

of Bombardier Service Bulletin 84–28–03, Revision C, dated May 15, 2009.

**Actions Applicable to Airplanes S/N 4119 Through 4205 Inclusive**

(k) For airplanes having S/N 4119 through 4205 inclusive: Within 6,000 flight hours after the effective date of this AD, incorporate Bombardier Modsum 4–113580, “Fuel Indication—High Level Sensor—Application of Sealant to Exposed End of Sensor Terminal Block Screws—Special Inspection and Rectification,” by doing all the applicable actions in the Accomplishment Instructions of Bombardier Service Bulletin 84–28–07, dated August 1, 2008.

**Credit for Actions Accomplished in Accordance With Previous Service Information**

(l) Incorporation of Bombardier Modsum 4–126330 prior to the effective date of this AD according to the instructions contained in Bombardier Service Bulletin 84–57–09, Revision A, dated March 19, 2007, meets the requirements of paragraph (g)(1) of this AD.

(m) Incorporation of Bombardier Modsum 4–126366 prior to the effective date of this AD according to the instructions contained in Bombardier Service Bulletin 84–28–04, dated June 29, 2006; or Revision A, dated

November 15, 2006; meets the requirements of paragraph (g)(2) of this AD.

(n) Incorporation of Bombardier Modsum 4–126370 prior to the effective date of this AD according to instructions contained in Bombardier Service Bulletin 84–28–03, Revision B, dated October 18, 2006, meets the requirements of paragraphs (i) and (j) of this AD.

**FAA AD Differences**

**Note 1:** This AD differs from the MCAI and/or service information as follows: The MCAI specifies to do Bombardier FSL Task 28400–417, but does not specify what to do if the functional check finds that measured resistance exceeds the specified values. This AD requires contacting the Manager, New York ACO, FAA, or TCCA (or its delegated agent) for repair/rework instructions.

**Other FAA AD Provisions**

(o) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, ANE–170, New York ACO, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to *Attn:* Program Manager, Continuing Operational Safety, FAA, New

York ACO, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

**Related Information**

(p) Refer to MCAI Canadian Airworthiness Directive CF–2010–31, dated September 3, 2010; Bombardier Task 284000–417 in Section 4–1, Fuel System Limitations, of Part 2—Airworthiness Limitation Items, Revision 5, dated April 21, 2010, of Bombardier Q400 Dash 8 Maintenance Requirements Manual, PSM 1–84–7; and the Bombardier service bulletins identified in Table 1 of this AD; for related information.

TABLE 1—RELEVANT SERVICE INFORMATION

Bombardier Service Bulletin—	Revision—	Dated—
84–28–03 .....	C .....	May 15, 2009.
84–28–04 .....	B .....	October 21, 2009.
84–28–05 .....	Original .....	June 28, 2006.
84–28–07 .....	Original .....	August 1, 2008.
84–57–09 .....	B .....	September 3, 2008.

Dated: Issued in Renton, Washington, on January 31, 2011.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2011–2613 Filed 2–4–11; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF THE INTERIOR**

**Office of Surface Mining Reclamation and Enforcement**

**30 CFR Part 938**

[PA–159–FOR; OSM 2010–0017]

**Pennsylvania Regulatory Program**

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

**ACTION:** Proposed rule; public comment period and opportunity for public hearing on removal of required amendment.

**SUMMARY:** We are announcing receipt of a request to remove a required amendment to the Pennsylvania

regulatory program (the “Pennsylvania program”) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). In response to a required program amendment codified in the Federal regulations, Pennsylvania has submitted information that it believes demonstrates that sufficient funds exist to guarantee coverage of the full cost of land reclamation at all sites originally permitted and bonded under its now-defunct alternative bonding system. Pennsylvania requests that the program amendment be removed based on the information provided.

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

**DATES:** We will accept written comments until 4 p.m., local time March 9, 2011. If requested, we will hold a public hearing on March 4, 2011. We will accept requests to speak until 4 p.m., local time on February 22, 2011.

**ADDRESSES:** You may submit comments, identified by “PA–159–FOR; Docket ID: OSM–2010–0017” by either of the following two methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. The proposed rule has been assigned Docket ID: OSM–2010–0017. If you would like to submit comments through the Federal eRulemaking Portal, go to <http://www.regulations.gov> and follow the instructions.

*Mail/Hand Delivery/Courier:* Mr. George Rieger, Chief, Pittsburgh Field Division, Office of Surface Mining Reclamation and Enforcement, Harrisburg Transportation Center, 415 Market St., Suite 304, Harrisburg, PA 17101.

*Instructions:* 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:* In addition to obtaining copies of documents at <http://www.regulations.gov>, information may also be obtained 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 Pittsburgh Field Division Office.

George Rieger, Chief, Pittsburgh Field Division, Office of Surface Mining Reclamation and Enforcement, Harrisburg Transportation Center, 415 Market St., Suite 304, Harrisburg, Pennsylvania 17101, Telephone: (717) 782-4036, E-mail: [grieger@osmre.gov](mailto:grieger@osmre.gov).  
Thomas Callaghan, P.G., 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) 787-5015, E-mail: [tcallaghan@state.pa.us](mailto:tcallaghan@state.pa.us).

**FOR FURTHER INFORMATION CONTACT:**  
George Rieger, Telephone: (717) 782-4036. E-mail: [grieger@osmre.gov](mailto:grieger@osmre.gov).

**SUPPLEMENTARY INFORMATION:**

- I. Background on the Pennsylvania Program
- II. Description of the Request
- 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 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 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 the Pennsylvania program and program amendments at 30 CFR 938.11, 938.12, 938.13, 938.15, and 938.16.

**II. Description of the Request**

By letter dated October 1, 2010, (Administrative Record Number PA 802.72), Pennsylvania sent us a response to a program amendment that was required by OSMRE in a final rule notice published in the **Federal Register** on August 10, 2010, (75 FR 48526) and

codified in the Federal Regulations at 30 CFR 938.16(h). The revised required amendment was in response to a previously required bonding amendment requirement codified at 30 CFR 938.16(h) and Pennsylvania's subsequent submission. After review of the amendment submission, we approved the majority of the submission but determined Pennsylvania had not provided guaranteed funding to cover the cost of the outstanding land reclamation liabilities at the Lehigh Coal and Navigation and Coal Contractors, Inc. sites in the event the bonds for these sites are forfeited. We revised the required amendment at 30 CFR 938.16(h) and required the PADEP to ensure its program provides suitable, enforceable funding mechanisms that are sufficient to guarantee coverage of the full cost of land reclamation at all sites originally permitted and bonded under the alternative bonding system.

Pennsylvania provided information it believes demonstrates that available funds are more than sufficient to guarantee coverage of the full cost of land reclamation at these two sites. The supporting information, can be obtained from the locations listed under **ADDRESSES**, includes a Demonstration of Available Funding; Coal Contractors 2009 Annual Bond Review; Lehigh Coal and Navigation Annual Bond Review; Updated Estimates for the Alternative Bonding System Bond Forfeiture Discharge Treatment Sites; and Updated Land Reclamation Estimates. Pennsylvania requests that we remove the condition found at 30 CFR 938.16(h) based on this demonstration.

**III. Public Comment Procedures**

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

*Electronic or Written Comments*

If you submit written comments, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for any recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final regulations will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent Tribal or Federal laws or regulations, technical literature, or other relevant publications. We cannot ensure that comments received after the close

of the comment period (*see DATES*) or sent to an address other than those listed above (*see ADDRESSES*) will be included in the docket for this rulemaking and considered.

*Public Availability of Comments*

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will not consider anonymous comments.

*Public Hearing*

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m., local time February 22, 2011. If you are disabled and need reasonable 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 there is only limited interest in participating in a public hearing, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the submission, 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 12866—Regulatory Planning and Review*

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866.

##### *Other Laws and Executive Orders Affecting Rulemaking*

When a State submits a program amendment to OSM for review, our regulations at 30 CFR 732.17(h) require us to publish a notice in the **Federal Register** indicating receipt of the proposed amendment, its text or a summary of its terms, and an opportunity for public comment. We conclude our review of the proposed amendment after the close of the public comment period and determine whether the amendment should be approved, approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and executive orders governing the rulemaking process and include them in the final rule.

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

Intergovernmental relations, Surface mining, Underground mining.

Dated: November 12, 2010.

**Thomas D. Shope,**

*Regional Director, Appalachian Region.*

[FR Doc. 2011-2601 Filed 2-4-11; 8:45 am]

BILLING CODE 4310-05-P

#### DEPARTMENT OF THE INTERIOR

##### Office of Surface Mining Reclamation and Enforcement

##### 30 CFR Part 948

[WV-116-FOR; OSM-2009-0008]

##### West Virginia Regulatory Program

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

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** We are reopening the public comment period on the proposed West Virginia Regulatory Program rule published on October 21, 2009. The comment period is being reopened in order to afford the public the opportunity to comment on the proposed amendment to change a type of cropland postmining land use from “bio oil” to “bio fuel.” In the initial proposed rule announcing receipt of the amendment, the Office of Surface Mining Reclamation and Enforcement (OSM) characterized the change as non-

substantive, and did not note where the changes occurred throughout the regulations. Concerns were raised about the use of “bio-fuel” as a postmining land use (unrelated to this amendment) and OSM asked the West Virginia Department of Environmental Protection (WVDEP) to clarify why the State was changing the term “bio-oil” to “bio-fuel.”

**DATES:** Comments on the proposed rule must be received on or before 4 p.m., local time on February 22, 2011.

**ADDRESSES:** You may submit comments by any of the following two methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. The proposed rule has been assigned Docket ID: OSM-2009-0008. If you would like to submit comments through the Federal eRulemaking Portal, go to <http://www.regulations.gov> and follow the instructions.

- *Mail/Hand Delivery:* Mr. Roger W. Calhoun, Director, Charleston Field Office, Office of Surface Mining Reclamation and Enforcement, 1027 Virginia Street, East, Charleston, West Virginia 25301. Please include the rule identifier (WV-116-FOR) with your written comments. *Instructions:* All submissions received must include the agency Docket ID (OSM-2009-0008) for this rulemaking.

For detailed instructions on submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document. You may also request to speak at a public hearing by any of the methods listed above or by contacting the individual listed under **FOR FURTHER INFORMATION CONTACT**.

*Docket:* The proposed rule and any comments that are submitted may be viewed over the Internet at <http://www.regulations.gov>. Look for Docket ID OSM-2009-0008. In addition, you may review copies of the West Virginia 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 also receive one free copy of this amendment by contacting OSM’s Charleston Field Office listed below.

Mr. Roger W. Calhoun, Director,  
Charleston Field Office, Office of  
Surface Mining Reclamation and  
Enforcement, 1027 Virginia Street,  
East, Charleston, West Virginia 25301,  
Telephone: (304) 347-7158. E-mail:  
[chfo@osmre.gov](mailto:chfo@osmre.gov).

West Virginia Department of  
Environmental Protection, 601 57th

Street, SE., Charleston, WV 25304,  
Telephone: (304) 926-0490.

In addition, you may review a copy of the amendment during regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Morgantown Area Office, 604 Cheat Road, Suite 150, Morgantown, West Virginia 26508, Telephone: (304) 291-4004. (By appointment only).

Office of Surface Mining Reclamation and Enforcement, Beckley Area Office, 313 Harper Park Drive, Suite 3, Beckley, West Virginia 25801, Telephone: (304) 255-5265.

**FOR FURTHER INFORMATION CONTACT:** Mr. Roger W. Calhoun, Director, Charleston Field Office, Telephone: (304) 347-7158. E-mail: [chfo@osmre.gov](mailto:chfo@osmre.gov).

**SUPPLEMENTARY INFORMATION:** On October 21, 2009 (74 FR 53972), we published a proposed rule that would revise the West Virginia surface mining regulatory program. The revisions would address various issues including, but not limited to, continued oversight by the Secretary of “approved” persons who prepare, sign, or certify mining permit applications and related materials; regarding incidental boundary revisions to existing permits, clarifying that certain types of collateral activities are part of the primary mining operations and therefore subject to the same acreage limitations, while providing more relevant and exacting criteria for the Secretary to consider in evaluating an application for revision; deleting the bonding matrix form; changing term “Bio-oil” to “Bio fuel”; and clarifying standards contained in subsection 9.3.f that pertain to areas developed for hayland or pasture use.

In our announcement of the State’s submission of the amendment, we stated that the “changes regarding the term ‘Bio-oil’ to ‘Bio-fuel’ in the program amendments are non-substantive in nature.” Subsequently, concerns within OSM arose regarding the definitions WVDEP was using for the terms and we asked them to clarify both definitions. In an e-mail to OSM dated July 26, 2010, WVDEP stated that “Biofuels cover are [sic] a wide range of fuels which are derived from biomass. The term covers solid biomass, liquid fuels and various biogases while bio-oil was limited to biodiesel.” Given these definitions, it appears that we inadvertently mischaracterized the change from “bio-oil” to “bio-fuel” as non-substantive and the issue was not properly explained in the amendment.