(a) What airplanes are affected by this AD? This AD affects the following airplane models and serial numbers that are certificated in any category:

<table>
<thead>
<tr>
<th>Model</th>
<th>Serial Nos.</th>
</tr>
</thead>
</table>

(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:

(1) Install an inspection hole in the rudder skin for the rudder torque tube assembly.

(2) Visually inspect the rudder torque tube and associated ribs for corrosion.

(3) If corrosion damage is found, replace the rib/rudder torque tube assembly.

Within the next 100 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished. 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.

Prior to further flight after any inspection required in paragraph (d)(2) of this AD where corrosion damage is found.

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.

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,  
by demonstrating that its State program  
and non-Indian lands within its borders  
reclamation operations on non-Federal  
regulation of surface coal mining and  
State to assume primacy for the  

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  
lore the following rules of the  
 Colorado Mined Land Reclamation  
Board at 2 Code of Colorado Regulations  
(CCR) 407(3)(a) 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(b)(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; 4.15.15,  
revegetation general requirements;  
4.15.4(5), mulching and other soil-

III. Public Comment Procedures

Under the provisions of 30 CFR  
732.17(b), 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  
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 “Att: 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 of organizations or  
entities, 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 substantial 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.


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. XXIII]

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.

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.

FOR FURTHER INFORMATION CONTACT: Guy Padgett, Telephone: 307/261–6550. Internet: 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 X33) to its 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 69–05.2–06–01, 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.