

Issued in Kansas City, Missouri, on October 5, 2000.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate,, Aircraft Certification Service.

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DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

43 CFR Part 4

RIN 1090-AA74

Special Rules Applicable to Surface Coal Mining Hearings and Appeals; Petitions for Award of Costs and Expenses Under Section 525(e) of the SMCRA

AGENCY: Office of Hearings and Appeals, Interior.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This action extends the comment period an additional 30 days on the Department of the Interior's Office of Hearings and Appeals' proposal to amend its rules governing who may receive an award of costs and expenses, including attorney fees, under section 525(e) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment provides that an applicant for a permit may only receive an award from the Office of Surface Mining Reclamation and Enforcement (OSM), if OSM denies an application in bad faith and for the purpose of harassing or embarrassing the applicant.

EFFECTIVE DATE: Comments are due to the agency by November 13, 2000.

ADDRESSES: Send written comments to Robert L. Baum, Director, Office of Hearings and Appeals, 4015 Wilson Boulevard, Room 1111, Arlington, VA 22203. Phone: 703-235-3750. Comments received will be made available for public inspection and copying during regular business hours (9 a.m. to 5 p.m.) In the Office of Hearings and Appeals, Director's office, 11th floor, 4015 Wilson Boulevard, Arlington, VA 22203. Person wishing to inspect comments are requested to call in advance at 703-235-3810 to make an appointment.

FOR FURTHER INFORMATION CONTACT: Will A. Irwin, Administrative Judge, Interior Board of Land Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, VA 22203. Phone: 703-235-3750.

SUPPLEMENTARY INFORMATION: On July 28, 2000, the Office of Hearings and Appeals (OHA) published a proposed rule (65 FR 46389) amending 43 CFR 4.1294(b) and (c) to provide that an applicant for a permit from OSM is entitled to an award of costs and expenses from OSM only when circumstances demonstrate that OSM denied an application in bad faith and for the purpose of harassing or embarrassing the applicant. In a letter to the Director of OHA, dated August 15, 2000, the National Mining Association (NMA) requested a 45 day extension of the comment period for this proposed amendment because the existing comment period did not allow adequate opportunity to comment fully. The NMA also requested records related to the proposed amendment under the Freedom of Information Act. The FOIA response letter was issued on September 12, 2000.

The Director of OHA has determined that an extension of time to obtain the comments on the proposed rule is warranted and, therefore, a 30 day extension is granted. This notice announces that 30 day extension of the comment period.

Dated: October 4, 2000.

John Berry,

Assistant Secretary for Policy, Management and Budget.

[FR Doc. 00-26100 Filed 10-11-00; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00-2230, MM Docket No. 00-186, RM-9970]

Radio Broadcasting Services; Rapid City, South Dakota, Gillette, Wyoming

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Bethesda Christian Broadcasting, Inc. ("petitioner"), licensee of Station KLMP, Rapid City South Dakota, requesting the substitution of Channel 250C for 250C1 at Rapid City, and the modification of Station KLMP's license accordingly, and the substitution of Channel 282A for vacant Channel 249A at Gillette, Wyoming, to accommodate its upgrade. Channel 250C can be allotted at Rapid City, South Dakota, at coordinates 44-19-42 and 103-50-03.

Channel 282A can be allotted at Gillette, Wyoming at coordinates 44-17-36 and 105-30-06.

DATES: Comments must be filed on or before November 20, 2000, and reply comments on or before December 5, 2000.

ADDRESSES: Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Bethesda Christian Broadcasting, Inc. P.O. Box 168, Rapid City, SD 57709 (petitioner); J. Dominic Monahan, Luvaas, Cobb, Richards and Fraser, 300 Forum Building, 777 High Street, P.O. Box 10747, Eugene, OR 97401 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 00-186, adopted September 20, 2000, and released September 29, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 00-26191 Filed 10-11-00; 8:45 am]

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