

on other criteria it should be using when prioritizing its reviews of existing significant regulations.

In addition, FDA is seeking public comment on which, if any, regulations should be reviewed at this time. Please identify any regulation that should be modified, expanded, streamlined, or repealed to make our regulatory program more effective and less burdensome. Please be as specific as possible in your comments. To support its efforts to support innovation, FDA is particularly interested in comments that identify regulations that may be impediments to innovation and suggestions for how they can be improved.

Comments should focus on regulations that have demonstrated deficiencies. Comments that reiterate previously submitted arguments relating to recently issued rules will be less useful. Furthermore, the public should focus on rule changes that will achieve a broad public impact, rather than an individual personal or corporate benefit. Comments should reference a specific regulation by the Code of Federal Regulations (CFR) cite, and provide specific information on what needs fixing and why. Lastly, FDA stresses that this review is for published final rules; the public should not use this

process to submit comments on proposed rules.

The most useful comments will include which specific regulations need to be changed, strengthened or clarified, or revoked. It will be most helpful to include the specific reasons explaining why the change or revocation is necessary or desired, and to provide specific ways to improve the regulation, particularly any specific language modifications.

The Agency will be able to more efficiently review and consider comments that are submitted in the format shown in table 1 of this document:

TABLE 1—FORMAT FOR SUBMITTING COMMENTS

|  |   |
|--|---|
| Name of regulation   |   |
| Type of Product or FDA Center Regulating the Product.<br>Statute or Code of Federal Regulations cite (if known).<br>Brief Description of Problem ..... | (For example, is it outmoded, ineffective, insufficient, or excessively burdensome? Why?)   |
| Available Data on Cost or Economic Impact .....  | (Quantified benefits and cost if possible. Qualitative description, if needed.)   |
| Proposed Solution .....  | (Include the fix and procedure to solve it. For example, what would be the best way to modify, streamline, expand, or repeal the regulation?) |

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments regarding this document. It is only necessary to send one set of comments. It is no longer necessary to send two copies of mailed comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 20, 2011.

**Leslie Kux,**

*Acting Assistant Commissioner for Policy.*

[FR Doc. 2011-10131 Filed 4-26-11; 8:45 am]

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**DEPARTMENT OF THE INTERIOR**

**Office of Surface Mining Reclamation and Enforcement**

**30 CFR Part 936**

[SATS No. OK-033-FOR; Docket ID: OSM-2011-0001]

**Oklahoma Regulatory Program**

**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 Oklahoma regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Oklahoma proposes revisions to its program by adding size limitations for permanent impoundments; adding slope limitations affecting post-mine contours; adding a subsidence allegation reporting requirement; and adding a requirement for bond calculation at renewal. Oklahoma is proposing these additions to its program at its own initiative.

This document provides the times and locations that the Oklahoma program and proposed amendment to that program are available for public 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., May 27, 2011. If requested, we will hold a public hearing on the amendment on May 23, 2011. We will accept requests to speak at a hearing until 4 p.m., c.d.t. on May 12, 2011.

**ADDRESSES:** You may submit comments, identified by SATS No. OK-033-FOR, by any of the following methods:

- *E-mail:* [aclayborne@osmre.gov](mailto:aclayborne@osmre.gov).

Include "SATS No. OK-033-FOR" in the subject line of the message.

- *Mail/Hand Delivery:* Alfred L.

Clayborne, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 1645 South 101st East Avenue, Suite 145, Tulsa, Oklahoma 74128-4629.

- *Fax:* (918) 581-6419.

- *Federal eRulemaking Portal:* The amendment has been assigned Docket ID OSM02011-0001. If you would like to submit comments go to <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 Oklahoma regulations, 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 Tulsa Field Office; or you can view the full text of the program amendment available for you to read at <http://www.regulations.gov>.

Alfred L. Clayborne, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 1645 South 101st East Avenue, Suite 145, Tulsa, Oklahoma 74128-4629, Telephone: (918) 581-6430, E-mail: [aclayborne@osmre.gov](mailto:aclayborne@osmre.gov).

In addition, you may review a copy of the amendment during regular business hours at the following location:

Oklahoma Department of Mines, 2915 N. Classen Blvd., Suite 213, Oklahoma City, Oklahoma 73106-5406, Telephone: (405) 427-3859.

**FOR FURTHER INFORMATION CONTACT:**

Alfred L. Clayborne, Director, Tulsa Field Office. Telephone: (918) 581-6430. E-mail: [aclayborne@osmre.gov](mailto:aclayborne@osmre.gov).

**SUPPLEMENTARY INFORMATION:**

- I. Background on the Oklahoma Program
- II. Description of the Proposed Amendment
- III. Public Comment Procedures
- IV. Procedural Determinations

**I. Background on the Oklahoma 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, “\* \* \* State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of this Act \* \* \*; and rules and regulations consistent with 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 Oklahoma program on January 19, 1981. You can find background information on the Oklahoma program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Oklahoma program in the January 19, 1981, **Federal Register** (46 FR 4902). You can also find later actions concerning the Oklahoma program and program amendments at 30 CFR 936.10, 936.15, and 936.16.

**II. Description of the Proposed Amendment**

By letter dated February 25, 2011, (Administrative Record No. OK-1000), Oklahoma sent us amendments 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 Oklahoma. The full text of the program amendment is available for you to read at the locations listed above under

**ADDRESSES** or at <http://www.regulations.gov>.

*A. Oklahoma Administrative Code 460:20-43-14(b)(7) Size Limitations on Permanent Impoundments*

Oklahoma's regulations require both temporary and permanent impoundments to adhere to minimum criteria and design certification. Their proposed addition requires a permanent impoundment to have three (3) acres of drainage per acre-foot of storage in the impoundment or a water balance (precipitation runoff versus lake evaporation) showing that the length of time for the impoundment to fill and maintain a stable water level does not exceed a maximum of five (5) years. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES** or at <http://www.regulations.gov>.

*B. Oklahoma Administrative Code 460:20-43-38(1) Approximate Original Contour*

Oklahoma's regulations give general backfilling and grading requirements to achieve approximate original contour. Their proposed addition will add specific requirements relating to post mining slopes. Previously mined areas or areas deemed suitable for reforestation could be exempt from these standards if justified in writing by the applicant based on site conditions. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES** or at <http://www.regulations.gov>.

*C. Oklahoma Administrative Code 460:20-43-47(c)(3) & 460:20-45-47(c)(6) Subsidence Reporting*

Oklahoma's regulations require the operator to comply with all provisions of the approved subsidence control plan. Their proposed addition would require the operator to report to the Department all instances of alleged subsidence within 30 calendar days. The report must be in writing. The report must identify the location of the alleged subsidence in relation to the underground mine workings. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES** or at <http://www.regulations.gov>.

*D. Oklahoma Administrative Code 460:20-17-4(b)(2)(C) Requirement for Bond Calculation at Renewal*

Oklahoma's regulations have minimum requirements for permit renewal. Their proposed addition would require a current bond calculation (less than 60 days old) detailing the costs to reclaim the permit by a third party under the approved worst case bond scenario and evidence that the performance bond in effect for the operation will continue in full force and effect for any renewal requested, as well as any additional bond required by the Department pursuant to Subchapter 37 of this Chapter. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES** or at <http://www.regulations.gov>.

**III. Public Comment Procedures**

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether Oklahoma's proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of Oklahoma's 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 May 12, 2011. 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; 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 936

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 4, 2011.

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

[FR Doc. 2011-10142 Filed 4-26-11; 8:45 am]

**BILLING CODE 4310-05-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2011-0228]

RIN 1625-AA00

### Safety Zone, Brandon Road Lock and Dam to Lake Michigan Including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet-Saganashkee Channel, Chicago, IL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a permanent safety zone from Brandon Road Lock and Dam to Lake Michigan. This proposed safety zone will cover 77 miles of navigable waterways in the Chicago area and is intended to restrict vessels from entering certain segments of the navigable waters of the Des Plaines River, the Chicago Sanitary and Ship Canal (CSSC), branches of the Chicago River, and the Calumet-Saganashkee Channel (Cal-Sag Channel). This proposed safety zone is necessary to protect the waters, waterway users and vessels from hazards associated with a myriad of actions designed to control the spread of aquatic nuisance species. Because the Asian Carp Regional Coordinating Committee (ACRCC) may take such actions at any time and in any segment of the waterways covered by this proposed safety zone, this proposed safety zone would provide the Captain of the Port, Sector Lake Michigan, the ability to take targeted and expeditious action to protect vessels and persons from the hazards associated with any Federal and State efforts to control aquatic nuisance species.

**DATES:** Comments and related materials must be received by the Coast Guard on or before May 27, 2011.

**ADDRESSES:** You may submit comments identified by docket number USCG-2011-0228 using any one of the following methods:

(1) *Federal eRulemaking Portal:*

<http://www.regulations.gov>.

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

(3) *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

To avoid duplication, please use only one of these four methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call LCDR William Nabach, Asst. Chief, Prevention Department, Sector Lake Michigan, telephone 414-747-7159, e-mail address

[William.A.Nabach@uscg.mil](mailto:William.A.Nabach@uscg.mil). If you have questions related to the application of piscicide, please contact Mr. Bill Bolen, U.S. Environmental Protection Agency, Senior Advisor, Great Lakes National Program Office, 77 W. Jackson Blvd., Chicago, IL 60604, at (312) 353-6316. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

### SUPPLEMENTARY INFORMATION:

#### Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted, without change, to <http://www.regulations.gov> and will include any personal information you have provided.

#### Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG-2011-0228), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via <http://www.regulations.gov>)