

The FAA estimates that 800 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 2 workhours per airplane to accomplish the torque link replacement, and that the average labor rate is approximately \$55 an hour. Parts cost approximately \$882 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$793,600. The initial cost would be much lower if the operator chose the repetitive inspection option and found no torque link cracks.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

#### § 39.13 [Amended]

2. Section 39.13 is amended by removing AD 92-11-08, Amendment 39-8258 (57 FR 20742, May 15, 1992),

and adding the following new airworthiness directive:

**93-13-08 Aerostar Aircraft Corporation:**  
Amendment 39-8621; Docket No. 92-CE-51-AD. Supersedes AD 92-11-08, Amendment 39-8258.

**Applicability:** The following model and serial number airplanes, certificated in any category:

Models	Serial numbers
PA-60-600 Aerostar 600.	60-0001-003 through 60-0933-8161262.
PA-60-601 Aerostar 601.	61-0001-004 through 61-0880-8162157.
PA-60-601P Aerostar 601P.	61P-0157-001 through 61P-0860-8163455.
PA-60-602P Aerostar 602P.	62P-0750-8165001 through 60-8365021.
PA-60-700P Aerostar 700P.	60-8223001 through 60-8423025.

**Note 1:** The manufacturing and ownership rights of the affected model airplanes were previously owned by the Piper Aircraft Corporation, but these rights were recently transferred to the Aerostar Aircraft Corporation.

**Compliance:** Required as indicated, unless already accomplished.

To prevent loss of directional control of the airplane during ground operation caused by torque link failure, accomplish the following:

(a) Within the next 100 hours time-in-service (TIS) after the effective date of this AD, accomplish either (1) or (2) below:

(1) Replace the existing main landing gear torque links with improved design torque links, part number (P/N) 400126-501 and 400126-502 (left main landing gear) and P/N 400126-503 and 400126-504 (right main landing gear), in accordance with the Instructions section of Aerostar Service Bulletin (SB) No. 746C, dated September 15, 1992.

**Note 2:** Aerostar SB No. 746C, dated September 15, 1992, references the availability of Main Landing Gear Torque Link Replacement Kit No. 785-155 revision G. This kit contains the improved torque links and all hardware necessary to install these links. This kit may be obtained from the manufacturer at the address specified in paragraph (d) of this AD.

(2) Dye penetrant inspect (using FAA-approved methods) the main landing gear torque links for cracks.

(i) If cracks are found, prior to further flight, replace the cracked torque links with improved designed torque links part number (P/N) 400126-501 and 400126-502 (left main landing gear) and P/N 400126-503 and 400126-504 (right main landing gear), in accordance with the Instructions section of Aerostar SB No. 746C, dated September 15, 1992.

(ii) If no cracks are found, reinspect at intervals not to exceed 100 hours TIS.

(iii) The repetitive inspection requirement is no longer required when both the left and right main landing gear torque links are

replaced with improved design torque links, part number (P/N) 400126-501 and 400126-502 (left main landing gear) and P/N 400126-503 and 400126-504 (right main landing gear), in accordance with the Instructions section of Aerostar SB No. 746C, dated September 15, 1992. This installation may be accomplished at any time regardless of whether cracks are found during the inspection.

**Note 3:** Operators should ensure that proper strut inflation is maintained as improper strut inflation could put extreme impact upon the torque links. In addition, improper use of the hydraulic nose gear steering mechanism at high speeds could also lead to overstressed torque links.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4058. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Seattle Aircraft Certification Office.

**Note 4:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle Aircraft Certification Office.

(d) The replacement required by this AD shall be done in accordance with Aerostar Service Bulletin No. 746C, dated September 15, 1992. 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 the Aerostar Aircraft Corporation, Customer Service Department, South 3608 Davison Boulevard, Spokane, Washington 99204. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment (39-8621) supersedes AD 92-11-08, Amendment 39-8258.

(f) This amendment (39-8621) becomes effective on August 20, 1993.

Issued in Kansas City, Missouri, on June 29, 1993.

**Barry D. Clements,**  
Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-15812 Filed 7-2-93; 8:45 am.]

BILLING CODE 4910-13-U

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Social Security Administration****20 CFR Part 404**

[Regulations No. 4]

RIN 0960—None Assigned

**Federal Old-Age, Survivors and Disability Insurance Determining Disability and Blindness; Extension of Expiration Date for Cardiovascular System Listing**

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

**SUMMARY:** We are extending the date on which part A of the cardiovascular system listings, found in the appendix to the regulations on determining disability and blindness, will no longer be effective from July 6, 1993, to January 6, 1994. We are also extending the date on which part B of those listings will no longer be effective from December 6, 1993, to January 6, 1994. We have made no revisions in the medical criteria in the cardiovascular system listings; they remain the same as they now appear in the Code of Federal Regulations. We are presently considering comments we received on a Notice of Proposed Rulemaking (NPRM) to update the medical criteria contained in part A and part B of the cardiovascular system listings. When we have completed our review, any revised criteria will be published as final regulations.

**EFFECTIVE DATE:** This final rule will be effective July 6, 1993.

**FOR FURTHER INFORMATION CONTACT:** Irving Darrow, Esq., Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 966-0512.

**SUPPLEMENTARY INFORMATION:** On December 6, 1985, a revised Listing of Impairments in appendix 1 to subpart P of part 404 was published in the *Federal Register* (50 FR 50068). The Listing of Impairments describes, for each of 13 major body systems, impairments that are considered severe enough to preclude a person from engaging in any gainful activity (part A), or in the case of a child under the age of 18, impairments that are considered severe enough to prevent the child from functioning independently, appropriately, and effectively in an age-appropriate manner (part B). The Listing of Impairments is used for evaluating disability and blindness at the third step of the sequential evaluation process for

adults and children under the Social Security disability program and the supplemental security income program.

When the revised Listing of Impairments was published in 1985, we indicated that medical advances in disability evaluation and treatment and program experience would require that the listings be periodically reviewed and updated. Accordingly, we established termination dates ranging from 4 to 8 years for each of the listings for specific body systems. A date of December 6, 1989, was established for the cardiovascular system listings in part A to no longer be effective. A date of December 6, 1993, was established for part B of the cardiovascular system listings to no longer be effective.

The potential program impact of the changes to update the cardiovascular system listings required careful analysis and consideration within the Agency. As our analysis continued, it became evident that we would be unable to publish a proposed and then a final regulation containing revised criteria for part A of the cardiovascular system listings by December 6, 1989. We published in the *Federal Register* of December 5, 1989 (54 FR 50233), a final regulation extending the current cardiovascular system listings for a period of 18 months through June 5, 1991. The cardiovascular system listings were again extended an additional 12 months through June 5, 1992, by final regulation published in the *Federal Register* on June 6, 1991 (56 FR 26030), and were extended to January 5, 1993, by final regulation published in the *Federal Register* on June 5, 1992 (57 FR 23945), and to July 6, 1993, by final regulation published in the *Federal Register* on December 29, 1992 (57 FR 61795).

On July 9, 1991, we published an NPRM proposing revisions to the medical criteria contained in parts A and B of the cardiovascular system listings (56 FR 31266), with provisions for a 60-day comment period. The complex issues raised by the numerous comments we received have required extensive analysis and careful consideration. In order to ensure sufficient time for this review, we are extending the date on which the current cardiovascular system listings in part A will no longer be effective for an additional 6 months—from July 6, 1993, to January 6, 1994, and the date on which the part B listings will no longer be effective for an additional 1 month—from December 6, 1993, to January 6, 1994.

**Regulatory Procedures**

The Department, even when not required by statute, as a matter of policy, generally follows the Administrative Procedure Act notice of proposed rulemaking and public comment procedures specified in 5 U.S.C. 553 in the development of its regulations. The Administrative Procedure Act provides exceptions to its notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary, or contrary to the public interest. We have determined that, under 5 U.S.C. 553(b)(B), good cause exists for waiver of notice of proposed rulemaking and public comment procedures on this rule because it only extends the dates on which parts A and B of the cardiovascular system listings will no longer be effective and makes no substantive changes to these listings. The current regulations expressly provide that the listings may be extended by the Secretary, as well as revised and promulgated again. Because we are not making any revisions to the current listings, we have determined that use of public comment procedures is unnecessary under the Administrative Procedure Act.

**Executive Order 12291**

The Secretary has determined that this is not a major rule under Executive Order 12291 because this regulation does not meet any of the threshold criteria for a major rule. Therefore, a regulatory impact analysis is not required.

**Regulatory Flexibility Act**

We certify that this regulation will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis as provided in Public Law 96-354, the Regulatory Flexibility Act, is not required.

**Paperwork Reduction Act**

This regulation imposes no reporting or recordkeeping requirements necessitating clearance by the Office of Management and Budget.

(Catalog of Federal Domestic Assistance Program No. 93.802, Social Security-Disability Insurance; No. 93.807, Supplemental Security Income)

**List of Subjects in 20 CFR Part 404**

Administrative practice and procedure, Blind, Disability benefits, Old-Age, Survivors and Disability Insurance, Reporting and recordkeeping requirements, Social security.

Dated: May 28, 1993.

Louis D. Enoff,  
Principal Deputy Commissioner of Social Security.

Approved: June 23, 1993.

Donna E. Shalala  
Secretary of Health and Human Services.

For the reasons set forth in the preamble, part 404, title 20 of the Code of Federal Regulations is amended as set forth below.

#### PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950— )

1. The authority citation for subpart P of part 404 continues to read as follows:

**Authority:** Secs. 202, 205 (a), (b), and (d)—(h), 216(i), 221 (a) and (i), 222(c), 223, 225, and 1102 of the Social Security Act; 42 U.S.C. 402, 405 (a), (b), and (d)—(h), 416(i), 421 (a) and (i), 422(c), 423, 425, and 1302.

2. Appendix 1 to subpart P is amended by revising the fourth paragraph of the introductory text to read as follows:

#### Appendix 1 to Subpart P—Listing of Impairments

\* \* \* \* \*

The cardiovascular system (4.00 and 104.00) will no longer be effective on January 6, 1994.

\* \* \* \* \*

[FR Doc. 93-15840 Filed 7-2-93; 8:45 am]

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#### 21 CFR Part 73

#### Food and Drug Administration

[Docket No. 89C-0203]

#### Listing of Color Additives for Coloring Contact Lenses; 1,4-Bis[4-(2-Methacryloxyethyl)Phenylamino]Anthraquinone Copolymers; Correction

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule; correction.

**SUMMARY:** The Food and Drug Administration is correcting a final rule that appeared in the *Federal Register* of April 5, 1993 (58 FR 17506). The document amended the color additive regulations to provide for the safe use of the colored reaction product formed by copolymerizing 1,4-bis[4-(2-methacryloxyethyl)phenylamino]anthraquinone (C.I. Reactive Blue 246) with hydroxyethyl methacrylate and *N*-vinyl pyrrolidone. The document was published with an incorrect docket number in the heading. This document corrects that error.

**DATES:** Effective May 6, 1993, except as to any provisions that may be stayed by the filing of proper objections; written objections and requests for a hearing by May 5, 1993.

**FOR FURTHER INFORMATION CONTACT:** Robin Thomas Johnson, Office of Policy (HF-27), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2994.

In FR Doc. 93-7769, appearing on page 17506 in the *Federal Register* of Monday, April 5, 1993, the following correction is made:

On page 17506, in the first column, the docket number "89C-0203" is corrected to read "90C-0406".

Dated: June 29, 1993.

Michael R. Taylor,  
Deputy Commissioner for Policy.

[FR Doc. 93-15781 Filed 7-2-93; 8:45 am]

BILLING CODE 4160-01-F

#### 21 CFR Parts 510 and 520

#### Animal Drugs, Feeds, and Related Products; Trimethoprim and Sulfadiazine Oral Powder

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by Macleod Pharmaceuticals, Inc. The ANADA provides for the use of a generic trimethoprim/sulfadiazine oral powder in feed for control of bacterial infections of horses during the treatment of acute strangles, respiratory tract infections, acute urogenital infections, wound infections, and abscesses.

**EFFECTIVE DATE:** July 6, 1993.

**FOR FURTHER INFORMATION CONTACT:** Charles W. Francis, Center for Veterinary Medicine (HFV-114), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-295-8617.

**SUPPLEMENTARY INFORMATION:** Macleod Pharmaceuticals, Inc., 2600 Canton Ct., Fort Collins, CO 80525, is the sponsor of ANADA 200-033, which provides for the use of a generic trimethoprim/sulfadiazine oral powder in feed for control of bacterial infections of horses during the treatment of acute strangles, respiratory tract infections, acute urogenital infections, wound infections, and abscesses.

Approval of ANADA 200-033 for Macleod Pharmaceuticals' trimethoprim/sulfadiazine oral powder

(Uniprim™ powder) is as a generic copy of Coopers Animal Health's NADA 131-918 for Tribriksen® 400 oral paste (trimethoprim/sulfadiazine oral paste). The ANADA is approved as of June 11, 1993, and the regulations are amended by adding new § 520.2613 (21 CFR 520.2613) to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In addition, Macleod Pharmaceuticals, Inc., has not previously been listed in 21 CFR 510.600(c) as sponsor of an approved application. That section is amended to add entries for the firm.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

#### List of Subjects

##### 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

##### 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510 and 520 are amended as follows:

#### PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

**Authority:** Secs. 201, 301, 501, 502, 503, 512, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 376).

2. Section 510.600 is amended in the table in paragraph (c)(1) by alphabetically adding a new entry for "Macleod Pharmaceuticals, Inc.," and in the table in paragraph (c)(2) by numerically adding a new entry for "058711" to read as follows:

**§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.**

* * * * *	
(c) * * *	
(1) * * *	
Firm name and address	Drug labeler code
Macleod Pharmaceuticals, Inc., 2600 Canton Ct., Fort Collins, CO 80525	058711

(2) * * *	
Drug labeler code	Firm name and address
058711	Macleod Pharmaceuticals, Inc., 2600 Canton Ct., Fort Collins, CO 80525

**PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS**

3. The authority citation for 21 CFR part 520 continues to read as follows:  
Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

4. New § 520.2613 is added to read as follows:

**§ 520.2613 Trimethoprim and sulfadiazine powder.**

(a) *Specifications.* Each gram of powder contains 67 milligrams of trimethoprim and 333 milligrams of sulfadiazine.

(b) *Sponsor.* See No. 058711 in § 510.600(c) of this chapter.

(c) *Conditions of use: Horses—(1) Dosage.* 3.75 grams of powder per 110 pounds (50 kilograms) of body weight per day.

(2) *Indications for use.* For control of bacterial infections of horses during treatment of acute strangles, respiratory tract infections, acute urogenital infections, wound infections, and abscesses.

(3) *Limitations.* Administer orally in a small amount of feed, as a single daily dose, for 5 to 7 days. Continue therapy for 2 to 3 days after clinical signs have subsided. If no improvement is seen in 3 to 5 days, reevaluate diagnosis. A complete blood count should be done

periodically with prolonged use. Not for use in horses intended for food. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Dated: June 25, 1993.

Richard H. Teske,  
Acting Director, Center for Veterinary Medicine.

[FR Doc. 93-15778 Filed 7-2-93; 8:45 am]

BILLING CODE 4160-01-F

**DEPARTMENT OF THE INTERIOR**

**Office of Surface Mining Reclamation and Enforcement**

**30 CFR Part 920**

**Maryland Regulatory Program; Air Resources; Permitting**

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

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** OSM is announcing the approval of a proposed amendment to the Maryland regulatory program (hereinafter referred to as the Maryland program) approved under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment limits the air protection standards to air pollution attendant to erosion. The proposed amendment also deletes a number of provisions that either are not required by Federal rules or will make the regulations consistent with statutory provisions recently approved by OSM. The amendment is intended to make the Maryland regulations no less effective than the Federal regulations.

**EFFECTIVE DATE:** July 6, 1993.

**FOR FURTHER INFORMATION CONTACT:** Robert Biggi, Director, Office of Surface Mining Reclamation and Enforcement, Harrisburg Field Office, Harrisburg Transportation Center, 4th and Market Streets, Suite 3C, Harrisburg, PA 17101; Telephone: (717) 782-4036.

**SUPPLEMENTARY INFORMATION:**

- I. Background on the Maryland Program.
- II. Submission of Amendments.
- 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. Information regarding the general background on the Maryland program, including the Secretary's

findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Maryland program can be found in the February 18, 1982, Federal Register (47 FR 7214). Actions taken subsequent to the approval of the Maryland program are identified at 30 CFR 920.12, 30 CFR 920.15, and 30 CFR 920.16.

**II. Submission of Amendments**

By letter dated February 5, 1993, the Maryland Bureau of Mines (Maryland) submitted a program amendment to OSM (Administrative Record No. MD-562.00). The amendment changes the provisions of the Code of Maryland Administrative Regulations (COMAR) 08.13.09.27, Air Resources Protection, to require that all exposed surface areas be protected and stabilized to effectively control erosion and air pollution attendant to erosion. Certain specified fugitive dust control measures are made optional as determined by Maryland. The provisions of COMAR 08.13.09.04, Permit Application Review Procedures, are changed to modify the notification procedures for permit approval and issuance. The provisions pertaining to decisions by the Land Reclamation Committee (LRC) are deleted. Effective April, 1993, COMAR 08.13.09 was recodified as COMAR 08.20.

OSM announced receipt of the proposed amendment in the March 26, 1993, Federal Register (58 FR 16383) and in the same notice opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendment. The comment period ended on April 26, 1993.

By letter dated April 26, 1993, Maryland submitted revisions to the amendment to OSM (administrative Record No. MD-562.11). OSM announced receipt of the revisions in the May 21, 1993, Federal Register (58 FR 29560) and reopened the public comment period and provided opportunity for a public hearing. The comment period ended on June 21, 1993.

**III. Director's Findings**

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.17, are the Director's findings concerning the proposed amendment submitted on February 5, 1993, and revised on April 26, 1993. Any revisions not specifically addressed below are found to be no less stringent than SMCRA and no less effective than the Federal regulations. Revisions that are not discussed below contain language similar to the corresponding Federal rules, concern nonsubstantive wording

changes, or revise cross-references and paragraph notations to reflect organizational changes resulting from this amendment.

*Revisions to Maryland's Regulations That are Substantively Identical to the Corresponding Federal Regulations*

State regulation	Subject	Federal counterpart
COMAR 08.13.09.27A, (now 08.20.23.01A)	Air Resources Protection	30 CFR 816.95(a)

*Revisions to Maryland's Regulations that are not Substantively Identical to the Corresponding Federal Regulations*

Permit Application Review Procedures

At COMAR 08.13.09.04H(1) (now 08.20.04.08A), Maryland is deleting its existing provision that the Bureau of Mines hold a joint hearing with the Land Reclamation Committee (LRC) if a public hearing is requested. The revised regulation requires that the Bureau schedule a hearing, if requested, in the locality of the proposed operation. The deletion is consistent with the statutory deletion approved by OSM on December 17, 1992 (57 FR 59922). Because the revised regulation is substantively identical to the Federal regulation at 30 CFR 773.13(c)(2)(i), the Director finds it no less effective than its Federal counterpart.

At COMAR 08.13.09.04J(1) (now 08.20.04.11A), Maryland is revising its permit approval regulations to require that if the State decides to approve a permit application, it shall notify the applicant, each person who filed written comments or objections to the application, and each party to the hearing, in writing of its approval of the permit application. Maryland is deleting the requirement that the notification be made by certified mail. There is no Federal counterpart, therefore, the deletion does not render the State program less effective than the Federal regulations. Because the revised regulation is no less effective than the Federal regulation at 30 CFR 773.19(b)(1), which also requires notification of a permit decision, the Director finds it no less effective than its Federal counterpart.

At COMAR 08.13.09.04J(4) (now 08.20.04.11D), Maryland is deleting its current requirement that upon permit issuance, it advertise notice of its decision and provide for an adjudicatory hearing, if requested. The revised regulation requires that upon permit issuance, the State provide written notification of the issuance to OSM. Since the Federal regulations

pertaining to permit issuance at 30 CFR 773.19(b) do not require that the regulatory authority advertise notice of its decision, the deletion of the requirement does not render the State program less effective than the Federal regulations. The Federal regulation at 773.19(b)(3) requires that OSM be notified of the permit decision at the same time as the applicant. The Maryland regulation is different in that it would not notify OSM of its decision until after the permit is issued. However, the purpose behind OSM's notification is "for OSM to conduct oversight of a State program." 48 FR 44344, 44371 (September 28, 1983). The later notification by Maryland to OSM still satisfies this purpose because OSM's oversight capacity is not dependent upon notification simultaneous with the applicant's notice. Therefore, so long as Maryland notifies OSM within a reasonable time, the Director finds the amendment to be no less effective than 30 CFR 773.19(b)(3).

*Deletions to Maryland's Regulations*

1. Permit Application Review Procedures

At COMAR 08.13.09.04B(4) (now 08.20.04.02D), Maryland is deleting its existing provision that the State forward copies of a complete permit application to the Water Resources Administration and appropriate Soil Conservation District for review and comments. Also deleted is the provision that the State conduct a technical on-site evaluation with these agencies. The Federal regulations at 30 CFR 773.13 contain no comparable provisions. The Director finds that the proposed deletions do not render the State program less effective than the Federal regulations.

At COMAR 08.13.09.04C(2)(e) (now 08.20.04.03B(5)), Maryland is deleting the requirement that an applicant's newspaper advertisement specify that a public hearing will be held on the application. The Federal regulations at 30 CFR 773.13(a)(1) contain no comparable provision. The Director

finds that the proposed deletion does not render the State program less effective than the Federal regulations.

At COMAR 08.13.09.04G(5) (now 08.20.04.07D), Maryland is deleting the requirement that the State schedule a public hearing as part of the permit review process. The Federal regulations at 30 CFR 773.13(c) require that the regulatory authority hold an informal conference only if an interested party requests one. Maryland satisfies this requirement at COMAR 08.20.04.05A. The Director finds that the proposed deletion does not render the State program less effective than the Federal regulations.

At COMAR 08.13.09.04G(5) (now 08.20.04.07E), Maryland is deleting the requirement that the State forward copies of the permit application to certain agencies and public representative members of the LRC. The Federal regulations at 30 CFR 773.13(a)(3) require that the regulatory authority issue written notification indicating the applicant's intention to mine to certain governmental agencies. Maryland satisfies this requirement at COMAR 08.20.04.02C(3). The Director finds that the proposed deletion does not render the State program less effective than the Federal regulations.

At COMAR 08.13.09.04G(6) (now 08.20.04.07F), Maryland is deleting the requirements that a site visit for the LRC be scheduled and that the applicant flag or stake all areas to be affected by the proposed mining activity. The Federal regulations at 30 CFR 773.15 pertaining to the review of permit applications contain no comparable provisions. The Director finds that the proposed deletions do not render the State program less effective than the Federal regulations.

At COMAR 08.13.09.04H(2)(b) (now 08.20.04.08B(2)), Maryland is deleting the requirement that the State publish information regarding a requested public hearing in the Maryland Register. The Federal regulations at 30 CFR 773.13(c)(2)(ii) contain no comparable provision. The Director finds that the

proposed deletion does not render the State program less effective than the Federal regulations.

Maryland is deleting its current regulations at COMAR 08.13.09.04I (now 08.20.04.09) which required that the LRC vote and approve, reject or conditionally approve reclamation plans. The remaining sections are relettered for consistency. The deletion is duplicative of new statutory language approved by OSM on December 17, 1992 (57 FR 59922). The Federal regulations at 30 CFR 773.15 pertaining to the review of permit applications contain no comparable requirement. The Director finds that the proposed deletion does not render the State program less effective than the Federal regulations.

At new COMAR 08.13.09.04I(1) (now 08.20.04.10A), Maryland is deleting the requirement that the State complete its review of a permit application within ten days of receipt of the LRC approval of decision on a reclamation plan. The Federal regulations at 30 CFR 773.15 pertaining to the review of permit applications contain no comparable requirement. The Director finds that the proposed deletion does not render the State program less effective than the Federal regulations.

At COMAR 08.13.09.04J(1)(a) (now 08.20.04.11A(1)), Maryland is deleting the requirement that the State's approval notice to the permit applicant contain all written findings required by Regulation .05A (Required Written Findings). The remaining sections are relettered for consistency. The Federal regulations at 30 CFR 773.19(b) pertaining to notification contain no comparable requirement. The Director finds that the proposed deletion does not render the State program less effective than the Federal regulations.

At COMAR 08.13.09.04J(2) (now 08.20.04.11B), Maryland is deleting the requirement that a copy of the permit notice be forwarded to any person who filed a written comment or objection and the Regional Director of the Federal Office of Surface Mining. The remaining sections are renumbered for consistency. The Federal regulations at 30 CFR 773.19(b) require that these entities be notified. Maryland provides for notification at revised COMAR 08.13.09.04J(1) and (4) (now COMAR 08.20.04.11 A and D). The Director finds that the proposed deletion does not render the State program less effective than the Federal regulations.

At COMAR 08.13.09.04J(5) (now 08.20.04.11E), Maryland is deleting the requirement that the State issue a permit within ten days of receipt of all required bonds, fees, and evidence of forms of

approvals. The remaining sections are renumbered for consistency. The Federal regulations at 30 CFR 773.19(a) require that the permit be issued upon submittal of a performance bond. Maryland satisfies this requirement at revised COMAR 08.13.09.04J(3) (now 08.20.04.11C). The Director finds that the proposed deletion does not render the State program less effective than the Federal regulations.

At new COMAR 08.13.09.04J(5) (now 08.20.04.11F), Maryland is deleting the requirement that it notify OSM that a permit has been issued within ten days of issuance. As discussed earlier, the Federal regulations at 30 CFR 773.19(b)(3) require notification. Maryland satisfies this requirement at revised COMAR 08.13.09.04J(4) (now 08.20.04.11D). The Director finds that the proposed deletion does not render the State program less effective than the Federal regulations.

At COMAR 08.13.09.04J(7) (now 08.20.04.11G), Maryland is deleting the requirement that it forward to OSM a copy of the mining permit and related documents and permits. The Federal regulations at 30 CFR 773.19 pertaining to permit issuance contain no comparable requirement. The Director finds that the proposed deletion does not render the State program less effective than the Federal regulations.

At COMAR 08.13.09.04L (now 08.20.04.13), Maryland is deleting the word "final" in the phrase: "Within 30 days after the applicant is notified of the final decision of the Bureau concerning the application for a permit in accordance with Sec. J or K of this regulation. . . ." Because the revised regulation is substantively identical to the Federal regulation at 30 CFR 775.11(a), the Director finds it no less effective than its Federal counterpart.

## 2. Air Resources Protection

At COMAR 08.13.09.27B (8), (13), (14), and (15) (now 08.20.23.01B (8), (13), (14), and (15)), Maryland is deleting certain required fugitive dust control measures and is designating the remaining measures as optional examples. The remaining provisions are renumbered for consistency. The measures being deleted are: substituting conveyor systems for haul trucks under certain conditions, restricting areas to be blasted at any one time, restricting activities causing fugitive dust, and extinguishing and periodically inspecting burning areas when the potential for spontaneous combustion is high. The Federal regulations at 30 CFR 780.15(b)(2) require a plan for fugitive dust control practices, as required under 30 CFR 816.95 which pertains to the

stabilization of surface areas. No specific dust control measures are provided. The Director finds that the proposed deletions do not render the State program less effective than the Federal regulations at 30 CFR 780.15(b)(2).

Maryland is deleting its existing provision for air monitoring at COMAR 08.13.09.27D (now 08.20.23.01D). Maryland provides regulations for air pollution control plans at COMAR 08.20.02.13G. The Director finds that the proposed deletion does not render the State program less effective than the Federal regulations at 30 CFR 780.15(b)(1).

## Additions to Maryland's Regulations

### Permit Application Review Procedures

At COMAR 08.13.09.04B(3)(c) (now 08.20.04.02C), Maryland is adding a requirement that the State publish notification of a complete application, including a deadline for submitting comments, objections, or a request for a hearing in the Maryland Register. The Federal regulations at 30 CFR 773.13(a) do not require that the regulatory authority advertise a notice of a complete application. The Director finds that the proposed revision is not less effective than the Federal regulations at 30 CFR 773.13(a).

At COMAR 08.13.09.04J(3) (now 08.20.04.11), Maryland is adding a requirement that if the specified compliance review does not require that State to change its decision to approve the application, the permit shall be issued within 15 days of the State's receipt of all required bonds and fees. The Federal regulations at 30 CFR 773.19(a) require that if the permit is approved, the regulatory authority issue the permit upon submittal of a performance bond. The Director finds that the proposed revision is no less effective than the Federal regulations at 30 CFR 773.19(a).

## IV. Summary and Disposition of Comments

### Public Comments

The public comment period announced in the March 26, 1993, Federal Register (58 FR 16383) ended on April 26, 1993. No public comments were received and a public hearing was not held as no one requested an opportunity to provide testimony. The public comment period announced in the May 21, 1993, Federal Register (58 FR 29560) ended on June 21, 1993. No public comments were received and a public hearing was not held as no one requested an opportunity to provide testimony.

**Agency Comments**

Pursuant to section 503(b) of SMCRA and the implementing regulations at 30 CFR 732.17(h)(11)(i), comments were solicited from various Federal agencies with an actual or potential interest in the Maryland program. The Department of the Interior, Bureau of Mines; the Department of Labor, Mine Safety and Health Administration; and the Department of the Army, Corps of Engineers, responded to the first submission and concurred without comment. No comments were received on the second submission.

**EPA Concurrence**

Section 503(b)(2) of SMCRA and 30 CFR 732.17(h)(11)(ii) require that the Administrator of the Environmental Protection Agency (EPA) concur with all State program provisions relating to air or water quality standards promulgated under the authority of the Clean Water Act, as amended (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). In a letter dated April 20, 1993, (Administrative Record No. MD-562.10), EPA concurred without comment.

**V. Director's Decision**

Based on the above findings, the Director is approving the program amendment submitted by Maryland on February 5, 1993, and revised on April 26, 1993.

The Federal regulations at 30 CFR part 920 codifying decisions concerning the Maryland program are being amended to implement the decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs in conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

**VI. Procedural Determinations****Executive Order 12291**

On July 12, 1984, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7 and 8 of Executive Order 12291 for

actions related to approval or conditional approval of State regulatory programs, actions and program amendments. Therefore, preparation of a regulatory impact analysis is not necessary and OMB regulatory review is not required.

**Executive Order 12778**

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 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, 732.13 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**

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(C).

**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. Hence, 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 regulations.

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

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 25, 1993.

Carl C. Close,

Assistant Director, Eastern Support 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. In section 920.15, a new paragraph (x) is added to read as follows:

**§ 920.15 Approval of amendments to State regulatory programs.**

\* \* \* \* \*

(x) The following amendment submitted to OSM on February 5, 1993, and revised on April 26, 1993, is approved effective July 6, 1993. The amendment consists of the following modifications to the Maryland program:

(1) Revision of the following rules of the Code of Maryland Administrative Regulations:

08.13.09.04B(3)(c) .....	Permit Applications: Initial Review.
(Now 08.20.04.02C)	
08.13.09.04G(4) .....	Permit Applications: Bureau Review.
(Now 08.20.04.07D)	
08.13.09.04H(1) .....	Permit Applications: Public Hearing.
(Now 08.20.04.08A)	
08.13.09.04H(2)(b) .....	Permit Applications: Public Hearing.
(Now 08.20.04.08B(2))	
08.13.09.04I(1) .....	Permit Applications: Bureau Decision.
(Now 08.20.04.10A)	

- 08.13.09.04J(1) ..... Permit Applications: Permit Approval.  
(Now 08.20.04.11A)
- 08.13.09.04J(4) ..... Permit Applications: Permit Approval.  
(Now 08.20.04.11D)
- 08.13.09.04J(5) (new) ..... Permit Applications: Permit Approval.  
(Now 08.20.04.11F)
- 08.13.09.04L ..... Permit Applications: Permit Approval.  
(Now 08.20.04.13)
- 08.13.09.27A,B ..... Air Resources Protection.  
(Now 08.20.23.01A,B)
- (2) Deletion of the following rules from the Code of Maryland Administrative Regulations:
- 08.13.09.04B(4) ..... Permit Applications: Initial Review.  
(Now 08.20.04.02D)
- 08.13.09.04C(2)(e) ..... Permit Applications: Newspaper Advertisement.  
(Now 08.20.04.03B(5))
- 08.13.09.04G(5) ..... Permit Applications: Bureau Review.  
(Now 08.20.04.07E)
- 08.13.09.04G(6) ..... Permit Applications: Bureau Review.  
(Now 08.20.04.07F)
- 08.13.09.04(I) ..... Permit Applications: Land Reclamation Committee.  
(Now 08.20.04.09)
- 08.13.09.04J(1)(a) ..... Permit Applications: Permit Approval.  
(Now 08.20.04.11A(1))
- 08.13.09.04J(2) ..... Permit Applications: Permit Approval.  
(Now 08.20.04.11B)
- 08.13.09.04J(5) ..... Permit Applications: Permit Approval.  
(Now 08.20.04.11E)
- 08.13.09.04J(7) ..... Permit Applications: Permit Approval.  
(Now 08.20.04.11G)
- 08.13.09.27B(8),(13),(14),(15) ..... Air Resources Protection.  
(Now  
08.20.23.01B(8),(13),(14),(15))
- 08.13.09.27D ..... Air Resources Protection.  
(Now 08.20.23.01D)
- (3) Addition of the following rules to the Code of Maryland Administrative Regulations:
- 08.13.09.04B(3)(c) ..... Permit Applications: Initial Review.  
(Now 08.20.04.02C)
- 08.13.09.04J(3) ..... Permit Applications: Permit Approval.  
(Now 08.20.04.11)

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BILLING CODE 4310-05-M

### 30 CFR Part 938

#### Pennsylvania Regulatory Program; Permit Fee

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

ACTION: Final rule.

**SUMMARY:** OSM is announcing the approval of a proposed amendment to the Pennsylvania permanent regulatory program (hereinafter referred to as the Pennsylvania program) approved under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment increases Pennsylvania's surface coal mining and reclamation fee from \$50 per acre to \$100 per acre. This amendment is intended to assist in rendering the State's Surface Mining

Conservation and Reclamation Fund more solvent.

**EFFECTIVE DATE:** July 6, 1993.

**FOR FURTHER INFORMATION CONTACT:** Robert J. Biggi, Director, Harrisburg Field Office, Office of Surface Mining Reclamation and Enforcement, Harrisburg Transportation Center, Third Floor, suite 3C, 4th and Market Streets, Harrisburg, Pennsylvania 17101. Telephone: (717) 782-4036.

#### SUPPLEMENTARY INFORMATION:

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

#### I. Background on the Pennsylvania Program

The Secretary of the Interior conditionally approved the Pennsylvania program on July 31, 1982.

Information on the background of the Pennsylvania program including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Pennsylvania program can be found in the July 30, 1982, *Federal Register* (47 FR 33050). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 938.11, 938.12, 938.15 and 938.16.

#### II. Submission of Amendment

By letter dated February 18, 1993 (Administrative Record No. PA-818.00), Pennsylvania submitted a State program amendment to address a shortage of revenues to the Surface Mining Conservation and Reclamation Fund.

OSM announced receipt of the proposed amendment in the March 26, 1993, *Federal Register* (58 FR 16389), and, in the same notice, opened the public comment period and provided opportunity for a public hearing on the