

the degree consistent with other Commission priorities and subject to the availability of personnel and fiscal resources, specific regulatory or other projects may be undertaken in response to the results of the review.

The Commission staff solicits written comments from interested persons concerning the designated regulations' currentness and consistency with Commission policies and goals, and suggestions for streamlining where appropriate. In so doing, commenters are requested to specifically address how their suggestions for change could be accomplished within the statutory frameworks for Commission action under the Consumer Product Safety Act (CPSA), 15 U.S.C. 2051–2084, and the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261–1278.

**DATES:** Comments and submissions in response to this notice must be received by September 24, 2007.

**ADDRESSES:** Comments and other submissions should be captioned "Fiscal Year 2007 Regulatory Review Project" and be submitted by e-mail to [cpssc-os@cpssc.gov](mailto:cpssc-os@cpssc.gov) or by facsimile to (301) 504–0127. Comments may also be submitted by mail or delivered to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814.

**FOR FURTHER INFORMATION CONTACT:** Linda Edwards, Office of Hazard Identification and Reduction, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, Maryland 20814; telephone (301) 504–7535; e-mail [eedwards@cpssc.gov](mailto:eedwards@cpssc.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **A. The Review Program**

The President's Office of Management and Budget has designed the Program Assessment Rating Tool (PART) to provide a consistent approach to rating programs across the Federal government. A description of the PART process and associated program evaluation materials is available online at: [http://www.whitehouse.gov/omb/budintegration/part\\_assessing2004.html](http://www.whitehouse.gov/omb/budintegration/part_assessing2004.html).

Based on an evaluation of the Commission's regulatory programs using the PART, the recommendation was made that CPSC develop a plan to systematically review its current regulations to ensure consistency among them in accomplishing program goals. In FY 2004, the Commission conducted a pilot review program as the initial step in implementing that recommendation. The notice announcing the pilot program appeared in the **Federal**

**Register** on January 28, 2004. 69 FR 4095. Based on the success of the pilot program, the Commission announced the continuation of the program for subsequent fiscal years.

##### **B. The Regulations Undergoing Review**

A summary of each of the regulations being reviewed in fiscal year 2007 is provided below. The full text of the regulations may be accessed at: [http://www.access.gpo.gov/nara/cfr/waisidx\\_03/16cfrv2\\_03.html](http://www.access.gpo.gov/nara/cfr/waisidx_03/16cfrv2_03.html).

###### **1. Ban of Unstable Refuse Bins**

The Ban of Unstable Refuse Bins, 16 CFR part 1301, bans certain metal refuse bins having an internal volume of one cubic yard or greater to address the hazard of crushing due to tipover. The rule, which was established under the Consumer Product Safety Act and became effective on June 13, 1978, provides test methods to determine the stability of refuse bins.

###### **2. Requirements for Pacifiers**

The Requirements for Pacifiers, 16 CFR part 1511, provides requirements whereby pacifiers are not banned under 16 CFR 1500.18(a)(8). The rule provides performance requirements for guards or shields; protrusion limitations; structural integrity tests; a prohibition for attachments such as ribbons, strings, or cords; and labeling requirements. The rule, which was established under the Federal Hazardous Substances Act and became effective on February 26, 1978, addresses mechanical hazards associated with pacifiers such as choking and suffocation.

##### **C. Solicitation of Comments and Information**

The Commission staff invites interested persons to submit comments on each of the regulations being reviewed in the fiscal year 2007 program. In particular, commenters are asked to address:

1. Whether the regulation is consistent with CPSC program goals.
2. Whether the regulation is consistent with other CPSC regulations.
3. Whether the regulation is current with respect to technology, economic, or market conditions, and other mandatory or voluntary standards.
4. Whether the regulation can be streamlined to minimize regulatory burdens, particularly any such burdens on small entities.

For each regulation being reviewed, please provide any specific recommendations for change(s), if viewed as necessary, a justification for the recommended change(s), and, with respect to each suggested change, a

statement of the way in which the change can be accomplished within the statutory framework of the CPSA or FHSA, as applicable.

Comments and other submissions should be captioned "Fiscal Year 2007 Regulatory Review Project" and e-mailed to [cpssc-os@cpssc.gov](mailto:cpssc-os@cpssc.gov) or faxed to (301) 504–0127. Comments or other submissions may also be mailed or delivered to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814. All comments and other submissions must be received by September 24, 2007.

Dated: July 18, 2007.

**Todd A. Stevenson,**

*Secretary, Consumer Product Safety Commission.*

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#### **DEPARTMENT OF THE INTERIOR**

##### **Office of Surface Mining Reclamation and Enforcement**

##### **30 CFR Part 924**

**[MS–021–FOR]**

##### **Mississippi 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 Mississippi abandoned mine land reclamation plan (Mississippi plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). The purpose of the Mississippi plan is to establish policies and procedures to be followed in conducting reclamation of abandoned coal mine lands in Mississippi. Mississippi will use Federal monies to carry out the reclamation activities. We are seeking public comments on the adequacy of the proposed Mississippi plan. This document gives the times and locations that the proposed plan is available for your inspection, the comment period during which you may submit written comments on the plan, and the procedures that will be followed for the public hearing, if one is requested.

**DATES:** We will accept written comments on this proposed plan until August 23, 2007. If requested, we will hold a public hearing on the plan on

August 20, 2007. We will accept requests to speak at a hearing until 4 p.m., c.t. on August 8, 2007.

**ADDRESSES:** You may submit comments, identified by MS-021-FOR, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. OSM is listed as Surface Mining Reclamation and Enforcement Office. Follow the instructions for submitting comments.

- *Mail/Hand Delivery:* Sherry Wilson, Director, Birmingham Field Office, Office of Surface Mining Reclamation and Enforcement, 135 Gemini Circle, Suite 215, Homewood, Alabama 35209; Telephone: (205) 290-7282.

**Instructions:** For detailed instructions on submitting comments and additional information on the rulemaking process, see the "Public Comment Procedures" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

For access to the record for this rulemaking to review copies of the Mississippi program, the proposed Mississippi plan, a listing of any scheduled public hearings, and all written comments received in response to this document, you may go to the address of our Birmingham Field Office listed above during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the proposed Mississippi plan by contacting Sherry Wilson, Director, Birmingham Field Office, by E-mail or mail/in person at the addresses listed above or by telephone at (205) 290-7282. Copies of comments are also available at <http://www.regulations.gov>.

In addition, you may review a copy of the proposed Mississippi plan during regular business hours at the following location: Mississippi Department of Environmental Quality, Office of Geology, 2380 Highway 80 West, Jackson, Mississippi 39289-1307, Telephone: (601) 961-5500.

**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 Abandoned Mine Land Reclamation Program
- II. Description of the Proposed Mississippi Plan
- III. Public Comment Procedures
- IV. Procedural Determinations

#### **I. Background on the Abandoned Mine Land Reclamation (AML) Program**

The AML 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 (Secretary) for approval, a program (often referred to as a plan) for the reclamation of abandoned coal mines. If the Secretary determines that a State has developed and submitted a program for the reclamation of abandoned mine lands and has the ability and necessary State legislation to implement the provisions of Title IV, the Secretary may approve the State program and grant to the State exclusive authority to implement the provisions of the approved program. The Mississippi plan can be approved if:

1. The public has been given adequate notice and opportunity to comment and the record does not reflect major unresolved controversies.
2. The views of other Federal agencies have been solicited and considered.
3. The State has the legal authority, policies, and administrative structure to carry out the plan.
4. The plan meets all the requirements of our AML program provisions.
5. The State has an approved regulatory program.
6. The plan is in compliance with all applicable State and Federal laws and regulations.

#### **II. Description of the Proposed Mississippi Plan**

By letter dated June 11, 2007, (Administrative Record Number MS-0417-01 and MS-0417-02), Mississippi submitted a proposed AML plan under SMCRA (30 U.S.C. 1201 *et seq.*). The purpose of this submission is to demonstrate the intent and capability of the State to assume responsibility for administering and conducting the provisions of SMCRA and our AML program (30 CFR Chapter VII, Subchapter R) as published in the **Federal Register** on October 25, 1978 (43 FR 49932-44952). The receipt of Mississippi's submission is the first step in the process which will result in the establishment of a comprehensive program for the reclamation of abandoned mine lands in Mississippi. By submitting a proposed plan, Mississippi has indicated that it wishes to be primarily responsible for this program. If the submission is approved, the State will have primary responsibility for the reclamation of abandoned mine lands in Mississippi.

Below is a summary of the proposed Mississippi plan. The full text of the plan is available for your inspection at the locations listed above under

#### **ADDRESSES.**

The Mississippi plan submission includes the following:

1. A designation of the State agency authorized to administer the plan.
2. A legal opinion from the State's Attorney General of the designated Agency's authority to administer the plan.
3. A description of the policies and procedures to be followed in conducting the plan including:
  - (a) Goals and objectives.
  - (b) Project ranking and selection procedures.
  - (c) Coordination with other reclamation programs.
  - (d) Land acquisition, management, and disposal.
  - (e) Reclamation on private land.
  - (f) Rights of entry.
  - (g) Public participation in the plan.
4. A description of the administrative and management structure to be used in the plan including:
  - (a) A description of the organization of the designated agency and its relationship to other organizations that will participate in the plan.
  - (b) A personnel staffing policy.
  - (c) Purchasing and procurement systems and policies.
  - (d) A description of the accounting system including specific procedures for operation of the reclamation fund.
5. A general description of the activities to be conducted under the reclamation plan including:
  - (a) Known or suspected eligible lands and water requiring reclamation, including a map.
  - (b) General description of the problems identified and how the plan proposes to address them.
  - (c) General description of how the lands will be reclaimed.
6. General description of the conditions in the different geographic areas where reclamation is planned, including:
  - (a) The economic base.
  - (b) Significant esthetic, historic, or cultural, and recreational values.
  - (c) Endangered and threatened plant, fish, and wildlife and their habitat.

#### **III. Public Comment Procedures**

We are requesting comments on whether the proposed plan satisfies the applicable State reclamation plan approval criteria of 30 CFR 884.14. If we approve the plan, Mississippi will have primary responsibility for the reclamation of abandoned mine lands in Mississippi.

### Written Comments

Send your written or electronic comments to us at the addresses 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 record for this rulemaking, but comments delivered to an address other than the those listed above may not be logged in.

### Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

### 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 August 8, 2007. 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 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 abandoned mine land reclamation plans and plan amendments because each program is drafted and promulgated by a specific State or Tribe, not by OSM. Decisions on proposed abandoned mine land reclamation plans and plan amendments 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 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 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 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 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: July 13, 2007.

**Brent Wahlquist,**

*Office of Surface Mining Reclamation and Enforcement.*

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