which each commercial communication
was disseminated, including but not
limited to the names and terms of each
such additional product or service
available to consumers.

(b) Any person subject to this rule
may keep the records required by
paragraph (a) of this section in any
legible form, and in the same manner,
format, or place as they keep such
records in the ordinary course of
business. Failure to keep all records
required under paragraph (a) of this
section shall be a violation of this rule.

§ 321.6 Actions by states.

Any attorney general or other officer
of a state authorized by the state to bring
an action under this part may do so
pursuant to Section 626(b) of the
Omnibus Appropriations Act of 2009,
sec. 626, Pub. L. 111–8, 123 Stat. 524
amended by the Credit Card
Accountability Responsibility and
1638 note).

§ 321.7 Severability.

The provisions of this rule are
separate and severable from one
another. If any provision is stayed or
determined to be invalid, it is the
Commission’s intention that the
remaining provisions shall continue in
effect.

By direction of the Commission.

Donald S. Clark,
Secretary.

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BILLING CODE 6750–01–S

DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation
and Enforcement

30 CFR Part 901
[SATS No. AL–075–FOR; Docket ID: OSM–
2010–0009]

Alabama Regulatory Program

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

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

SUMMARY: We, the Office of Surface
Mining Reclamation and Enforcement
(OSM), are announcing receipt of a
proposed amendment to the Alabama
regulatory program (Alabama program)
under the Surface Mining Control and
Reclamation Act of 1977 (SMCRA or the
Act). Alabama proposes revisions to its
Program regarding their Surface Mining
Commission, who is eligible to apply for
and obtain a mining license, hearing
officers, license fees, and several minor
editorial changes throughout the
document such as changing “him” to
“him or her” and “chairman” to “chair”.
Alabama intends to revise its program to
improve operational efficiency.

This document gives the times and
locations that the Alabama program and
proposed amendment to that program
are available for your inspection, the
comment period during which you may
submit written comments on the
amendment, and the procedures that we
will follow for the public hearing, if one
is requested.

DATES: We will accept written
comments on this amendment until
4 p.m., c.d.t., November 1, 2010. If
requested, we will hold a public hearing
on the amendment on October 25, 2010.
We will accept requests to speak at a
hearing until 4 p.m., c.d.t. on October
15, 2010.

ADDRESSES: You may submit comments,
identified by SATS No. AL–075–FOR by
any of the following methods:

• Fax: (205) 290–7280.

• Federal eRulemaking Portal: http://
www.regulations.gov. Follow the
instructions for submitting comments.

Instructions: All submissions received
must include the agency name and
docket number for this rulemaking. 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.

Docket: For access to the docket to
review copies of the Alabama program,
this amendment, a listing of any
scheduled public hearings, and all
written comments received in response
to this document, you must go to the
address listed below during normal
business hours, Monday through Friday,
excluding holidays. You may receive
one free copy of the amendment by
contacting OSM’s Birmingham Field
Office or going to http://
www.regulations.gov.

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, E-mail: swilson@osmre.gov.
In addition, you may review a copy of the amendment during regular business hours at the following location: Alabama Surface Mining Commission, 1811 Second Ave., P.O. Box 2390, Jasper, Alabama 35502–2390, Telephone: (205) 221–4130.

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

SUPPLEMENTARY INFORMATION:
I. Background on the Alabama Program
II. Description of the Proposed Amendment
III. 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 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 22030). You can also find later actions concerning the Alabama program and program amendments at 30 CFR 901.10, 901.15 and 901.16.

II. Description of the Proposed Amendment

By letter dated May 12, 2010 (Administrative Record No. AL–661–006), Alabama sent us an amendment to its program under SMCRA (30 U.S.C. 1201 et seq.) at its own initiative. Below is a summary of the changes proposed by Alabama. The full text of the program amendment is available for you to read at the locations listed above under ADDRESSES.

A. Alabama Code § 9–16–73(b)

This change adds the requirements that members of the seven member Commission reflect the racial, gender, geographic, urban/rural and economic diversity of the state. This seven member board appointed by the Governor with the advice and consent of the Alabama State Senate is, pursuant to the approved state program, vested with the power and authority to implement the state Title V program acting through its director and staff.

B. Alabama Code § 9–16–73(g)

Authorizes the Commission to meet once every month rather than once every 30 days as previously required.

C. Alabama Code § 9–16–74(a)

This addition allows the Commission to promulgate rules and regulations charging reasonable fees for administration of Act provisions including, but not limited to, fees for the certification, renewals, and continuing education of certified blaster applicants.

D. Alabama Code § 9–16–77(b)

Amends existing provisions for the hiring or contracting with Hearing Officers to preside over administrative appeals of agency actions. Continues the existing requirements that Hearing Officers be members in good standing with the Alabama State Bar and have no direct or indirect interests in a surface or underground coal mine operation. Adds a prohibition against hearing officers having been employed by or having represented a coal mine operator within the previous 24 months.

E. Alabama Code § 9–16–78(d)

Deletes existing provision of law that Hearing Officer facilities be located in a facility apart from Commission offices.

F. Alabama Code § 9–16–81(b)

Alabama’s approved program requires that coal operators apply for and obtain a surface coal mining license as a qualification for engaging in surface coal mining operations within Alabama. Section 3 of Act No. 2010–153 amends the existing license statute to require that only citizens of the United States or persons legally present in the United States with appropriate documentation from the Federal government and that possess a mining license may engage in surface coal mining operations within Alabama.

G. Alabama Code § 9–16–81(f)(1)

Modifies existing law to remove a fixed $1,000 fee and allow the Commission to establish by rule the initial fee for a mining license and annual license update fees. Such fees must be reasonable in amount.

H. Alabama Code § 9–16–93(b)

Deletes requirement of existing law that a cessation order alleging imminent harm or danger include a citation for an expeditious hearing before an administrative hearing officer. The amendment conforms the Alabama Statute to the requirements of the corresponding Federal SMCRA provisions.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the State program.

Electronic or Written Comments

If you submit written comments, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for any recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final regulations will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent State or Federal laws or regulations, technical literature, or other relevant publications.

We cannot ensure that comments received after the close of the comment period (see DATES) or sent to an address other than those listed (see ADDRESSES) will be included in the docket for this rulemaking and considered.

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.d.t. on October 15, 2010. If you are disabled and need reasonable 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 12866—Regulatory Planning and Review

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

Other Laws and Executive Orders Affecting Rulemaking

When a State submits a program amendment to OSM for review, our regulations at 30 CFR 732.17(h) require us to publish a notice in the Federal Register indicating receipt of the proposed amendment, its text or a summary of its terms, and an opportunity for public comment. We conclude our review of the proposed amendment after the close of the public comment period and determine whether the amendment should be approved, approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and executive orders governing the rulemaking process and include them in the final rule.

List of Subjects in 30 CFR Part 901

Intergovernmental relations, Surface mining, Underground mining.