

must consult with the adjudicating officer, or with the Visa Office, to resolve any disagreement.

■ 3. In § 41.121, revise paragraph (c) to read as follows:

**§ 41.121 Refusal of individual visas.**

\* \* \* \* \*

(c) Nonimmigrant refusals must be reviewed, in accordance with guidance by the Secretary of State, by consular supervisors, or a designated alternate, to ensure compliance with laws and procedures. If the ground(s) of ineligibility upon which the visa was refused cannot be overcome by the presentation of additional evidence, the refusal must be reviewed without delay; that is, on the day of the refusal or as soon as it is administratively possible. If the ground(s) of ineligibility may be overcome by the presentation of additional evidence, and the applicant has indicated the intention to submit such evidence, a review of the refusal may be deferred for not more than 120 days. If the reviewing officer disagrees with the decision and he or she has a consular commission and title, the reviewing officer can assume responsibility and readjudicate the case. If the reviewing officer does not have a consular commission and title, he or she must consult with the adjudicating officer, or with the Visa Office, to resolve any disagreement.

\* \* \* \* \*

Dated: August 7, 2006.

**Stephen A. Edson,**

*Deputy Assistant Secretary, Visa Services,  
Department of State.*

[FR Doc. E6-14140 Filed 8-24-06; 8:45 am]

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**DEPARTMENT OF THE INTERIOR**

**Office of Surface Mining Reclamation and Enforcement**

**30 CFR Part 924**

[MS-016-FOR]

**State Abandoned Mine Land Reclamation Plan**

**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 a partial abandoned mine land reclamation (AMLR) plan under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Mississippi

proposed revisions to and addition of statutes to the Mississippi Surface Coal Mining and Reclamation Law in order to authorize and establish an AMLR plan. The purpose of this amendment is to demonstrate both the intent and capability to assume responsibility for administering and conducting an AMLR plan.

**DATES:** *Effective Date:* August 25, 2006.

**FOR FURTHER INFORMATION CONTACT:**

Arthur W. Abbs, Director, Birmingham Field Office. Telephone: (205) 290-7282. E-mail address: [aabbs@osmre.gov](mailto:aabbs@osmre.gov).

**SUPPLEMENTARY INFORMATION:**

- I. Background on the Abandoned Mine Land Reclamation Program
- II. Submission of the AMLR Plan Statutes
- III. OSM's Findings
- IV. Summary and Disposition of Comments
- V. OSM's Decision
- VI. Procedural Determinations

**I. Background on the Abandoned Mine Land Reclamation Program**

The AMLR Program was established by Title IV of the Act (30 U.S.C. 1201 *et seq.*) in response to concerns over extensive environmental damage caused by past coal mining activities. The program is funded by a reclamation fee collected on each ton of coal that is produced. The money collected is used to finance the reclamation of abandoned coal mines and for other authorized activities. Section 405 of the Act allows States and Indian Tribes to assume exclusive responsibility for reclamation activity within the State or on Indian lands if they develop and submit, to the Secretary of the Interior for approval, a program (often referred to as a plan) for the reclamation of abandoned coal mines.

**II. Submission of the AMLR Plan Statutes**

By letter dated April 5, 2006 (Administrative Record No. MS-0402), Mississippi sent us its AMLR plan statutes under SMCRA (30 U.S.C. 1201 *et seq.*). The purpose of this submission was to demonstrate both the intent and capability to assume responsibility for administering and conducting the provisions of SMCRA and OSM's AMLR program (30 CFR Chapter 7, Subchapter R). Mississippi revised and added statutes to the Mississippi Surface Coal Mining and Reclamation Law at Sections 53-9-3, 53-9-7, 53-9-89, 53-9-89(1)(c), 53-9-89(1)(c)(i) through (v), 53-9-101, 53-9-103, 53-9-105, 53-9-107, 53-9-109, 53-9-111, 53-9-113, 53-9-115, 53-9-117, 53-9-119, 53-9-121, 53-9-123.

We announced receipt of the proposed plan statutes in the June 8, 2006, **Federal Register** (72 FR 33273). 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 statutes. We did not hold a public hearing or meeting because no one requested one. The public comment period ended on July 10, 2006. We received comments from three Federal agencies.

**III. OSM's Findings**

Following are the findings we made concerning the AMLR plan statutes under SMCRA and the Federal regulations at 30 CFR 884.14 and 884.15. We are approving the statutes as described below.

In accordance with section 405 of SMCRA, we find that Mississippi has submitted AMLR plan statutes for the reclamation of abandoned mines and has the authority to implement the provisions of Title IV of SMCRA.

1. The public has been given adequate notice and opportunity to comment and the record does not reflect major unresolved controversies.

2. We have solicited and considered the views of the Federal agencies having an interest in the Mississippi AMLR plan statutes. Agencies that responded include: the U.S. Bureau of Land Management (BLM), U.S. Natural Resources Conservation Service (NRCS), and the U.S. Environmental Protection Agency (EPA).

3. The Mississippi Department of Environmental Quality, Office of Geology, has the legal authority and administrative structure to carry out the State AMLR plan statutes.

4. The Mississippi AMLR plan statutes meet all requirements of OSM's Title IV program provisions.

5. We approved the Mississippi regulatory program effective September 4, 1980.

6. The Mississippi AMLR plan statutes are in compliance with all applicable State and Federal laws and regulations.

Therefore, we approve Mississippi's AMLR plan statutes. Although the AMLR plan statutes conform to statutory requirements, Mississippi must still submit the information required by 30 CFR 884.13(a) through (f) before we can make the findings necessary for full approval of its AMLR plan. The State will be able to receive and spend Federal AMLR grant funds only after we approve its complete State AMLR plan.

**IV. Summary and Disposition of Comments**

*Public Comments*

We asked for public comments on the amendment, but did not receive any.

### *Federal Agency Comments*

On May 1, 2006, under 30 CFR 884.14(a)(2) and 884.15(a), we requested comments on the amendment from various Federal agencies with an actual or potential interest in the Mississippi AMLR plan (Administrative Record No. MS-0403). We received comments from the BLM, NRCS, and EPA. The BLM did not find any inconsistencies between the proposed changes and Federal Laws that govern mining (Administrative Record No. MS-0404). The NRCS stated that it and the Mississippi Department of Environmental Quality share common interest in stabilization and restoration following man's use of the land (Administrative Record No. MS-0406). Both agencies agreed with the proposed AMLR plan statutes. EPA responded on June 21, 2006, that it had no comments (Administrative Record No. MS-0411).

### **V. OSM's Decision**

Based on the above findings, we approve the Mississippi AMLR statutes sent to us on April 5, 2006.

To implement this decision, we are amending the Federal regulations at 30 CFR part 924, which codify decisions concerning the Mississippi plan. We find that good cause exists under 5 U.S.C. 553(d)(3) to make this final rule effective immediately. Section 405 of SMCRA requires that the State's plan 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 counterpart Federal regulation.

#### *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 and Tribal AMLR plans because each program is

drafted and promulgated by a specific State or Tribe, not by OSM. Decisions on proposed AMLR plans submitted by a State or Tribe are based solely on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231–1243) and 30 CFR part 884 of the Federal regulations.

#### *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 AMLR programs. 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 405(d) of SMCRA requires State AMLR programs to be in compliance with the procedures, guidelines, and requirements established under 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 Mississippi plan does not provide for reclamation and restoration of land and water resources adversely affected by past coal mining on Indian lands. Therefore, the Mississippi plan 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 agency decisions on proposed State and Tribal AMLR plans are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior (516 DM 6, appendix 8, paragraph 8.4B(29)).

#### *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 counterpart 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 counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rule.

#### *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

counterpart 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 924

Intergovernmental relations, Surface mining, Underground mining.

Dated: August 15, 2006.

#### Brent Wahlquist,

Acting Director, Office of Surface Mining Reclamation and Enforcement.

■ For the reasons set out in the preamble, 30 CFR part 924 is amended as set forth below:

#### PART 924—MISSISSIPPI

■ 1. The authority citation for part 924 continues to read as follows:

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

■ 2. Part 924 is amended by adding § 924.20 to read as follows:

#### § 924.20 Approval of Mississippi Abandoned Mine Land Reclamation Plan.

The Mississippi AMLR plan statutes, as submitted on April 5, 2006, are approved. Copies of the approved plan statutes are available at:

Office of Surface Mining Reclamation and Enforcement, Birmingham Field Office, 135 Gemini Circle, Suite 215, Homewood, Alabama 35209.

Mississippi Department of Environmental Quality, Office of Geology, 2380 Highway 80 West, Jackson, Mississippi 39289-1307.

[FR Doc. E6-14155 Filed 8-24-06; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### 31 CFR Part 50

RIN 1505-AB67

#### Terrorism Risk Insurance Program; TRIA Extension Act Implementation

**AGENCY:** Departmental Offices, Treasury.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Treasury (Treasury) is issuing this rule in final form as part of its implementation of amendments made to Title I of the Terrorism Risk Insurance Act of 2002 (TRIA or Act) by the Terrorism Risk Insurance Extension Act of 2005 (Extension Act). The Act established a temporary Terrorism Risk Insurance Program (Program) that was scheduled to expire on December 31, 2005, under which the Federal Government shared the risk of insured

losses from certified acts of terrorism with commercial property and casualty insurers. The Extension Act extends the Program through December 31, 2007, and makes other changes which are implemented by this rule. In particular, the rule addresses changes to the types of commercial property and casualty insurance covered by the Act, the requirements to satisfy the Act's mandatory availability ("make available") provision and the operation of the new "Program Trigger" provision in section 103(e)(1)(B) of the Act. Treasury published an interim final rule and a cross-referenced proposed rule with a request for comment on May 11, 2006. This final rule finalizes the proposed rule by adopting the text of the interim final rule without revision.

**DATES:** This final rule is effective September 25, 2006.

#### FOR FURTHER INFORMATION CONTACT:

Howard Leikin, Deputy Director, Terrorism Risk Insurance Program, (202) 622-6770 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

##### A. Terrorism Risk Insurance Act of 2002

On November 26, 2002, the President signed into law the Terrorism Risk Insurance Act of 2002 (Pub. L. 107-297, 116 Stat. 2322). The Act was effective immediately. The Act's purposes are to address market disruptions, ensure the continued widespread availability and affordability of commercial property and casualty insurance for terrorism risk, and to allow for a transition period for the private markets to stabilize and build capacity while preserving state insurance regulation and consumer protections.

Title I of the Act establishes a temporary federal program of shared public and private compensation for insured commercial property and casualty losses resulting from an act of terrorism which, as defined by the Act, is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General. The Act authorizes Treasury to administer and implement the Terrorism Risk Insurance Program (Program), including the issuance of regulations and procedures.

Each entity that meets the Act's definition of insurer (well over 2,000 firms) must participate in the Program. The amount of federal payment for an insured loss resulting from an act of terrorism is determined by insurance company deductibles and excess loss sharing with the Federal Government as specified in the Act and Treasury's implementing regulations. An insurer's

deductible increases each year of the Program and in Program Year 5, so does its share of the losses in excess of the deductible, thereby reducing the Federal Government's share of compensation for insured losses each year until the Program expires. An insurer's deductible is calculated based on the value of direct earned premiums collected over certain prescribed calendar periods. Once an insurer has met its individual deductible, the federal payments cover a percentage of the insured losses above the deductible, subject to an industry aggregate limit of \$100 billion.

The Act gives Treasury authority to recoup federal payments made under the Program through policyholder surcharges, up to a maximum annual limit. The Act reduces the Federal share of compensation for insured losses that have been covered under any other federal program. The Act also contains provisions designed to manage litigation arising from or relating to a certified act of terrorism. Section 107 of the Act creates an exclusive federal cause of action, provides for claims consolidation in federal court, and contains a prohibition on federal payments for punitive damages under the Program. The Act provides the United States with the right of subrogation with respect to any payment or claim paid by the United States under the Program.

##### B. Terrorism Risk Insurance Extension Act of 2005

The Program was originally set to expire on December 31, 2005. On December 22, 2005, the President signed into law the Terrorism Risk Insurance Extension Act of 2005 (Pub. L. 109-144, 119 Stat. 2660), which extends the Program through December 31, 2007. In doing so, the Extension Act adds Program Year 4 (January 1-December 31, 2006) and Program Year 5 (January 1-December 31, 2007) to the Program. In addition, the Extension Act made other significant changes to TRIA that include:

- A revised definition of "insurer deductible" that adds new Program Years 4 and 5 to the definition. The insurer deductible is set as the value of an insurer's direct earned premium for commercial property and casualty insurance (as now defined in the Act) over the immediately preceding calendar year multiplied by 17.5 percent for Program Year 4 and by 20 percent for Program Year 5.

- A revised definition of "property and casualty insurance" that now excludes commercial automobile insurance; burglary and theft insurance;