

TABLE 3.—COMPLIANCE TIMES FOR ONETIME INSPECTION—Continued

If the TSO of the propeller assembly on the effective date of this AD is . . .	Then . . .	Perform the inspection . . .
(2) Twenty-one to 25 years .....	(a) Disassemble and clean the propeller assembly. (b) Inspect for cracks, corrosion or pits, nicks, scratches, wear, blade minimum dimensions, and damage in the blade balance hole. (c) Inspect and rework the propeller blade bore. Use 3.A. of the Accomplishment instructions of Hartzell SB No. 136, Revision I, dated April 26, 2003. (d) Repair and replace with serviceable parts, as necessary. (e) Reassemble and test.	Within 18 months after the effective date of this AD.
(3) Sixteen to 20 years .....	(a) Disassemble and clean the propeller assembly. (b) Inspect for cracks, corrosion or pits, nicks, scratches, wear, blade minimum dimensions, and damage in the blade balance hole. (c) Inspect and rework the propeller blade bore. Use 3.A. of the Accomplishment instructions of Hartzell SB No. 136, Revision I, dated April 26, 2003. (d) Repair and replace with serviceable parts, as necessary. (e) Reassemble and test.	Within 24 months after the effective date of this AD.
(4) Eleven to 15 years .....	(a) Disassemble and clean the propeller assembly. (b) Inspect for the following conditions: cracks, corrosion or pits, nicks, scratches, wear, blade minimum dimensions, and damage in the blade balance hole. (c) Inspect and rework the propeller blade bore. Use 3.A. of the Accomplishment instructions of Hartzell SB No. 136, Revision I, dated April 26, 2003. (d) Repair and replace with serviceable parts, as necessary. (e) Reassemble and test.	Within 36 months after the effective date of this AD.

**Propeller Overhaul**

(j) Performing an overhaul of the propeller assembly after the effective date of this AD constitutes compliance with the requirements specified in this AD. The latest applicable Overhaul Manual issued by Hartzell Propeller Inc. contains information on overhauling a propeller assembly.

(k) The TSO only changes if you overhaul the propeller assembly while performing the requirements specified in this AD.

**Reporting Requirements**

(l) Report inspection results to the Manager, Chicago Aircraft Certification Office, FAA, Small Airplane Directorate, 2300 East Devon Ave., Des Plaines, IL 60018, within 15 working days of the inspection. The Office of Management and Budget (OMB) approved the reporting requirements assigned OMB control number 2120-0056.

**Alternative Methods of Compliance (AMOCs)**

(m) The Manager, Chicago Aircraft Certification Office has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

**Related Information**

(n) None.

Issued in Burlington, Massachusetts, on December 21, 2004.

**Francis A. Favara,**

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

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**BILLING CODE 4910-13-P**

**DEPARTMENT OF THE INTERIOR**

**Office of Surface Mining Reclamation and Enforcement**

**30 CFR Part 936**

[OK-031-FOR]

**Oklahoma Abandoned Mine Land Reclamation Plan**

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

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

**SUMMARY:** We, the Office of Surface Mining Reclamation and Enforcement (OSM), are announcing receipt of a proposed amendment to the Oklahoma abandoned mine land reclamation plan (Oklahoma plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Oklahoma is proposing revisions to its plan concerning project ranking and selection procedures, the State Reclamation Committee, and the public participation policies. Oklahoma intends to improve operational efficiency.

This document gives the times and locations that the Oklahoma plan and the amendment to that plan are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that

will be followed for the public hearing, if one is requested.

**DATES:** We will accept written comments on this amendment until 4 p.m., c.s.t., January 28, 2005. If requested, we will hold a public hearing on the amendment on January 24, 2005. We will accept requests to speak at a hearing until 4 p.m., c.s.t. on January 13, 2005.

**ADDRESSES:** You may submit comments, identified by Docket No. OK-031-FOR, by any of the following methods:

- *E-mail:* [mwolfrom@osmre.gov](mailto:mwolfrom@osmre.gov).

Include "Docket No. OK-031-FOR" in the subject line of the message.

- *Mail/Hand Delivery:* Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135-6547.

- *Fax:* (918) 581-6419.

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Instructions:* All submissions received must include the agency name and docket number for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the "Public Comment Procedures" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* For access to the docket to review copies of the Oklahoma plan, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document, you must go to the address listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Tulsa Field Office: Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135-6547, Telephone: (918) 581-6430, E-mail: [mwolfrom@osmre.gov](mailto:mwolfrom@osmre.gov).

In addition, you may review a copy of the amendment during regular business hours at the following location: Oklahoma Department of Mines, 4040 N. Lincoln Blvd., Suite 107, Oklahoma City, Oklahoma 73105, Telephone: (405) 521-3859.

**FOR FURTHER INFORMATION CONTACT:** Michael C. Wolfrom, Director, Tulsa Field Office. Telephone: (918) 581-6430. E-mail: [mwolfrom@osmre.gov](mailto:mwolfrom@osmre.gov).

#### **SUPPLEMENTARY INFORMATION:**

- I. Background on the Oklahoma Plan
- II. Description of the Proposed Amendment
- III. Public Comment Procedures

#### IV. Procedural Determinations

##### **I. Background on the Oklahoma Plan**

The Abandoned Mine Land Reclamation Program was established by Title IV of the Act (30 U.S.C. 1201 *et seq.*) in response to concerns over extensive environmental damage caused by past coal mining activities. The program is funded by a reclamation fee collected on each ton of coal that is produced. The money collected is used to finance the reclamation of abandoned coal mines and for other authorized activities. Section 405 of the Act allows States and Indian Tribes to assume exclusive responsibility for reclamation activity within the State or on Indian lands if they develop and submit to the Secretary of the Interior for approval, a program (often referred to as a plan) for the reclamation of abandoned coal mines. On the basis of these criteria, the Secretary of the Interior approved the Oklahoma plan on January 21, 1982. You can find background information on the Oklahoma plan, including the Secretary's findings, the disposition of comments, and the approval of the plan in the January 21, 1982, **Federal Register** (47 FR 2989). You can find later actions concerning the Oklahoma plan and amendments to the plan at 30 CFR 936.25.

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

By letter dated November 1, 2004 (Administrative Record No. OK-994), Oklahoma sent us a proposed amendment to its plan under SMCRA (30 U.S.C. 1201 *et seq.*). Oklahoma sent the amendment at its own initiative. Oklahoma proposes to amend the Oklahoma plan. Below is a summary of the changes proposed by Oklahoma. The full text of the amendment is available for your inspection at the locations listed above under **ADDRESSES**.

Specifically, Oklahoma proposes to make the following revisions to its plan.

###### *A. Section 884.13(c)2—Project Ranking and Selection Procedure*

1. Under the section titled "Site Selection," Oklahoma proposes to revise the introductory paragraph to read as follows:

In the spring of each year the Oklahoma Conservation Commission's AML staff evaluates abandoned mine sites for the purpose of selecting future reclamation projects. As part of the AML project selection process, a public notice will be published annually in cities/towns within the abandoned coal mine region in eastern Oklahoma. The notices will ask the public to contact the Oklahoma Conservation Commission if they believe they have an AML site that poses a dangerous health and/

or safety problem. The public notices will include the address of the Conservation Commission. A team of three staff members [will] conduct a field investigation of the sites. There are four ways in which sites are chosen for field evaluation:

2. Oklahoma proposes to revise "Table 3 Project Ranking and Selection Procedure" by eliminating regional meetings that the general public may attend to voice concerns regarding identifying abandoned mine land and water that poses a threat to health and/or safety. The general public will still be able to send written concerns to the Oklahoma Conservation Commission (OCC).

Oklahoma also proposes to revise the language in Table 3 under the heading "State Reclamation Committee" to read as follows:

Review reclamation projects submitted by the OCC and make suggestions concerning these projects. After projects have been selected for reclamation, OCC will prepare and submit project applications to OSM.

###### *B. Section 884.13(c)3.A.—State Reclamation Committee*

1. The State Reclamation Committee is composed of members from various agencies or organizations. Oklahoma has a list of these agencies or organizations from which this committee's membership comes. Oklahoma proposes to revise this list by removing the following agencies or organizations from the list: Bureau of Land Management, Department of Environmental Quality, Natural Resources Conservation Service, Oklahoma Association of Conservation Districts, Oklahoma Biological Survey, Oklahoma Department of Agriculture: Forestry Division, Oklahoma Geological Survey, Oklahoma Wildlife Conservation Federation, U.S. Geological Survey and Wildlife Conservation Commission. Also, Oklahoma proposes to add the following agencies or organizations to the list: U.S. Fish and Wildlife Services and Applicable Tribal Entity.

2. Oklahoma proposes to revise the purpose of the State Reclamation Commission to read as follows:

1. Review the reclamation projects submitted by the Oklahoma Conservation Commission and provide to the OCC comments concerning the projects.

2. Coordinate the reclamation activities taking place in the State—*i.e.* coordinate active mining activities and the State Abandoned Mine Land Program to avoid duplication of effort.

3. The committee will also serve in an advisory capacity providing informational and educational services.

### C. Section 884.13(c)7—Public Participation Policies

1. Oklahoma proposes to revise the introductory paragraph to read as follows:

Public participation in this program will be encouraged throughout the period in which the State Reclamation Plan is being developed and/or amended. Public participation will also be incorporated by utilizing public notices in several newspapers in the AML area.

2. Oklahoma proposes to revise paragraphs 884.13(c)7(2) and (3) to read as follows:

(2) Public participation in the annual grant application process

Before the OCC submits the annual grant application, a public notice is printed in one of the major newspapers requesting input on the grant application. The public notice gives the purpose of the grant, where it can be reviewed, where written comments may be sent, and the comment deadline date.

(3) Public participation in the project selection and submission process

As part of the AML project selection process, the general public is provided an opportunity to identify AML projects for possible reclamation.

Before the OCC submits a project for reclamation, a public notice is printed in the local newspaper requesting input on the need for the proposed project, how the project should be carried out, and what the post-reclamation use of the project should be. The public notice also requests suggestions for other possible reclamation of surface coal mine strip pits, underground coal mine open shafts or mine portals, and any other hazards associated with past coal mining that pose a threat to the health and safety of the general public. The public notice provides the contact person and address at the OCC.

Public notices will also be printed annually in the following newspapers seeking public input on possible hazardous AML sites: Tulsa, Muskogee, McAlester, Claremore, Sallisaw, Poteau, and Vinita.

### III. Public Comment Procedures

Under the provisions of 30 CFR 884.15(a), we are requesting comments on whether the amendment satisfies the applicable State reclamation plan approval criteria of 30 CFR 884.14. If we approve the amendment, it will become part of the Oklahoma plan.

#### Written Comments

Send your written 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 Tulsa Field Office may not be logged in.

#### Electronic Comments

Please submit e-mail comments as an ASCII or Word file, avoiding the use of special characters and any form of encryption. Please also include "Attn: OK-031-FOR" and your name and return address in your e-mail message. If you do not receive a confirmation that we have received your e-mail message, contact the Tulsa Field Office at (918) 581-6430.

#### 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., c.s.t. on January 13, 2005. 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 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, to the extent required 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 plan amendments because each program is drafted and promulgated by a specific State or Tribe, not by OSM. Decisions on proposed abandoned mine land reclamation plans and plan amendments submitted by a State or Tribe are based solely 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 of the Federal regulations.

#### 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 abandoned mine reclamation programs. 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 405(d) of SMCRA requires State abandoned mine land reclamation programs to be in compliance with the procedures,

guidelines, and requirements established under 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. This determination is based on the fact that Oklahoma does not provide for reclamation and restoration of land and water resources adversely affected by past coal mining on Indian lands. Therefore, the Oklahoma plan has no effect on Federally-recognized Indian tribes.

*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 agency decisions on proposed State and Tribal abandoned mine land reclamation plans and plan amendments 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 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 936**

Intergovernmental relations, Surface mining, Underground mining.

Dated: November 30, 2004.

**Charles E. Sandberg,**

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

[FR Doc. 04-28485 Filed 12-28-04; 8:45 am]

**BILLING CODE 4310-05-P**

**DEPARTMENT OF EDUCATION**

**34 CFR Parts 300 and 303**

**Individuals With Disabilities Education Act, as Amended by the Individuals With Disabilities Education Improvement Act of 2004**

**AGENCY:** Office of Special Education and Rehabilitative Services, Department of Education.

**ACTION:** Notice of request for comments and recommendations on regulatory issues under the Individuals with Disabilities Education Act (IDEA), as amended by the Individuals with Disabilities Education Improvement Act of 2004.

**SUMMARY:** The Secretary of Education solicits comments and recommendations from the public prior to developing and publishing proposed regulations under 34 CFR parts 300 and 303 to implement programs under the recently amended IDEA. The Secretary also announces plans to hold informal public meetings to seek further input about those regulations in light of the statutory amendments.

**DATES:** In order to be assured of consideration as we develop proposed regulations, comments and recommendations should be received on or before February 28, 2005.

**ADDRESSES:** Address all comments and recommendations to: Office of Special Education and Rehabilitative Services, U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center Plaza, room 5126, Washington, DC 20202-2641. If you prefer to send your comments through the Internet, you may address them to us at the U.S. Government Web site: <http://www.regulations.gov>.

Or you may send your Internet comments to us at the following address: [comments@ed.gov](mailto:comments@ed.gov).

You must include the term "Comments on IDEA-2004" in the subject line of your electronic message. (Note that the term in the preceding sentence means comments submitted in response to changes made to the IDEA by the Individuals with Disabilities Education Improvement Act of 2004.)

Please submit your comments only one time, in order to ensure that we do not receive duplicate copies.

**FOR FURTHER INFORMATION CONTACT:** Troy R. Justesen. Telephone: (202) 245-7468.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative