

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 50, 52, and 100

#### Nuclear Energy Institute

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of Meeting: Cancellation.

**SUMMARY:** The Nuclear Regulatory Commission is cancelling the meeting scheduled for September 13, 1995 with the Nuclear Energy Institute and other industry representatives. This document cancels the meeting notice appearing in the **Federal Register** on August 23, 1995 (60 FR 43726). The meeting will be rescheduled at a future date.

**DATES:** To be determined.

**FOR FURTHER INFORMATION CONTACT:** Mr. Leonard Soffer, Accident Evaluation Branch, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 415-6574.

Dated at Rockville, Maryland, this 8th day of September, 1995.

For the Nuclear Regulatory Commission.

**Leonard Soffer,**

*Accident Evaluation Branch, Office of Nuclear Regulatory Research.*

[FR Doc. 95-22702 Filed 9-11-95; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 95-NM-40-AD]

#### Airworthiness Directives; Boeing Model 737 Series Airplanes Equipped With BFGoodrich Main Landing Gear Brake Assemblies

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** This action withdraws a notice of proposed rulemaking (NPRM)

that proposed a new airworthiness directive (AD), applicable to certain Boeing Model 737 series airplanes. That action would have required inspection of certain brake assemblies to determine the part number of the torque plates, measurement of the amount of wear remaining on the brake wear pin indicator, and removal of brake assemblies on which misidentified torque plates were installed and replacement with serviceable brakes. Since the issuance of the NPRM, the Federal Aviation Administration (FAA) has received new data indicating that all misidentified torque plates have been removed from airplanes and spare part inventories. Accordingly, the proposed rule is withdrawn.

**FOR FURTHER INFORMATION CONTACT:** David M. Herron, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; 98055-4056; telephone (206) 227-2672; fax (206) 227-1181.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add a new airworthiness directive (AD), applicable to certain Boeing Model 737 series airplanes, was published in the **Federal Register** as a Notice of Proposed Rulemaking (NPRM) on April 17, 1995 (60 FR 19181). The proposed rule would have required a one-time inspection of certain brake assemblies to determine the part number of the torque plates, measurement of the amount of wear remaining on the brake wear pin indicator, and removal of brake assemblies on which misidentified torque plates were installed and replacement with serviceable brakes. That action was prompted by a report indicating that certain torque plates were misidentified and installed on certain brake assemblies. The proposed actions were intended to prevent decreased brake performance during a rejected takeoff or landing when these brakes are at or near their indicated wear limit.

Since the issuance of that NPRM, Boeing and BFGoodrich have initiated an aggressive inspection program to ensure that the misidentified torque plates are removed from airplanes and spare part inventories. These manufacturers have provided substantiating data to the FAA to

account for all misidentified torque plates. (Boeing submitted a letter dated May 3, 1995, and BFGoodrich transmitted a fax memorandum dated May 17, 1995, which account for each misidentified torque plate.)

Based upon the FAA's review of the data submitted by these manufacturers, the FAA has determined that the previously identified unsafe condition no longer exists. Accordingly, the proposed rule is hereby withdrawn.

Withdrawal of this notice of proposed rulemaking constitutes only such action, and does not preclude the agency from issuing another notice in the future, nor does it commit the agency to any course of action in the future.

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule and therefore, is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Withdrawal

Accordingly, the notice of proposed rulemaking, Docket 95-NM-40-AD, published in the **Federal Register** on April 17, 1995 (60 FR 19181), is withdrawn.

Issued in Renton, Washington, on September 6, 1995.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95-22592 Filed 9-11-95; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 916

[SPATS No. KS-016-FOR]

#### Kansas 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 Kansas regulatory program (hereinafter the "Kansas program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of modifications to the Kansas revegetation guidelines pertaining to requirements for determining the productivity success of trees and shrubs. The amendment is intended to improve operational efficiency.

**DATES:** Written comments must be received by 4:00 p.m., c.d.t., October 12, 1995. If requested, a public hearing on the proposed amendment will be held on October 10, 1995. Requests to speak at the hearing must be received by 4:00 p.m., c.d.t., on September 27, 1995.

**ADDRESSES:** Written comments and requests to speak at the hearing should be mailed or hand delivered to Mr. Robert L. Markey, Acting Director, Kansas City Field Office, at the first address listed below.

Copies of the Kansas 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 Kansas City Field Office.

Robert L. Markey, Acting Director,  
Kansas City Field Office, Office of  
Surface Mining Reclamation and  
Enforcement, 934 Wyandotte Street,  
Room 500, Kansas City, Missouri,  
64105, Telephone: (816) 374-6405.

Kansas Department of Health and  
Environment, Bureau of  
Environmental Remediation, Surface  
Mining Section, 1501 South Joplin,  
P.O. Box 1418, Pittsburg, Kansas  
66762, Telephone (316) 231-8615.

**FOR FURTHER INFORMATION CONTACT:**  
Mr. Robert L. Markey, Acting Director,  
Kansas City Field Office, Telephone:  
(816) 374-6405.

**SUPPLEMENTARY INFORMATION:**

**I. Background on the Kansas Program**

On January 21, 1981, the Secretary of the Interior conditionally approved the Kansas program. Background information on the Kansas program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the January 21, 1981 **Federal Register** (46 FR 5892). Subsequent actions concerning the Kansas program and

program amendments can be found at 30 CFR 916.12, 916.15, and 916.16.

**II. Discussion of the Proposed Amendment**

By letter dated August 9, 1995 (Administrative Record No. KS-600), Kansas submitted a proposed amendment to its program pursuant to SMCRA. Kansas submitted the proposed amendment at its own initiative. Kansas proposes to modify its requirements for determining the productivity success of trees and shrubs by amending its approved revegetation guidelines entitled "Revegetation Standards for Success and Statistically Valid Sampling Techniques for Measuring Revegetation Success" to include an alternative sampling method for determining woody stem density.

Specifically, Kansas proposed the following alternative sampling method for woody stems.

*Woody Stem Density*

The Permittee shall use success standards developed in joint cooperation between the Kansas Department of Wildlife and Parks (KDWP), USDA-Soil Conservation Service (USDA-SCS), Kansas State University—Forestry Extension (KSU), the Operator and the SMS. The productivity success is determined by the success of the trees and shrubs. The Permittee will be required to utilize one of two sampling techniques, 100 percent count or 1/50 acre sampling circles. All data must be collected in a statistically valid manner. Where the stocking density for the permit has been set at less than 300 stems per acre and less than 10 acres, a 100% stem count is required. Where the stocking density exceeds 300 stems per acre on 10 acres or more, a 1/50 acre sampling circle may be used as described below.

*Stem Density Sampling Techniques*

The sampling circle will be a round area one-fiftieth (1/50) of an acre in size (16.7 feet in radius). The Permittee will establish a sampling circle at each of the randomly selected sampling points, such that the center of the sampling circle is the random point.

The stem density data is collected as follows:

(1) The sampling circle may be drawn by attaching a 16.7 foot string to a stake fixed at the random point and then sweeping the end of the string (tightly stretched) in a circle around the stake;

(2) All living trees and shrubs within each of the sampling circles are counted and recorded by species. Shrubs or trees rooted within the sampling circle are counted; those rooted outside of the sampling circle are not included in the sample. To count as living, the tree or shrub must be alive, healthy, and been in place for at least two years; and

(3) Continue sampling randomly selected points until sample adequacy is met. Individual sampling circle values summarized by species are used for statistical analysis.

*Calculation of Stem Density*

The total stem density per acre is calculated as follows:  $D=S$  divided by  $N$  times 50.

$D$ =Total Stem Density per Acre.

$S$ =Total Number of Stems Counted.

$N$ =Total Number of Sample Points.

**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 Kansas program.

*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 Kansas City Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

*Public Hearing*

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., c.d.t., on September 27, 1995. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to speak 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 speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

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**.

*Public Meeting*

If only one person requests an opportunity to speak 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

##### *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).

##### *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, to the extent allowed by law, 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 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.

##### *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)).

##### *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.*).

##### *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 which 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 916

Intergovernmental relations, Surface mining, Underground mining.

Dated: August 24, 1995.

##### **Russell Frum,**

*Acting Regional Director, Mid-Continent Regional Coordinating Center.*

[FR Doc. 95-22516 Filed 9-11-95; 8:45 am]

BILLING CODE 4310-05-M

##### 30 CFR Part 943

[SPATS No. TX-024-FOR]

##### Texas 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 Texas regulatory program (hereinafter the "Texas program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to the Texas Coal Mining Regulations (TCMR) pertaining to self-bonding. The amendment is intended to revise the Texas program to be consistent with the corresponding Federal regulations, provide additional safeguards, and improve operational efficiency.

**DATES:** Written comments must be received by 4:00 p.m., c.d.t., October 12, 1995. If requested, a public hearing on the proposed amendment will be held on October 10, 1995. Requests to speak at the hearing must be received by 4:00 p.m., c.d.t., on September 27, 1995.

**ADDRESSES:** Written comments and requests to speak at the hearing should be mailed or hand delivered to Mr. Tim L. Dieringer, Acting Director, Tulsa Field Office, at the address listed below.

Copies of the Texas 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 Tulsa Field Office.

Tim L. Dieringer, Acting Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma, 74135-6547, Telephone: (918) 581-6430.

Surface Mining and Reclamation Division, Railroad Commission of Texas, 1701 North Congress Avenue, P.O. Box 12967, Austin, Texas, 78711-2967, Telephone: (512) 463-6900.

**FOR FURTHER INFORMATION CONTACT:** Mr. Tim L. Dieringer, Acting Director, Tulsa Field Office, Telephone: (918) 581-6430.

##### SUPPLEMENTARY INFORMATION:

##### I. Background on the Texas Program

On February 16, 1980, the Secretary of the Interior conditionally approved the Texas program. General background information on the Texas program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the February 27, 1980, **Federal Register** (45 FR 12998). Subsequent actions concerning the Texas program can be found at 30 CFR 943.10, 943.15, and 943.16.

##### II. Description of the Proposed Amendment

By letter dated August 11, 1995, (Administrative Record No. TX-593), Texas submitted a proposed amendment to its program pursuant to SMCRA. Texas submitted the proposed amendment at its own initiative. Texas proposes to amend the Texas Coal Mining Regulations at subsection 806.309(j)(2)(C)(iv) concerning the criteria for acceptance of self-bonds to ensure reclamation performance.

Texas proposes to include an indicator ratio of total liability to net worth of 2.5 or less as an alternative to its existing self-bonding requirement for a ratio of total liabilities to net worth that is equal to or less than the industry median reported by the Dun and