§1.411(d)–4 [Corrected]
\* \* \* Section 1.411(d)–4, A–2, paragraph (e)(3), Example (i) and (ii), in each location the year “2004” is removed, and the year “2005” is added in its place.

Cynthia E. Grigsby,
Acting Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedures and Administration).

[FR Doc. 05–4506 Filed 3–7–05; 8:45 am]
BILLING CODE 4830–01–P

DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

Kentucky Regulatory Program

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

ACTION: Final rule.

SUMMARY: This final rule removes a suspension notation from our regulations pertaining to the Kentucky regulatory program (the “Kentucky program”). The suspension prohibited the issuance of new financial guarantees by the Kentucky Bond Pool because of insufficient funds that had resulted from the transfer of funds out of the bond pool. Kentucky has reimbursed its bond pool and the suspension notation concerning that issue is being removed because it is no longer necessary.

EFFECTIVE DATE: March 8, 2005.


SUPPLEMENTARY INFORMATION:
I. Background on the Kentucky Program
II. Submission Information
III. OSM’s Findings
IV. Procedural Determinations

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 State 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.
we noted that Executive Order 2004
the State.

funds into the Kentucky Bond Pool by
merely acknowledges the transfer of
is no longer required, and should be
suspension notation at 30 CFR 917.17(c)
Director has determined that the
the suspension on July 15, 2004, the
$3,840,000 into the Bond Pool as
the Bond Pool Fund and notified
Governor (Administrative Record No.
was codified at 30 CFR 917.17(c). By
letter dated July 12, 2004, Kentucky
notified us that $3,840,000 would be
transferred from the General Fund into
transferred $3,840,000 from the
Kentucky Bond Pool Fund to the
General Fund for the 2002–2003 and
2003–2004 fiscal years. In the same
notice, we also suspended Kentucky’s use
of the Bond Pool Fund to provide new
financial guarantees. Our decision
was codified at 30 CFR 917.17(c). By
letter dated July 12, 2004, Kentucky
notified us that $3,840,000 would be
transferred from the General Fund into the
Bond Pool Fund by authority of the
Governor (Administrative Record No.
KY–1629). By letter dated July 15, 2004,
we noted that Executive Order 2004–
753 effected the transfer of the
$3,840,000 from the General Fund into
the Bond Pool Fund and notified
Kentucky that the transfer satisfies our
concerns and that we were therefore
terminating our suspension of the use of
the Bond Pool Fund (Administrative
Record No. KY–1632).

III. OSM’s Findings

As a result of the transfer of
$3,840,000 into the Bond Pool Fund as
specified in the letter dated July 12,
2004, and our subsequent termination of
the suspension on July 15, 2004, the
Director has determined that the
suspension notation at 30 CFR 917.17(c)
is no longer required, and should be
removed. Accordingly, we are removing
the suspension notation.

IV. Procedural Determinations

Executive Order 12630—Takeings

This rule does not have takeings
implications. The removal of the
suspension notation at 30 CFR 917.17(c)
merely acknowledges the transfer of
funds into the Kentucky Bond Pool by
the State.

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 12988—Civil Justice
Reform

The Department of the Interior has
directed the reviews required by
section 3 of Executive Order 12988 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
because each 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(b)(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.

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 13175—Consultation
and Coordination With Indian Tribal
Governments

In accordance with Executive Order
13175, we have evaluated the potential
effects of this rule on Federally
recognized Indian tribes and have
determined that the rule does not have
substantial direct effects on one or more
Indian tribes, on the relationship
between the Federal Government and
Indian tribes, or on the distribution of
power and responsibilities between the
Federal Government and Indian tribes.

The basis for this determination is our
decision on a State regulatory program
and does not involve a Federal
regulation involving Indian lands.

Executive Order 13211—Regulations
That Significantly Affect the Supply,
Distribution, or Use of Energy

On May 18, 2001, the President issued
Executive Order 13211 which requires
agencies to prepare a Statement of
Energy Effects for a rule that is (1)
considered significant under Executive
Order 12866, and (2) likely to have a
significant adverse effect on the supply,
distribution, or use of energy. Because
this rule is exempt from review under
Executive Order 12866 and is not
expected to have a significant adverse
effect on the supply, distribution, or use
of energy, a Statement of Energy Effects
is not required.

Administrative Procedure Act

This final rule has been issued
without prior notice or opportunity for
public comment. The Administrative
Procedure Act (APA) (5 U.S.C. 553)
provides an exception to the notice and
comment procedures when an agency
finds there is good cause for dispensing
with such procedures on the basis that
they are unnecessary. We have
determined that under 5 U.S.C.
553(b)(3)(B), good cause exists for
dispensing with the notice of proposed
rulemaking and public comment
procedures. For the reasons previously
stated, the rule removes a suspension
status notation from the Code of Federal
Regulations at 30 CFR 917.17(c). This
action does not constitute our decision
to terminate the suspension of
Kentucky’s use of the Bond Pool Fund.
That decision was made on July 15,
2004. Rather, the removal of the
suspension notation pertaining to the
use of the Bond Pool Fund merely
acknowledges the return of the
$3,840,000 previously transferred out of
the Bond Pool Fund, and our July 15,
2004, decision to terminate our
suspension. When we removed the
suspension, we reactivated that portion
of the State regulatory program previously approved. For these same
reasons, we believe there is good cause
under 5 U.S.C. 553(d)(3) of the APA to
have the rule become effective on a date
that is less than 30 days after the date
of publication in the Federal Register.

National Environmental Policy Act

This rule does not require an
environmental impact statement
because section 702(d) of SMCRA (30
U.S.C. 1272(d)) provides that agency
decisions on proposed State regulatory
program provisions do not constitute

Brent Wahlquist, Regional Director, Appalachian Regional Coordinating Center.

For the reasons set out in the preamble, 30 CFR part 917 is amended as set forth below:

**PART 917—KENTUCKY**

1. The authority citation for part 917 continues to read as follows:

**Authority: 30 U.S.C. 1201 et seq.**

§917.17 [Amended]

2. In §917.17, paragraph (c) is amended by removing the second sentence.

[FR Doc. 05–4386 Filed 3–7–05; 8:45 am]

BILLING CODE 4310–05–P

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[CA 311–0471a; FRL–7878–3]

**Revisions to the California State Implementation Plan, Kern County Air Pollution Control District**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the Kern County Air Pollution Control District (KCAPCD) portion of the California State Implementation Plan (SIP). The revisions concern the emission of particulate matter (PM–10) from wood combustion and the recision of a rule exempting wet plumes from opacity standards. We are approving the incorporation of a local rule and recision of a rule that administer regulations and regulate emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** This rule is effective on May 9, 2005, without further notice, unless EPA receives adverse comments by April 7, 2005. If we receive such comments, we will publish a timely withdrawal in the Federal Register to notify the public that this direct final rule will not take effect.

**ADDRESSES:** Mail or e-mail comments to Andy Steckel, Rulemaking Office Chief (AIR–4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, or e-mail to steckel.andrew@epa.gov, or submit comments at http://www.regulations.gov.

You can inspect a copy of the submitted rule revisions and EPA’s technical support document (TSD) at our Region IX office during normal business hours. You may also see a copy of the submitted rule revisions and TSD at the following locations:

Environmental Protection Agency, Air Docket (6102), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 “I” Street, Sacramento, CA 95814.

Kern County Air Pollution Control District, 2700 “M” Street, Suite 302, Bakersfield, CA 93301.

A copy of the rules may also be available via the Internet at http://www.arb.ca.gov/drdb/drdbltxt.htm. Please be advised that this is not an EPA Web site and may not contain the same version of the rules that were submitted to EPA.

FOR FURTHER INFORMATION CONTACT: Al Petersen, Rulemaking Office (AIR–4), U.S. Environmental Protection Agency, Region IX, (415) 947–4118 or petersen.alfred@epa.gov.

**SUPPLEMENTARY INFORMATION:** Throughout this document, “we,” “us” and “our” refer to EPA.

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**I. The State’s Submittal**

A. What Rules Did the State Submit?

Table 1 lists the rules we are approving with the date that they were adopted by the local air agency and submitted by the California Air Resources Board (CARB).

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**Table 1.—Submitted Rules**

<table>
<thead>
<tr>
<th>Local agency</th>
<th>Rule #</th>
<th>Rule title</th>
<th>Action</th>
<th>Submitted</th>
</tr>
</thead>
<tbody>
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<td>KCAPCD ......</td>
<td>403</td>
<td>General Limitations on the Discharge of Air Contaminants .........</td>
<td>11/29/93 Rescinded ..........</td>
<td>03/29/94</td>
</tr>
</tbody>
</table>