

Federal Aviation Administration, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Blvd., Lakewood, CA 90712-4137; Telephone (562) 627-5246, Fax (562) 627-5210.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to AlliedSignal Inc. Model TPE331-8, -10, -11 and -12 series turboprop engines with fuel manifold, Part Number (P/N) 3102469-1 or -2, repaired by Hoses Unlimited, Inc. prior to November 11, 1995, was published in the **Federal Register** on January 21, 1998 (63 FR 3056). That action proposed to require removal of suspect fuel manifold assemblies and replacement with serviceable assemblies.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

There are approximately 70 engines of the affected design in the worldwide fleet. The FAA estimates that 50 engines installed on aircraft of U.S. registry will be affected by this AD, that it will take approximately 5 work hours per engine to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$1,800 per engine. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$105,000.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has

been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

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

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

##### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

**98-12-09 AlliedSignal Inc.:** Amendment 39-10565. Docket 97-ANE-47-AD.

**Applicability:** AlliedSignal Inc. (formerly Allied-Signal Aerospace Company, Garrett Engine Division and Garrett Turbine Engine Co.) Model TPE331-8, -10, -11 and -12 series turboprop engines with fuel manifold, Part Number (P/N) 3102469-1 or -2, repaired by Hoses Unlimited, Inc. prior to November 20, 1995. These engines are installed on but not limited to Ayres S2R-G10; Cessna Model 441; Construcciones Aeronauticas, S.A. (CASA) C-212 series; Dornier 228 series; Fairchild SA226 and SA227 series; Jetstream 3101 and 3201 series; Mitsubishi MU-2B series (MU-2 series); and Twin Commander Aircraft Corp. Models 695 and 695A aircraft.

**Note 1:** This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent fuel leakage of the fuel manifold, resulting in fuel spraying on hot turbine components, which could result in an engine fire, accomplish the following:

(a) Check all fuel manifold identification bands for P/Ns 3102469-1 or -2 and the

Hoses Unlimited, Inc. name, or review engine and aircraft maintenance records and purchase receipts to establish the origin and repairs on all fuel manifolds. If records indicate that fuel manifolds, P/Ns 3102469-1 or -2, are not installed in an engine or that Hoses Unlimited, Inc. has not been used as a repair facility, no further AD action is required.

(b) Remove from service all fuel manifolds with the Hoses Unlimited, Inc. name and P/Ns 3102469-1 or -2 and replace with a serviceable fuel manifold in accordance with the applicable AlliedSignal engine maintenance manual, at first access to the fuel manifold assembly, at the next engine hot section inspection, or 3 years after the effective date of this AD, whichever occurs first.

(c) For the purposes of this AD, first access to the fuel manifold is defined as any repair, modification, removal, or testing of the fuel manifold assembly or components of the fuel manifold assembly.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles Aircraft Certification Office.

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

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

(f) This amendment becomes effective on August 7, 1998.

Issued in Burlington, Massachusetts, on May 29, 1998.

**Jay J. Pardee,**

*Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 98-15089 Filed 6-5-98; 8:45 am]

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#### DEPARTMENT OF THE INTERIOR

#### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 916

[SPATS No. KS-015-FOR]

#### Kansas Abandoned Mine Land Reclamation Plan

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

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** OSM is approving a proposed amendment to the Kansas abandoned mine land reclamation plan (hereinafter referred to as the "Kansas plan") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Kansas proposed revisions and additions to its plan pertaining to project ranking and selection procedures and purchasing and procurement systems. The amendment is intended to revise the Kansas plan to be consistent with the corresponding Federal regulations.

**EFFECTIVE DATE:** June 8, 1998.

**FOR FURTHER INFORMATION CONTACT:**

Russell W. Frum, Office of Surface Mining, Mid-Continent Regional Coordinating Center, Alton Federal Building, 501 Belle Street, Alton, Illinois 62002. Telephone: (618) 463-6460.

**SUPPLEMENTARY INFORMATION:**

- I. Background on the Kansas Plan
- II. Submission of the Proposed Amendment
- III. Director's Findings
- IV. Summary and Disposition of Comments
- V. Director's Decision
- VI. Procedural Determinations

**I. Background on the Kansas Plan**

On February 1, 1982, the Secretary of the Interior conditionally approved the Kansas plan. Background information on the Kansas plan, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the February 1, 1982, **Federal Register** (47 FR 4513). Information on the removal of the conditions of approval can be found in the June 3, 1983, **Federal Register** (48 FR 24874). Subsequent actions concerning amendments to the plan can be found at 30 CFR 916.25.

**II. Submission of the Proposed Amendment**

By letter dated March 17, 1998 (Administrative Record No. AML-KS-171), Kansas submitted a proposed amendment to its plan pursuant to SMCRA. Kansas submitted the proposed amendment in response to a September 24, 1994, letter (Administrative Record No. AML-KS-169) that OSM sent to Kansas in accordance with 30 CFR 884.15(d).

OSM announced receipt of the proposed amendment in the April 6, 1998, **Federal Register** (63 FR 16728), and in the same document opened the public comment period and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on May 6, 1998.

During its review of the amendment, OSM identified concerns relating to

project selection. OSM notified Kansas of these concerns by telephone on April 10, 1998 (Administrative Record No. AML-KS-171.2). By letter dated April 10, 1998 (Administrative Record No. AML-KS-171.3), Kansas responded to OSM's concerns by submitting revisions to its proposed plan amendment. Kansas proposed additional revisions to State Reclamation Plan Section 884.13(c)(2) Step 3, Project Selection. Because the additional information merely clarified certain provisions of Kansas' proposed amendment, OSM did not reopen the public comment period.

**III. Director's Findings**

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 884.14 and 884.15, are the Director's findings concerning the proposed amendment.

Revisions not specifically discussed below concern nonsubstantive wording changes, or revised cross-references and paragraph notations to reflect organizational changes resulting from this amendment.

**A. State Reclamation Plan Section 884.13(c)(2), Projection Ranking and Selection Procedures**

1. Kansas proposed to replace the reference to the "Kansas Mined Land Conservation and Reclamation Board" with the "Kansas Department of Health and Environment, Surface Mining Section," throughout this section. The Director is approving this amendment because it only updates the agency name.

2. In its discussion of considerations during the project selection process, Kansas proposed to replace the reference to "30 CFR 874.14" with a reference to OSM's AML Program Guidelines published on December 30, 1996, entitled, "Office of Surface Mining, Abandoned Mine Land Reclamation Program Guidelines." The Director is approving the update of this reference.

3. Kansas proposed to revise the process for selecting sites for reclamation from four steps to three steps. The Director is approving this change because it is not inconsistent with the Federal regulation at 30 CFR 884.13(c)(2). Kansas also proposed to change the language to focus ranking of potential projects on "AML Inventory Problem Areas" instead of "sites." The term "sites" is undefined in State or OSM policies, whereas, the term "AML Problem Area" is defined in OSM directive AML-1. Problem areas have distinct geographic boundaries and are recognized in the national inventory. The Director is approving this change

because it is consistent with section 403(c) of SMCRA and the Federal regulation at 30 CFR 884.13(c)(2).

4. *Project Selection, Step 1- Identification and Establishment of Reclamation Priority Problem Areas.* Kansas revised this step to reference the five priorities for expenditure of AML funds as described in section 403(a) of SMCRA. The introductory paragraph of Step 1 which references a State process independent of the National AML Inventory is deleted. A new introductory paragraph is added and reads as follows:

The State program will classify problem areas into five OSM approved priority categories listed in the Office of Surface Mining Abandoned Mine Land Inventory Manual. Site conditions will be utilized by the AML Program Staff in identifying problem areas which fit within these priority categories. The problem areas will be evaluated based on site hazards and conditions. The results of the evaluations of all site hazards and site conditions on a parameter will be numerically scored according to its degree of impact and the score will then be adjusted by a standard weighting factor which reflects the parameter's significance relative to the total problem. The resultant total score for each site will be used to rank problem areas within each priority category. A master list will be maintained by the AML Program staff for use by the SMS in selecting projects for funding. Preference among problem areas competing for available resources will be given to projects meeting higher priority objectives and scoring higher on the Problem Area Ranking Matrix.

The Director is approving this amendment because it is consistent with the Federal regulations at 30 CFR 884.13(c) and section 403(a) of SMCRA.

5. *Project Selection, Step 2-Eligibility Determination.* Kansas proposed to change the title of this step from "Elimination of Selected Problem Sites" to "Eligibility Determinations" to more accurately reflect the purpose of this step. Item 3 of Step 2 is removed because it is redundant with the state regulations at K.A.R. 47-16-1. The Director is approving these amendments because they add clarifying language and remove redundant language from the Kansas plan.

**6. Project Selection, Step 3-Project Selection.**

a. At Item 2, Kansas deleted its former Priority IV objective concerning AML problems, which present a potential for research and demonstration projects related to mine reclamation, and renumbered former Priority V and VI as priority IV and V, respectively. Kansas also deleted Item 3(vii) dealing with Research and Demonstration. The Director is approving the revisions

because they render the Kansas plan consistent with section 403(a) of SMCRA.

b. In Item 4, Kansas revised the wording to clarify the importance of selecting reclamation project solutions which minimize maintenance and achieve self-sustaining reclamation. The Director is approving this revision because it more clearly follows the spirit of the December 30, 1996, revised AML Reclamation Program Guidelines at Part B.3.b.(3), and it is consistent with 30 CFR 884.13(c).

c. Item 6 originally addressed the issue of remaining coal resources on the reclamation site. Kansas proposed to revise this item to state that problems, on sites where remaining could potentially occur, will be addressed before any remaining takes place if the problems seriously imperil public health or safety. The Director is approving this revision because it is not inconsistent with section 403(a) of SMCRA.

d. Kansas added a new item, Item 9, to indicate that reclamation must be cost effective and consistent with the intended post mining land use of the owner. The Director is approving this revision because it is not inconsistent with the Federal regulations at 30 CFR 884.13.

e. Kansas proposed to delete Step 4—Selection of Projects and add a new paragraph to Step 3. The new paragraph states that the final selection process will consider ranking score, cost effectiveness of doing lower priority work, availability of funding, and geographic distribution of projects. The Director is approving these revisions because they are not inconsistent with the Federal Regulations at 30 CFR 884.13.

7. *Accomplishment Reporting.* Kansas proposed to add a new section entitled, "Accomplishments Reporting," at the end of Section 884.13(c)(2). It states that upon completion of any AML project, the Kansas Surface Mining Section will submit Form OSM-76 or other appropriate form(s) to report the accomplishments achieved through the project. The Director finds that the new paragraph is substantively the same as the Federal regulation at 30 CFR 886.23(b).

#### *B. State Reclamation Plan Section 884.13(d)(3), Purchasing and Procurement Systems*

Kansas proposed to add two new paragraphs under the sub-section, "Other Contract Provisions," to read as follows:

All successful Bidders for AML contracts must be eligible per regulation at the time of

contract award to receive a permit or conditional permit to conduct surface coal mining operations. Eligibility will be confirmed by consulting the Office of Surface Mining's automated system for identifying and tracking ownership and control links involving permit applicants, permittees, and persons cited in violation notices. This provision will also apply to successful bidders on any non-coal sites eligible for reclamation.

No monies from the AML fund will be expended for reclamation on any non-coal sites designated for remedial action pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, the Comprehensive Environmental Response Compensation and Liability Act of 1980, or other such regulations deemed excludable from funding by the Office of Surface Mining.

The Director is approving these additions because they render the Kansas plan consistent with the Federal regulations at 30 CFR 874.16, 875.16, and 875.20.

#### **IV. Summary and Disposition of Comments**

##### *Public Comments*

OSM solicited public comments and provided an opportunity for a public hearing on the proposed amendment. No public comments were received, and because no one requested an opportunity to speak at a public hearing, no hearing was held.

##### *Federal Agency Comments*

Pursuant to 884.14(a)(2) and 884.15(a), the Director solicited comments on the proposed amendment from various other Federal agencies with an actual or potential interest in the Kansas plan. OSM received comments from the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) dated April 23, 1998 (Administrative Record No. AML-KS-171.5). The NRCS suggested that AML problem areas that are under contract with NRCS for the Rural Abandoned Mine Program (RAMP), should not be included in Kansas' selection process unless Kansas coordinates with them. The proposed change to Kansas' policy and procedure at Section 884.13(c)(2), Step 2 identify certain AML problem areas that will be eliminated from project selection consideration. One of the two categories to be eliminated is projects where there is ongoing or planned reclamation which would be totally financed by the RAMP or other public or private entity. This provision appears adequate to satisfy the NRCS's concern.

In addition, Kansas' existing policy and procedure at Section 884.13(c)(3) outline the coordination of activities between Kansas and the RAMP. The

policy and procedure state that the Kansas AML Program will work closely with the NRCS District Conservationist in each county in identifying problem AML sites and selecting reclamation methods. Furthermore, "To avoid duplication, all information in a given county pertaining to AML inventories, site evaluation, and proposed and active reclamation projects will be shared with each District Conservationist." The Director concludes that the concerns of the NRCS regarding RAMP projects are addressed in both the proposed revisions and in other unchanged portions of the Kansas AML Reclamation Plan.

#### **V. Director's Decision**

Based on the above findings, the Director approves the proposed plan amendment as submitted by Kansas on March 17, 1998, and as revised on April 10, 1998.

The Director approves the plan as proposed by Kansas with the provision that it be fully promulgated in identical form to the plan submitted to and reviewed by OSM and the public.

The Federal regulations at 30 CFR Part 916, codifying decisions concerning the Kansas plan, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State plan amendment process and to encourage States to bring their plans into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

#### **VI. 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 and Tribal abandoned mine land reclamation plans and revisions thereof since each such plan is drafted and promulgated by a specific State or Tribe, not by OSM. Decisions on proposed abandoned mine land reclamation plans and revisions thereof submitted by a State or Tribe are based on a determination of whether the submittal meets the requirements of

Title IV of SMCRA (30 U.S.C. 1231–1243) and 30 CFR Part 884.

*National Environmental Policy Act*

No environmental impact statement is required for this rule since agency decisions on proposed State and Tribal abandoned mine land reclamation plans and revisions thereof are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior (516 DM 6, appendix 8, paragraph 8.4B(29)).

*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 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. 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*

OSM 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.

**List of Subjects in 30 CFR Part 916**

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 26, 1998.

**Brent Wahlquist,**

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

For the reasons set out in the preamble, 30 CFR Part 916 is amended as set forth below:

**PART 916—KANSAS**

1. The authority citation for part 916 continues to read as follows:

**Authority:** 30 U.S.C. 1201 *et seq.*

2. Section 916.25 is amended in the table by adding a new entry in chronological order by "Date of final publication" to read as follows:

**§ 916.25 Approval of Kansas abandoned mine land reclamation plan amendments.**

Original amendment submission date	Date of final publication	Citation/description
*	*	*
*	*	*
*	*	*
*	*	*
March 17, 1998.	June 8, 1998.	Section 884.13(c)(2) and (d)(3).

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**DEPARTMENT OF THE INTERIOR**

**Office of Surface Mining Reclamation and Enforcement**

**30 CFR Part 931**

[NM–038–FOR]

**New Mexico Regulatory Program**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.  
**ACTION:** Final rule; approval of amendment.

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSM) is approving a proposed amendment to the New Mexico regulatory program (hereinafter, the "New Mexico program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). New Mexico proposed to recodify the New Mexico Surface Coal Mining Regulations. The amendment revised the State program to improve operational efficiency and ensure that the New Mexico Surface Coal Mining Regulations were codified according to the New Mexico administrative rules.

**EFFECTIVE DATES:** June 8, 1998.

**FOR FURTHER INFORMATION CONTACT:** Willis L. Gainer, Telephone: (505) 248–5096, Internet address: WGAINER@OSMRE.GOV.

**SUPPLEMENTARY INFORMATION:**

**I. Background on the New Mexico Program**

On December 31, 1980, the Secretary of the Interior conditionally approved the New Mexico Program. General

background information on the New Mexico program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the New Mexico program can be found in the December 31, 1980, **Federal Register** (45 FR 86459). Subsequent actions concerning New Mexico's program and program amendments can be found at 30 CFR 931.11, 931.15, 931.16, and 931.30.

**II. Proposed Amendment**

By letter dated January 6, 1998, New Mexico submitted a proposed amendment to its program (administrative record No. NM–795) pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). New Mexico submitted the proposed amendment at its own initiative. New Mexico proposed to recodify the New Mexico Surface Coal Mining Regulations.

OSM announced receipt of the proposed amendment in the February 24, 1998, **Federal Register** (63 FR 9165), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. NM–798). Because no one requested a public hearing or meeting, none was held. The public comment period ended on March 26, 1998.

**III. Director's Findings.**

As discussed below, the Director, in accordance with SMCRA and 30 CFR 732.15 and 732.17, finds that the proposed program amendment, submitted by New Mexico on January 6, 1998, is no less effective than the corresponding Federal regulations and no less stringent than SMCRA. Accordingly, the Director approves the proposed amendment.

**1. Nonsubstantive Revisions to New Mexico's Rules**

New Mexico proposed revisions to the previously-approved New Mexico Surface Coal Mining Regulations that are nonsubstantive in nature and consist of minor editorial, punctuation, grammatical, and recodification changes. Specifically, New Mexico proposed to recodify its regulations from Coal Surface Mining Code Rule 80–1 (CSMC Rule 80–1), sections 1 through 15 and sections 19 through 34, to Title 19 (Natural Resources and Wildlife, Chapter 8, (Coal Mining), Part 2 (Coal Surface Mining) of the New Mexico Administrative Code (19 NMAC 8.2), Subparts 1 through 34. No substantive changes to the text of the regulations were proposed.

Because the proposed revisions to these previously-approved rules are