

**§ 33.88 Engine overtemperature test.**

In addition to the requirements of section 33.88, the following must be performed:

(a) For engines that do not provide a means for temperature limiting; conduct a test for a period of five minutes at the maximum permissible power-on RPM, with the gas temperature at least 75 degrees Fahrenheit higher than the 30-Second OEI rating operating temperature limit.

(b) For engines that provide a means for temperature limiting; conduct a test for a period of four minutes at the maximum permissible power-on RPM, with the gas temperature at least 35 degrees Fahrenheit higher than the 30-Second OEI rating operating temperature limit.

(c) A separate test engine may be used for each test.

(d) Following the test, rotor assembly growth and distress beyond serviceable limits for an overtemperature condition is permitted, provided the structural integrity of the rotor assembly is maintained, as shown by a procedure that is acceptable to the Administrator.

**§ 33.93 Teardown inspection.**

In addition to the requirements of section 33.93, this special condition requires that the engine be completely disassembled after completing the additional testing of section 33.87. The engine may exhibit deterioration in excess of that permitted in section 33.93(b), and may include some engine parts and components that may be unsuitable for further use. It must be shown by procedures approved by the Administrator that the structural integrity of the engine, including mounts, cases, bearing supports, shafts and rotors, is maintained.

Issued in Burlington, Massachusetts, on July 20, 1995.

**Robert E. Guyotte,**

*Acting Manager, Engine & Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 95-18591 Filed 7-27-95; 8:45 am]

BILLING CODE 4910-13-M

**DEPARTMENT OF THE INTERIOR****Office of Surface Mining Reclamation and Enforcement****30 CFR Part 906****Colorado Regulatory Program**

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

**ACTION:** Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

**SUMMARY:** OSM is announcing receipt of a proposed amendment to the Colorado regulatory program (hereinafter, the "Colorado program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to rules pertaining to definitions; the applicability of Colorado's rules; permit application requirements for legal, financial, and related information; permit application requirements for operation and reclamation plans; requirements for special categories of mining; public participation and approval of permit applications; performance standards for revegetation; and performance standards for subsidence control. The amendment is intended to revise the Colorado program to be consistent with the corresponding Federal regulations and improve operational efficiency.

**DATES:** Written comments must be received by 4:00 p.m., m.d.t. August 28, 1995. If requested, a public hearing on the proposed amendment will be held on August 22, 1995. Requests to present oral testimony at the hearing must be received by 4:00 p.m., m.d.t. on August 14, 1995.

**ADDRESSES:** Written comments should be mailed or hand delivered to James F. Fulton at the address listed below.

Copies of the Colorado program, the proposed amendment, 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 Western Regional Coordinating Center.

James F. Fulton, Chief, Denver Field Division, Western Regional Coordinating Center, Office of Surface Mining Reclamation and Enforcement, 1999 Broadway, Suite 3300, Denver, Colorado 80202

Colorado Division of Minerals and Geology, Department of Natural Resources, 215 Centennial Building, 1313 Sherman Street, Denver, Colorado 80203, Telephone: (303) 866-3567.

**FOR FURTHER INFORMATION CONTACT:**

James F. Fulton, Telephone: (505) 766-1486.

**SUPPLEMENTARY INFORMATION:****I. Background on the Colorado Program**

On December 15, 1980, the Secretary of the Interior conditionally approved the Colorado program. General background information on the Colorado program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Colorado program can be found in the December 15, 1980, **Federal Register** (45 FR 82173). Subsequent actions concerning Colorado's program and program amendments can be found at 30 CFR 906.11, 906.15, 906.16, and 906.30.

**II. Proposed Amendment**

By letter dated July 12, 1995, Colorado submitted a proposed amendment to its program (administrative record No. CO-670) pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). Colorado submitted the proposed amendment at its own initiative and in response to a February 7, 1990, letter (administrative record No. CO-484) that OSM sent to Colorado in accordance with 30 CFR 732.17(c). The provisions of 2 Code of Colorado Regulations 407-2, the rules and regulations of the Colorado Mined Land Reclamation Board for Coal Mining, that Colorado proposes to revise are: Rule 1.04, definitions; Rule 1.05, applicability of Colorado's rules; Rule 2.03, permit application requirements for legal, financial, and related information; Rule 2.05, permit application requirements for operation and reclamation plans; Rule 2.06, requirements for special categories of mining; Rule 2.07, public participation and approval of permit applications; Rule 4.15, performance standards for revegetation; and Rule 4.20, performance standards for subsidence control.

Specifically, Colorado proposes to revise:

Rule 1.04(21), the definition of "coal," to indicate that the referenced publication of the American Society of Testing and Materials is incorporated as it existed on the date of promulgation of these revisions;

Rule 1.04(80), the definition of "operator," to replace the term "refuse pile" with "mine waste disposal facility;"

Rule 1.04(92), the definition of "person," to be consistent with the definition of "person" in the Colorado Surface Coal Mining Reclamation Act;

Rule 1.05.1(b), to remove an exemption from the Colorado program for operations which affect 2 acres or less;

Rule 2.03.3(4), to indicate that the referenced edition of "Standard Methods for the Examination of Water and Wastewater" is incorporated as it existed on the date of promulgation of these revisions;

Rule 2.03.7(1), permit application information concerning the relationship of a proposed permit area to areas designated as unsuitable for mining, to reference 30 CFR 769, which concerns the petition process for designation of Federal lands as unsuitable for all or certain types of surface coal mining operations, rather than 30 CFR 765, which does not exist;

Rule 2.05.3(3)(c)(iv), concerning a description of measures to be taken to protect the inlet end of a ditch relief culvert, to reference Rule 4.03.1(4)(e)(vi)(C) for approval of haul road culverts;

Rule 2.05.3(8)(c), permit application information concerning the design of coal processing waste dams and embankments, to reference the performance standards at Rule 4.11.5, which are specific to dams and embankments constructed of or impounding coal mine waste, rather than the general performance standards applicable to coal mine waste at Rule 4.11;

Rule 2.05.6(2)(a)(iii)(A), to correct the citation of Colorado's statute for protection of Nongame, Endangered and Threatened Species Conservation Act;

Rule 2.06.6(2)(a)(i), to indicate that the referenced U.S.D.A. National Soils Handbook is incorporated as it existed on the date of promulgation of these revisions;

Rule 2.06.8(5)(c) (i) through (iii), to specify methods for evaluating whether a mining operation will damage the water system of an alluvial valley floor;

Rule 2.07.2, to refer to Rule 2.07 rather than Rule 2.07.2 in the title line for the statement of objectives;

Rule 4.15.1(2)(d), to correct the reference to requirements for fish and wildlife at Rule 4.18(5)(i) rather than Rule 4.18(4)(i); and

Rule 4.20.3(2) (a) through (c), to specify the performance standards for mitigation of structures or facilities that may be damaged as a result of subsidence due to underground mining operations.

### III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Colorado program.

#### 1. Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations.

Comments received after the time indicated under **DATES** or at locations other than the Western Regional Coordinating Center will not necessarily be considered in the final rulemaking or included in the administrative record.

#### 2. Public Hearing

Persons wishing to testify at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., m.d.t. on August 14, 1995. Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to testify at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to testify have been heard. Persons in the audience who have not been scheduled to testify, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to testify and persons present in the audience who wish to testify have been heard.

#### 3. Public Meeting

If only one person requests an opportunity to testify at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the administrative record.

### IV. Procedural Determinations

#### 1. Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

#### 2. Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

#### 3. National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

#### 4. Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

#### 5. Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal that is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that

existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

#### List of Subjects in 30 CFR Part 906

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 19, 1995.

**Richard J. Seibel,**

*Regional Director, Western Regional Coordinating Center.*

[FR Doc. 95-18550 Filed 7-27-95; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[TN131-1-6794b; TN136-1-6795b; TN137-1-6796b; FRL-5257-6]

#### Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Basic Motor Vehicle Inspection and Maintenance Program

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The EPA proposes to approve three state implementation plan (SIP) revisions submitted on March 17, July 8 and July 13, 1994, by the State of Tennessee, through the Tennessee Air Pollution Control Division. These revisions modify an existing basic vehicle inspection and maintenance (I/M) program in Davidson County as well as establishing and implementing a similar program in the four middle Tennessee counties of Rutherford, Sumner, Williamson, and Wilson. In the final rules section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties

interested in commenting on this document should do so at this time.

**DATES:** To be considered, comments must be received by August 28, 1995.

**ADDRESSES:** Written comments on this action should be addressed to: Dale Aspy at the EPA Regional office listed below.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4, Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365.

Air Pollution Control Division, Tennessee Department of Environment and Conservation, 9th Floor, L & C Annex, 401 Church Street, Nashville, Tennessee 37243-1531.

Bureau of Environmental Health Services, Nashville and Davidson County Metropolitan Health Department, 311 23rd Street, North, Nashville, Tennessee 37203.

**FOR FURTHER INFORMATION CONTACT:** Dale Aspy, Mobile Source Planning Unit, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Environmental Protection Agency, Region 4, 345 Courtland Street, NE, Atlanta, Georgia 30365. The telephone number is 404/347-3555, extension 4214. Reference files TN131, TN136 and TN137.

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: June 28, 1995.

**Patrick M. Tobin,**

*Acting Regional Administrator.*

[FR Doc. 95-18512 Filed 7-27-95; 8:45 am]

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### 40 CFR Part 52

[KY77-1-6553b; FRL-5257-9]

#### Approval and Promulgation of Air Quality Implementation Plans; Kentucky; Basic Motor Vehicle Inspection and Maintenance Program

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The EPA proposes to approve the State implementation plan (SIP) revision submitted on November 12, 1993, by the Commonwealth of Kentucky, through the Kentucky Natural Resources and Environmental Protection Cabinet. This revision modifies the implementation of a basic motor vehicle inspection and maintenance (I/M) program in Jefferson County, Kentucky, which will include commuter vehicles in the program. In the final rules section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

**DATES:** To be considered, comments must be received by August 28, 1995.

**ADDRESSES:** Written comments on this action should be addressed to: Dale Aspy at the EPA regional office listed below.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4, Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365.

Air Pollution Control District of Jefferson County, 850 Barrett Avenue, Suite 205, Louisville, Kentucky 40204.

Division for Air Quality, Department for Environmental Protection, Natural Resources and Environmental Protection Cabinet, 316 St. Clair Mall, Frankfort, Kentucky 40601.