

**The New Piper Aircraft, Inc.:** Docket No. 2003-CE-03-AD.  
 (a) *What airplanes are affected by this AD?* This AD affects the following airplane models and serial numbers that are certificated in any category:

Model	Serial Nos.
PA-31, PA-31-300, PA-31-325, PA-31-350 ....	31-2 through 31-8312019.
	31-5001 through 31-8553002.

Model	Serial Nos.
PA-31P .....	31P-1 through 31P-7730012.
PA-31P-350 ..	31P-8414001 through 31P-8414050.
PA-31T .....	31T-7400001 through 31T-8120104.
PA-31T1 .....	31T-7804001 through 31T-1104017.
PA-31T2 .....	31T-8166001 through 31T-1166008.
PA-31T3 .....	31T-8275001 through 31T-5575001.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the airplanes identified in paragraph (a) of this AD must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to detect and correct corrosion in the rudder torque tube assembly and rudder rib, which could result in failure of the rudder torque tube. Such failure could lead to loss of rudder control.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance	Procedures
(1) Install an inspection hole in the rudder skin for the rudder torque tube assembly.	Within the next 100 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.	In accordance with The New Piper Aircraft, Inc. Service Bulletin No. 1105, dated September 4, 2002.
(2) Visually inspect the rudder torque tube and associated ribs for corrosion.	Prior to further flight after the installation required in paragraph (d)(1) of this AD and thereafter at intervals not to exceed 12 calendar months.	In accordance with The New Piper Aircraft, Inc. Service Bulletin No. 1105, dated September 4, 2002.
(3) If corrosion damage is found, replace the rib/rudder torque tube assembly.	Prior to further flight after any inspection required in paragraph (d)(2) of this AD where corrosion damage is found.	In accordance with The New Piper Aircraft, Inc. Service Bulletin No. 1105, dated September 4, 2002.

(e) *Can I comply with this AD in any other way?* To use an alternative method of compliance or adjust the compliance time, follow the procedures in 14 CFR 39.19. Send these requests to the Manager, Atlanta Aircraft Certification Office (ACO). For information on any already approved alternative methods of compliance, contact William O. Herderich, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, Suite 450, Atlanta, Georgia 30349; telephone: (770) 703-6082; facsimile: (770) 703-6097.

(f) *How do I get copies of the documents referenced in this AD?* You may get copies of the documents referenced in this AD from The New Piper Aircraft, Inc., Customer Services, 2926 Piper Drive, Vero Beach, Florida 32960; telephone: (772) 567-4361; facsimile: (772) 978-6584. You may view these documents at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on May 27, 2003.

**David R. Showers,**

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

[FR Doc. 03-13792 Filed 6-2-03; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF THE INTERIOR**

**Office of Surface Mining Reclamation and Enforcement**

**30 CFR Part 906**

**[CO-033-FOR]**

**Colorado 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 are announcing receipt of a proposed amendment to the Colorado regulatory program (hereinafter, the "Colorado program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Colorado proposes revisions to and additions of rules about land use definitions, alluvial valley floor application contents, permit decisions, soil surveys, permit review criteria, requests for formal hearings on minor permit revision application decisions, bond release procedures, culverts and bridges, sedimentation ponds and other treatment facilities, topsoil handling, mulching and soil-stabilizing practices, revegetation, normal husbandry practices, and prime farmland.

Colorado also proposes a memorandum of understanding (MOU) between the Division of Minerals and Geology and the State Historic Preservation Officer.

This document gives the times and locations that the Colorado program and proposed amendment 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 p.m., m.d.t. on July 3, 2003. If requested, we will hold a public hearing on the amendment on June 30, 2003. We will accept requests to speak until 4 p.m., m.d.t. on June 18, 2003.

**ADDRESSES:** You should mail or hand deliver written comments and requests to speak at the hearing to James Fulton at the address listed below.

You may review copies of the Colorado 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 the Office of Surface Mining Reclamation and Enforcement's (OSM) Denver Field Division.

James F. Fulton, Chief, Denver Field Division, Office of Surface Mining Reclamation and Enforcement, 1999 Broadway, Suite 3320, Denver, Colorado 80202-5733.

David A. Berry, Coal Program Supervisor, Colorado Division of Minerals and Geology, 1313 Sherman Street, Room 215, Denver, Colorado 80203.

**FOR FURTHER INFORMATION CONTACT:**

James Fulton, Telephone: 303-844-1400, extension 1424. Internet: [jfulton@osmre.gov](mailto:jfulton@osmre.gov).

**SUPPLEMENTARY INFORMATION:**

- I. Background on the Colorado Program
- II. Description of the Proposed Amendment
- III. Public Comment Procedures
- IV. Procedural Determinations

**I. Background on the Colorado 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 State program 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 Colorado program on December 15, 1980. You can find background information on the Colorado program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Colorado program in the December 15, 1980, **Federal Register** (45 FR 82173). You can also find later actions concerning Colorado's program and program amendments at 30 CFR 906.15, 906.16, and 906.30.

**II. Description of the Proposed Amendment**

By letter dated March 27, 2003, Colorado sent us a proposed amendment to its program (State Amendment Tracking System No. CO-033, administrative record No. CO-696-1) under SMCRA (30 U.S.C. 1201 *et seq.*). Colorado submitted the amendment in response to the letters that we sent to Colorado in accordance with 30 CFR 732.17(c) on May 7, 1986; June 9, 1987; and March 22, 1990. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES**.

In the amendment, Colorado proposes to revise or add the following rules of the Colorado Mined Land Reclamation Board at 2 Code of Colorado Regulations (CCR) 407-2: 1.04(71)(f) and (g), land use definitions; 2.04.13(1)(e), annual reclamation report; 2.06.8(4)(a)(i),

alluvial valley floor application contents; 2.06.8(5)(b)(i), permit approval or denial; 2.06.6(2)(a) and (g), soil surveys; 2.07.6(1)(a)(ii), criteria for review of permits; 2.07.6(2)(n), criteria for permit approval or denial; 2.08.4(6)(c)(iii), request for formal hearing on minor permit revision application decision; 3.03.2, bond release application decision by the Division of Minerals and Geology; 3.03.2(1)(e), procedures for seeking release of performance bond; 4.03.1(4)(e), culverts and bridges; 4.05.2, sedimentation ponds and other treatment facilities; 4.06.1(2), topsoil—general requirements; 4.15.1(5), revegetation general requirements; 4.15.4(5), mulching and other soil-stabilizing practices; 4.15.7(1), (2), (3)(b), (3)(f), and (4), determining revegetation success; 4.15.7(5), normal husbandry practices; 4.15.7(5)(a), repair of rills and gullies; 4.15.7(5)(b), weed control measures; 4.15.7(5)(c), normal husbandry practices for annual crops; 4.15.7(5)(d), normal husbandry for perennial hay cropland; 4.15.7(5)(e), normal husbandry for pastureland; 4.15.7(5)(f), limiting tree or shrub planting; 4.15.7(5)(g), interseeding to enhance rangeland/wildlife habitat; 4.15.8(3)(a), revegetation success criteria—cover; 4.15.8(4), revegetation success criteria—production; 4.15.8(7), revegetation success criteria—woody plants; 4.15.8(8), revegetation success criteria—forestry; 4.15.9, revegetation success criteria—cropland; 4.15.11, revegetation sampling methods and statistical demonstrations for revegetation success; 4.15.11(1)(a), vegetation cover; 4.15.11(1)(b), herbaceous production; 4.15.11(1)(c), woody plant density; 4.15.11(2), sample adequacy and statistical approaches; 4.15.11(3), woody plant density—alternative statistical approaches; and 4.25.2(4), prime farmlands—special requirements.

In the amendment, Colorado also proposes an MOU between the Division of Minerals and Geology and the State Historic Preservation Officer. The MOU concerns historic property reviews for coal mine applications.

Colorado revised the rules and developed the MOU with the intent of making its program consistent with SMCRA and the implementing Federal regulations.

**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 Colorado program.

*Written Comments*

Send your written or electronic comments to OSM at the address given above. Your 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 Denver Field Division may not be logged in.

*Electronic Comments*

Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include "Attn: SATS No. CO-033" 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 Denver Field Division at (303) 844-1400, extension 1424.

*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 p.m., m.d.t. on June 18, 2003. 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 the hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at a 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 12630—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 (OMB) under Executive Order 12866.

##### *Executive Order 12988—Civil Justice Reform*

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 and has determined that 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 because each 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 the Federal regulations at 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.

##### *Executive Order 13132—Federalism*

This rule does not have Federalism implications. SMCRA delineates the roles of the Federal and State governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to “establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations.” Section 503(a)(1) of SMCRA requires that State laws regulating surface coal mining and reclamation operations be “in accordance with” the requirements of SMCRA. Section 503(a)(7) requires that State programs contain rules and regulations “consistent with” regulations issued by the Secretary pursuant to SMCRA.

##### *Executive Order 13175—Consultation and Coordination With Indian Tribal Governments*

In accordance with Executive Order 13175, we have evaluated the potential effects of this rule on Federally recognized Indian Tribes and have determined that the rule does not have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal government and Indian Tribes, or on the distribution of power and responsibilities between the Federal government and Indian Tribes. The rule does not involve or affect Indian Tribes in any way.

##### *Executive Order 13211—Regulations That Significantly Affect the Supply, Distribution, or Use of Energy*

On May 18, 2001, the President issued Executive Order 13211 which requires agencies to prepare a Statement of Energy Effects for a rule that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is exempt from review under Executive Order 12866 and is not expected to have a significant adverse effect on the supply, distribution, or use of energy, a Statement of Energy Effects is not required.

##### *National Environmental Policy Act*

This rule does not require an environmental impact statement because 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 certifies 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. 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.

##### *Small Business Regulatory Enforcement Fairness Act*

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) Does not have an annual effect on the economy of \$100 million; (b) will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This determination is based upon the fact that the state submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rule.

##### *Unfunded Mandates*

This rule will 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 for 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 906**

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 16, 2003.

**James E. Fulton,**

*Acting Regional Director, Western Regional Coordinating Center.*

[FR Doc. 03-13851 Filed 6-2-03; 8:45 am]

BILLING CODE 4310-05-P

**DEPARTMENT OF THE INTERIOR****Office of Surface Mining Reclamation and Enforcement****30 CFR Part 934**

[SATS ND-044-FOR, Amendment No. XXXIII]

**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:** We are 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 or the Act). North Dakota proposes revisions to and additions of rules pertaining to the definition of "valid existing rights," the process for determining whether or not a mine operator has valid existing rights, lands prohibited from mining, changes in the format of permit applications, general requirements for mining plans, land descriptions for partial bond release requests, filing requirements for copies of reports required by the State Health Department, sediment control measures, and removal of sedimentation ponds.

North Dakota intends to revise its program to be consistent with the corresponding Federal regulations and improve operational efficiency.

**DATES:** We will accept written comments on this amendment until 4 p.m., mountain standard time (m.s.t.) July 3, 2003. If requested, we will hold a public hearing on the amendment on June 30, 2003. We will accept requests to speak until 4 p.m., m.s.t. on June 18, 2003.

**ADDRESSES:** You should mail or hand deliver written comments and requests to speak at the hearing to Guy Padgett at the address listed below.

You may review copies of the North Dakota 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 the Office of Surface Mining Reclamation and Enforcement (OSM) Casper Field Office.

Guy Padgett, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, 100 East "B" Street, Federal Building, Room 2128, Casper, Wyoming 82601-1918, 307/261-6550, [GPadgett@osmre.gov](mailto:GPadgett@osmre.gov).

James R. Deutsch, Director, Reclamation Division, Public Service Commission, State of North Dakota, 600 E. Boulevard Avenue, Dept. 408, Bismarck, North Dakota 58505-0480, [jrd@oracle.psc.state.nd.us](mailto:jrd@oracle.psc.state.nd.us).

**FOR FURTHER INFORMATION CONTACT:** Guy Padgett, Telephone: 307/261-6550. Internet: [GPadgett@osmre.gov](mailto:GPadgett@osmre.gov).

**SUPPLEMENTARY INFORMATION:**

- I. Background of the North Dakota Program
- II. Description of the Proposed Amendment
- III. Public Comment Procedures
- IV. Procedural Determinations

**I. Background of the North Dakota 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 State program 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 this Act \* \* \*; and rules and regulations consistent with regulations issued by the Secretary pursuant to this 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 North Dakota program on December 15, 1980. You can find background information on the North Dakota program, including the Secretary's findings, the disposition of comments, and conditions of approval of the North Dakota program in the December 15, 1980, **Federal Register** (45 FR 82214). You can also find later actions concerning North Dakota's program and program amendments at 30 CFR 934.12, 934.13, 934.15, and 934.30.

**II. Description of the Proposed Amendment**

By letter dated February 10, 2003, North Dakota sent us a proposed amendment to its program (Amendment number XXXIII, administrative record No. ND-HH-01 under SMCRA (30 U.S.C. 1201 *et seq.*)). North Dakota sent

the amendment in response to an April 2, 2001, letter (administrative record No. ND-HH-02) that we sent to it in accordance with 30 CFR 732.17(c), and 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 the North Dakota Administrative Code (NDAC) that North Dakota proposes to revise are: (1) NDAC 69-05.2-01-02(120), Definition of Valid Existing Rights (VER); (2) NDAC 69-05.2-04-01, Processing Requests for Valid Existing Rights and Exceptions from Areas Prohibited from Mining; (3) NDAC 69-05.2-05-01, Copies and format of permit applications; (4) NDAC 69-05.2-09-01, General requirements for mining plans; (5) NDAC 69-05.2-12-12, Bond release requirements; (6) NDAC 69-05.2-16-04, Sediment Control Measures under the general water management requirements; (7) NDAC 69-05.2-16-05, Water discharge reports; and (8) NDAC 69-05.2-16-09, Removal of water management structures.

**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 North Dakota program.

**Written Comments**

Send your written or electronic comments to OSM at the address given above. Your 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 Casper Field Office may not be logged in.

**Electronic Comments**

Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include "Attn: SATS No. ND-044-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 Casper Field Office at 307/261-6555.