

**Special Flight Permits**

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

**Incorporation by Reference**

(e) The actions shall be done in accordance with Jetstream Alert Service Bulletin J41–A27–055, dated March 10, 2000. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**Note 3:** The subject of this AD is addressed in British airworthiness directive 002–03–2000.

**Effective Date**

(f) This amendment becomes effective on December 13, 2000.

Issued in Renton, Washington, on October 30, 2000.

**Donald L. Riggins,**

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

[FR Doc. 00–28232 Filed 11–7–00; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF LABOR****Mine Safety and Health Administration****30 CFR Part 62**

**RIN 1219–AA53**

**Health Standards for Occupational Noise Exposure; Correction**

**AGENCY:** Mine Safety and Health Administration (MSHA), Labor.

**ACTION:** Correcting amendment.

**SUMMARY:** The Mine Safety and Health Administration published in the **Federal Register** of Monday, September 13, 1999, (64 FR 49548) the final rule relating to the health standards for occupational noise exposure. This document contains a correction to that document.

**DATES:** Effective on November 8, 2000.

**FOR FURTHER INFORMATION CONTACT:** Carol J. Jones, Director, Office of Standards, Regulations, and Variances, MSHA, (703) 235–1910 (not a toll-free call).

**SUPPLEMENTARY INFORMATION:** As published, the final rule contains an error which needs to be corrected.

Accordingly, 30 CFR part 62 is corrected by making the following correcting amendment:

**PART 62—OCCUPATIONAL NOISE EXPOSURE**

1. The authority citation for part 62 is revised to read as follows:

**Authority:** 30 U.S.C. 811.

**Appendix to Part 62 [Amended]**

2. In the Appendix to part 62, in the note to Table 62–1, the formula for T is revised to read as follows:

$$T = 8/2(L-90)/5$$

Dated: November 1, 2000.

**J. Davitt McAteer,**

*Assistant Secretary for Mine Safety and Health.*

[FR Doc. 00–28586 Filed 11–7–00; 8:45 am]

**BILLING CODE 4510–43–P**

**DEPARTMENT OF THE INTERIOR****Office of Surface Mining Reclamation and Enforcement****30 CFR Part 920**

**[MD–047–FOR]**

**Maryland Regulatory Program**

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

**ACTION:** Final rule.

**SUMMARY:** OSM is approving an amendment to the Maryland regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Maryland proposed the amendment to make its program no less effective than the federal regulations regarding procedures for financing abandoned mine land reclamation projects that involve the incidental extraction of coal. The amendment is intended to revise the Maryland program to be consistent with the corresponding Federal regulations and SMCRA.

**EFFECTIVE DATE:** November 8, 2000.

**FOR FURTHER INFORMATION CONTACT:** George Rieger, Program Manager, OSM, Appalachian Regional Coordinating Center, 3 Parkway Center, Pittsburgh, PA 15220. Telephone: (412) 937–2153; E-mail: grieger@osmre.gov.

**SUPPLEMENTARY INFORMATION:**

- I. Background on the Maryland Program
- II. Submission of the Amendment
- III. Director's Findings
- IV. Summary and Disposition of Comments
- V. Director's Decision

**VI. Procedural Determinations****I. Background on the Maryland Program**

On February 18, 1982, the Secretary of the Interior approved the Maryland program. You can find background information on the Maryland program, including the Secretary's findings, the disposition of comments, and the conditions of approval in the February 18, 1982, **Federal Register** (47 FR 7214). You can find subsequent actions concerning conditions of approval and program amendments at 30 CFR 920.12, 920.15, and 920.16.

**II. Submission of the Amendment**

By letter dated July 10, 2000 (Administrative Record No. MD–582–00), Maryland submitted the proposed amendment to its regulatory program pursuant to the federal regulations at 30 CFR 732.17(b). Maryland proposed the amendment to make its program no less effective than the federal regulations at 30 CFR 707.5, 707.10, 874.10, and 874.17. These sections of the federal regulations describe procedures for financing abandoned mine land reclamation projects that involve the incidental extraction of coal. Maryland proposed to change the definition of the term, “Government-Financed Construction” at Code of Maryland Regulation (COMAR) 26.20.12.02 B(1)(a) by adding the phrase, “Funding at less than 50 percent may qualify if the construction is undertaken as an approved reclamation project under Environment Article, Title 15, Subtitle 11 Annotated Code of Maryland and 30 CFR Subchapter R.”

Maryland also added new section .04 to COMAR 26.20.12. This section is titled, “Government Funded Reclamation Projects.” The proposed rulemaking was published in the August 14, 2000, **Federal Register** (65 FR 49524). The public comment period closed on September 13, 2000. No one requested an opportunity to speak at a public hearing, so no hearing was held.

**III. Director's Findings**

Set forth below, pursuant to SMCRA and the federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the amendments to the Maryland regulatory program.

The first change Maryland is making to its program is the modification of the definition of the term, “Government-Financed Construction” at COMAR 26.20.12.02 B(1)(a). Maryland added the

phrase, "Funding at less than 50 percent may qualify if the construction is undertaken as an approved reclamation project under Environment Article, Title 15, Subtitle 11 Annotated Code of Maryland and 30 CFR Subchapter R." to the end of the definition. This phrase is substantially the same as a phrase from the term, "Government-financed construction" from the federal regulations at 30 CFR 707.5. The Director is approving the change because it makes Maryland's definition of government-financed construction no less effective than the federal regulations with regard to abandoned mine land reclamation projects that are funded at less than 50% of funds appropriated from a government financing agency's budget or obtained from general revenue bonds.

The second change Maryland is making to its program is the addition of section .04 to COMAR 26.20.12. This section is titled, "Government Funded Reclamation Projects."

Subsection A provides that when the Bureau is considering an abandoned mine land reclamation project as government-financed construction and the level of funding will be less than 50 percent of the total cost because of planned coal extraction, the Bureau shall determine the likelihood:

(1) That nearby or adjacent mining activities may create new environmental problems or adversely affect existing environmental problems at the site.

The Director finds that this paragraph is substantively the same as the federal regulation at 30 CFR 874.17(a)(2). This paragraph is approved.

(2) That reclamation activities at the site may adversely affect nearby or adjacent mining activities.

The Director finds that this paragraph is substantively the same as the federal regulation at 30 CFR 874.17(a)(3). This paragraph is approved.

(3) Of the coal being mined under a permit issued in accordance with Environment Article, Title 15, Subtitle 5, Annotated Code of Maryland.

The Director finds that this paragraph is substantively the same as the federal regulation at 30 CFR 874.17(a)(1). This paragraph is approved.

Subsection B provides that the determination under paragraph A(3) of this regulation shall take into account available information, such as:

(1) Coal reserves from existing mine maps or other sources;

(2) Existing environmental conditions;

(3) All prior mining activity on or adjacent to the site;

(4) Current and historic coal production in the area; and

(5) Any known or anticipated interest in the mining site.

The Director finds that these paragraphs are substantively the same as the federal regulations at 30 CFR 874.17(a)(1) (i)-(v). These paragraphs are approved.

Subsection C provides that if the Bureau decides to proceed with the reclamation project after making the determinations under section A of these regulations, the Bureau shall:

(1) Determine the limits on any coal refuse, coal waste or other coal products which may be extracted under this regulation; and

(2) Delineate the boundaries of the abandoned mine land reclamation project.

The Director finds that these paragraphs are substantively the same as 30 CFR 874.17(b)(1) and (b)(2). These paragraphs are approved.

Subsection D provides that the Bureau shall include documentation in the abandoned mine land project file for the:

(1) Determinations made under sections A and C of this regulation;

(2) Information taken into account in making the determinations; and

(3) Names of the persons making the determinations.

The Director finds that these paragraphs are substantively the same as the federal regulations at 30 CFR 874.17(c)(1)-(3). These paragraphs are approved.

Subsection E provides that for each abandoned mine land reclamation project to be approved under this regulation, the Bureau shall:

(1) Characterize the site in terms of mine drainage, active slides, and the slide prone areas, erosion and sedimentation, vegetation, toxic materials, and hydrologic balance;

(2) Ensure that the reclamation project is conducted in accordance with the provisions of Environment Article, Title 15, Subtitle 11, Annotated Code of Maryland and 30 CFR Subchapter R;

(3) Develop specific-site reclamation requirements, including performance bonds, when appropriate, in accordance with State procedures; and

(4) Require the contractor conducting the reclamation to provide, prior to the time the reclamation project begins, applicable documents that clearly authorize the extraction of coal and payment of royalties.

The Director finds that these paragraphs are substantively the same as the federal regulations at 30 CFR 874.17(d)(1)-(4). These paragraphs are approved.

Subsection F provides that the Bureau shall require a reclamation contractor

who extracts coal beyond the limits of the incidental coal specified in § C(2) of this regulation to obtain a permit for the coal in accordance with Environment Article, Title 15, Subtitle 5, Annotated Code of Maryland. The Director finds that this subsection is substantively the same as the federal regulation at 30 CFR 874.17(e). This subsection is approved.

#### IV. Summary and Disposition of Comments

##### *Federal Agency Comments*

On July 20, 2000, we asked for comments from various federal agencies who may have an interest in the Maryland amendment (Administrative Record Number MD-582-01). On August 2, 2000, (Administrative Record Number MD-582-02), we sent a corrected amendment to the same federal agencies and again asked for their comments. Maryland corrected the original amendment submission by adding the phrase, "and 30 CFR Subchapter R" to the end of paragraph E.(2).

We solicited comments in accordance with section 503(b) of SMCRA and 30 CFR 732.17(h)(11)(i) of the Federal regulations. Comments were solicited from the U.S. Department of Agriculture, United States Fish and Wildlife Service's Chesapeake Bay Field Office, Corps of Engineers, U.S. Department of Labor, and Advisory Council on Historic Preservation. No comments were received.

##### *Environmental Protection Agency (EPA)*

Pursuant to 30 CFR 732.17(h)(11)(i), OSM is required to solicit comments from the EPA, and, pursuant to 30 CFR 732.17(h)(11)(ii), obtain the written concurrence of the EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). By letter dated July 20, 2000, we requested comments and concurrence from EPA (Administrative Record Number MD 582-01) on the state's proposed amendment of July 10, 2000 (Administrative Record Number MD 582-00). EPA replied to our letter on August 3, 2000 (Administrative Record Number MD 582-03) and indicated that the proposed amendment complies with the Clean Water Act.

##### *Public Comments*

No comments were received in response to our request for public comments.

**V. Director's Decision**

Based on the findings above we are approving the amendments to the Maryland program. This final rule is being made effective immediately to expedite the state program amendment process and to encourage states to bring their programs into conformity with the federal standards without undue delay. Consistency of state and federal standards is required by SMCRA.

**VI. Procedural Determinations***Executive Order 12866—Regulatory Planning and Review*

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

*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 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, and section 503(a)(7) requires that state programs contain rules and regulations “consistent with” regulations issued by the Secretary pursuant to SMCRA.

*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 allowed 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 regulatory programs and program amendments since each such 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 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.

*National Environmental Policy Act*

Section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that a decision on a proposed state regulatory program provision does not constitute a major federal action within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA) (42 U.S.C. 4332(2)(C)). A determination has been made that such decisions are categorically excluded from the NEPA process (516 DM 8.4.A).

*Paperwork Reduction Act*

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

*Regulatory Flexibility Act*

The Department of the Interior has determined 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. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the state. 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 regulation.

*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.

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 a cost of \$100 million or more in any given year on any governmental entity or the private sector.

**List of Subjects in 30 CFR Part 920**

Intergovernmental relations, Surface mining, Underground mining.

Dated: October 10, 2000.

**Allen D. Klein,**

*Regional Director, Appalachian Regional Coordinating Center.*

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

**PART 920—MARYLAND**

1. The authority citation for part 920 continues to read as follows:

**Authority:** 30 U.S.C. 1201 *et seq.*

2. Section 920.15 is amended in the table by adding a new entry in chronological order by “Date of Final Publication” to read as follows:

**§ 920.25 Approval of Maryland regulatory program amendments.**

\* \* \* \* \*

Original amendment submission date	Date of final publication	Citation/description
July 10, 2000	November 8, 2000	COMAR 26.20.12.02 B(1)(a) revision to the definition of "government-financed construction." COMAR 26.20.12.04, Addition of subsection 04, "Government Funded Reclamation Projects."

[FR Doc. 00-28618 Filed 11-7-00; 8:45 am]  
BILLING CODE 4310-05-P

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD07-00-105]

RIN 2115-AE47

#### Drawbridge Operation Regulations: Atlantic Intracoastal Waterway, Key Largo, Monroe County, FL

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule with request for comments.

**SUMMARY:** Commander, Seventh Coast Guard District is temporarily changing the regulations of the Jewfish Creek Drawbridge at Key Largo across the Atlantic Intracoastal Waterway, mile 1134.1 in Key Largo, Florida, until January 25, 2001. This temporary rule allows the Jewfish Creek Drawbridge at Key Largo to maintain single leaf operations with one-hour advance notice and a twelve-hour advance notification to the bridge tender to provide a double leaf opening until January 25, 2001. This is necessary to allow for repairs.

**DATES:** This temporary rule is effective from November 2, 2000 to January 25, 2001. Comments must be received by November 30, 2000.

**ADDRESSES:** Comments and materials received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [CGD07-00-105] and are available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 S.E. 1st Avenue, Miami, Florida, between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Barry Dragon, Project Officer, Seventh Coast Guard District, Bridge Branch, at (305) 415-6743.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this

regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. It was impracticable to publish an NPRM, because there was insufficient time remaining after we were notified of the dates of the repairs to follow normal rulemaking procedures.

Further, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. A delayed effective date is impracticable as repairs on the bridge are already underway.

##### Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for the rulemaking [CGD07-00-105], indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received. We may change this temporary rule in view of them.

##### Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the address under **ADDRESSES**, explaining why one would be beneficial. If the Coast Guard determines that a public meeting would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

##### Background and Purpose

The Jewfish Creek Drawbridge at Key Largo, mile 1134.1, across the Atlantic Intracoastal Waterway, has a vertical clearance of 11 feet at mean high water and a horizontal clearance of 80 feet between fenders. The existing operating regulations in 33 CFR 117.261(qq) require the bridge to open on signal; except that from 10:00 a.m. until sunset, Thursday through Sunday and Federal

holidays, the draw need open only on the hour and half hour.

The Florida Department of Transportation notified the Coast Guard on October 18, 2000, that repairs to the bridge were in progress and scheduled to be completed by January 25, 2001. The repairs require that the Jewfish Creek Bridge be able to maintain single leaf operations with one-hour advance notice. However a double leaf opening can be provided with a twelve-hour advance notification provided to the bridge tender.

##### Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. The Office of Management and Budget has not reviewed it under that order. It is not "significant" under the regulatory policies and procedures of the Department of Transportation (DOT)(44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this rule to be minimal because of the limited duration of the rule, as well as the provision for double leaf openings with advance notice.

##### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we considered whether this rule will have a significant economic effect upon a substantial number of small entities. "Small entities" include small business, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: owners or operators of vessels intending to transit the Atlantic Intracoastal Waterway at mile 1134. Although this temporary rule will be in effect for two and one-half months, some vessel traffic can still pass through the single leaf, and others can make advance requests for double leaf openings.