

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 regulation.

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 938

Intergovernmental relations, Surface mining, Underground mining.

Dated: November 30, 2000.

George J. Rieger,

Acting Regional Director, Appalachian Regional Coordinating Center.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD07-00-006]

RIN 2115-AE47

Drawbridge Operation Regulations; Longboat Pass and New Pass, Longboat Key, FL

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking; reopening of comment period.

SUMMARY: The Commander, Seventh Coast Guard District issued a notice of proposed rulemaking on 25 August 2000, to change the regulations governing the operation of the State Road 789 drawbridge across Longboat Pass, Manatee County, and the New Pass bridge, Sarasota County, in Longboat Key, Florida. The comment period expired on October 24, 2000. The Coast Guard has received several requests for additional time to submit comments on the proposed rule. As a result, the Coast Guard is reopening the comment period for an additional 60 days.

DATES: Comments must be received on or before February 6, 2001.

ADDRESSES: You may mail comments and related material to Commander (obr), Seventh Coast Guard District, 909 SE 1st Avenue, Miami, Florida 33131-3050, or deliver them to room 406 at the above address between 7:30 a.m. and 4 p.m. Monday through Friday, except Federal holidays. The Commander, Seventh Coast Guard District maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at Commander (obr), Seventh Coast Guard District 909, SE 1st Avenue, room 406, Miami, FL 33131, between 8 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Dragon, Project Officer, Seventh Coast Guard District, at (305) 415-6743.

SUPPLEMENTARY INFORMATION: On August 25, 2000, the Coast Guard published a notice of proposed rulemaking (65 FR 51787). The NPRM proposed to change the regulations governing the operation of the State Road 789 drawbridge across Longboat Pass, Manatee County, and the New Pass bridge, Sarasota County, in Longboat Key, Florida. The comment

period ended on October 24, 2000. The Coast Guard has received requests from the U.S. Army Corps of Engineers, Manatee County, the town of Longboat Key, and the city of Sarasota for additional time to comment on this proposed rule. The Coast Guard believes additional time to comment on this notice of proposed rulemaking would be beneficial. Therefore, the Coast Guard is reopening the comment period for 60 days. All comments must be received by February 6, 2001.

Dated: November 27, 2000.

T.W. Allen,

U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 00-31047 Filed 12-7-00; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 36

RIN 2900-AJ86

Loan Guaranty: Advertising and Solicitation Requirements

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Department of Veterans Affairs (VA) loan guaranty regulations by prohibiting advertisements or solicitations from lenders that falsely state or imply that they were issued by or at the direction of VA or any other entity of the United States Government. These provisions appear to be necessary to ensure that lenders do not provide misleading information.

DATES: Comments must be received on or before February 6, 2001.

ADDRESSES: Mail or hand-deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW., Room 1154, Washington, DC 20420; or fax comments to (202) 273-9289; or e-mail comments to OGCRegulations@mail.va.gov. Comments should indicate that they are submitted in response to "RIN 2900-AJ86." All comments received will be available for public inspection in the Office of Regulations Management, Room 1158, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: R. D. Finneran, Assistant Director for Loan Policy and Valuation (262), Loan Guaranty Service, Veterans Benefits Administration, Department of Veterans

Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273-7368.

SUPPLEMENTARY INFORMATION: Under the authority of 38 U.S.C. chapter 37, VA guarantees loans made by private lenders to eligible veterans to purchase, construct, improve, or refinance their homes (the term veteran as used in this document includes any individual defined as a veteran under 38 U.S.C. 101 and 3701 for the purpose of housing loans). This document proposes to amend VA's loan guaranty regulations for both manufactured homes and conventionally built homes by adding new advertising and solicitation disclosure requirements.

We have become aware of written advertisements and solicitations from private lenders that appear to falsely state or imply that they came from VA. For example, one solicitation from a private lender stated that it was from the "Government Loans Programs" and contained a reference to a VA case number. Another solicitation from a private lender stated that "[I]n accordance with regulations determined by the Department of Veterans Affairs this notice is officially issued to * * *". Another solicitation from a private lender stated that "The Veterans Benefit Administration known as VA, a division of the United States Department of Veterans Affairs is working with lenders to inform you * * *". Other solicitations from private lenders stated that they were from the "V.A. Loan Department," "Veterans Department," "Direct VA Streamline Department," "Authorized VA Loan Center," and "VA Conversion Center." One solicitation from a private lender not only stated on the envelope that it was from the "Department of Veterans" but included the statement "Official Business, Penalty For Private Use, \$300."

Further, we have recently become aware of written advertisements and solicitations from private lenders that appear to falsely state or imply that they have been given special authority by VA to offer a unique loan product. For example, one solicitation from a private lender stated that "you are now eligible to take advantage of the Exclusive VA STREAMLINE refinance program." Another solicitation from a private lender stated that "The Veterans Administration in conjunction with * * * Mortgage offers a unique program * * *".

To address these issues regarding advertisements and solicitations, we are proposing to establish advertising and solicitation requirements. We propose that any advertisement or solicitation in any form (e.g., written, electronic, oral)

from private lenders concerning housing loans to be guaranteed or insured by the Secretary must not include information falsely stating or implying that it was issued by or at the direction of VA or any other department or agency of the United States and must not include information falsely stating or implying that the lender has an exclusive right to make loans guaranteed or insured by VA.

If the proposed requirements are adopted, noncompliance may lead to suspension, debarment, or limited denial of participation in the VA housing loan program pursuant to 38 CFR part 44. Also, under 38 CFR part 44, such action could affect the lender's ability to participate in other governmental programs.

Regulatory Flexibility Act

The Secretary hereby certifies that the adoption of the proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. The proposed rule would not have more than a minuscule effect on any small entities. Therefore, pursuant to 5 U.S.C. 605(b), the proposed rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance Program number is 64.114.

List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing, Indians, Individuals with disabilities, Loan programs-housing and community development, Loan programs-Indians, Loan programs-veterans, Manufactured homes, Mortgage insurance, Reporting and recordkeeping requirements, Veterans.

Approved: October 31, 2000.

Hershel W. Gober,

Acting Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 36 is proposed to be amended as set forth below.

PART 36—LOAN GUARANTY

1. The authority citation for part 36 continues to read as follows:

Authority: 38 U.S.C. 501, 3701-3704, 3707, 3710-3714, 3719, 3720, 3729, 3762, unless otherwise noted.

2. Section 36.4227 is added immediately after the authority citation at the end of § 36.4226 to read as follows: