

800 North Capitol Street, NW., suite 700,  
Washington, DC.

#### Effective Date of This AD

(f) This amendment becomes effective on  
July 31, 2000.

Issued in Burlington, Massachusetts, on  
June 9, 2000.

**David A. Downey,**

*Assistant Manager, Engine and Propeller  
Directorate, Aircraft Certification Service.*

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## DEPARTMENT OF STATE

### 22 CFR Part 51

#### Public Notice [3341]

#### Passport Procedures—Amendment to Execution of Passport Application Regulation

**AGENCY:** Bureau of Consular Affairs,  
State.

**ACTION:** Final rule.

**SUMMARY:** This final rule extends from  
12 years to 15 years the period,  
following the issue date of the previous  
passport, in which persons who  
previously have been issued a United  
States passport may apply for a new  
passport by mail. However, this rule  
does not change the statutory  
requirement that a person who applies  
for a United States passport must  
establish United States citizenship and  
identity.

**EFFECTIVE DATE:** This rule is effective  
July 26, 2000 without further action.

**ADDRESSES:** Interested persons are  
invited to submit comments to: Chief,  
Legal Division, Office of Passport  
Policy, Planning and Advisory Services,  
2401 E Street, NW., Room-H917,  
Washington, DC 20522-0917.

**FOR FURTHER INFORMATION CONTACT:**  
Sharon E. Palmer-Royston, Office of  
Passport Policy, Planning and Advisory  
Services, Bureau of Consular Affairs,  
Department of State (202) 663-2430;  
telefax (202) 663-2654.

#### SUPPLEMENTARY INFORMATION:

#### Background

The regulation governing the  
execution of a passport application, at  
section 51.21(a) in Title 22 of the Code  
of Federal Regulations, provides that a  
person who has not been issued a  
passport in his or her own name within  
12 years of the date of a new application  
shall appear in person when applying  
for a new passport. The personal  
appearance requirement to verify the  
applicant's identity is consistent with

the requirement in 22 U.S.C. 212 that  
the Secretary of State shall issue  
passports only to nationals of the United  
States, and the mandate in 22 U.S.C.  
2705 that a United States passport  
issued for a period of full validity is  
proof of United States citizenship and  
the identity of the bearer.

The existing regulations at 22 CFR  
51.21(c) and (d) further clarify sec.  
51.21(a) by providing that persons who  
previously have been issued a passport,  
when 18 years of age or older, may  
obtain a new passport by mail, provided  
that the application for a new passport  
is submitted together with the previous  
passport not more than 12 years  
following the issue date of the previous  
passport. The provision to apply by mail  
is pursuant to the authority in 22 U.S.C.  
213 that the Secretary of State may  
excuse personal appearance for a  
passport applicant in certain  
circumstances.

This final rule amends 22 CFR  
51.21(a), (c)(2) and (d)(2) to provide that  
persons who have previously been  
issued a full validity passport may  
apply for a new passport by mail if the  
application is accompanied by their  
previous passport not more than 15  
years following the issue date of the  
previous passport. The Department has  
determined that during the additional  
three years, the appearance of the  
person applying for a passport is  
unlikely to have changed so much as to  
preclude identification. Accordingly,  
the Department believes it is reasonable  
that during a period of up to 15 years  
following the issue date of the previous  
passport a person may apply for a new  
passport by mail, provided that proper  
identification of the applicant can be  
made from the documents and  
photographs accompanying the  
application.

Further, this final rule amends 22 CFR  
51.21(c)(1) and (d)(1) to provide that the  
age of the applicant when the most  
recently issued passport was issued is  
lowered from 18 years of age to 16 years  
of age. This change is required to be  
consistent with the provisions  
governing the validity of passports in 22  
CFR 51.4(b), which was amended on  
February 1, 1998, by lowering the age of  
eligibility for a passport valid for ten  
years from 18 years of age to 16 years  
of age.

Finally, this rule amends 22 CFR  
51.80, concerning procedures for review  
of adverse actions, by revising the  
wording in subsection 51.80(a) to read  
more clearly.

Since the rule makes a benefit  
available to the class of affected persons  
at a reduced cost, because the fee for a  
passport obtained by a mail application

is less than the fee for a passport  
obtained by an application requiring  
personal appearance, the Department  
has determined that prepublication  
notice and comment are unnecessary  
and are exempted by 5 U.S.C. 553(b)(B),  
the "good cause" exemption.

The Department does not consider  
this rule to be a major rule for purposes  
of E.O. 12291. These changes to the  
regulations are hereby certified as not  
expected to have a significant impact on  
a substantial number of small entities  
under the criteria of the Regulatory  
Flexibility Act, 5 U.S.C. 605(b). This  
rule does not impose information  
collection requirements under the  
provisions of the Paperwork Reduction  
Act, 44 U.S.C., Chapter 35. Nor does the  
rule have federalism implications  
warranting the application of Executive  
Order No. 12372 and No. 13132. This  
rule is exempt from E.O. 12866, but the  
Department has reviewed the rule to  
ensure consistency with the objectives  
of the Executive Order, as well as with  
E.O. 12988, and the Office of  
Management and Budget has  
determined this rule would not  
constitute a significant regulatory action  
under E.O. 12866.

#### List of Subjects in 22 CFR Part 51

Administrative practice and  
procedure, Drug traffic control,  
Passports and visas, Reporting and  
recordkeeping requirements.

Accordingly, this rule amends 22 CFR  
chapter I as follows:

#### PART 51—[AMENDED]

1. The authority citation for part 51  
continues to read as follows:

**Authority:** 22 U.S.C. 211a; 22 U.S.C. 2651a,  
2671(d)(3), 2714 and 3926; 31 U.S.C. 9701;  
E.O. 11295, 3 CFR, 1966-1970 Comp., p 570;  
sec. 129, Pub. L. 102-138, 105 Stat. 661; 8  
U.S.C. 1504.

2. In Subpart B, § 51.21 is amended by  
revising the word "twelve" to read  
"fifteen" in the heading of paragraph  
(a), by revising the number "12" to read  
"15" in paragraphs (a), (c)(2) and (d)(2),  
and by revising the number "18" to read  
"16" in paragraphs (c)(1) and (d)(1).

3. In Subpart F, § 51.80, is revised to  
read as follows:

#### § 51.80 The applicability of §§ 51.81 through 51.89.

(a) The provisions of §§ 51.81 through  
51.89 do not apply to any action of the  
Secretary of State taken on an  
individual basis in denying, restricting,  
revoking or invalidating a passport or in  
any other way adversely affecting the  
ability of a person to receive or use a  
passport by reason of:

- (1) Noncitizenship,
  - (2) Refusal under the provisions of § 51.70(a)(8),
  - (3) Refusal to grant a discretionary exception under the emergency or humanitarian relief provisions of § 51.71(c), or
  - (4) Refusal to grant a discretionary exception from geographical limitations of general applicability.
- (b) The provisions of this subpart shall otherwise constitute the administrative remedies provided by the Department to persons who are the subjects of adverse action under §§ 51.70, 51.71 or 51.72.

Dated: June 2, 2000.

**Mary A. Ryan,**

*Assistant Secretary for Consular Affairs,  
Department of State.*

[FR Doc. 00-16089 Filed 6-23-00; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 938

[PA-129-FOR]

#### Pennsylvania Regulatory Program

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

**ACTION:** Final rule.

**SUMMARY:** OSM is approving an amendment to the Pennsylvania regulatory program (Pennsylvania program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1201 *et seq.*, as amended. The amendment revises certain portions of 25 Pennsylvania Code Chapter 86, Surface and Underground Mining: General; Chapter 87, Surface Mining of Coal; Chapter 88, Anthracite Coal; Chapter 89, Underground Mining of Coal and Coal Preparation Facilities; and Chapter 90, Coal Refuse Disposal. The amendments are intended to revise the Pennsylvania program to be consistent with the corresponding Federal regulations.

**EFFECTIVE DATE:** June 26, 2000.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert J. Biggi, Office of Surface Mining Reclamation and Enforcement, Harrisburg Field Office, Third Floor, Suite 3C, Harrisburg Transportation Center (Amtrack), 415 Market Street, Harrisburg, Pennsylvania 17101, Telephone: (717) 782-4036.

#### SUPPLEMENTARY INFORMATION:

I. Background on the Pennsylvania Program

- II. Submission of the Amendment
- III. Director's Findings
- IV. Summary and Disposition of Comments
- V. Director's Decision
- VI. Procedural Determinations

#### I. Background on the Pennsylvania Program

On July 30, 1982, the Secretary of the Interior conditionally approved the Pennsylvania program. You can find background on the Pennsylvania program, including the Secretary's findings, the disposition of comments, and the conditions of the approval in the July 30, 1982 **Federal Register** (47 FR 33079). Subsequent actions concerning the regulatory program amendments are codified at 30 CFR 938.11, 938.15 and 938.16.

#### II. Submission of the Amendment

By letter dated November 30, 1999 (Administrative Record No. PA-849.02), the Pennsylvania Department of Environmental Protection (PADEP) submitted an amendment to its approved permanent regulatory program pursuant to the Federal regulations at 30 CFR 732.17(b). Pennsylvania did so as a result of its Regulatory Basics Initiative (RBI) intended to revise regulations considered to be unclear, unnecessary or more stringent than the corresponding Federal regulation. The proposed rulemaking was published in the December 17, 1999 **Federal Register** (64 FR 70644). The public comment period closed on January 18, 2000. No one requested to speak at a public hearing, so no hearing was held.

#### III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the amendments to the Pennsylvania regulatory program. Revisions not specifically discussed below concern paragraph notations to reflect organizational changes resulting from this amendment.

PADEP is amending certain provisions of 25 Pennsylvania Code, Chapters 86 through 90, as follows:

##### *Chapter 86, Surface and Underground Coal Mining: General*

##### *Section 86.2 Scope*

PADEP is correcting a grammatical error by changing the word "specify" to "specifies" in the opening paragraph. This is a non-substantive change that does not require OSM approval.

##### *Section 86.37 Criteria for Permit Approval or Denial*

PADEP is modifying subdivision (a)(4) to assure activities proposed

under the application have been designed to prevent material damage to the hydrologic balance outside the proposed permit area, while eliminating the reference to damage to the hydrologic balance within the permit area, by adding the word "material" before "damage" and eliminating the words "within and" before the word "outside". The Director finds that the changes described above render § 86.37(a)(4) substantively identical to and therefore no less effective than the corresponding portion of the Federal provision at 30 CFR 773.15(c)(5).

PADEP is modifying subdivision (a)(6) regarding the effects of proposed coal mining activities on properties listed on or eligible for listing on the National Register of Historic Places by deleting the phrase "or eligible for inclusion on" from the second sentence and re-ordering the sentences. The first two sentences of subdivision (6) now state that "[t]he proposed activities will not adversely affect any publicly owned parks or places included on the National Register of Historic Places, except as provided for in Subchapter D. The effect of the proposed coal mining activities on properties listed on or eligible for listing on the National Register of Historic Places has been taken into account by the Department". The Director finds that the changes described above render § 86.37(a)(6) substantively identical to and therefore no less effective than the Federal Regulations at 30 CFR 773.15(c)(3) and 761.11(c).

##### *Section 86.40 Permit Terms*

PADEP is modifying subsection (b) by adding criteria under which the Department may grant an extension of time for commencement of mining activities by adding the phrase "or if there are conditions beyond the control and without the fault or negligence of the permittee." The Director finds that the changes described above are substantively identical to and therefore no less effective than the Federal Regulations at 30 CFR 773.19(e)(2)(ii).

##### *Section 86.64 Right of Entry*

PADEP is modifying this section by adding additional criteria for documenting right of entry by adding the following sentence to subsection (a): "The description shall identify the documents by type and date of execution, identify the specific lands to which the document pertains and explain the legal rights claimed by the applicant". Existing subdivisions (b)(1) and (2) are eliminated and new subdivisions (b)(1) through (3) are added specifying the documents