

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF THE INTERIOR

### 2 CFR Chapter XIV

### 25 CFR Chapters I, II, III and V, VI, VII

### 30 CFR Chapters II, IV, VII, and XII

### 36 CFR Chapter I

### 41 CFR Chapter 114

### 43 CFR Subtitle A and Chapters I and II

### 48 CFR Chapter 14

### 50 CFR Chapters I and IV

[Docket Number: DOI-2011-0001]

### Reducing Regulatory Burden; Retrospective Review Under E.O. 13563

**AGENCY:** Office of the Secretary, Interior.  
**ACTION:** Request for information.

**SUMMARY:** The Department of the Interior (DOI) is preparing a preliminary plan to review its existing significant regulations in response to the President's Executive Order 13563 on improving regulation and regulatory review. The purpose of this regulatory review is to help DOI manage the Nation's public lands and national treasures, honor our tribal trust obligations, protect the environment and endangered species, distribute and monitor water resources, and help America become energy independent in ways that are more effective and less burdensome. DOI is asking for ideas and information from the public in preparing the plan and identifying opportunities to improve any of its significant regulations by modifying, streamlining, expanding, or repealing them.

**DATES:** You must submit any comments on or before March 28, 2011.

**ADDRESSES:** All comments must include "Comments on improving DOI's regulations—Docket Number DOI-

2011-0001". You must submit comments by any (but only one) of the following methods:

- *Federal eRulemaking portal:* Go to <http://www.regulations.gov>, find Docket DOI-2011-0001, and follow the instructions for submitting your comments electronically.

- *Mail:* Regulatory Review, Office of the Executive Secretariat and Regulatory Affairs, Department of the Interior, 1849 C Street, NW., Mail Stop 7328, Washington, DC 20240.

- *Hand Delivery or Courier:* Regulatory Review, Office of the Executive Secretariat and Regulatory Affairs, Department of the Interior, Room 7311, 1849 C Street, NW., Washington, DC 20240.

- *E-mail:* [RegsReview@ios.doi.gov](mailto:RegsReview@ios.doi.gov).

**FOR FURTHER INFORMATION CONTACT:** Mark Lawyer, Office of the Secretary, 202-208-3181, [Mark\\_Lawyer@ios.doi.gov](mailto:Mark_Lawyer@ios.doi.gov).

**SUPPLEMENTARY INFORMATION:** President Obama issued Executive Order 13563, "Improving Regulation and Regulatory Review," on January 18, 2011. He stated that our "regulatory system must protect public health, welfare, safety, and our environment while promoting economic growth, innovation, competitiveness, and job creation" and it must "use the best, most innovative, and least burdensome tools to achieve regulatory ends." The Executive Order directed agencies to develop and submit a preliminary plan within 120 days that will explain how they will review existing significant regulations and identify regulations that can be made more effective or less burdensome in achieving regulatory objectives.

#### Request for Information

This request to the public for information is DOI's first step in complying with the President's directive to develop a plan that will make the Department's regulations more effective and less burdensome. DOI is asking you to suggest how the Department can develop regulations to protect the environment, honor our trust obligations, manage public lands, protect endangered species, distribute and monitor water resources, and promote clean energy independence in ways that will work best for the American people. Knowledge about the full effects of regulations on people and the economy is widely dispersed in

society. DOI recognizes that members of the public are likely to have useful information and perspectives about how it could streamline or improve its regulations. This request for information from the public will help the Department obtain information that will inform its decisions as the Department develops a plan to review its existing regulations.

#### Questions for the Public

DOI intends the questions below to elicit useful information as the Department develops a preliminary plan to review its significant regulations. These questions are not intended to be exhaustive. You may raise other issues or make suggestions unrelated to these questions that you believe would help the Department develop better regulations. Comments will be most helpful if they provide examples and a detailed explanation of how the suggestion will support DOI's mission in a way that is more efficient and less burdensome. DOI specifically asks you to provide comments related to the questions that follow to help the Department prepare a preliminary plan to review its significant regulations.

(1) How can DOI best review its existing rules in a way that will identify rules that should be changed, streamlined, consolidated, or removed? DOI encourages those submitting comments to include a proposed process under which review could be regularly undertaken.

(2) How can DOI reduce burdens and maintain flexibility and choice for the public in a way that will promote its mission?

(3) Does DOI have rules or guidance that are duplicative or that have conflicting requirements among its bureaus or with other agencies? If so, please specifically identify the rules or guidance and suggest ways DOI can streamline, consolidate, or make these regulations work better. Please suggest specific language that would make these rules or guidance more efficient and less burdensome where possible.

(4) Are there rules or reporting requirements that could be improved to accomplish their regulatory objectives better? If so, please specifically identify the rule or reporting requirement and suggest alternative language where possible.

(5) How can DOI best assure that its regulations are guided by objective scientific evidence?

(6) Are there better ways to encourage public participation and an open exchange of views when DOI engages in rulemaking?

(7) Is there a rule or guidance that is working well that DOI could use as a model for improving other regulations or guidance? If so, please specifically identify the rule or guidance and explain the aspects of the rule or guidance that work well and why you think it works well.

(8) How can DOI better scale its regulations to lessen the burdens imposed on small entities within the existing statutory requirements? Please identify any regulations that, under the applicable laws, could exempt small entities or provide more flexible or less burdensome requirements.

(9) Are DOI regulations and guidance written in language that is clear and easy to understand? Please identify specific regulations and guidance that are good candidates for a plain language re-write.

(10) What are some suggestions that DOI can use to assure that its regulations promote its mission in ways that are most efficient and least burdensome?

DOI will consider public input as we develop a plan to periodically review the Department's significant rules. The Department has created a Web site at <http://www.doi.gov/open/regsreview> to facilitate participation by the public. This website provides links to the Department's regulations and a link to an e-mail in-box at [RegsReview@ios.doi.gov](mailto:RegsReview@ios.doi.gov) that interested parties may use to suggest, both during the comment period and on an ongoing basis, improvements to DOI's regulations.

The Department is issuing this request solely to seek useful information as it develops a plan to review its existing significant regulations. While responses to this request do not bind DOI to any further actions related to the response, all submissions will be made available to the public on <http://www.regulations.gov>.

Before including your 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 the public review, we cannot guarantee that we will be able to do so.

**Authority:** E.O. 13653, 76 FR 3821, Jan. 21, 2011; E.O. 12866, 58 FR 51735, Oct. 4, 1993.

Dated: February 18, 2011.

**David J. Hayes,**  
Deputy Secretary.

[FR Doc. 2011-4241 Filed 2-24-11; 8:45 am]

**BILLING CODE 4310-10-P**

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 205

**[Document Number AMS-NOP-11-0005; NOP-11-01]**

#### Regulatory Flexibility Act: Section 610 Review of National Organic Program Regulations

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Review and request for comments.

**SUMMARY:** This document announces the Agricultural Marketing Service's (AMS) plans to review the National Organic Program (NOP) regulations (7 CFR part 205). This review will be conducted under criteria contained in section 610 of the Regulatory Flexibility Act (RFA), as amended. The RFA provisions require that all Federal agencies review existing regulations that have a significant economic impact on a substantial number of small entities to determine whether the associated impact can be minimized.

**DATES:** Written comments must be received by April 26, 2011.

**ADDRESSES:** Interested persons may submit written comments on this review using the following addresses:

- **Mail:** Toni Strother, Agricultural Marketing Specialist, National Organic Program, USDA-AMS-NOP, 1400 Independence Ave., SW., Room 2646-So., Ag Stop 0268, Washington, DC 20250.

- **Internet:** <http://www.regulations.gov>.

Written comments responding to this review should reference the document number (AMS-NOP-11-0005; NOP-11-01). It is our intention to have all comments concerning this review, including names and addresses when provided, whether submitted by mail or Internet available for viewing on the Regulations.gov (<http://www.regulations.gov>) Internet site. Comments submitted in response to this notice of review will also be available for viewing in person at USDA, AMS, National Organic Program, 1400 Independence Ave., SW., Room 2646-

South Building, Washington, DC, from 9 a.m., to 12 noon and from 1 p.m. to 4 p.m., Monday through Friday (except official Federal holidays). Persons wanting to visit the USDA South Building to view comments received in response to this notice are requested to make an appointment in advance by calling (202) 720-3252.

**FOR FURTHER INFORMATION CONTACT:** Melissa Bailey, PhD, Director, Standards Division, National Organic Program, USDA-AMS-NOP, 1400 Independence Ave., SW., Room 2646-So., Ag Stop 0268, Washington, DC 20250-0268; telephone: (202) 720-3252; facsimile (202) 205-7808; or electronic mail: [Melissa.Bailey@usda.gov](mailto:Melissa.Bailey@usda.gov).

**SUPPLEMENTARY INFORMATION:** The NOP is authorized by the Organic Foods Production Act (OFPA) of 1990, as amended (7 U.S.C. 6501-6522). The Agricultural Marketing Service (AMS) administers the NOP. Under the NOP, the AMS oversees national standards for the production, handling, and labeling of organically produced agricultural products. Final regulations implementing the National Organic Program (NOP) were published December 21, 2000 (65 FR 80548), and became effective on October 21, 2002.

On March 24, 2006, AMS published in the **Federal Register** (71 FR 14827), its schedule to review certain regulations, including the NOP regulations, under criteria contained in section 610 of the RFA (5 U.S.C. 601-612). Because many AMS regulations impact small entities, AMS decided, as a matter of policy, to periodically review regulations, irrespective of whether specific regulations meet the threshold requirement for mandatory review established by the RFA. As a result, the Agency is now conducting this review of the NOP regulations.

The purpose of the review is to determine whether the NOP regulations should be continued without change, amended, or rescinded, consistent with the objectives of applicable statutes, to minimize the impacts on small entities. In conducting this review, the AMS will consider the following factors: (1) The continued need for the regulations; (2) the nature of complaints or comments received from the public concerning the regulations; (3) the complexity of the regulations; (4) the extent to which the regulations overlap, duplicate, or conflict with other Federal rules, and, to the extent feasible, with State and local regulations; and (5) the length of time since the regulations have been evaluated or the degree to which technology, economic conditions, or