

# Proposed Rules

Federal Register

Vol. 66, No. 202

Thursday, October 18, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Parts 13, 61, 119, 125, 135, and 142

[Docket No. FAA-2001-10047; Notice No. 01-11]

RIN 2120-AH06

#### Regulation of Fractional Aircraft Ownership Programs and On-Demand Operations; Extension of Comment Period

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM); extension of comment period.

**SUMMARY:** This action extends the comment periods for an NPRM that was published on July 18, 2001. In that document, the FAA proposed to update and revise the regulations governing operations by aircraft in fractional ownership programs. This extension is a result of several requests to extend the comment period to the proposal.

**EFFECTIVE DATE:** Comments must be received on or before November 16, 2001.

**ADDRESSES:** Comments on this document should be mailed or delivered, in duplicate, to: U.S. Department of Transportation Dockets, Docket No. FAA-2001-10047, 400 Seventh Street, SW., Room Plaza 401, Washington, DC 20590. Comments may be filed and examined in Room Plaza 401 between 10 a.m. and 5 p.m. weekdays, except Federal holidays. Comments also may be sent electronically to the Dockets Management System (DMS) at the following Internet address; <http://dms.dot.gov> at any time. Commenters who wish to file comments electronically, should follow the instructions on the DMS web site.

**FOR FURTHER INFORMATION CONTACT:** Katherine Hakala Perfetti, Flight Standards Service (AFS-200), Federal

Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591; telephone: (202) 267-3760; or e-mail: [kaktherine.perfetti@faa.gov](mailto:kaktherine.perfetti@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will file in the docket all comments we received, as well as report summarizing each substantive public contact with FAA personnel concerning this proposal rulemaking. The docket is available for inspection before and after the comment closing date. If you wish to review the docket in person, go to the address in the **ADDRESSES** section of this preamble between 9 a.m. and 5 p.m. Monday through Friday, except Federal holidays. You may also review the docket using the Internet at the web address in the **ADDRESSES** section.

Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed date if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

If you want the FAA to acknowledge receipt of your comments on this proposal, include with your comments a pre-addressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it to you.

##### Background

On July 18, 2001, the Federal Aviation Administration (FAA) issued Notice No. 01-08, Regulation of Fractional Aircraft Ownership Programs and On-Demand Operations (66 FR 37520, 7/18/2001). This notice provided for a 90-day comment period. Comments pertaining to the document were to be received on or before October 16, 2001.

Several petitioners have requested an extension of the comment period. An

individual petitioner requested a nine-month extension by letter dated July 15, 2001. The National Air Transportation Association and the National Business Aviation Association, by letters dated October 1 and October 3, 2001, respectively, requested the FAA to extend the comment period for Notice No. 01-08 for 30 days. By letter dated October 3, 2001, the National Transportation Safety Board requested a 90-day extension. The three recent requests cited the national security events that occurred on September 11, 2001 to support their requests for an extension. The petitioners mentioned that the recent events demanded a significant diversion of resources, making it difficult to provide well-developed, thoughtful comments on the proposed regulation. These events also raised safety issues that may need to be addressed during the comment period.

The FAA acknowledges that the tragic events of September 11 have required the nation's attention and concurs with the petitioners' requests that it is appropriate to extend the comment period on Notice No. 01-08. The need for additional time for thoughtful comment must be balanced against the need to proceed expeditiously with a rulemaking that will maintain a high standard of safety for the fractional aircraft ownership industry. The FAA believes an additional 30 days would be adequate for the petitioners to provide meaningful comment to Notice No. 01-08. This will also allow commenters who may have anticipated an extension in the comment periods to submit their comments by a certain date. Absent unusual circumstances, the FAA does not anticipate any further extension of the comment period for this rulemaking.

##### Extension of Comment Period

In accordance with § 11.47 of Title 14, Code of Federal Regulations, the FAA has reviewed the requests for extension of the comment period to Notice No. 01-08. These petitioners have shown a substantive interest in the proposed rule and good cause for the extension. The FAA also has determined that an extension of the comment period is consistent with the public interest, and that good cause exists for taking this action.

Accordingly, the comment period for Notice No. 01-08 is extended until November 16, 2001.

Issued in Washington, DC, October 10, 2001.

**Nicholas A. Sabatini,**

*Director, Flight Standards Service.*

[FR Doc. 01-26226 Filed 10-17-01; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 901

[SPATS No. AL-071-FOR]

#### Alabama Regulatory Program

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

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

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of an amendment to the Alabama regulatory program (Alabama program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Alabama proposes revisions to and additions of regulations concerning valid existing rights. Alabama intends to revise its program to be consistent with the corresponding Federal regulations.

This document gives the times and locations that the Alabama program and the 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 until 4 p.m., c.d.t., November 19, 2001. If requested, we will hold a public hearing on the amendment on November 13, 2001. We will accept requests to speak at the hearing until 4 p.m., c.d.t. on November 2, 2001.

**ADDRESSES:** You should mail or hand deliver written comments and requests to speak at the hearing to Arthur W. Abbs, Director, Birmingham Field Office, at the address listed below.

You may review copies of the Alabama program, the 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 OSM's Birmingham Field Office.

Arthur W. Abbs, Director, Birmingham Field Office, Office of Surface Mining, 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. Internet: [aabbs@osmre.gov](mailto:aabbs@osmre.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background on the Alabama 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 Alabama program on May 20, 1982. You can find background information on the Alabama program, including the Secretary's findings, the disposition of comments, and the conditions of approval in the May 20, 1982, **Federal Register** (47 FR 22062). You can find later actions on the Alabama program at 30 CFR 901.15 and 901.16.

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

By letter dated August 29, 2001 (Administrative Record No. AL-0647), Alabama sent us an amendment to its program under SMCRA and the Federal regulations at 30 CFR 732.17(b). Alabama sent the amendment in response to our letter dated August 23, 2000 (Administrative Record No. AL-0644), that we sent to Alabama under 30 CFR 732.17(c). Alabama proposes to amend the Alabama Surface Mining Commission (ASMC) Rules. Below is a summary of the changes proposed by Alabama. The full text of the program amendment is available for your inspection at the locations listed above under **ADDRESSES**.

##### A. 880-X-2A-.06, Definitions

Alabama proposes to add a definition for “significant recreational, timber, economic, or other values incompatible with surface coal mining operations.”

Alabama also proposes to revise its definition of “valid existing rights.”

##### B. 880-X-7B-.06, Areas Where Surface Coal Mining Operations Are Prohibited or Limited

Alabama proposes to revise the language in this section to describe the lands where surface coal mining operations may not be conducted, except as provided under 880-X-7B-.11 and 880-X-7B-.07.

##### C. 880-X-7B-.07, Exception for Existing Operations

Alabama proposes to revise the language in this section to describe those surface coal mining operations that the provisions of 880-X-7B-.06 do not apply.

##### D. 880-X-7B-.08, Procedures for Compatibility Finding for Surface Coal Mining Operations on Federal Lands in National Forests

Alabama proposes to add this new section to describe the procedures an applicant for a surface coal mining operation permit and the regulatory authority must follow when an applicant intends to claim the exception provided in 880-X-7B-.06(b) to conduct surface coal mining operations on Federal lands within a national forest.

##### E. 880-X-7B-.09, Procedures for Relocating or Closing a Public Road or Waiving the Prohibition on Surface Coal Mining Operations Within the Buffer Zone of a Public Road

Alabama proposes to add this new section to describe the procedures an applicant for a surface coal mining operation permit and the regulatory authority must follow when an applicant proposes to relocate or close a public road, or conduct surface coal mining operations with 100 feet, measured horizontally, of the outside right-of-way line of a public road.

##### F. 880-X-7B-.10, Procedures for Waiving the Prohibition on Surface Coal Mining Operations Within the Buffer Zone of an Occupied Dwelling

Alabama proposes to add this new section to describe the procedures applicants for surface coal mining operation permits must follow when they propose to conduct surface coal mining operations within 300 feet, measured horizontally, of any occupied dwelling.