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 a portion of the provisions in 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.) because they are based upon counterpart Federal regulations for which an economic analysis was prepared and a determination made that the Federal regulation did not impose an unfunded mandate. For the portion of the State provisions that is not based upon counterpart Federal regulations, this determination is based upon the fact that the State provisions are voluntary and as such are not expected to have a substantive effect on the regulated industry.

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 a portion of the State provisions are 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. For the portion of the State provisions that is not based upon counterpart Federal regulations, this determination is based upon the fact that the State provisions are voluntary and as such are not expected to have a substantive effect on the regulated industry.

List of Subjects in 30 CFR Part 914

Intergovernmental relations, Surface mining, Underground mining.


Charles E. Sandberg,
Regional Director, Mid-Continent Region.
[FR Doc. E6–19085 Filed 11–9–06; 8:45 am]

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 943

[Docket No. TX–056–FOR]

Texas Abandoned Mine Land Reclamation Plan

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

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSM), are announcing receipt of a proposed amendment to the Texas abandoned mine land reclamation plan (Texas plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). The Railroad Commission of Texas, Surface Mining and Reclamation Division (RCT or commission) proposes to assume responsibility of the abandoned mine land reclamation (AMLR) emergency program in Texas. The RCT also proposes to revise its AMLR plan to reflect current practices and to update information regarding procedures for rights of entry, staffing, and emergency purchases. Texas intends to revise the Texas plan to be consistent with the corresponding Federal regulations and to improve operational efficiency. This document gives the times and locations that the Texas plan and the amendment to that plan are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that will be followed for the public hearing, if one is requested.

DATES: We will accept written comments on this amendment until 4 p.m., c.t., December 13, 2006. If requested, we will hold a public hearing on the amendment on December 8, 2006. We will accept requests to speak at a hearing until 4 p.m., c.t. on November 28, 2006.

ADDRESSES: You may submit comments, identified by Docket No. TX–056–FOR, by any of the following methods:

• E-mail: mwolfrom@osmre.gov. Include “Docket No. TX–056–FOR” in the subject line of the message.

• Mail/Hand Delivery: Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 1645 South 101st East Avenue, Suite 145, Tulsa, Oklahoma 74128.

• Fax: (918) 581–6419.
II. Description of the Proposed Amendment

By letter dated October 11, 2006 (Administrative Record No. TAML–661), Texas sent us a proposed amendment to its plan under SMCRA (30 U.S.C. 1201 et seq.). Texas sent the amendment at its own initiative. Texas proposes to assume the AMLR emergency program. Below is a summary of the changes proposed by Texas. The full text of the amendment is available for your inspection at the locations listed above under ADDRESSES.

Texas’ Proposed AMLR Plan Revisions

Section 410 of SMCRA authorizes the Secretary to use funds under the AMLR program to abate or control emergency situations in which adverse effects of past coal mining pose an immediate danger to the public health, safety, or general welfare. On September 29, 1982 (47 FR 42729), we invited states to amend their AMLR plans for the purpose of undertaking emergency reclamation programs on our behalf. States would have to demonstrate that they have the statutory authority to undertake emergencies, the technical capability to design and supervise the emergency work, and the administrative mechanisms to quickly respond to emergencies either directly or through contractors.

The RCT submitted documentation to demonstrate the statutory authority, the technical capability, and the administrative mechanisms to respond to emergencies either directly or through contractors to meet our requirements. Texas proposes changes to its AMLR plan narrative at 884.13(c)(6), rights of entry; 884.13(d)(2), staffing; and 884.13(d)(3), purchasing and procurement. Texas also proposes to add a new section at 884.13(d)(3) for emergency purchases.

1. In the first paragraph of 884.13(c)(6), Texas proposes to update the references to its old regulations at Texas Coal Mining Regulations (TCMR) sections 806, 807, and 807(b) to its recomplied regulations at 16 Texas Administrative Code (TAC) sections 12.813, 12.814, and 12.814(c). In the second paragraph of 884.13(c)(6), Texas proposes to remove the phrase, “[if] requested by OSM to perform as its agent or contractor.” The revised paragraph reads as follows:

2. Texas proposes to change its AMLR plan narrative at 884.13(c)(2) regarding “staffing” to demonstrate Texas’ technical capability to design and supervise the emergency work. Texas also proposes to include an organizational chart. The proposed narrative for this section reads as follows:

The Surface Mining and Reclamation Division’s Abandoned Mine Land Reclamation Program staff has demonstrated experience in developing and managing AML projects. Areas of expertise include realty (rights of entry, appraisal and liens), environmental assessment, engineering design, construction and contract management, revegetation, and erosion control.

The Division’s Administration and Records Section also provides administrative support. The Commission’s Finance and Accounting Division provides purchasing and contracting support and legal support is provided by the Commission’s Office of General Counsel.

3. Texas proposes to update its purchasing and procurement procedures at 884.13(d)(3) and to include a new section, emergency purchases.

a. Texas proposes a new introductory paragraph for its general purchasing and procurement procedures as follows:

The Railroad Commission adheres to purchasing and procurement procedures and regulations established by the Texas Building and Procurement Commission (TBPC). Purchasing and procurement authority has been delegated to the Railroad Commission by TBPC. The appropriate bidding processes are established by TBPC for various purchase amounts (Texas Administrative Code, Title 1, Part 5, Chapter 113, Subchapter A, Section 113.11(e)(4)(C)). The Railroad Commission has correspondingly established purchase authority levels associated with those purchase amount thresholds.

b. Texas also proposes to add a new section regarding emergency purchases.

(1) The new introductory paragraph reads as follows:

The Texas Building and Procurement Commission authorizes state agencies to make emergency purchases and has established procedures for doing so (Texas Government Code, Title 10, Subtitle D, Section 2155.137, and Title 1, Texas Administrative Code, Title 1, Part 5, Chapter...
113. Subchapter A, Section 113.11(e)(4)(C)]. Section 2.16 of the State of Texas
Procurement Manual reads as follows:
(2) The paragraph on “agency responsibility” states that Texas
Building and Procurement Commission (TBPC) has delegated to all State
agencies the authority to make emergency purchases with the proviso
that emergency procurements are
subject to TBPC’s rules and procedures.
(3) The paragraph on “solicitation procedures” allows State agencies to
make emergency purchases of at least
$25,000 without posting them in the
Electronic State Business Daily.
(4) The paragraph on “justification
requirements” requires State agencies to
send a letter of justification to TBPC
documenting the emergency.
(5) The paragraph on “audit
requirements” states that emergency
purchases of goods and services over
$25,000 are subject to pre-payment
audits by TBPC.

III. Public Comment Procedures
Under the provisions of 30 CFR
884.15(a), we are requesting comments
on whether the amendment satisfies the
applicable State reclamation plan
approval criteria of 30 CFR 884.14. If we
approve the amendment, it will become
part of the Texas plan and Texas will be
eligible to receive funding to conduct
the AMLR Emergency Program in Texas.

Written Comments
Send your written or electronic
comments to OSM at the address given
above. Your written comments should
be specific, pertain only to the issues
proposed in this rulemaking, and
include explanations in support of your
recommendations. We will not consider
or respond to your comments when
developing the final rule if they are
received after the close of the comment
period (see DATES). We will make every
attempt to log all comments into the
administrative record, but comments
delivered to an address other than the
Tulsa Field Office may not be logged in.

Electronic Comments
Please submit Internet comments as
an ASCII or Word file avoiding the use
of special characters and any form
of encryption. Please also include “Attn:
TX–056–FOR “ and your name and
return address in your Internet message.
If you do not receive a confirmation that
we have received your Internet message,
contact the Tulsa Field Office at (918)
581–6430.

Availability of Comments
We will make comments, including
names and addresses of respondents,
available for public review during
normal business hours. If individual
respondents request confidentiality, we
will honor their request to the extent
allowable by law. Individual
respondents who wish to withhold their
name or address from public review,
except for the city or town, must state
this prominently at the beginning of
their comments. We will make all
submissions from organizations or
businesses, and from individuals
identifying themselves as representatives or officials of
organizations or businesses, available
for public review in their entirety.

Public Hearing
If you wish to speak at the public
hearing, contact the person listed under
FOR FURTHER INFORMATION CONTACT by 4
p.m., c.t. on November 28, 2006. If you
are disabled and need special
accommodations to attend a public
hearing, contact the person listed under
FOR FURTHER INFORMATION CONTACT.
We will arrange the location and time of the
hearing with those persons requesting
the hearing. If no one requests an
opportunity to speak, we will not hold
a hearing.

To assist the transcriber and ensure an
accurate record, we request, if possible,
that each person who speaks at the
public hearing provide us with a written
copy of his or her comments. The public
hearing will continue on the specified
date until everyone scheduled to speak
has been given an opportunity to be
heard. If you are in the audience and
have not been scheduled to speak and
wish to do so, you will be allowed to
speak after those who have been
scheduled. We will end the hearing after
everyone scheduled to speak and others
present in the audience who wish to
speak, have been heard.

Public Meeting
If only one person requests an
opportunity to speak, we may hold a
public meeting rather than a public
hearing. If you wish to meet with us to
discuss the amendment, please request
a meeting by contacting the person
listed under FOR FURTHER INFORMATION
CONTACT. All such meetings are open to
the public and, if possible, we will post
notices of meetings at the locations
listed under ADDRESSES. We will make
a written summary of each meeting a
part of the administrative record.

IV. 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, to the extent
required by law, 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
agencies to include the

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 abandoned mine land
reclamation 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 abandoned mine land
reclamation 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
domestic or self-governing Tribes.

This determination is based on the fact
that the Texas plan does not provide for
reclamation and restoration of land and
water resources adversely affected by
past coal mining on Indian lands. Therefore, the Texas 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 abandoned mine land reclamation plans and plan amendments 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 13.5B(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. The 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 943

Intergovernmental relations, Surface mining, Underground mining.

Dated: October 24, 2006.

Ervin J. Barchenger,
Acting Regional Director, Mid-Continent Region.

ENVIROMENTAL PROTECTION AGENCY

40 CFR Part 52


Approval and Promulgation of Implementation Plans; Louisiana; 2006 Low Enhanced Vehicle Inspection/Maintenance (I/M) Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve the State Implementation Plan (SIP) revision to the Low Enhanced Vehicle Inspection/Maintenance Program for the State of Louisiana. This revision addresses the exemption of the two newest model year gasoline-fueled passenger cars and gasoline-fueled trucks from On-Board Diagnostic (OBD) testing. We are taking this action in accordance to Section 110 of the Clean Air Act.

DATES: Written comments must be received on or before December 13, 2006.

ADDRESSES: Comments may be mailed to Mr. Thomas Diggs, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the ADDRESSES section of the direct final rule located in the rules section of this Federal Register.

FOR FURTHER INFORMATION CONTACT: Mrs. Sandra Rennie, Air Planning Section (6PD–L), Multimedia Planning and Permitting Division, U.S. EPA, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, (214) 665–7367, e-mail address rennie.sandra@epa.gov.

SUPPLEMENTARY INFORMATION: In the final rules section of this Federal Register, EPA is approving the State’s SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not subject of an adverse comment.

For additional information, see the direct final rule, which is located in the rules section of this Federal Register.