

on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely proposes to approve a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects

##### 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

##### 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: November 16, 2004.

**Michael F. Gearheard,**

*Acting Regional Administrator, Region 10.*

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Parts 870 and 872

RIN 1029-AC47

#### Coal Production Fees and Fee Allocation

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

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** In response to a request from the trustees of the United Mine Workers of America Combined Benefit Fund, we are extending the comment period for the proposed rule published in the September 17, 2004, **Federal Register** concerning fees and fee allocations under the abandoned mine reclamation program provisions of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act).

**DATES:** *Electronic or written comments:* We will accept written comments on the proposed rule until 4:30 p.m., Eastern time, on December 16, 2004.

**ADDRESSES:** If you wish to comment on the proposed rule, you may submit your comments by any of the following methods to the address indicated:

- *E-mail:* [osmregs@osmre.gov](mailto:osmregs@osmre.gov). Please include docket number 1029-AC47 in the subject line of the message.

- *Mail/Hand-Delivery/Courier:* Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 210, 1951 Constitution Avenue, NW., Washington, DC 20240. Please identify the comments as pertaining to docket number 1029-AC47.

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions provided at <http://www.regulations.gov> under the "How to Comment" heading for this rule.

**FOR FURTHER INFORMATION CONTACT:** Dennis Rice, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240. Telephone: (202) 208-2829. E-mail address: [drice@osmre.gov](mailto:drice@osmre.gov). You will find additional information concerning OSM, fees on coal production, and Abandoned Mine Reclamation Fund, and abandoned mine

reclamation in general on our home page at <http://www.osmre.gov>.

**SUPPLEMENTARY INFORMATION:** On September 17, 2004, we published a proposed rule setting forth procedures and criteria for the establishment of fees under section 402(b) of SMCRA. That section of the Act provides that, when the rates set forth in section 402(a) of the Act expire, the fee for coal produced after that date "shall be established at a rate to continue to provide for the deposit referred to in subsection (h) [of section 402 of SMCRA]." Section 402(h) requires the annual transfer of certain estimated Abandoned Mine Reclamation Fund earnings to the United Mine Workers of America Combined Benefit Fund. The proposed rule also contained revisions to the regulations governing allocation and disposition of fee collections and other Abandoned Mine Reclamation Fund income. For a full explanation of the proposed rule, please refer to the rule text and preamble published at 69 FR 56132-56144.

At the time the rule was published, the fee rates set forth in section 402(a) of the Act would have expired on September 30, 2004. However, a continuing resolution enacted on September 30, 2004, extended those rates through November 20, 2004. See section 125 of Public Law 108-309. Further continuing resolutions or appropriations legislation may provide for additional extensions of the statutory rates or revisions thereof.

The comment period on the proposed rule was originally scheduled to close on November 16, 2004. However, by letter dated November 10, 2004, the trustees of the United Mine Workers of America Combined Benefit Fund requested a 30-day extension of that deadline. We are granting that request, which means that all interested persons may submit electronic or written comments until December 16, 2004, in accordance with the instructions provided in **DATES** and **ADDRESSES** above and in Part X of the preamble to the September 17, 2004, rule (see 69 FR 56140).

Dated: November 18, 2004.

**Jeffrey D. Jarrett,**

*Director, Office of Surface Mining Reclamation and Enforcement.*

[FR Doc. 04-26195 Filed 11-26-04; 8:45 am]

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