

with the "2. Accomplishment Instructions" section, "Part B—Modification by Replacement or Rework" paragraphs in GAF Nomad Alert SB AS/B ANMD-27-27, Revision 1, dated November 5, 1982.

(c) Accomplishment of the modification in paragraph (b) of this AD is considered a terminating action for the repetitive inspections required in paragraph (a)(1) of this AD.

(d) Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Los Angeles Aircraft Certification Office, FAA, 3960 Paramount Blvd., Lakewood, California, 90712. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles Aircraft Certification Office. Alternative methods of compliance approved in accordance with AD 82-25-09 (superseded by this action) are considered approved as alternative methods of compliance with this AD.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles Aircraft Certification Office.

(f) All persons affected by this directive may obtain copies of the document referred to herein upon request to AeroSpace Technologies of Australia, Limited, ASTA DEFENCE, Private Bag No. 4, Beach Road Lara 3212, Victoria, Australia, or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(g) This amendment supersedes AD 82-25-09, Amendment 39-4510.

Issued in Kansas City, Missouri, on December 18, 1996.

Michael Gallagher,  
Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-32850 Filed 12-24-96; 8:45 am]

BILLING CODE 4910-13-U

## 14 CFR Part 71

[Airspace Docket No. 96-AWP-30]

### Proposed Revision of Class E Airspace; Victorville, CA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking; extension of comment period.

**SUMMARY:** This notice announces the extension of the comment period on a Notice of Proposed Rulemaking (NPRM), which proposes to revise the Class E airspace area at Victorville, CA.

This action is being taken due to an administrative oversight, wherein the comment period did not allow adequate time for interested persons to have the opportunity to comment.

**DATES:** Comments must be received on or before January 30, 1997.

**ADDRESSES:** Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Operations Branch, AWP-530, Docket No. 96-AWP-30, Air Traffic Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, California, 90009.

#### SUPPLEMENTARY INFORMATION:

##### Background

Airspace Docket No. 96-AWP-30, published on November 20, 1996 (61 FR 59042) proposed to revise the Class E airspace area at Victorville, CA. This action will extend the comment period closing date on that airspace docket from November 30, 1996, to January 30, 1997 to allow for a 30-day comment period instead of the existing 10-day abbreviated comment period.

##### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

##### Extension of Comment Period

The comment period closing date Airspace Docket No. 96-AWP-30, is hereby extended to January 30, 1997.

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 14 CFR 11.69.

Issued in Los Angeles, California, on December 10, 1996.

Leonard A. Mobley,

Acting Manager, Air Traffic Division,  
Western-Pacific Region.

[FR Doc. 96-32711 Filed 12-24-96; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 915

[SPATS No. IA-009-FOR]

#### Iowa 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 Iowa

regulatory program (hereinafter the "Iowa program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to the Iowa rules pertaining to repair or compensation for material damage resulting from subsidence caused by underground coal mining operations and to replacement of water supplies adversely impacted by underground coal mining operations. The amendment is intended to revise the Iowa program to be consistent with the corresponding Federal regulations and SMCRA.

**DATES:** Written comments must be received by 4:00 p.m., c.s.t., January 27, 1997. If requested, a public hearing on the proposed amendment will be held on January 21, 1997. Requests to speak at the hearing must be received by 4:00 p.m., c.s.t., on January 10, 1997.

**ADDRESSES:** Written comments and requests to speak at the hearing should be mailed or hand delivered to Michael C. Wolfrom, Mid-Continent Regional Coordinating Center, at the address listed below.

Copies of the Iowa program, the propose 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 Mid-Continent Regional Coordinating Center.

Michael C. Wolfrom, Mid-Continent Regional Coordinating Center, Office of Surface Mining Reclamation and Enforcement, Alton Federal Building, 501 Belle Street, Alton, Illinois, 62002, Telephone: (618) 463-6460. Iowa Department of Agriculture and Land Stewardship, Division of Soil Conservation, Henry A. Wallace Building, Des Moines, Iowa, 50319, Telephone: (515) 281-6147.

**FOR FURTHER INFORMATION CONTACT:** Michael C. Wolfrom, Mid-Continent Regional Coordinating Center, Telephone: (618) 463-6460.

#### SUPPLEMENTARY INFORMATION:

##### I. Background on the Iowa Program

On January 21, 1981, the Secretary of the Interior conditionally approved the Iowa program, effective April 10, 1981. General background information on the Iowa program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Iowa program can be found in the January 21, 1981, Federal Register (46 FR 5885). Subsequent actions

concerning Iowa's program and program amendments can be found at 30 CFR 915.10, 915.15, and 915.16.

## II. Description of the Proposed Amendment

By letter dated December 4, 1996 (Administrative Record No. IA-424), Iowa submitted a proposed amendment to its program pursuant to SMCRA. Iowa submitted the proposed amendment in response to a May 20, 1996, letter (Administrative Record No. IA-420) that OSM sent to Iowa in accordance with 30 CFR 732.17(c). The provisions of the Iowa Administrative Code (IAC) that Iowa proposes to amend are IAC 27-40.4(10), Definitions; IAC 27-40.38(2), PHC determination; IAC 27-40.38(3), Subsidence control plan; IAC 27-40.64(8), Hydrologic balance protection; IAC 27-40.64(6), Subsidence control; and IAC 27-40.64(7), Repair of damage. The substantive changes proposed by Iowa are discussed below.

### I. IAC 27-40.4(10) Definitions

At IAC 27-40.4(10), Iowa proposes to add at its incorporation of 30 CFR 701.5 definitions for the terms "Drinking, domestic or residential water supply"; "Material damage"; "Non-commercial building"; "Occupied residential dwelling and structures related thereto"; and "Replacement of water supply."

### 2. IAC 27-40.38(2) PHC Determination

At IAC 27-40.38(2), Iowa proposes to add at its incorporation of 30 CFR Part 784 the new Federal provision at 30 CFR 784.14(e)(3)(iv), which was effective May 1, 1995.

The substantive provision at paragraph (e)(3)(iv) requires the PHC determination to include findings on whether underground mining activities conducted after October 24, 1992, may result in contamination, diminution, or interruption of a well or spring in existence at the time the permit application is submitted and used for domestic, drinking, or residential purposes within the permit or adjacent areas.

### 3. IAC 27-40.38(3) Subsidence Control Plan

At IAC 27-40.38(3), Iowa proposes to delete 30 CFR 784.20 as incorporated by reference as in effect on July 1, 1992, and replace it with the revised Federal provisions at 30 CFR 784.20 that were effective May 1, 1995.

The substantive provisions of 30 CFR 784.20(a) require that each permit application for an underground mine include a pre-subsidence survey to identify potentially impacted structures, renewable resource lands, and protected

water supplies within the proposed permit and adjacent areas. In addition, the revised rules add specific content requirements for the pre-subsidence survey, including: a detailed map, at a scale of 1:12,000, or larger scale if required by the regulatory authority, identifying the location and type of all structures, renewable resource lands that subsidence may materially damage or diminish the reasonably foreseeable use, and protected water supplies that could be adversely impacted; a narrative addressing the potential impacts of subsidence on these features; and identification of the premining condition of all protected structures and water supplies.

The substantive provisions of 30 CFR 784.20(b) require that a permit application for an underground mine include a subsidence control plan if the survey required by 30 CFR 784.20(a) identifies any domestic, drinking, or residential water supply that could be contaminated, diminished, or interrupted by subsidence. The subsidence control plan must contain the information contained in paragraphs (b)(1) through (b)(6). Paragraph (b)(2) requires that the plan must include a map showing the areas where damage minimization measures will be taken. Paragraph (b)(7) of the revised Federal rules requires that the subsidence control plan include a description of the methods to be used to minimize subsidence damage to protected structures when the proposed mining method involves planned subsidence. The rule allows the owner of the structure to waive this protection. In cases where there is no threat to health or safety, the rule also authorizes the waiver of this requirement if the applicant can demonstrate that the costs of damage minimization exceed anticipated repair costs. Paragraph (b)(8) of the revised rules requires that the subsidence control plan include a description of the measures to be taken to replace any adversely impacted protected water supply.

Iowa proposed minor changes to the provisions to make them State specific, including adding some State regulation citation cross-references and parenthetical notes.

### 4. IAC 27-40.64(8) Hydrologic Balance Protection

At IAC 27-40.64(8), Iowa proposes to add at its incorporation of 30 CFR Part 817 the new provision at 30 CFR 817.41(j), which was effective May 1, 1995.

The substantive provision of paragraph (j) requires prompt replacement of any drinking, domestic,

or residential water supply that is contaminated, diminished, or interrupted by underground mining activities conducted after October 24, 1992.

### 5. IAC 27-40.64(6) Subsidence Control

IAC 27-40.64(6), Iowa proposes to delete 30 CFR 817.121(a), as incorporated by reference as in effect on July 1, 1992, and to add the actual Federal provision at 30 CFR 817.121(a), which was revised effective May 1, 1995.

The substantive provisions of paragraph (a) provide that, to the extent technologically and economically feasible, permittees using mining methods that involve planned subsidence must conduct their operations in a manner that minimizes subsidence damage to protected structures. The rule allows the owner of the structure to provide a written waiver of this protection. In cases where there is no threat to health or safety, the rule also authorizes the regulatory authority to waive this requirement if the applicant can demonstrate that the costs of damage minimization exceed anticipated repair costs.

### 6. IAC 27-40.64(7) Repair of Damage

At IAC 27-40.64(7), Iowa proposes to delete 30 CFR 817.121(c) as incorporated by reference as in effect on July 1, 1992, and to add the actual Federal provisions at 30 CFR 817.121(c), which were revised effective May 1, 1995.

The substantive provisions of 30 CFR 817.121(c) (2) and (3) require the permittee to promptly repair, or compensate the owner for, subsidence-related material damage to any noncommercial building or occupied residential dwelling or related structure that existed at the time of mining, provided the subsidence results from underground mining activities conducted after October 24, 1992. The rule also provides that, to the extent required by State law, the permittee must repair or compensate the owner for subsidence-related material damage to all other structures and facilities. The substantive provisions at 30 CFR 817.121(c)(4) establish a rebuttable presumption that the permittee is responsible for any structural damage caused by earth movement within a specified angle of draw from the outermost boundary of any underground mine workings to the land surface. Unless otherwise approved in the permit or the State program based on a geotechnical analysis of the factors affecting potential surface impacts of underground coal mining operations,

the presumption must apply within a 30-degree angle of draw. No presumption exists if the owner of the structure denied the permittee access to conduct the presubsidence survey required under 30 CFR 784.20(a). All relevant and reasonably available information must be considered in determining whether damage was caused by subsidence from underground mining. The substantive provisions of 30 CFR 817.121(c)(5) provide that, if subsidence-related material damage occurs to land, structures, or facilities protected under 30 CFR 817.121(c), the regulatory authority must require the permittee to post additional performance bond in the amount of the estimated repair costs or diminution in value, depending on whether the permittee intends to repair the damage or compensate the owner. Similarly, if an underground mining operation contaminates, diminishes, or interrupts any water supply protected under 30 CFR 817.41(j), the regulatory authority must require the permittee to post additional bond in the amount of the estimated cost of replacing the supply. The permittee must post this bond within 90 days of the date the damage occurred, unless repair, compensation, or replacement is completed within that timeframe. Under certain circumstances, the regulatory authority may extend the 90-day grace period up to a maximum of one year.

Iowa proposed minor modifications to the provisions to make them State program specific, including adding some State regulation citation cross-references and parenthetical notations.

### 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 Iowa 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 Mid-Continent Regional Coordinating Center 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.s.t. on January 10, 1997. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

The location and time of the hearing will be arranged with those persons requesting the hearing. 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. 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 public hearing will continue on the specific 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.

#### *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 12988*

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (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.

#### *Unfunded Mandates*

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

#### List of Subjects in 30 CFR Part 915

Intergovernmental relations, Surface mining, Underground mining.

Dated: December 7, 1996.  
 Brent Wahlquist,  
*Regional Director, Mid-Continent Regional  
 Coordinating Center.*  
 [FR Doc. 96-32707 Filed 12-24-96; 8:45 am]  
 BILLING CODE 4310-05-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD05-96-101]

RIN 2115-AE47

#### Drawbridge Operation Regulations; Corson Inlet, Strathmere, NJ

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** At the request of the Cape May County Bridge Commission, the Coast Guard is proposing to change the regulations that govern the operation of the drawbridge across Corson Inlet, mile 0.9, at Strathmere, New Jersey, by requiring a two hour advance notice for drawbridge openings from October 1 to May 15 from 10 p.m. to 6 a.m., seven days a week. This proposed rule is intended to help relieve the bridge owner of the burden of having a bridge tender constantly available at times when there are few or no requests for openings, while still providing for the reasonable needs of navigation.

**DATES:** Comments must be received on or before February 24, 1997.

**ADDRESSES:** Comments may be mailed to Commander (Aowb), USCG Atlantic Area, Federal Building, 4th Floor, 431 Crawford Street, Portsmouth, Virginia 23704-5004, or may be hand-delivered to the same address between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The telephone number is (757) 398-6222. Comments will become a part of this docket and will be available for inspection and copying at the above address.

**FOR FURTHER INFORMATION CONTACT:** Ann B. Deaton, Bridge Administrator, USCG Atlantic Area, at (757) 398-6222.

#### SUPPLEMENTARY INFORMATION:

##### Requests for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD05-96-101), the specific section of this rule to which each comment applies, and give reasons

for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Commander, USCG Atlantic Area, at the address listed under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

##### Background and Purpose

The drawbridge across Corson Inlet, mile 0.9, at Strathmere, New Jersey, is currently required to open on request year round. The Cape May County Bridge Commission (Commission) has requested that the operating schedule for the drawbridge be amended to reduce the periods during which it must open the bridge on signal. In support of its request, the Commission contends that its records show that during the period from October 1 through May 15, no vessels required a drawbridge opening during the hours of 10 p.m. to 6 a.m.

The Coast Guard has reviewed the Commission's bridge logs for 1992 through 1995, copies of which are included in the docket for this rulemaking. According to the logs, no openings occurred between the hours of 10 p.m. and 6 a.m. from October 1 through May 15 in any of these years.

Therefore, the Coast Guard is proposing a new regulation governing the operation of the drawbridge across Corson Inlet, mile 0.9, at Strathmere, New Jersey. The proposed rule would require the bridge to open on signal from May 15 through September 30 and between 6 a.m. and 10 p.m. from October 1 through May 15. The bridge would also open between 10 p.m. and 6 a.m. from October 1 through May 15 if notice is given to the Cape May County Bridge Department two hours in advance of the time that the opening is requested. A sign will be posted at the bridge giving the Cape May County Bridge Department's 24-hour telephone number. The Coast Guard believes that

these proposed changes will relieve the burden of requiring a bridgetender to be on duty during periods of little or no vessel traffic while not unduly restricting navigation.

##### Regulatory Evaluation

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

##### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposed rule will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this proposed rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

##### Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

##### Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612, and has determined that this proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

##### Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under section 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B (as amended, 59 FR 38654, 29 July 1994), this proposed rule is categorically excluded from further environmental documentation.