

If you are unable to participate in the public meetings, you may continue to comment in the docket.

### Extension of the Comment Period

We are extending the comment period to June 18, 2004, to allow you opportunity to comment further after the public meetings.

Issued in Washington, DC on April 15, 2004.

**Anthony F. Fazio,**

*Director, Office of Rulemaking.*

[FR Doc. 04-8965 Filed 4-15-04; 4:32 pm]

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 917

[KY-246-FOR]

#### Kentucky Regulatory Program

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

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** We, OSM, are announcing the withdrawal of proposed regulatory changes to the Kentucky regulatory program (the "Kentucky program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Kentucky had proposed to amend its definition of "affected area," with respect to roads, but subsequently decided to withdraw the proposed changes from further consideration as a State program amendment.

**EFFECTIVE DATES:** April 20, 2004.

**FOR FURTHER INFORMATION CONTACT:** Bill Kovacic, Director, Lexington Field Office, Telephone (859) 260-8400, e-mail: [bkovacic@osmre.gov](mailto:bkovacic@osmre.gov).

#### SUPPLEMENTARY INFORMATION:

- I. Background on the Kentucky Program
- II. Submission of the Proposed Amendment
- III. Disposition of Comments

#### I. Background on the Kentucky Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, "a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of the Act \* \* \*; and rules and regulations consistent with

regulations issued by the Secretary pursuant to the Act" (See 30 U.S.C. 1253(a)(1) and (7)). On the basis of these criteria, the Secretary of the Interior conditionally approved the Kentucky program on May 18, 1982. You can find background information on the Kentucky program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Kentucky program in the May 18, 1982, **Federal Register** (47 FR 21434). You can also find later actions concerning Kentucky's program and program amendments at 30 CFR 917.11, 917.12, 917.13, 917.15, 917.16, and 917.17.

#### II. Submission of the Proposed Amendment

By letter dated September 30, 2003, Kentucky sent us a proposed amendment to its program (KY-246, administrative record no. KY-1601) under SMCRA (30 U.S.C. 1201 *et seq.*). Kentucky proposed to revise its definition of "affected area" as it relates to public roads at 405 Kentucky Administrative Regulations (KAR) 7:001, 8:001, 10:001, 12:001, 16:001, 18:001, 20:001, and 24:001. The revision specifies that the affected area will include every road used for the purposes of access to, or for hauling coal to or from, surface coal mining and reclamation operations, unless the road "is a state, county, or public road and the road is in existence as of the date of the submittal of the preliminary application under 405 KAR 8:010 Section 4." This would replace the current language, which Kentucky proposed to delete, that includes every road in the affected area except those: designated as a public road pursuant to jurisdictional laws where the road is located; maintained with public funds and constructed in a similar manner to other public roads of the same classification in the area; and, those with substantial public use.

We announced receipt of the proposed amendment in the November 20, 2003, **Federal Register** (68 FR 65424).

In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the submission. We did not hold a public hearing or meeting because no one requested one. The public comment period ended on December 22, 2003. On February 9, 2004, we received a letter from Kentucky requesting that we suspend rulemaking on its September 30, 2003, submittal concerning Kentucky's definition of "affected area," as it relates to the permitting of roads

(administrative record no. KY-1614). In the letter, Kentucky stated that the regulations had not yet been promulgated at the state level, and were in fact under reconsideration. For these reasons, we are treating Kentucky's request as a withdrawal of the proposed amendment, and are accepting that withdrawal.

#### III. Disposition of Comments

##### Public Comments

We received five public comments on the proposed rule, as well as a copy of a recommendation of the Kentucky Environmental Quality Commission. Of these, four of the commenters, and the Kentucky Environmental Quality Commission, urged that the proposed program amendment not be approved. The other commenter indicated its approval of the proposal. Because OSM is discontinuing its consideration of the proposed State program amendment, we consider the substance of these comments moot at this time and thus not ripe for discussion.

##### Federal Agency Comments

We did not receive any Federal Agency comments on this proposed State program amendment.

Dated: April 1, 2004.

**Brent Wahlquist,**

*Regional Director, Appalachian Regional Coordinating Center.*

[FR Doc. 04-8842 Filed 4-19-04; 8:45 am]

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## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 17

RIN 2900-AK29

#### Waivers

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes to amend VA's medical regulations to give Fiscal Officers at VA medical facilities the authority to waive veterans' debts arising from the medical care copayments. These proposed changes codify an existing 1995 delegation of authority to Fiscal Officers from the Secretary of Veterans Affairs; the purpose of this 1995 delegation was to increase the efficiency of the waiver processing.

**DATES:** Comments must be received on or before June 21, 2004..

**ADDRESSES:** Written comments may be submitted by: mail or hand-delivery to

Director, Regulations Management (00REG1), Department of Veterans Affairs, 810 Vermont Ave., NW., Room 1068, Washington, DC 20420; fax to (202) 273-9026; e-mail to [VAregulations@mail.va.gov](mailto:VAregulations@mail.va.gov); or, through <http://www.Regulations.gov>. Comments should indicate that they are submitted in response to "RIN 2900-AK29." All comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 273-9515 for an appointment.

**FOR FURTHER INFORMATION CONTACT:** Tony Guagliardo, Deputy Director Policy Development, Chief Business Office (16), Veterans Health Administration, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 254-0320. (This is not a toll-free telephone number.)

**SUPPLEMENTARY INFORMATION:** By law, many veterans who receive medical care at VA facilities must agree to pay copayments for their care. There are different copayments for inpatient hospital care, outpatient medical services, medications, and extended care services. In the past, veterans with debts arising from failure to pay these copayments could request VA Committees on Waivers and Compromises to waive the debts. The Veterans Benefits Administration (VBA) operates these Committees. Due to the volume of waiver requests, VBA and the Veterans Health Administration (VHA) agreed that the authority to waive these debts should be delegated to Fiscal Officers at VA medical facilities. As a result, in 1995, the Secretary of Veterans Affairs delegated the authority to waive these debts to VHA Fiscal Officers. This proposed regulatory change would codify this delegation in VA regulations. It would also specify the form that veterans must complete and submit to VA to request this type of waiver. Finally, it would also correct inadvertent citation errors overlooked in an earlier recodification of part 17 and make other changes for clarification.

Requests for and decisions regarding waivers under this proposal will be subject to the applicable regulations governing the Committees on Waivers and Compromises. This means that Fiscal Officers will waive a debt if they determine that collection of the debt would be against equity and good conscience.

#### Regulatory Flexibility Act

The Secretary hereby certifies that this 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 provisions of the proposed rule would not impose a significant economic impact on any entities since VA billing would not constitute a significant portion of any insurance company's business. Accordingly, pursuant to 5 U.S.C. 605(b), this proposed rule is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

#### Executive Order 12866

This document has been reviewed by the Office of Management and Budget pursuant to Executive Order 12866.

#### Catalog of Federal Domestic Assistance Numbers

The Catalog of Federal Domestic Assistance numbers for the programs affected by this document are 64.005, 64.007, 64.008, 64.009, 64.010, 64.011, 64.012, 64.013, 64.014, 64.015, 64.016, 64.018, 64.019, 64.022, 64.024, and 64.025.

#### Paperwork Reduction Act

Although this document contains provisions constituting a collection of information in 38 CFR 17.105 (c) referencing VA Form 5655, under the provision of the Paperwork Reduction Act (44 U.S.C. 3501-3521), no new or proposed revised collections of information are associated with this proposed rule. The Office of Management and Budget has approved this information collection in VA Form 5655 under control number 2900-0165.

#### Unfunded Mandates

The Unfunded Mandates Reform Act requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any given year. This rule will have no such effect on State, local, or tribal governments, or the private sector.

#### List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs-health, Grant programs-veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting

and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Approved: February 20, 2004.

**Anthony J. Principi,**  
*Secretary of Veterans Affairs.*

For the reasons set out in the preamble, 38 CFR part 17 is proposed to be amended as set forth below:

#### PART 17—MEDICAL

1. The authority citation for part 17 continues to read as follows:

**Authority:** 38 U.S.C. 501, 1721, unless otherwise noted.

2. Section 17.105 is amended by:

- A. In paragraph (a), removing "§ 17.101(a)" and adding, in its place, "§ 17.102".
- B. Redesignating paragraph (c) as (d).
- C. Adding a new paragraph (c).
- D. Adding the OMB information collection approval number parenthetical at the end of the section.

The additions read as follows:

#### 17.105 Waivers

\* \* \* \* \*

(c) *Of charges for copayments.* If the debt represents charges for outpatient medical care, inpatient hospital care, medication or extended care services copayments made under §§ 17.108, 17.110 or 17.111 of this section, the claimant must request a waiver by submitting VA Form 5655 (Financial Status Report) to a Fiscal Officer at a VA medical facility where all or part of the debt was incurred. The claimant must submit this form within the time period provided in § 1.963(b) of this chapter and may request a hearing under § 1.966(a) of this chapter. The Fiscal Officer may extend the time period for submitting a claim if the Chairperson of the Committee on Waivers and Compromises could do so under § 1.963(b) of this chapter. The Fiscal Officer will apply the standard "equity and good conscience" in accordance with §§ 1.965 and 1.966(a) of this chapter, and may waive all or part of the claimant's debts. A decision by the Fiscal Officer under this provision is final (except that the decision may be reversed or modified based on new and material evidence, fraud, a change in law or interpretation of law, or clear and unmistakable error shown by the evidence in the file at the time of the prior decision as provided in § 1.969 of this chapter) and may be appealed in accordance with 38 CFR parts 19 and 20.

\* \* \* \* \*

(Authority: 38 U.S.C. 501, 1721, 1722A, 1724)

(The Office of Management and Budget has approved the information collection requirements in this section under control number 2900-0165.)

[FR Doc. 04-8881 Filed 4-19-04; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[FRL-7649-9]

#### Indiana: Final Authorization of State Hazardous Waste Management Program Revision

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

**ACTION:** Proposed rule.

**SUMMARY:** Indiana has applied to EPA for Final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has determined that these changes satisfy all requirements needed to qualify for Final authorization, and is proposing to authorize the State's changes through this proposed final action.

**DATES:** Written comments must be received on or before May 20, 2004.

**ADDRESSES:** Send written comments to Gary Westefer, Indiana Regulatory Specialist, DM-7J, 77 West Jackson Boulevard, Chicago, Illinois 60604. Please refer to Docket Number IN ARA19. We must receive your comments by May 20, 2004. You can view and copy Indiana's application from 9 am to 4 pm at the following addresses: Indiana Department of Environmental Management, 100 North Senate, Indianapolis, Indiana, (mailing address P.O. Box 6015, Indianapolis, Indiana 46206) contact Lynn West (317) 232-3593, or Steve Mojonner (317) 233-1655; and EPA Region 5, contact Gary Westefer at the following address.

**FOR FURTHER INFORMATION CONTACT:** Gary Westefer, Indiana Regulatory Specialist, U.S. EPA Region 5, DM-7J, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-7450.

#### SUPPLEMENTARY INFORMATION:

##### A. Why Are Revisions to State Programs Necessary?

States which have received final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program

that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, States must change their programs and ask EPA to authorize the changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

##### B. What Decisions Have We Made in This Rule?

We conclude that Indiana's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we propose to grant Indiana Final authorization to operate its hazardous waste program with the changes described in the authorization application. Indiana has responsibility for permitting Treatment, Storage, and Disposal Facilities (TSDFs) within its borders (except in Indian Country) and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New Federal requirements and prohibitions imposed by Federal regulations that EPA promulgates under the authority of HSWA take effect in authorized States before they are authorized for the requirements. Thus, EPA will implement those requirements and prohibitions in Indiana, including issuing permits, until the State is granted authorization to do so.

##### C. What Is the Effect of Today's Authorization Decision?

This decision means that a facility in Indiana subject to RCRA will now have to comply with the authorized State requirements (listed in section F of this action) instead of the equivalent Federal requirements in order to comply with RCRA. Indiana has enforcement responsibilities under its State hazardous waste program for violations of such program, but EPA retains its authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others, authority to:

- Do inspections, and require monitoring, tests, analyses or reports
- enforce RCRA requirements and suspend or revoke permits

- take enforcement actions regardless of whether the State has taken its own actions

This action does not impose additional requirements on the regulated community because the regulations for which Indiana is being authorized by today's action are already effective, and are not changed by today's action.

##### D. What Happens If EPA Receives Comments That Oppose This Action?

If EPA receives comments that oppose this authorization, we will address all public comments in a later **Federal Register**. You may not have another opportunity to comment. If you want to comment on this authorization, you must do so at this time.

##### E. What Has Indiana Previously Been Authorized for?

Indiana initially received Final authorization on January 31, 1986, effective January 31, 1986 (51 FR 3955) to implement the RCRA hazardous waste management program. We granted authorization for changes to their program on October 31, 1986, effective December 31, 1986 (51 FR 39752); January 5, 1988, effective January 19, 1988 (53 FR 128); July 13, 1989, effective September 11, 1989 (54 FR 29557); July 23, 1991, effective September 23, 1991 (56 FR 33717); July 24, 1991, effective September 23, 1991 (56 FR 33866); July 29, 1991, effective September 27, 1991 (56 FR 35831); July 30, 1991, effective September 30, 1991 (56 FR 36010); August 20, 1996, effective October 21, 1996 (61 FR 43018); September 1, 1999, effective November 30, 1999 (64 FR 47692), January 4, 2001 effective January 4, 2001 (66 FR 733), and December 6, 2001 effective December 6, 2001 (66 FR 63331).

##### F. What Changes Are We Authorizing With Today's Action?

On March 26, 2003, Indiana submitted a final complete program revision application, seeking authorization of their changes in accordance with 40 CFR 271.21. We now make a final decision, subject to receipt of written comments that oppose this action, that Indiana's hazardous waste program revision satisfies all of the requirements necessary to qualify for Final authorization. Therefore, we propose to grant Indiana Final authorization for the following program changes: