

Issued in Renton, Washington, on December 16, 1999.  
**D.L. Riggan,**  
Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.  
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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### 24 CFR Part 990

[Docket No. FR-4425-N-08]

#### Negotiated Rulemaking Committee on Operating Fund Allocation; Meeting

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Negotiated Rulemaking Committee meetings.

**SUMMARY:** This document announces a meeting of the Negotiated Rulemaking Committee on Operating Fund Allocation. These meetings are sponsored by HUD for the purpose of discussing and negotiating a proposed rule that would change the current method of determining the payment of operating subsidies to public housing agencies (PHAs).

**DATES:** The committee meeting will be held on January 25 and January 26, 2000. On January 25, 2000, the meeting will begin at approximately 9:30 am and end at approximately 5:30 pm. On January 26, 2000, the meeting will begin at approximately 9 am and end at approximately 4 pm.

**ADDRESSES:** The committee meeting will take place at the Hyatt Dulles Hotel, 2300 Dulles Corner Boulevard, Herndon, VA 22071.

**FOR FURTHER INFORMATION CONTACT:** Steve Sprague, Acting Director, Funding and Financial Management Division, Office of Public and Indian Housing, Room 4216, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410-0500; telephone (202) 708-1872 (this telephone number is not toll-free). Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8339.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Secretary of HUD has established the Negotiated Rulemaking Committee on Operating Fund Allocation to negotiate and develop a proposed that would change the current method of determining the payment of operating

subsidies to public housing agencies (PHAs). The establishment of the committee is required by the Quality Housing and Work Responsibility Act of 1996 (Pub.L. 105-276, approved October 21, 1998) (the "Public Housing Reform Act"). The Public Housing Reform Act makes extensive changes to HUD's public and assisted housing programs. These changes include the establishment of an Operating Fund for the purpose of making assistance available to PHAs for the operation and management of public housing. The Public Housing Reform Act requires that the assistance to be made available from the new Operating Fund be determined using a formula developed through negotiated rulemaking procedures.

#### II. Negotiated Rulemaking Committee Meeting

This document announces a meeting of the Negotiated Rulemaking Committee on Operating Fund Allocation. The next committee meeting will take place as described in the **DATES** and **ADDRESSES** section of this document.

The agenda planned for the committee meeting includes the development and review of draft regulatory and preamble language; and the scheduling of future meetings, if necessary.

The meeting will be open to the public without advance registration. Public attendance may be limited to the space available. Members of the public may make statements during the meeting, to the extent time permits, and file written statements with the committee for its consideration. Written statements should be submitted to the address listed in the **FOR FURTHER INFORMATION** section of this notice. Summaries of committee meetings will be available for public inspection and copying at the address in the same section.

Dated: December 15, 1999.

**Harold Lucas,**

Assistant Secretary for Public and Indian Housing.

[FR Doc. 99-33108 Filed 12-21-99; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 931

[SPATS Nos. NM-037-FOR and NM-039-FOR]

#### New Mexico Regulatory Program

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

**ACTION:** Proposed rule; reopening and extension of public comment period on proposed amendment.

**SUMMARY:** Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of revisions pertaining to two previously proposed amendments to the New Mexico regulatory program (hereinafter, the "New Mexico program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The revisions for New Mexico's proposed rules pertain to timing of backfilling and grading; definitions of "material damage" and "occupied residential dwelling and associated structures"; design criteria and inspection requirements for impoundments and spillways; adjustment of bond amount for subsidence damage; ground cover requirements for lands to be developed for recreation and shelterbelts; other transportation facilities; and review criteria for improvidently issued permits. The amendments are intended to revise the New Mexico program to be consistent with the corresponding Federal regulations, incorporate the additional flexibility afforded by the revised Federal regulations, and improve operational efficiency.

**DATES:** Written comments must be received by 4:00 p.m., m.s.t., January 21, 2000.

**ADDRESSES:** You should mail or hand deliver written comments to Willis L. Gainer at the address listed below.

You may review copies of the New Mexico 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 Albuquerque Field Office.

Willis L. Gainer, Director, Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement, 505 Marquette Avenue, NW., Suite 1200, Albuquerque, New Mexico 87102

Mining and Minerals Division, New Mexico Energy & Minerals Department, 2040 South Pacheco Street, Santa Fe, New Mexico 87505, Telephone: (505) 827-5970

**FOR FURTHER INFORMATION CONTACT:**  
Willis L. Gainer, Telephone: (505) 248-5096, Internet address:  
WGAINER@OSMRE.GOV.

**SUPPLEMENTARY INFORMATION:**

**I. Background on the New Mexico Program**

On December 31, 1980, the Secretary of the Interior conditionally approved the New Mexico program. General background information on the New Mexico program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the New Mexico program can be found in the December 31, 1980, **Federal Register** (45 FR 86459). Subsequent actions concerning New Mexico's program and program amendments can be found at 30 CFR 931.11, 931.15, 931.16, and 931.30.

**II. Proposed Amendment**

**SPATS Nos. NM-037-FOR and NM-039-FOR**

By letters dated March 11, 1996 (SPATS No. NM-037-FOR), and November 13, 1998 (SPATS No. NM-039-FOR), New Mexico submitted proposed amendments (respectively, administrative record Nos. NM-773 and NM-804) to its program pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). New Mexico submitted the proposed amendments in response to the required program amendments at 30 CFR 931.16 (w), (x), and (aa), and at its own initiative.

OSM announced receipt of the proposed amendments in the, respectively, March 26, 1996 and the December 3, 1998 **Federal Register** (respectively, 59 FR 13117 and 63 FR 66772), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (respectively, administrative record Nos. NM-802 and NM-808). Because no one requested public hearings or meetings, none were held. The public comment periods ended on, respectively, April 25, 1996 and January 4, 1999.

**SPATS No. NM-037-FOR**

During its review of the March 11, 1996 amendment, OSM identified concerns and notified New Mexico of the concerns by letter dated May 15, 1996 (administrative record no. NM-785). New Mexico responded in a letter dated November 9, 1998 by submitting

a revised amendment and additional explanatory information (administrative record no. NM-803).

OSM announced receipt of the proposed amendments in the December 3, 1998 **Federal Register** (63 FR 66774) and invited public comment on its adequacy (administrative record No. NM-809). The public comment period ended on December 18, 1998.

During its review of the November 9, 1998, revised amendment, OSM identified concerns and notified New Mexico of the concerns by letter dated December 21, 1998 (administrative record no. NM-814). New Mexico responded in a letter dated December 1, 1999, by submitting a revised amendment (administrative record No. NM-816).

New Mexico proposes further revisions to 19 NMAC 8.2 2054.A(1), (2), and (3), concerning timing of backfilling and grading. Specifically, New Mexico proposes to revise 19 NMAC 8.2 2054.A(1), concerning contour mining, to require rough backfilling and grading by not more than 60 days or 1500 linear feet; 19 NMAC 8.2 2054.A(2), concerning open pit mining, to require rough backfilling and grading on the basis of the materials submitted under 19 NMAC 8.2 906.B(3) which shall establish in specific increments the period between removal of coal and completion of backfilling and grading; and 19 NMAC 8.2 2054.A(3), concerning strip mining, to require rough backfilling and grading to be completed within 180 days and not more than four spoil ridges behind the pit being worked. New Mexico also revised both 19 NMAC 8.2 2054.A(1) and (3) to provide for additional time or distance for rough backfilling and grading if the permittee con, on the basis of the materials submitted under 19 NMAC 8.2 906.B(3) that additional time or distance is necessary. New Mexico's existing rule at 19 NMAC 8.2 906.B(3) requires a reclamation plan for backfilling, soil stabilization, compacting and grading, with contour maps or cross sections that show the anticipated final surface configuration of the proposed permit area. New Mexico also proposes to add a new rule at 19 NMAC 8.2 2054.A(5), concerning final pit at completion of mining, to require that rough backfilling and grading occur in accordance with a time schedule approved by the Director based on materials submitted under 19 NMAC 8.2. 906.B9(3).

**SPATS No. NM-039-FOR**

During its review of the November 13, 1998 amendment, OSM identified concerns and notified New Mexico of the concerns by letter dated January 7,

1999 (administrative record no. NM-815). New Mexico responded in a letter dated December 1, 1999, by submitting a revised amendment (administrative record No. NM-816).

New Mexico proposes further revisions to 19 NMAC 8.2 107.M(1) and O(2), definitions of "material damage" and "occupied residential dwelling and associated structures"; 19 NMAC 8.2 2017.D, 2017.F(2), and 2017.G(4) and (5), design criteria for impoundments and spillways and inspection requirements for impoundments; and 19 NMAC 8.2 2072, adjustment of bond amount for subsidence damage. New Mexico also submitted, in response to required amendments at 30 CFR 931.16(o) and (t), new explanatory information concerning, respectively, (1) ground cover requirements for lands to be developed for recreation and shelterbelts at 19 NMAC 8.2 2065.B, and (2) other transportation facilities at 19 NMAC 8.2 2076. In addition, in response to the required amendment at 30 CFR 931.16(y), New Mexico submitted a new revision to 19 NMAC 8.2 1107.C(4), concerning improvidently issued permits.

Specifically, New Mexico proposed to revise:

(1) The definitions of "material damage" and "occupied residential dwelling and associated structures" at 19 NMAC 8.2 107.M(1) and O(2) to be applicable to the rules at 19 NMAC 8.2 2069 through 2072;

(2) 19 NMAC 8.2 1107.C(4) by requiring the use of the violations review criteria published in the preamble of the **Federal Register** at 54 FR 18440-18441 when determining what specific unabated violations, delinquent penalties and fees, and ownership and control relationships will apply in finding that a permit was improvidently issued permits;

(3) 19 NMAC 8.2 2017.D, 2017.F(2), and 2017.G (4) and (5), design criteria for impoundment and spillways and inspection requirements for impoundments, to apply the design or inspection criteria applicable for those structures meeting the size criteria of 30 CFR 77.216(a) to those structures meeting the Class B or C criteria for dams in TR-60; and

(4) 19 NMAC 8.2 2072 by adding a paragraph that requires adjustment of the bond amount for subsidence damage.

New Mexico explained, in response to the required amendments at 30 CFR 931.16 (o) and (t), that the ground cover requirements for lands to be developed for recreation and shelterbelts are at 19 NMAC 8.2 2065.B, and that the

requirements for other transportation facilities are at 19 NMAC 8.2 2076.

### III. Public Comment Procedures

OSM is reopening the comment period on the proposed New Mexico program amendments to provide the public an opportunity to reconsider the adequacy of the proposed amendments in light of the additional materials submitted. In accordance with the provisions of 30 CFR 732.17(h), we are requesting comments on whether the amendments satisfy the applicable program approval criteria of 30 CFR 732.15. If we approve the amendments, they will become part of the New Mexico program.

We will make comments, including names and addresses of respondents, available for public review during normal business hours. We will not consider anonymous comments. If individual respondents request confidentiality, we will honor their request to the extent allowable by law. Individual respondents who wish to withhold their name or address from public review, except for the city or town, must state this prominently at the beginning of their comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public review in their entirety.

Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include "Attn: SPATS No. NM-037-FOR and/or SPATS No. NM-039-FOR" and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact the Albuquerque Field Office at (505) 248-5096.

Your written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. In the final rulemaking, we will not necessarily consider or include in the Administrative Record any comments received after the time indicated under **DATES** or at locations other than the Albuquerque Field Office.

### IV. Procedural Determinations

#### 1. Executive Order 12866

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

#### 2. Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that 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 the Federal regulations at 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.

#### 3. 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)).

#### 4. Paperwork Reduction Act

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

#### 5. 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 that 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 regulations.

#### 6. 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 931

Intergovernmental relations, Surface mining, Underground mining.

Dated: December 13, 1999.

Brent T. Wahlquist,  
Regional Director, Western Regional Coordinating Center.

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 931

[SPATS No. NM-040-FOR]

### New Mexico Regulatory Program

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

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

**SUMMARY:** Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of a proposed amendment to the New Mexico regulatory program (hereinafter, the "New Mexico program") under this Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to rules pertaining to revegetation success standards and sampling techniques. The amendment is intended to revise the New Mexico program to be consistent with the corresponding Federal regulations.

**DATES:** Written comments must be received by 4 p.m., m.s.t., January 21, 2000. If requested, a public hearing on the proposed amendment will be held on January 18, 2000. Requests to present oral testimony at the hearing must be received by 4 p.m., m.s.t., on January 6, 2000.

**ADDRESSES:** You should mail or hand deliver written comments and requests to speak at the hearing to Willis L. Gainer at the address listed below.

You may review copies of the New Mexico 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