

onto the Neenach School map to the California Aqueduct's intersection with the Pacific Crest National Scenic Trail (adjacent to the Los Angeles Aqueduct) in section 16, T8N/R16W; then

(15) Proceed north and then generally east and north along the Pacific Crest National Scenic Trail, crossing over the Fairmont Butte map, and continue onto the Tylerhorse Canyon map to the point where the Trail and the adjacent Los Angeles Aqueduct separate near elevation point 3120 and West Antelope Station in section 3, T9N/R15W; then

(16) Proceed generally northeast along the Los Angeles Aqueduct crossing onto the Willow Springs map, to the Aqueduct's intersection with Tehachapi Willow Springs Road, section 7, T10N/R13W; then

(17) Proceed generally south on Tehachapi Willow Springs Road, crossing onto the Little Buttes map, to the road's intersection with the 2,500-foot elevation line along the western boundary of section 17, T9N/R13W; then

(18) Proceed generally east along the meandering 2,500-foot elevation line, crossing over the Willow Springs map and continuing onto the Soledad Mtn. map, where that elevation line crosses over and back three times from the Rosamond map, to the elevation line's intersection with the Edwards AFB boundary line, section 10, T9N/R12W; and then

(19) Proceed straight south along the Edwards AFB boundary line, crossing over to the Rosamond map, and return to the beginning point.

Signed: January 5, 2011.

**John J. Manfreda,**  
Administrator.

Approved: January 5, 2011.

**Timothy E. Skud,**  
Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).

[FR Doc. 2011-12823 Filed 5-23-11; 8:45 am]

BILLING CODE XXXX-XX-P

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 901

[SATS No. AL-076-FOR; Docket ID: OSM-2010-0020]

#### Alabama Regulatory Program

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

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** We, the Office of Surface Mining Reclamation and Enforcement (OSM), are approving an amendment to the Alabama regulatory program (Alabama program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Alabama revised its regulations regarding their license fees, annual license updates, and blaster certification fees. Alabama revised its program to improve operational efficiency.

**DATES:** *Effective Date:* May 24, 2011.

**FOR FURTHER INFORMATION CONTACT:** Sherry Wilson, Director, Birmingham Field Office. Telephone: (205) 290-7282. E-mail: [swilson@osmre.gov](mailto:swilson@osmre.gov).

#### SUPPLEMENTARY INFORMATION:

- I. Background on the Alabama Program
- II. Submission of the Amendment
- III. OSM's Findings
- IV. Summary and Disposition of Comments
- V. OSM's Decision
- VI. Procedural Determinations

#### I. Background on the Alabama 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 this Act \* \* \*; and rules and regulations consistent with regulations issued by the Secretary pursuant to this 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 Alabama program effective May 20, 1982. You can find background information on the Alabama program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Alabama program in the May 20, 1982, **Federal Register** (47 FR 22057). You can also find later actions concerning the Alabama program and program amendments at 30 CFR 901.10, 901.15, and 901.16.

#### II. Submission of the Amendment

By letter dated October 28, 2010 (Administrative Record No. AL-0662), Alabama sent us amendments to its program under SMCRA (30 U.S.C. 1201 *et seq.*). Alabama's revised mining regulations are found at Alabama Rule 880-X-6A-.07 License Fees; Alabama Rule 880-X-6A-.08 Annual License Updates; and Alabama Rule 880-X-12A-.09 Fees.

We announced receipt of Alabama's proposed amendment in the February

22, 2011, **Federal Register** (76 FR 9700). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the amendment. We did not hold a public hearing or meeting because no one requested one. The public comment period ended on March 24, 2011. We did not receive any public comments.

#### III. OSM's Findings

We are approving the amendment as described below. The following are the findings we made concerning the amendments under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17. The full text of Alabama's program amendment is available for you to read at <http://www.regulations.gov>.

##### A. Alabama Rule 880-X-6A-.07 License Fees

Alabama increased its license fee to \$2,500.00 and deleted language regarding pre-existing license fees. There is no Federal counterpart to this section and we find the modifications are not inconsistent with the requirements of SMCRA or the Federal regulations. Therefore, we are approving it.

##### B. Alabama Rule 880-X-6A-.08 Annual License Updates

Alabama revised this section by modifying the date of annual license updates. Alabama deleted the word "renewal" and replaced it with "license update" or "update." Alabama increased its license update fees to \$500.00. Alabama added new language detailing the penalty process for not submitting an annual license update form and applicable fees. There is no Federal counterpart to this section and we find that the modifications are not inconsistent with the requirements of SMCRA or the Federal regulations. Therefore, we are approving it.

##### C. Alabama Rule 880-X-12A-.09 Fees

Alabama added a new section establishing a blaster certification fee of \$100.00; a blaster certification renewal fee of \$50.00; and a reciprocity fee of \$50.00. There is no Federal counterpart to this section and we find the addition of this new section is not inconsistent with the requirements of SMCRA or the Federal regulations. Therefore, we are approving it.

#### IV. Summary and Disposition of Comments

##### Public Comments

We asked for public comments on Alabama's revised program amendments, but did not receive any.

*Federal Agency Comments*

On November 26, 2010, under 30 CFR 732.17(h)(11)(i) and section 503(b) of SMCRA, we requested comments on the amendment from various Federal agencies with an actual or potential interest in the Alabama program (Administrative Record No. AL-0662.01). We did not receive any comments.

*Environmental Protection Agency (EPA) Concurrence and Comments*

Under 30 CFR 732.17(h)(11)(ii), we are required to get a written concurrence from EPA for those provisions of the program amendment that relate to air or water quality standards issued under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). None of the revisions that Alabama proposed to make in this amendment pertained to air or water quality standards. Therefore, we did not ask EPA to concur on the amendment. However, on November 26, 2010, under 30 CFR 732.17(h)(11)(i), we requested comments on the amendment from the EPA (Administrative Record No. AL-0662.01). The EPA did not respond to our request.

*State Historical Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)*

Under 30 CFR 732.17(h)(4), we are required to request comments from the SHPO and ACHP on amendments that may have an effect on historic properties. On November 26, 2010, we requested comments on the Alabama amendment (Administrative Record No. AL-0662.01), but neither responded to our request.

**V. OSM's Decision**

Based on the above findings, we approve the amendment Alabama sent us on October 28, 2010. To implement this decision, we are amending the Federal regulations at 30 CFR Part 901, which codify decisions concerning the Alabama program. We find that good cause exists under 5 U.S.C. 553(d)(3) to make this final rule effective immediately. Section 503(a) of SMCRA requires that the State's program demonstrate that the State has the capability of carrying out the provisions of the Act and meeting its purposes. Making this rule effective immediately will expedite that process. SMCRA requires consistency of State and Federal standards.

**VI. Procedural Determinations***Executive Order 12630—Takings*

This rule does not have takings implications. This determination is based on the analysis performed for the Federal regulations.

*Executive Order 12866—Regulatory Planning and Review*

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866.

*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 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(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.

*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. This determination is based on the fact that the Alabama program does not regulate coal exploration and surface coal mining and reclamation operations on Indian lands. Therefore, the Alabama program has no effect on Federally-recognized Indian tribes.

*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.

*National Environmental Policy Act*

This rule does not require an environmental impact statement because section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

*Paperwork Reduction Act*

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

*Regulatory Flexibility Act*

The Department of the Interior certifies 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. 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 Federal regulations.

*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; and (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 Federal regulations for which an analysis was prepared and a determination made that the Federal regulations were not considered major.

*Unfunded Mandates*

This rule will not impose an unfunded mandate on State, local, or tribal governments or the private sector of \$100 million or more in any given year. This determination is based upon the fact that the State submittal, which is the subject of this rule, is based upon Federal regulations for which an analysis was prepared and a determination made that the Federal regulation did not impose an unfunded mandate.

**List of Subjects in 30 CFR Part 901**

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 25, 2011.

**Ervin J. Barchenger,**

*Regional Director, Mid-Continent Region.*

For the reasons set out in the preamble, 30 CFR part 901 is amended as set forth below:

**PART 901—ALABAMA**

■ 1. The authority citation for Part 901 continues to read as follows:

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

■ 2. Section 901.15 is amended in the table by adding a new entry in chronological order by “Date of final publication” to read as follows:

**§ 901.15 Approval of Alabama regulatory program amendments.**

\* \* \* \* \*

Original amendment submission date	Date of final publication	Citation/description
* * *	* * *	* *
October 28, 2010 .....	May 24, 2011 .....	Sections 880–X–6A–.07, 880–X–6A–.08, and 880–X–12A–.09.

[FR Doc. 2011–12747 Filed 5–23–11; 8:45 am]

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**DEPARTMENT OF THE INTERIOR**

**Office of Surface Mining Reclamation and Enforcement**

**30 CFR Part 926**

[SATS No. MT–030–FOR; Docket ID No. OSM–2009–0007]

**Montana Regulatory Program**

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

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** We are approving an amendment to the Montana regulatory program (the “Montana program”) under the Surface Mining Control and Reclamation Act of 1977 (“SMCRA” or “the Act”). Montana proposed revisions to and additions of statutes about bond release responsibility periods for water management facilities and other support facilities comprising less than 10 percent of the total bond release area. Montana revised its program to clarify ambiguities and improve operational efficiency.

**DATES:** *Effective Date:* May 24, 2011.

**FOR FURTHER INFORMATION CONTACT:**

Jeffrey Fleischman, Casper Field Office Director, Telephone: (307) 261–6550, Internet address: [jfleischman@OSMRE.gov](mailto:jfleischman@OSMRE.gov).

**SUPPLEMENTARY INFORMATION:**

- I. Background on the Montana Program
- II. Submission of the Proposed Amendment
- III. Office of Surface Mining Reclamation and Enforcement’s (OSM’s) Findings
- IV. Summary and Disposition of Comments
- V. OSM’s Decision
- VI. Procedural Determinations

**I. Background on the Montana 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 this Act \* \* \*; and rules and regulations consistent with regulations issued by the Secretary pursuant to this 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 Montana program on April 1, 1980. You can find background information on the Montana program, including the Secretary’s findings, the disposition of comments,

and conditions of approval in the April 1, 1980, **Federal Register** (45 FR 21560). You can also find later actions concerning Montana’s program and program amendments at 30 CFR 926.15, 926.16, and 926.30.

**II. Submission of the Proposed Amendment**

By letter dated May 12, 2009, Montana sent us an amendment to its program (Administrative Record No. MT–27–01, Regulations.gov Document ID No. OSM–2009–0007–0002) under SMCRA (30 U.S.C. 1201 *et seq.*). Montana sent the amendment to include changes made at its own initiative.

We announced receipt of the proposed amendment in the August 12, 2009, **Federal Register** (74 FR 40537). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the amendment’s adequacy (Administrative Record No. MT–27–05; Regulations.gov Document ID No. OSM–2009–0007–0001). We did not hold a public hearing or meeting because no one requested one. The public comment period ended on September 11, 2009. We received one public comment and one Federal agency comment. During our review of Montana’s original submittal and the comments received, we identified concerns with the amendment proposal. We conveyed our