obtained from Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041-6029. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on July 15, 1996.

Issued in Renton, Washington, on September 24, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-25039 Filed 9-30-96; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 216

[Docket No. 960917260-6260-01; I.D. 090596B]

RIN 0648-XX67

Taking and Importing of Marine Mammals; Small Takes of Marine Mammals Incidental to Specified Activities

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

ACTION: Final rule; technical amendment.

SUMMARY: NMFS issues this technical amendment to remove expired regulations governing the small take of marine mammals incidental to conducting specified activities in the marine environment. This technical amendment is intended to provide the public with uniform, updated and streamlined regulations. This action is consistent with the President's Regulatory Reform Initiative.

EFFECTIVE DATE: September 24, 1996.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead, NMFS, Office of Protected Resources, NMFS (telephone 301-713-2055).

SUPPLEMENTARY INFORMATION:

On August 21, 1991 (56 FR 41628), NMFS published final regulations effective from September 23, 1991, through September 23, 1996, to

authorize the incidental take of a small number of marine mammals during launches of Titan IV rockets from Vandenberg Air Force Base, California (Vandenberg). Under section 101(a)(5)(A) of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*; MMPA), an authorization under this provision may not exceed 5 years.

On April 30, 1994, the President signed Public Law 103-238, the MMPA Amendments of 1994. One part of this law added a new subsection 101(a)(5)(D) to the MMPA, establishing an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment for a period of up to 1 year. Under this provision, the U.S. Air Force applied on January 24, 1996, for a 1-year authorization to incidentally take by harassment a small numbers of harbor seals, California sea lions, northern elephant seals, northern fur seals, and possibly Guadalupe fur seals in the vicinity of Vandenberg, to replace the authorization expiring on September 24, 1996. These harassment takes would result from launchings of both Titan II and Titan IV rockets. A notice of receipt of the Titan II and IV application and a proposed authorization was published on March 15, 1996 (61 FR 10727) and a 30-day public comment period was provided on the application and proposed authorization.

NMFS anticipates that this 1-year authorization, if issued, along with others issued previously for Lockheed launch vehicles (60 FR 38308, July 26, 1995 and 61 FR 38437, July 24, 1996) and McDonnell Douglas Delta II launch vehicles (60 FR 52653, October 10, 1995; see also 61 FR 45404, August 29, 1996), will be replaced later this year by new regulations, under section 101(a)(5)(A) of the MMPA, authorizing and governing incidental take of marine mammals by launches of all rocket types from Vandenberg. An application for such an authorization is presently under development by the U.S. Air Force.

Under NOAA Administrative Order 205-11, 7.01, dated December 17, 1990, the Under Secretary for Oceans and Atmosphere has delegated authority to sign material for publication in the Federal Register to the Assistant Administrator for Fisheries, NOAA (AA).

Classification

This final rule is exempt from review under E.O. 12866. Because this rule only removes unnecessary and outdated text, the AA, under section 553(b)(B) and (d) of the Administrative Procedure Act, for good cause finds that it is

unnecessary to provide prior notice and opportunity for public comment on this rule or to delay for 30 days its effective date. Because this rule is being issued without prior notice and opportunity for public comment, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act, and none has been prepared. This rule is not expected to result in economic costs to the public.

This action is categorically excluded from the requirement to prepare an environmental assessment by section 6.02b.3(b) (ii) (aa) of NOAA Administrative Order 216-6 as revised.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number. This final rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

List of Subjects

15 CFR Part 902

Reporting and recordkeeping requirements.

50 CFR Part 216

Administrative practice and procedure, Imports, Indians, Marine mammals, Penalties, Reporting and recordkeeping requirements, Transportation.

Dated: September 25, 1996.

Nancy Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

For the reasons set out in the preamble, 15 CFR chapter IX and 50 CFR chapter II are amended as follows:

15 CFR Chapter IX

PART 902—NOAA INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT: OMB CONTROL NUMBERS

1. The authority citation for part 902 continues to read as follows:

Authority: 44 U.S.C. 3501 *et seq.*

§ 902.1 [Amended]

2. In § 902.1, paragraph (b), the table is amended by removing, in the left column under 50 CFR, the entry "216.125" and, in the right column, the corresponding OMB control number.

50 CFR Chapter II

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

3. The authority citation for part 216 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.*, unless otherwise noted.

Subpart K—[Removed and Reserved]

4. Subpart K (§§ 216.121 through 216.126) is removed and reserved.

[FR Doc. 96-25161 Filed 9-30-96; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region II, Docket No. 152, NY21-1-6732a; FRL-5555-2]

Approval and Promulgation of Implementation Plans; Transportation Control Measures, State of New York

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a request submitted on November 15, 1992 by the State of New York to revise its ozone state implementation plan (SIP) which addresses the need for transportation control measures (TCMs) to offset growth in emissions from growth in vehicle miles travelled (VMT) as required by the Clean Air Act (Act). New York has indicated that VMT growth will not result in increased emissions and, therefore, TCMs are not needed for this purpose.

DATES: This action is effective on December 2, 1996 unless adverse or critical comments are received by October 31, 1996. If adverse comments are received, this notice will be withdrawn in the Federal Register prior to the effective date of this rule.

ADDRESSES: All comments should be addressed to: William S. Baker, Chief, Air Programs Branch, Air and Waste Management Division, Environmental Protection Agency, Region II Office, 290 Broadway, 20th Floor, New York, New York 10007-1866

Copies of New York's submittals are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region II Office, Air Programs Branch,