

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Airspace Docket No. 97-AEA-41]

**Proposed Amendment to Class E Airspace; York, PA****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This proposed rule would amend the Class E airspace area at York, PA. The development of a new Standard Instrument Approach Procedure (SIAP) based on the Global Positioning System (GPS), and amendments to existing SIAPs at York Airport has made this proposal necessary. Additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAPs and for Instrument Flight Rules (IFR) operations at the airport.

**DATES:** Comments must be received on or before November 17, 1997.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, Airspace Branch, AEA-520, Docket No. 97-AEA-41, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy Int'l Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Assistant Chief Counsel, AEA-7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Airspace Branch, Airspace Branch, AEA-520, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430.

**FOR FURTHER INFORMATION CONTACT:** Mr. Francis T. Jordan, Jr., Airspace Specialist, Airspace Branch, AEA-520 F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone (718) 553-4521.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall

regulatory, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 97-AEA-41." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRMs**

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Assistant Chief Counsel, AEA-7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

**The Proposal**

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the Class E airspace area at York, PA. A GPS RWY 17 SIAP has been developed, and the GPS RWY 35 SIAP and the NDB RWY 17 SIAP have been amended for the York Airport. Additional controlled airspace extending upward from 700 feet AGL is needed to accommodate the SIAPs and for IFR operations at the airport. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that would only affect air traffic procedures and air navigation, it is certified that this proposed rule would not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

**PART 71—[AMENDED]**

1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

**§71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

**AEA PA E5 York, PA [Revised]**

York Airport, PA  
(Lat. 39°55'05"N., long. 76°52'26"W.)  
York NDB  
(Lat. 39°55'12"N., long. 76°52'39"W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of York Airport and within 4 miles each side of the 155° bearing from the York Airport extending from the 6.5-mile radius to 11 miles southeast of the airport and 4 miles west and 6 miles east of the 339° bearing from the York NDB extending from the 6.5-mile radius to 11 miles north of the NDB, excluding that portion that coincides with the Harrisburg, PA, Class E airspace area.

\* \* \* \* \*

Issued in Jamaica, New York, on September 16, 1997.

**Franklin D. Hatfield,**

*Manager, Air Traffic Division, Eastern Region.*

[FR Doc. 97-27397 Filed 10-16-97; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 901

[SPATS No. AL-067-FOR]

#### Alabama Regulatory Program

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

**ACTION:** Proposed Rule; Reopening and Extension of Public Comment Period on Proposed Amendment.

**SUMMARY:** OSM is announcing receipt of revisions pertaining to a previously proposed amendment to the Alabama regulatory program (hereinafter referred to as the "Alabama program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The revisions for Alabama's proposed rules pertain to Rule 880-X-5A-.22, Orders and Decisions; and Rules 880-X-10C-.40 and 880-X-10D-.36, Coal Mine Waste: Refuse Piles (Surface Mining Activities and Underground Mining Activities, respectively). The amendment is intended to provide additional safeguards, clarify ambiguities, and improve operational efficiency.

**DATES:** Written comments must be received by 4:00 p.m., c.d.t., November 3, 1997.

**ADDRESSES:** Written comments should be mailed or hand delivered to Arthur W. Abbs, Director, Birmingham Field Office at the address listed below.

Copies of the Alabama program, the proposed amendment, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Birmingham Field Office.

Arthur W. Abbs, Director, Birmingham Field Office, Office of Surface Mining Reclamation and Enforcement, 135 Gemini Circle, Suite 215, Homewood, Alabama 35209, Telephone: (205) 290-7282.

Alabama Surface Mining Commission, 1811 Second Avenue, P.O. Box 2390,

Jasper, Alabama 35502-2390, Telephone (205) 221-4130.

#### FOR FURTHER INFORMATION CONTACT:

Arthur W. Abbs, Director, Birmingham Field Office, Telephone: (205) 290-7282.

#### SUPPLEMENTARY INFORMATION:

##### I. Background on the Alabama Program

On May 20, 1982, the Secretary of the Interior conditionally approved the Alabama program. Background information on the Alabama program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the May 20, 1982, **Federal Register** (47 FR 22062). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 901.15 and 901.16.

##### II. Discussion of the Proposed Amendment

By letter dated March 28, 1997, (Administrative Record No. AL-0562), Alabama submitted a proposed amendment to its program pursuant to SMCRA. Alabama submitted the proposed amendment at its own initiative. The provisions of the Alabama Surface Mining Commission Rules that Alabama proposes to amend are: Rule 88-X-5A-.22, Orders and Decisions; Rule 880-X6A-.06, License Application Requirements; Rule 880-X-7B-.07, Procedures for Permit Application Review; Rule 880-X-9E-.05, Determination of Forfeiture Amount; Rule 880-X-10C-.23, Hydrologic Balance: Surface and Ground Water Monitoring; Rule 880-X-10C-.36, Disposal of Excess Spoil (Surface Mining Activities); Rule 880-X-10C-.38, Coal Mine Waste: General Requirements (Surface Mining Activities); Rule 880-X-10C-.40, Coal Mine Waste: Refuse Piles (Surface Mining Activities); Rule 880-X-10D-.33, Disposal of Excess Spoil and Underground Development Waste (Underground Mining Activities); Rule 880-X-10D-.34, Coal Mine Waste: General Requirements (Underground Mining Activities); and Rule 880-X-10D-.36, Coal Mine Waste: Refuse Piles (Underground Mining Activities).

OSM announced receipt of the proposed amendment in the April 25, 1997, **Federal Register** (62 FR 20138) and invited public comment on its adequacy. The public comment period ended May 27, 1997.

During its review of the amendment, OSM identified concerns relating to Rule 880-X-5A-.22, Orders and Decisions; Rule 880-X-10C-.40, Coal Mine Waste: Refuse Piles (Surface

Mining Activities); and Rule 880-X-10D-.36, Coal Mine Waste: Refuse Piles (Underground Mining Activities). On June 16, 1997, OSM notified Alabama of the concerns by telephone and by fax (Administrative Record No. AL-0572). Alabama responded in a letter dated July 30, 1997, (Administrative Record No. AL-0572) by submitting a revision to the amendment and additional explanatory information.

Alabama proposes revisions to Rule 880-X-5A-.22, Orders and Decisions; Rule 880-X-10C-.40, Coal Mine Waste: Refuse Piles (Surface Mining Activities); and Rule 880-X-10D-.36, Coal Mine Waste: Refuse Piles (Underground Mining Activities).

Specifically, Alabama proposes at Rule 880-X-5A-.22, Orders and Decisions, to change from 60 days to 30 days the time in which the hearing officer must make a written decision after the close of any hearing. For Rule 880-X-10C-.40, Coal Mine Waste: Refuse Piles (Surface Mining Activities) and Rule 880-X-10D-.36, Coal Mine Waste: Refuse Piles (Underground Mining Activities), Alabama proposes to issue a policy statement clarifying that the phrase "safety factor" means "static safety factor."

##### III. Public Comment Procedures

OSM is reopening the comment period on the proposed Alabama program amendment to provide the public an opportunity to reconsider the adequacy of the proposed amendment in light of the additional materials submitted. In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Alabama program.

##### Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Birmingham Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

##### IV. Procedural Determinations

##### Executive Order 12866

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