

poisoning in the United States as a major public health problem by the year 2010," because the standard "also benefits the children of those workers who may have been placed at risk via take-home exposures (such as lead dust on work clothing)."

#### Recommendations

As a result of this look back review and the comments received from participants, OSHA is considering the following actions to improve the effectiveness of the standard and make it more cost-effective:

OSHA will review its compliance assistance materials to determine the need for updates. OSHA also will review the adequacy of how these materials are disseminated and additional means for reaching affected populations.

OSHA will consult with EPA and HUD to determine the value of a unified training curriculum and whether a course can be developed to meet the requirements of all three agencies. OSHA also will attempt to develop interpretations for its initial assessment requirements [29 CFR 1926.62(d)], in order to integrate them better with HUD and EPA requirements, reduce duplication, and make better use of historical data; these interpretations should help reduce costs and simplify the standard's requirements for small businesses.

Signed at Washington, DC, this 24th day of September, 2007.

**Edwin G. Foulke, Jr.,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 924

[Docket No. MS-021-FOR]

#### Mississippi Abandoned Mine Land Reclamation Plan

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

**ACTION:** Final rule; approval of abandoned mine land reclamation plan.

**SUMMARY:** We, the Office of Surface Mining Reclamation and Enforcement (OSM), are approving Mississippi's abandoned mine land reclamation plan (Mississippi Plan) submitted to us under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). The purpose of the plan is to demonstrate the State's intent and capability to assume responsibility for administering the abandoned mine land

reclamation (AML) program established by Title IV of SMCRA. As part of the plan, Mississippi submitted policies and procedures to be followed in conducting reclamation of abandoned coal mine lands in Mississippi. These policies and procedures, along with the State's AML statutes that we approved on August 25, 2006, constitute the complete Mississippi plan.

**DATES:** *Effective Date:* September 27, 2007.

**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 AML Program and Mississippi's Plan
- II. Submission of the Mississippi Plan Policies and Procedures
- III. OSM's Findings
- IV. Summary and Disposition of Comments
- V. OSM's Decision
- VI. Procedural Determinations

#### I. Background on the AML Program and Mississippi's Plan

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. In order to assume this responsibility, the States or Indian Tribes must 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. The Federal regulations at 30 CFR part 884 specify the content requirements of the State reclamation plan and the criteria for plan approval. Under these regulations, the Director of the Office of Surface Mining Reclamation and Enforcement is required to review the plan and solicit and consider comments of other Federal agencies and the public. If the State plan is not approved, the State may submit a revised reclamation plan at any time. 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.

Upon approval of the State reclamation plan, the State may submit to us on an annual basis an application for funds to be expended in that State on specific reclamation projects which are necessary to implement the State's reclamation plan as approved. Such annual requests are reviewed and approved by us in compliance with the requirements of 30 CFR Part 886.

By letter dated April 5, 2006 (Administrative Record No. MS-0402), Mississippi sent us its AML plan statutes. 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 approved Mississippi's revised and added statutes on August 25, 2006, thereby, granting partial approval of its AML plan (71 FR 50339).

Mississippi's current AML plan submission addresses the policies and procedures the State will follow in administering the Mississippi Plan.

#### II. Submission of the Mississippi Plan Policies and Procedures

By letter dated June 11, 2007 (Administrative Record Nos. MS-0417-01 through MS-0417-06), and at its own initiative, Mississippi sent us the proposed policies and procedures of the Mississippi Plan under SMCRA (30 U.S.C. 1201 *et seq.*).

We announced receipt of the submission in the July 24, 2007, **Federal Register** (72 FR 40266). 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 plan. The public comment period closed on August 23, 2007. Because no one requested a public hearing or meeting,

we did not hold one. We received comments from one Federal and one State agency.

### III. OSM's Findings

1. In accordance with section 405 of SMCRA and the Federal regulations at 30 CFR 884.14, we find that Mississippi has submitted a plan for reclamation of abandoned mine lands and we have determined that:

(a) The public has been given adequate notice and opportunity to comment and the record does not reflect any unresolved controversies.

(b) The views of other Federal agencies having an interest in the plan have been solicited and considered. These agencies include the U.S. Forest Service, the U.S. Fish and Wild Life Services, the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, the Advisory Council on Historic Preservation, the Bureau of Land Management, the National Park Service, the Natural Resources Conservation Service, and the Mine Safety and Health Administration.

(c) The Mississippi Department of Environmental Quality, Office of Geology has the legal authority, policies, and administrative structure to implement the plan.

(d) The Mississippi Plan meets all the requirements of 30 CFR Chapter VII, Subchapter R.

(e) Mississippi has an approved State regulatory program under Title V of SMCRA.

(g) The Mississippi Plan is in compliance with all applicable State and Federal laws and regulations.

### IV. Summary and Disposition of Comments

#### *Public Comments*

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

#### *Federal Agency Comments*

On July 6, 2007, under 30 CFR 884.14(a)(2), we requested comments from various Federal agencies with an actual or potential interest in the Mississippi Plan (Administrative Record No. MS-0417-10). We received a comment from the U.S. Forest Service stating that it had no comments (Administrative Record No. MS-0417-16). We also received a comment from the Mississippi Department of Archives and History stating that Mississippi's proposed reclamation plan will have no effect on cultural resources (Administrative Record No. MS-0417-17).

### V. OSM's Decision

Based on the above findings, we approve the Mississippi Plan policies and procedures sent to us on June 11, 2007, and as revised on July 31, 2007. Furthermore, this approval, together with our approval of Mississippi's AML statutes on August 25, 2006 (71 FR 50339), constitute the final and full approval of the Mississippi Plan.

To implement this decision, we are amending the Federal regulations at 30 CFR part 924, which codify decisions concerning the Mississippi 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 counterpart 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 Mississippi program does not regulate coal exploration and surface coal mining and reclamation operations on Indian lands. Therefore, the Mississippi 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 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

regulations did not impose an unfunded mandate.

#### List of Subjects in 30 CFR Part 924

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 18, 2007.

#### **Brent Wahlquist,**

*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. Section 924.20 is revised to read as follows:

#### **§ 924.20 Approval of Mississippi abandoned mine land reclamation plans.**

The Mississippi abandoned mine land reclamation plan as submitted on April 5, 2006, and June 11, 2007, and as revised is approved. Copies of the approved plan 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

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## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

#### **33 CFR Part 100**

[USCG-2007-27373]

RIN 1625-AA08

#### **Regattas and Marine Parades; Great Lake Annual Marine Events.**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is amending special local regulations for annual regattas and marine parades in the Captain of the Port Lake Michigan zone. This rule is intended to ensure safety of life on the navigable waters immediately prior to, during, and immediately after regattas or marine parades. This rule will establish restrictions upon, and control the movement of, vessels in a specified area immediately prior to,

during, and immediately after regattas or marine parades.

**DATES:** This rule is effective October 29, 2007.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket USCG-2007-27373 and are available for inspection or copying at the Docket Management Facility at the U.S. Department of Transportation:

(1) *Web Site:* <http://dms.dot.gov>.

(2) *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590.

(3) *Fax:* (202) 493-2251.

(4) *Delivery:* Room W12-140 on the Ground Floor of the West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 366-9329.

(5) *Federal eRulemaking Portal:* <http://www.regulations.gov>.

#### **FOR FURTHER INFORMATION CONTACT:**

CWO Brad Hinken, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI; (414) 747-7154. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, at (202) 366-9826.

#### **SUPPLEMENTARY INFORMATION:**

#### **Regulatory Information**

On April 6, 2007, we published a notice of proposed rule making (NPRM) entitled Regattas and Marine Parades; Great Lake Annual Marine Events in the **Federal Register** (72 FR 17062). We received no letters commenting on the proposed rule. No public meeting was requested, and none was held.

#### **Background and Purpose**

This rule will remove the specific entries from table 1 found in 33 CFR 100.901, Great Lakes annual marine events that apply to regattas and marines parades in the Captain of the Port Lake Michigan zone and list each regatta or marine parade as a subpart. This rule will also add several regattas and marine parades not previously listed in 33 CFR Part 100 and remove several events that no longer occur annually or are not regattas or marine parades.

This rule is necessary to ensure the safety of vessels and spectators from hazards associated with regattas and marine parades. Based on accidents that have occurred in other Captain of the Port zones, the Captain of the Port Lake