

who may add comments and then send it to the Manager, Atlanta ACO.

(2) Alternative methods of compliance approved in accordance with AD 81-15-04 R1, are not considered approved as alternative methods of compliance for this AD.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(g) All persons affected by this directive may obtain copies of the documents referred to herein upon request to The New Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, Florida 32960; or may examine this document at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(h) This amendment supersedes AD 81-15-04 R1, Amendment 39-4200.

Issued in Kansas City, Missouri, on September 14, 1998.

**Marvin R. Nuss,**

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

[FR Doc. 98-25127 Filed 9-18-98; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement (OSM)

#### 30 CFR Part 920

[MD-045-FOR]

#### Maryland Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement. DOI.

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

**SUMMARY:** OSM is announcing the receipt of a proposed amendment to the Maryland Regulatory Program (hereinafter referred to as the Maryland Program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1201 *et seq.*, as amended. This proposed amendment provides that administrative review and award of costs decisions formerly appealed to the Board of Review will now be reviewed in accordance with State Government Article, § 10-215, Annotated Code of Maryland. The amendment is intended to revise the Maryland program to be consistent with the corresponding Federal regulations.

**DATES:** Written comments must be received by 4:00 p.m., E.D.T., October 21, 1998. If requested, a public hearing on the proposed amendment will be held on October 16, 1998. Requests to speak at the hearing must be received by 4:00 p.m., E.D.T., on October 6, 1998.

**ADDRESSES:** Written comments and requests to speak at the hearing should be mailed or hand delivered to George Rieger, Manager, at the address listed below.

Copies of the Maryland 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 contracting OSM's Appalachian Regional Coordinating Center.

George Rieger, Manager, Pittsburgh Oversight and Inspection Office, OSM, Appalachian Regional Coordinating Center, 3 Parkway Center, Pittsburgh, PA 15220, Telephone: (412) 937-2153, Maryland Bureau of Mines, 160 South Water Street, Frostburg, Maryland 21532, Telephone: (301) 689-4136.

#### FOR FURTHER INFORMATION CONTACT:

George Rieger, Manager, Appalachian Regional Coordinating Center, at (412) 937-2153.

#### SUPPLEMENTARY INFORMATION:

##### I. Background on the Maryland Program

On December 1, 1980, the Secretary of the Interior conditionally approved the Maryland program. Background information on the Maryland program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the December 1, 1980, **Federal Register** (45 FR 79449). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 920.12, 920.15, and 920.16.

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

By letter dated August 25, 1998, (Administrative Record No. MD-580-00), the Maryland Department of the Environment (MDDOE) submitted the proposed amendment to its program. This proposal supersedes an existing proposed amendment Maryland submitted on May 7, 1991, to satisfy the requirements of 30 CFR 920.16(a). The 1991 proposed amendment resulted in a final rule published in the **Federal Register** on January 10, 1992, (57 FR 1104) approving the revisions. The final rule indicated that 30 CFR 920.16(a) was removed and reserved. However, Maryland did not promulgate the revisions approved by OSM. Since that time, the Bureau of Mines has been transferred from the Department of

Natural Resources to the Department of the Environment and the Code of Maryland Regulations (COMAR) has been recodified. The Board of Review was abolished in 1990 and the right to appeal administrative review and award of costs decisions is now authorized by § 10-215 of the State Government Article.

The provisions of COMAR that Maryland proposed to amend are as follows:

1. COMAR 26.20.34.06 Procedure after Testimony is Concluded.

In Section G. Maryland proposes to delete the phrase, "may appeal the decision to the Board of Review pursuant to COMAR 08.16.01" and replace it with the phrase, "is entitled to judicial review in accordance with State Government Article, § 10-215, Annotated Code of Maryland."

2. COMAR 26.20.34.09 Award of Costs.

In Section G. Maryland proposes to delete the phrase, "may appeal to the Board of Review pursuant to COMAR 08.16.01" and replaces it with the phrase, "is entitled to judicial review in accordance with State Government Article, § 10-215, Annotated Code of Maryland."

3. COMAR 26.20.06.02

Administrative Appeal.

This section has been deleted.

##### III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendment proposed by Maryland satisfies the applicable requirements for the approval of State program amendments. If the amendment is deemed adequate, it will become part of the Maryland 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 Appalachian Regional Coordinating Center will not necessarily be considered in the final rulemaking or included in the Administrative Record.

##### Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by close of business on October 6, 1998. If no one requests an opportunity to comment at a 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 comment have been heard. Persons in the audience who have not been scheduled to comment and who wish to do so will be heard following those scheduled. The hearing will end after all persons who desire to comment have been heard.

#### *Public Meeting*

If only one person requests an opportunity to comment 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 proposed 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 corresponding 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 in the analyses for the corresponding 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 938**

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 10, 1998.

**Allen D. Klein,**

*Regional Director, Appalachian Regional Coordinating Center.*

[FR Doc. 98-25117 Filed 9-18-98; 8:45 am]

**BILLING CODE 4310-05-P**

#### **DEPARTMENT OF THE INTERIOR**

#### **Office of Surface Mining Reclamation and Enforcement**

#### **30 CFR Part 934**

[ND-038-FOR, Amendment NO. XXVII]

#### **North Dakota Regulatory Program**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.  
**ACTION:** Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

**SUMMARY:** Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of a proposed amendment to the North Dakota regulatory program (hereinafter, the "North Dakota program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of the addition of the: definition of water supply, and revision of existing rules on: rulemaking notices, consolidation of information in permits, water management design plans, annual maps, wildlife monitoring reports, subsoil removal approvals, soil respreading requirements, sedimentation pond performance standards, and noncoal waste disposal. In addition to the above, the U.S. Office of Surface Mining is proposing to: remove the program requirement at 30 CFR 934.16(n) concerning the submission of specific fish and wildlife resource information.

The amendment is intended to revise the North Dakota program to be consistent with the corresponding Federal regulations and incorporate the additional flexibility afforded by the revised Federal regulations and provide additional safeguards, and clarify ambiguities, and improve operational efficiency.

**DATES:** Written comments must be received by 4:00 p.m., m.d.t. October 21, 1998. If requested, a public hearing on the proposed amendment will be held on October 16, 1998. Requests to present oral testimony at the hearing must be received by 4:00 p.m., m.d.t. on October 6, 1998.

**ADDRESSES:** Written comments should be mailed or hand delivered to Guy Padgett at the address listed below.

Copies of the North Dakota 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