

# Proposed Rules

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.

## FARM CREDIT ADMINISTRATION

### 12 CFR Parts 614, 615, and 618

RIN 3052-AB96

#### Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; General Provisions; OFI Lending

**AGENCY:** Farm Credit Administration (FCA).

**ACTION:** Advance notice of proposed rulemaking (ANPRM); reopening of comment period.

**SUMMARY:** We are reopening the comment period on our ANPRM that asks you to comment on the appropriate capital risk weighting of Farm Credit System (System) bank loans to other financing institutions (OFIs), the public availability of the identities of OFIs, cross-district funding of OFIs, and ways to improve System banks' funding of OFIs. We are reopening the comment period on the ANPRM until July 19, 2000, so that interested parties have additional time to provide comments.

**DATES:** Please send your comments to us on or before July 19, 2000.

**ADDRESSES:** Send us your comments by electronic mail to "reg-comm@fca.gov" or through the Pending Regulations section of our Web site at

"www.fca.gov." You may also send written comments to Patricia W. DiMuzio, Director, Regulation and Policy Division, Office of Policy and Analysis, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, or by facsimile transmission to (703) 734-5784. You may review copies of all comments we receive in the Office of Policy and Analysis, Farm Credit Administration.

#### FOR FURTHER INFORMATION CONTACT:

Dennis K. Carpenter, Senior Policy Analyst, Office of Policy and Analysis, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4498, TDD (703) 883-4444, or

Rebecca S. Orlich, Senior Attorney, Office of General Counsel, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4020, TDD (703) 883-4444.

**SUPPLEMENTARY INFORMATION:** On April 20, 2000, we published an ANPRM in the **Federal Register** to seek comment on whether we should revise FCA's regulations to improve and better promote OFI access to System funding. The comment period expired on June 19, 2000. See 65 FR 21151, April 20, 2000. In response to a request, we are reopening the comment period until July 19, 2000, so that commenters will have more time to respond.

Dated: June 20, 2000.

**Vivian L. Portis,**

*Secretary, Farm Credit Administration Board.*

[FR Doc. 00-16053 Filed 6-23-00; 8:45 am]

BILLING CODE 6705-01-P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[REG-109101-98]

RIN 1545-AW27

#### Special Rules Regarding Optional Forms of Benefits Under Qualified Retirement Plans; Hearing Cancellation

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Cancellation of notice of public hearing on proposed rulemaking.

**SUMMARY:** This document provides notice of cancellation of a public hearing on proposed regulations under section 411(d), permitting qualified defined contribution plans to be amended to eliminate some alternative forms in which an account balance can be paid under certain circumstances, and would permit certain transfers between defined contribution plans that are not permitted under regulations now in effect.

**DATES:** The public hearing originally scheduled for Tuesday, June 27, 2000, at 10 a.m., is cancelled.

**FOR FURTHER INFORMATION CONTACT:** LaNita Van Dyke of the Regulations Unit, Assistant Chief Counsel

## Federal Register

Vol. 65, No. 123

Monday, June 26, 2000

(Corporate), (202) 622-7190 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:** A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on Wednesday, March 29, 2000, (65 FR 16546), announced that a public hearing was scheduled for Tuesday, June 27, 2000, at 10 a.m., in Room 6718, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is proposed regulations under section 411(d) of the Internal Revenue Code. The public comment period for these proposed regulations expires on Tuesday, June 27, 2000. The outlines of topics to be addressed at the hearing were due on Tuesday, June 6, 2000.

The notice of proposed rulemaking and notice of public hearing, instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of Friday, June 16, 2000, no one has requested to speak.

Therefore, the public hearing scheduled for Tuesday, June 27, 2000, is cancelled.

**Cynthia Grigsby,**

*Chief, Regulations Unit, Assistant Chief Counsel (Corporate).*

[FR Doc. 00-15867 Filed 6-23-00; 8:45 am]

BILLING CODE 4830-01-U

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 917

[KY-226-FOR]

#### Kentucky Regulatory Program

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

**ACTION:** Proposed rule; public comment period.

**SUMMARY:** OSM is announcing a proposed action to preempt and supersede portions of Kentucky Revised Statute (KRS) 350.060(16). The 1998 Kentucky General Assembly enacted this provision, which pertains to the renewal of expired permits, into law by passing House Bill 593.

It proposed that if a permit has expired or a permit renewal application

has not been timely filed and the operator or permittee wants to continue the surface coal mining operation, Kentucky will issue a notice of noncompliance (NOV). The NOV will be considered complied with, and the permit may be renewed, if Kentucky receives a permit renewal application within 30 days of the receipt of the NOV. Upon submittal of a permit renewal application, the operator or permittee will be deemed to have timely filed the application and can continue, under the terms of the expired permit, the mining operation, pending issuance of the permit renewal. Failure to comply with the remedial measures of the NOV will result in the cessation of the operation.

Portions of this provision would allow a permittee to continue mining on an expired permit after the permit renewal application has been filed within 30 days of the receipt of the NOV, regardless of whether the application is timely filed, and even if the application is filed after permit expiration.

OSM is taking this action because the provisions are inconsistent with the requirements of the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This determination is based on reasons cited in the "Director's Findings" section in a separate notice published on May 10, 2000 (65 FR 29949), announcing disapproval of the statutory provision.

**DATES:** If you submit written comments, they must be received by 4:00 p.m. (local time) on July 26, 2000.

**ADDRESSES:** Mail or hand-deliver your written comments or requests for further information to William J. Kovacic, Director, Lexington Field Office, 2675 Regency Road, Lexington, Kentucky 40503. Telephone: (859) 260-8400. E-mail: bkovacic@osmre.gov.

You may review copies of the Kentucky program, the proposed modification to the program, and all written comments received in response to this document at the Lexington Field Office at the address listed above during normal business hours, Monday through Friday, excluding holidays.

#### SUPPLEMENTARY INFORMATION:

#### I. Public Comment Procedures

##### *Written Comments*

If you submit written or electronic comments on the proposed rule during the 30-day comment period, they should be specific, be confined to issues pertinent to the notice, and explain the reason for your recommendation(s). We may not be able to consider or include in the Administrative Record comments

delivered to an address other than the one listed above (see **ADDRESSES**).

##### *Electronic Comments*

Please submit Internet comments as an ASCII, WordPerfect, or Word file and avoid using special characters and any form of encryption. Please also include "Attn: SPATS No. KY-226-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 Lexington Field Office at (859)260-8400.

##### *Availability of Comments*

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours at the OSM Administrative Record Room (see **ADDRESSES**). Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There may also be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you want us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous 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 inspection in their entirety.

#### II. Background

You can find detailed background on the actions proposed in this document in a notice of final rulemaking pertaining to the Kentucky program published on May 10, 2000 (65 FR 29949).

#### III. Director's Findings and Proposed Action

Pursuant to section 505(b) of SMCRA and 30 CFR 730.11(a), we propose to preempt and supersede certain portions of KRS 350.060(16). The complete text of KRS 350.060(16) reads as follows:

Any permit renewal shall be for a term not to exceed the period of the original permit. Application for permit renewal shall be made at least one hundred twenty (120) days prior to the expiration of the valid permit. However, if a permit has expired or if a permit renewal application has not been timely filed, and the operator or permittee desires to continue the surface coal mining operation, the cabinet shall forthwith cause a notice of

noncompliance to be issued. The notice of noncompliance shall be deemed to have been complied with, and the permit may be renewed, if the cabinet receives a permit renewal application within thirty (30) days of the receipt of the notice of noncompliance. Upon the submittal of a permit renewal application, the operator or permittee shall be deemed to have timely filed the permit renewal application and shall be entitled to continue, under the terms of the expired permit, the surface coal mining operation, pending the issuance of the permit renewal. Failure to comply with the remedial measures of the notice of noncompliance shall result in the cessation of the surface coal mining operation.

The specific wording proposed for preemption and supersession are the phrase "if a permit has expired or \* \* \*," and the following sentence: Upon the submittal of a permit renewal application, the operator or permittee shall be deemed to have timely filed the permit renewal application and shall be entitled to continue, under the terms of the expired permit, the surface coal mining operation, pending the issuance of the permit renewal.

We are taking this action because we have initially determined that these provisions are inconsistent with section 506 of SMCRA and less effective than 30 CFR 843.11 based on the reasons cited under "Director's Findings" in a separate notice of final rulemaking as noted above.

We are now soliciting comments on this proposal to preempt and supersede the portions of KRS 350.060(16) that are quoted above. If we receive no evidence demonstrating why these portions should not be preempted and superseded, we will publish a final notice to effect the supersession of the provisions by Federal law. This action, if taken, will require the State to operate and enforce the approved program as if the preempted and superseded provisions did not exist.

#### IV. Procedural Determinations

##### *Executive Order 12866—Regulatory Planning and Review*

This rule is exempted from review by the Office of Management and Budget under Executive Order 12866.

##### *Executive Order 12630—Takings*

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart federal regulation.

##### *Executive Order 13132—Federalism*

This rule does not have federalism implications. SMCRA delineates the

roles of the federal and state governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to "establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations." Section 503(a)(1) of SMCRA requires that state laws regulating surface coal mining and reclamation operations be "in accordance with" the requirements of SMCRA, and section 503(a)(7) requires that state programs contain rules and regulations "consistent with" regulations issued by the Secretary pursuant to SMCRA.

#### *Executive Order 12988—Civil Justice Reform*

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 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, 732.15, 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.

#### *National Environmental Policy Act*

Section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that a decision on a proposed state regulatory program provision does not constitute a major federal action within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA) (42 U.S.C. 4332(2)(C)). A determination has been made that such decisions are categorically excluded from the NEPA process (516 DM 8.4.A).

#### *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. 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.

#### *Small Business Regulatory Enforcement Fairness Act*

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

- a. Does not have an annual effect on the economy of \$100 million.
- b. Will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions.
- c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign-based enterprises.

This determination is based upon the fact that the state submittal which is the subject of this rule is based upon counterpart federal regulations for which an analysis was prepared and a determination made that the federal regulation was not considered a major rule.

#### *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 917**

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 16, 2000.

**Allen D. Klein,**

*Regional Director, Appalachian Regional Coordinating Center.*

[FR Doc. 00-16088 Filed 6-23-00; 8:45 am]

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## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Parts 50, 52 and 81**

**[FRL-6713-7]**

**RIN 2060-AJ05**

#### **Rescinding the Finding that the Pre-existing PM-10 Standards Are No Longer Applicable in Northern Ada County/Boise, ID**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** Today, EPA is proposing to rescind the finding that the pre-existing PM-10 standards and the accompanying designation and classification are no longer applicable in Northern Ada County/Boise, Idaho ("Ada County"). The EPA had previously taken final action regarding the applicability of the pre-existing PM-10 standards for Ada County, Idaho on March 12, 1999. A recent ruling of the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) has undermined the basis for EPA's previous determination on the applicability of the pre-existing PM-10 standards. In the ruling, the court vacated the revised national ambient air quality standards (NAAQS) for PM-10, the existence of which served as the underlying basis for EPA's regulations governing such applicability determinations and, thus, the specific finding that the pre-existing PM-10 standards no longer applied in Ada County, Idaho. Since the court has vacated the revised PM-10 standards that we issued in 1997, there are no Federal PM-10 standards currently applicable in that area as required under the Clean Air Act (CAA). The State's approved PM-10 standards remain in effect. Therefore, today we are proposing to rescind the finding that the pre-existing PM-10 standards are no longer applicable in Ada County, Idaho, and to reinstate the applicability of the pre-existing PM-10 standards. Under this proposal, we would reinstate the designation and classification that previously applied in Northern Ada County/Boise with respect to the pre-existing PM-10 standards. EPA has discussed this with the State of Idaho. Further, in today's action EPA is proposing to delete 40 CFR 50.6(d), thus ensuring that the pre-existing PM-10 standards will continue to apply to all areas.

**DATES:** Your comments must be submitted on or before July 26, 2000 in order to be considered.