(a) Remove the sealant from the forward tooling hole in the right-hand upper fuel enclosure area in accordance with the Accomplishment Instructions in Bell Helicopter Textron Alert Service Bulletin (ASB) No. 222–01–89, for the Model 222 helicopters and Model 222B helicopters; ASB No. 222U–01–60, for the Model 222U helicopters; ASB No. 230–01–20, for the Model 230 helicopters; and ASB No. 430–01–21, for the Model 430 helicopters, all dated February 7, 2001.

(b) 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, Regulations Group, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Regulations Group.

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

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

Note 3: The subject of this AD is addressed in Transport Canada (Canada) AD CF–2001–22, dated May 24, 2001.

Issued in Fort Worth, Texas, on April 18, 2002.

Eric Bries,
Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.
[FR Doc. 02–10533 Filed 4–29–02; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement
30 CFR Part 938
[PA–137–FOR]
Pennsylvania 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: We, the Office of Surface Mining Reclamation and Enforcement (OSM), are announcing receipt of a proposed amendment to the Pennsylvania regulatory program (the “Pennsylvania program”) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Pennsylvania proposes revisions to rules for the licensing of blasers and for the use and handling of explosives. Pennsylvania intends to revise its program to be consistent with the corresponding Federal regulations and SMCRA, clarify ambiguities, and provide additional safeguards.

This document gives the times and locations that the Pennsylvania program and proposed amendments to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments on this amendment until 4:00 p.m., e.d.t., May 30, 2002. If requested, we will hold a public hearing on the amendment on May 27, 2002. We will accept requests to speak at a hearing until 4:00 p.m., e.d.t. on May 15, 2002.

ADDRESSES: You should mail or hand deliver written comments and requests to speak at the hearing to Robert McKenzie, Acting Director, Harrisburg Field Office at the address listed below.

You may review copies of the Pennsylvania program, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM’s Harrisburg Field Office.

Robert McKenzie, Acting Director, Harrisburg Field Office, Office of Surface Mining Reclamation and Enforcement, Harrisburg Transportation Center, Third Floor, Suite 3C, 4th and Market Streets, Harrisburg, Pennsylvania 17101, Telephone: (717) 782–4036, Email: bbrock@osmre.gov.

J. Scott Roberts, Director, Bureau of Mining and Reclamation, Pennsylvania Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 8461, Harrisburg, Pennsylvania 17105–8461, Telephone: (717) 787–5103.

FOR FURTHER INFORMATION CONTACT: Robert McKenzie, Telephone: (717) 782–4036. Email: rmckenzie@osmre.gov

SUPPLEMENTARY INFORMATION:
I. Background on the Pennsylvania Program
II. Description of the Proposed Amendment
III. Public Comment Procedures
IV. Procedural Determinations

I. Background on the Pennsylvania Program
Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program

DEPARTMENT OF THE TREASURY
Internal Revenue Service
26 CFR Part 1
[REG–209135–88 and [REG–142299–01]
RIN 1545–BA36 and 1545–AW92
Certain Transfers of Property to Regulated Investment Companies and Real Estate Investment Trusts; Hearing Cancellation
AGENCY: Internal Revenue Service (IRS), Treasury.
ACTION: Cancellation of notice of public hearing on proposed rulemaking.
SUMMARY: This document provides notice of cancellation of a public hearing on proposed regulations relating to certain transfers or events that result in a Regulated Investment Company (RIC) or Real Estate Investment Trust (REIT) owning property that has a basis determined by reference to a C corporation’s basis in the property.
includes, among other things, “a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of the Act* * *; and rules and regulations consistent with regulations issued by the Secretary pursuant to the Act.” See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Pennsylvania program on July 30, 1982. You can find background information on the Pennsylvania program, including the Secretary’s findings, the disposition of comments, and conditions of approval of the Pennsylvania program in the July 30, 1982, Federal Register (47 FR 33050). You can also find later actions concerning Pennsylvania program and program amendments at 30 CFR 938.11, 938.12, 938.15 and 938.16.

II. Description of the Proposed Amendment

By letter dated March 1, 2002, Pennsylvania sent us a proposed amendment to its program (administrative record No. PA 878.02) under SMCRA (30 U.S.C. 1201 et seq.). Pennsylvania sent the amendment to include the changes made at its own initiative. The full text of the program amendment is available for you to read at the locations listed above under ADDRESSES.

The provisions of State rules that Pennsylvania proposes to revise and/or add are:

Title 25, Part I, Subpart D, Article IV, Chapter 210, Blasters’ License

Sections 210.1–210.6 are reserved. These sections have either been eliminated or their content moved to other sections.

Section 210.11, Definitions. This is a new section that contains definitions of the terms, “Blast,” “Blast-in-charge,” “Blasting activity,” “Building,” “Charge weight,” “Delay interval,” “Detonator,” “Explosive,” “Flyrock,” “Magazine,” “Misfire,” “Particle velocity,” “Peak particle velocity,” “Person,” “Primer,” “Purchaser,” “Sale or sell,” “Scaled distance (Ds),” “Stemming,” “Structure,” and “Utility lines.” These definitions were formerly found in section 211.2 except for the definition of “Blast-in-charge” which was formerly in section 210.6.

Pennsylvania is proposing to eliminate the following terms and their definitions that were formerly located in section 211.2: “Establishment,” “Explosive Plant,” “Factory Building,” “Railroad,” “Highway,” “Barricade,” “Department,” “Board,” “Secretary,” “Approved,” “Vehicle,” and “Actual Distance.”

Section 211.102, Scope. This section defines who and what activities the chapter applies to. Subsection (a) was formerly found in section 210.5(c).

Section 211.103, Enforcement. This section defines the circumstances under which Pennsylvania may issue orders to either implement this chapter or to suspend, modify or revoke a license or permit. This section was formerly found in section 211.36.

Subchapter B. Storage and Classification of Explosives

Section 211.111, Scope. This section indicates that the subchapter applies to the classification and storage of explosives and establishes the requirements for licensing, constructing, siting and maintaining magazines.

Section 211.112, Magazine license and fees. This section defines the procedures for licensing magazines for storage of explosives and also includes the applicable fees. This section is a compilation of requirements formerly found in sections 211.31 and 211.32.

Section 211.113, Application contents. This section describes the information to be included on an application to obtain, renew, modify or transfer a magazine license. These requirements were formerly found in section 211.34.

Section 211.114, Displaying the license. This section requires a license to be conspicuously displayed inside the magazine, if possible, or at the site and adjacent to the magazine for which it applies. This requirement was formerly found in section 211.14.

Section 211.115, Standards for classifying and storing explosives and constructing, maintaining and siting magazines. This section provides that the provisions of 27 CFR part 55, subpart K (relating to storage) are
incorporated in this section by reference. These provisions are used to locate magazines on a site and to determine the type of explosives that can be stored there. This section is a compilation of requirements formerly found in sections 211.32, 211.33, 211.35, 211.43, and 211.61.

Subchapter C. Permits

Section 211.121, General Requirements. This section lists the requirements for obtaining a permit for blasting and the purchase or sale of explosives. This section is a compilation of requirements formerly found in section 211.36.

Section 211.122, Permits to sell explosives. This section identifies the requirements to be met when applying for a permit to sell explosives. This section is a compilation of requirements formerly found in section 211.36.

Section 211.123, Permits to purchase explosives. This section identifies the requirements to be met when applying for a permit to purchase explosives. This section is a compilation of requirements formerly found in section 211.36.

Section 211.124, Blasting activity permits. This section identifies the requirements to be met when applying for a permit to conduct blasting activities.

Section 211.125, Blasting activity permit-by-rule. This section defines the conditions under which a person shall be deemed to have a permit for a blasting activity.

Subchapter D. Records of Disposition of Explosives

Section 211.131, Sales Records. This section provides that sellers shall keep accurate records of every sale of explosives for three years. It also specifies the information needed to be kept during that three year period. The requirements of this section were formerly found at section 211.36.

Section 211.132, Purchase Records. This section provides that purchasers shall keep accurate records of every purchase of explosives for three years. It also specifies the information needed to be kept during that three year period. The requirements of this section were formerly found at section 211.36.

Section 211.133, Blast reports. This section specifies the information that a blaster-in-charge is to provide Pennsylvania in a blast report. It also requires that blast reports be kept a minimum of three years. The requirements of this section were formerly found at section 211.46.

Subchapter E. Transportation of Explosives

Section 211.141, General requirements. This section provides the requirements a blasting activity, purchase or sale permittee must comply with when transporting explosives including unloading and loading of explosives. The requirements of this section were formerly found at sections 211.38 and 211.42.

Subchapter F. Blasting Activities

Section 211.151, Prevention of damage. This is a new section that identifies the types of prohibited blasting damage and requires notification of damage to the Department of Environmental Protection. It also provides technical specifications for designing blasts.

Section 211.152, Control of noxious gases. This is a new section that requires blasts to be conducted so that the gases generated by the blast do not affect the health and safety of individuals. It also provides guidelines for preventing the effects from gases.

Section 211.153, General requirements for handling explosives. This section provides a list of rules necessary for safely handling explosives. The requirements of this section were formerly found at section 211.51.

Section 211.154, Preparing the blast. This section provides a listing of the duties of the blaster-in-charge when preparing a blast. The requirements of this section were formerly found at sections 210.5, 210.6, 211.51, and 211.65.

Section 211.155, Preblast measures. This section provides the duties a blaster-in-charge must complete prior to detonating a blast. The requirements of this section were formerly found at section 211.51.

Section 211.156, Detonating the blast. This section provides that only a blaster-in-charge may detonate a blast and that a blast may be detonated only between sunrise and sunset unless the Department of Environmental Protection authorizes a blast at another time of day. The requirements of this section were formerly found at section 211.51.

Section 211.157, Postblast measures. This section provides the procedures the blaster-in-charge must follow after a blast has been detonated. The requirements of this section were formerly found at sections 211.51 and 211.65.

Section 211.158, Mudcapping. This section provides that mudcapping is allowed only if the blaster-in-charge determines that drilling the material to be blasted would endanger the safety of the workers. If mudcapping is necessary, no more than 10 pounds of explosives shall be used for a blast. The requirements of this section were formerly found at section 211.51.

Section 211.159, Electric detonation. This section describes the measures to be taken to test electric blasting caps and the safety precautions to be taken when using these blasting caps. The requirements of this section were formerly found at section 211.51.

Section 211.160, Nonelectric detonation. This section provides that nonelectric initiation systems must be checked and tested for secure connections in accordance with recommendations of the manufacturer of the system in use.

Section 211.161, Detonating cords. This section provides safety precautions to be followed when using detonating cords. The requirements of this section were formerly found at section 211.51.

Section 211.162, Safety fuse. This section provides safety precautions to be followed when using a safety fuse in blasting. The requirements of this section were formerly found at section 211.51.

Subchapter G. Requirements for Monitoring

Section 211.171, General provisions for monitoring. This section provides conditions for when and under what circumstances blast and ground monitoring are to be employed. The requirements of this section were formerly found at section 211.45.

Section 211.172, Monitoring instruments. This section provides the specifications monitoring equipment for recording ground vibration must possess. It also provides for calibration standards for such equipment. The requirements of this section were formerly found at section 211.44.

Section 211.173, Monitoring records. This section provides that anyone using a monitoring instrument must be trained in its use. A record of the training is to be maintained and available for review by the Department of Environmental Protection. This section further provides the information that monitoring records must contain.

Subchapter H. Blasting Activities Near Utility Lines

Section 211.181, Scope. This section provides that this subchapter applies to buried or underground utility lines and utility lines making contact with the surface of the ground. The requirements of this section were formerly found at section 211.52.
Section 211.182, General provisions. This section provides the specifications on the design of blasts near utility lines and specifications on how blasts in the vicinity of a utility line are to be conducted. The requirements of this section were formerly found at section 211.52

Sections Proposed To Be Eliminated

The following sections were proposed to be eliminated from Chapter 211:

Section 211.1; 211.36(10); 211.37; 211.51(5), (6), (12), (18), (21), (27), (32), (33), (39), and (40); 211.61(3) and (5); 211.62–211.64; 211.71–211.78; and Appendix A.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the State program.

Written Comments

Send your written comments or electronic comments to OSM at the address given above. Your written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of your recommendations. We will not consider or respond to your comments when developing the final rule if they are received after the close of the comment period (see DATES). We will make every attempt to log all comments into the administrative record, but comments delivered to an address other than the Harrisburg Field Office may not be logged in.

Electronic Comments

Please submit Internet comments as an ASCII or Word file avoiding the use of special characters and any form of encryption. Please also include “Attn: SPATS No. PA–137–FOR” and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact the Harrisburg Field Office at (717) 782–4036.

Availability of Comments

We will make comments, including names and addresses of respondents, available for public review during normal business hours. We will not consider anonymous comments. If individual respondents request confidentiality, we will honor their request to the extent allowable by law. Individual respondents who wish to withhold their name or address from public review, except for the city or town, must state this prominently at the beginning of their comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public review in their entirety.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under FOR FURTHER INFORMATION CONTACT by 4:00 p.m., e.s.t. on May 15, 2002. If you are disabled and need special accommodations to attend a public hearing, contact the person listed under FOR FURTHER INFORMATION CONTACT. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under FOR FURTHER INFORMATION CONTACT. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under ADDRESSES. We will make a written summary of each meeting a part of the administrative record.

IV. Procedural Determinations

Executive Order 12863—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart Federal regulation.

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget under Executive Order 12866.
This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of $100 million or more in any given year. This determination is based upon the fact that the State submittal, which is the subject of this rule, is based upon counterpart Federal regulations which an analysis was prepared and a determination made that the Federal regulation did not impose an unfunded mandate.

**List of Subjects in 30 CFR Part 938**

Intergovernmental relations, Surface mining, Underground mining.

**DEPARTMENT OF VETERANS AFFAIRS**

**38 CFR Part 60**

**RIN 2900–AL13**

**Fisher Houses and Other Temporary Lodging**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Proposed rule.

**SUMMARY:** The Department of Veterans Affairs (VA) proposes to establish requirements regarding the use of Fisher Houses and other temporary lodging by veterans receiving VA medical care or Compensation and Pension (C&P) examinations and by family members or other persons accompanying veterans to provide the equivalent of familial support. This is necessary to implement provisions of the Veterans Benefits and Health Care Improvement Act of 2000 (Pub. L. 106–419). These statutory provisions regarding temporary lodging have been codified at 38 U.S.C. 1708 and are administered by the Veterans Health Administration (VHA) of VA.

The proposed rule provides for temporary lodging at Fisher Houses, VA health care facilities (generally referred to as “hotelts”), and at temporary non-VA lodging facilities, such as hotels or motels, provided by a VA health care facility. These are the facilities that may be used for temporary lodging under 38 U.S.C. 1708.

Under 38 U.S.C. 1708(c), a Fisher House is a housing facility that is located at or near a VA health care facility, that is available for residential use on a temporary basis by eligible persons, and that was constructed by and donated to VA by the Zachary and Elizabeth M. Fisher Armed Services Foundation.

Consistent with the limits of statutory authority in 38 U.S.C. 1708(b) and subject to the conditions discussed in this document, the proposed rule provides that the following are eligible to stay in temporary lodging:

(a) A veteran with an appointment at a VA health care facility for the purpose of receiving health care or a C&P examination; and

(b) A member of the family of such veteran or another person who accompanies such veteran to provide the equivalent of familial support.

The proposed rule provides that to obtain temporary lodging, a veteran must make an application to the person responsible for coordinating the temporary lodging program at the VA health care facility of jurisdiction. This may be done by letter, electronic means (including telephone, e-mail, or facsimile), or in person at the VA health care facility of jurisdiction. Under the proposed rule, the veteran must provide the following information:

(a) Veteran's name;

(b) Beginning date and time and duration of scheduled care;

(c) Type of scheduled care;

(d) Name, gender, and relationship to the veteran of person accompanying veteran;