

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

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Vessel	Number	Horizontal distance from the fore and aft centerline of the vessel in the athwartship direction
USS MCFAUL	DDG 74	1.91 meters.
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3. Table Four, Paragraph 16 of § 706.2 is amended by adding, in numerical

order, the following entry for USS MCFAUL:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

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Vessel	Number	Obstruction angle relative ship's headings
USS MCFAUL	DDG 74	102.00 thru 112.50E.
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4. Table Five of § 706.2 is amended by adding, in numerical order, the following entry for USS MCFAUL:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

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TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and obstructions. annex I, sec. 2(f)	Forward mast-head light not in forward quarter of ship. annex I, sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward mast-head light. annex I, sec. 3(a)	Percentage horizontal separation attained
USS MCFAUL	DDG74	X	X	X	13.9
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Dated: October 31, 1997.

Approved:

R.R. Pixa,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty).

[FR Doc. 98-7126 Filed 3-18-98; 8:45 am]

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DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

RIN 1024-AC33

Shenandoah National Park, Recreational Fishing Regulations

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: The National Park Service (NPS) is removing the special fishing regulations for Shenandoah National Park. The NPS believes that the general regulations found at 36 CFR parts 1 and 2 will provide adequate regulatory

control to enable the Superintendent to manage the fishing resources within Shenandoah National Park. This duplication of regulations is unnecessary and often confusing.

EFFECTIVE DATE: This final rule becomes effective on April 20, 1998.

FOR FURTHER INFORMATION CONTACT: Greg Stiles, Assistant Chief Ranger, Shenandoah National Park, 3655 U.S. Highway 211 East, Luray, VA 22835. Telephone 540-999-3401.

SUPPLEMENTARY INFORMATION:

Background

The special regulations for fishing for Shenandoah National Park are codified at 36 CFR 7.15(a). These regulations

permit recreational fishing in selected streams of the Park as designated by the Superintendent, establish seasons, creel and size limits and licensing requirements. A proposed rule to eliminate these special regulations was published in the **Federal Register** on February 12, 1997 (61 FR 5354). Six comments were received during the public comment period. This final rule will eliminate all paragraphs of 36 CFR 7.15 pertaining to recreational fishing in Shenandoah National Park. General regulations found at 36 CFR 1.5 (Closures and public use limits) and 36 CFR 2.3 (Fishing) provide sufficient control for the park to adequately manage its fishing resources.

Section-by-Section Analysis

1. Open Waters and Applicability

The general regulations for Fishing, found at 36 CFR 2.3, establish that fishing in the parks, except in designated areas, will be in accordance with nonconflicting laws and regulations of the State within whose exterior boundaries a park area is located. Existing State fishing regulations are sufficient for the proper management of the fisheries at Shenandoah National Park. The opening, closing and public use limits for recreational fishing in the parks require an annual review by park management. Any possible changes in public use associated with fisheries resources are adequately covered at 36 CFR 1.5. Therefore, special regulation 36 CFR 7.15(a)(1) Open Waters, is not necessary and will be removed.

2. Applicability

In that the NPS is proposing to remove all special regulations pertaining to fishing, a separate paragraph on the applicability of special fishing regulations is not necessary. Therefore, 36 CFR 7.15(a)(2) Applicability, will be removed.

3. Season

The State of Virginia has established a year-round open season to permit fishing on all state designated trout streams. Special regulation 36 CFR 7.15(a) established an opening date that coincided with the State opening date, which no longer exists. However, 36 CFR 2.3 Fishing, provides for recreational fishing, except in designated areas, in accordance with the laws and regulations of the State. 36 CFR 1.5(a)(2) allows the park to designate areas for a specific use or activity, or impose conditions or restrictions on a use or activity. This will allow the park to establish limits in

certain designated areas when necessary. Therefore, 36 CFR 7.15(a)(3) is no longer needed and will be removed.

4. License

36 CFR 2.3 establishes that fishing in the parks will be in accordance with State laws. All persons 16 years and older fishing in the Shenandoah National Park must have a Virginia State fishing license in his/her possession. Since there is no need for a special regulation for licensing, 36 CFR 7.15(a)(4) will be removed.

5. Size and Creel Limits

The State of Virginia has increased the minimum size limit for trout from eight (8) inches to nine (9) inches and has a maximum creel limit of six (6) fish compared to current limit of five (5) the park has. To avoid confusion and to be consistent with the limits established by the State, the park uses the State's limits. Size and creel limits for other species of game-fish caught in the park will also be in compliance with those established by the State of Virginia. Special regulations concerning size and creel limits are not needed as 36 CFR 2.3, Fishing, would apply. Therefore, 36 CFR 7.15(a)(5) and 36 CFR 7.15(a)(6) will be removed.

6. Lures; Bait

36 CFR 2.3 Fishing, currently regulates the use of bait, and the State of Virginia permits only the use of a single hook, which may be barbed or barbed-less. A special regulation concerning lures and bait is not necessary, therefore 36 CFR 7.15(a)(7) will be removed.

7. Fish for Fun

The term "fish for fun" is normally associated with activities provided by fish stocking programs in specially designated streams. Fish stocking does not occur within the Park. However, the State law for "Catch and Release" adequately allows for the protection of native and non-native fish populations on designated streams. 36 CFR 1.5(a)(2) and 36 CFR 2.3(a) allow for the designation of "Catch and Release" streams that are consistent with State regulations. Therefore, 36 CFR 7.15(a)(8) is not necessary and will be removed.

Public Comments

The NPS received six comments during the public comment period. Five of the commenters supported the regulatory change. One of the commenters stated that the proposed rulemaking would not protect park fisheries as well as the special

regulations. The NPS has determined that this is not a valid concern, as the use of existing regulations at 36 CFR parts 1 and 2 allow the Superintendent to take necessary action to protect fisheries at any time, including actions that may have the same effect as the special regulations, as well as actions which can be more or less restrictive. These actions can be taken in a much more timely manner than rulemaking allows.

Drafting Information

The process used to develop this proposed rule included numerous reviews by Park staff, consultations with Virginia Department of Game and Inland Fisheries Biologists, consultations with numerous fisheries biologists from other parks, agencies, research institutions and organizations. The primary authors of this rulemaking are William J. Cook, Center for Resources, Shenandoah National Park, Greg Stiles, Resource and Visitor Protection Services, Shenandoah National Park, and Dennis Burnett, Washington Office of Ranger Activities, National Park Service.

Paperwork Reduction Act

This rule does not contain collections of information that require approval by the Office of Management and Budget under the Paperwork Reduction Act of 1995.

Compliance With Other Laws

This rule was not subject to Office of Management and Budget review under Executive Order 12866. The Department of the Interior determined that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The economic effects of this rulemaking are local in nature and negligible in scope.

The NPS has determined and certifies pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 et seq., that this rule will not impose a cost of \$100 million or more in any given year on local, State, or tribal governments or private entities.

The Department has determined that this rule meets the applicable standards provided in Section 3(a) and 3(b)(2) of Executive Order 12988.

This rule is not a major rule under the Congressional review provisions of the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 804(2)).

The NPS has determined that this proposed rulemaking will not have a significant effect on the quality of the

human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) Introduce incompatible uses which compromise the nature and character of the area or causing physical damage to it;

(c) Conflict with adjacent ownerships or land uses; or

(d) Cause a nuisance to adjacent owners or occupants.

Based on this determination, the rulemaking is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) and by Departmental guidelines in 516 DM 6 (49 FR 21438). As such, neither an Environmental Assessment nor an Environmental Impact Statement has been prepared.

This final rulemaking is consistent with and supportive of Executive Order 12962, *Recreational Fisheries*, issued June 7, 1995. Through this Executive Order, Federal agencies will, to the extent permitted by law and where practicable, and in cooperation with States and Tribes, improve the quantity, function, sustainable productivity and distribution of U.S. aquatic resources for increased recreational fishing opportunities. Establishment of this rulemaking is consistent with the extent and purposes of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a-d, and e-j), the Fish and Wildlife Coordination Act (16 U.S.C. 661-666c) and the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801-1882).

List of Subjects in 36 CFR Part 7

National parks, District of Columbia, Reporting and recordkeeping requirements.

In consideration of the foregoing, the NPS is amending 36 CFR Chapter I as follows:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

1. The authority citation for Part 7 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 460(q), 462(k); § 7.96 also issued under D.C. Code 8-137 (1981) and D.C. Code 40-721 (1981).

§ 7.15 Shenandoah National Park.

2. Section 7.15 is amended by removing paragraph (a) and redesignating paragraphs (b) through (d) as new paragraphs (a) through (c).

Dated: January 16, 1998.

Donald J. Barry,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 98-7110 Filed 3-18-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[IA 040-1040(a); FRL-5980-2]

Approval and Promulgation of Implementation Plans; and Designation of Areas for Air Quality Planning Purposes; State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: In this action, the EPA is approving a request by the state of Iowa to redesignate to attainment the portion of Muscatine County currently designated as nonattainment for the sulfur dioxide (SO₂) National Ambient Air Quality Standards (NAAQS). With this approval, the entire state of Iowa will be in attainment status for SO₂. The EPA is also approving the maintenance plan for the Muscatine County nonattainment area which was submitted to ensure that attainment of the NAAQS will be maintained.

DATES: This action is effective May 18, 1998 unless by April 20, 1998 relevant adverse comments are received. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to Wayne Kaiser, Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the: Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Wayne Kaiser at (913) 551-7603.

SUPPLEMENTARY INFORMATION:

I. Background

A portion of Muscatine County, Iowa, was designated nonattainment for SO₂ on March 10, 1994, due to violations of the SO₂ NAAQS in 1991 and 1992. The state developed a control strategy for the area and submitted a nonattainment State Implementation Plan (SIP) satisfying the requirements of section

110 and part D of the Act. This SIP revision was approved by the EPA on December 1, 1997 (62 FR 63454).

As a result of source compliance with the control strategy and no violations of the standard since 1992, the state submitted a maintenance plan and redesignation request on April 21, 1997. Consequently, as discussed below, the EPA is taking final action to approve the maintenance plan and to redesignate the area to attainment. Additional technical material for this action is contained in the Technical Support Document (TSD) which is available from the contact listed above.

II. Evaluation Criteria

Section 107(d)(3)(D) of the Act, as amended in 1990, authorizes the governor of a state to request the redesignation of an area from nonattainment to attainment. The criteria used to review redesignation requests are derived from the Act. An area can be redesignated to attainment if the following conditions are met:

1. The area has attained the applicable NAAQS;
2. The area has a fully approved SIP under section 110(k) of the Act;
3. The EPA has determined that the improvement in air quality in the area is due to permanent and enforceable emission reductions;
4. The EPA has determined that the maintenance plan for the area has met all of the requirements of section 175A of the Act; and
5. The state has met all requirements applicable to the area under section 110 and part D of the Act.

III. Summary of State Submittal

The following paragraphs discuss how the state's redesignation request for Muscatine County addresses the Act's requirements.

A. Demonstrated Attainment of the NAAQS

Eight consecutive quarters of data showing SO₂ NAAQS attainment are required for redesignation. A violation of the NAAQS occurs when more than one exceedance of the SO₂ NAAQS is recorded in any year (40 CFR 50.4). The state's submittal includes ambient monitoring data from the three monitors in the Muscatine nonattainment area which show that this requirement has been met. The last violation of the NAAQS was in 1992 and the last exceedance in 1995. No additional exceedances of the NAAQS have been recorded in the Aerometric Information and Retrieval system database through December 1997.