individual civil penalty may be assessed; 11 AAC 90.637(a) and (b), concerning the amount of individual civil penalty; 11 AAC 90.639(a), (b), and (c), concerning procedures for assessment of an individual civil penalty; 11 AAC 90.641(a), (b), (c), and (d), concerning payments of an individual civil penalty; 11 AAC 90.652 through 11 AAC 90.669, concerning requirements for incidental mining of coal; 11 AAC 90.701(a), (b), and (c), concerning the filing of a petition to designate lands as unsuitable for surface coal mining operations; 11 AAC 90.901(a), concerning the applicability of Alaska’s rules to all coal exploration and surface coal mining and reclamation operations; 11 AAC 90.911(125), concerning the definition of “community or institutional building;” 11 AAC 90.911(126), concerning the definition of “cumulative impact area;” 11 AAC 90.911(128), concerning the definition of “other minerals;” 11 AAC 90.911(129), concerning the definition of “other treatment facility;” 11 AAC 90.911(130), concerning the definition of “precipitation event;” 11 AAC 90.911(133), concerning the definition of “registered professional engineer;” 11 AAC 90.911(134), concerning the definition of “registered professional land surveyor;” and 11 AAC 90.911(135), concerning the definition of “siltation structure.”

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 Alaska 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 (Oct 13, 2011) or sent to an address other than those listed above (see ADDRESSES) will be included in the docket for this rulemaking and considered.

Public Availability of Comments

Before including your address, phone number, email 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 in the electronic docket for this rulemaking at www.regulations.gov. 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., m.d.t. on November 17, 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 the hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at a 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 (Regulatory Planning and Review).

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 902

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 14, 2011.

Allen D. Klein,
Director, Western Region.

[FR Doc. 2011–28436 Filed 11–1–11; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 948

[SATS No. WV–118–FOR; Docket ID OSM–2011–0009]

West Virginia Regulatory Program

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

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

SUMMARY: We are announcing receipt of a proposed amendment to the West Virginia permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). On May 2, 2011, the West Virginia Department of Environmental Protection (WVD EP) submitted a program amendment to OSM that includes both statutory and regulatory revisions. That portion of the amendment dealing with changes to West Virginia’s Surface Mining Reclamation Regulations is the subject of this notice.

DATES: We will accept written comments on this amendment until
4 p.m. EDT, on December 2, 2011. If requested, we will hold a public hearing on the amendment on November 28, 2011. We will accept requests to speak until 4 p.m. EDT, on November 17, 2011.

**ADDRESSES:** You may submit comments by any of the following two methods:

2. Mail/hand Delivery: Mr. Roger W. Calhoun, Director, Charleston Field Office, Office of Surface Mining Reclamation and Enforcement, 1027 Virginia Street, East, Charleston, West Virginia 25301.

Please include the rule identifier (WV–118–FOR) with your written comments.

**Instructions:** All submissions received must include the agency Docket ID (OSM–2011–0009) for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see ‘I. Public Comment Procedures’ in the **SUPPLEMENTARY INFORMATION** section of this document. You may also request to speak at a public hearing by any of the methods listed above or by contacting the individual listed under **FOR FURTHER INFORMATION CONTACT.**

**Docket:** The proposed rule and any comments that are submitted may be viewed over the internet at http://www.regulations.gov. Look for Docket ID OSM–2011–0009. In addition, you may review copies of the West Virginia program, this amendment, a listing of the individual listed under **FOR FURTHER INFORMATION CONTACT.**

**Morgantown Area Office, Office of Surface Mining Reclamation and Enforcement, 604 Cheat Road, Suite 150, Morgantown, West Virginia 26508, Telephone: (304) 291–4004.**

**Beckley Area Office, Office of Surface Mining Reclamation and Enforcement, 313 Harper Park Drive, Suite 3, Beckley, West Virginia 25801, Telephone: (304) 255–5265.**

**FOR FURTHER INFORMATION CONTACT:** Mr. Roger W. Calhoun, Director, Charleston Field Office, Telephone: (304) 347–7158. Email: chfo@osmre.gov.

**SUPPLEMENTARY INFORMATION:**

I. Background on the West Virginia 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 the Act..." and rules and regulations consistent with regulations issued by the Secretary pursuant to the 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 West Virginia program on January 21, 1981. You can find background information on the West Virginia program, including the Secretary's findings, the disposition of comments, and conditions of approval of the West Virginia program in the January 21, 1981, Federal Register (46 FR 5915). You can also find later actions concerning West Virginia's program and program amendments at 30 CFR 948.10, 948.12, 948.13, 948.15, and 948.16.

II. Description and Submission of the Amendment

By letter dated April 25, 2011, and received by OSM on May 2, 2011 (Administrative Record Number WV–1561), the WVDEP submitted an amendment to its program under SMCRA (30 U.S.C. 1201 et seq.). The proposed amendment consists of both statutory and regulatory revisions. However, this notice only addresses that portion of the amendment that concerns revisions to West Virginia's Surface Mining Reclamation Regulations at Code of State Regulations (CSR) Title 38, Series 2.

Enrolled Committee Substitute for Senate Bill No. 121 (SB 121) passed the West Virginia Legislature on March 18, 2011, and was signed by the Governor on March 30, 2011. SB 121 authorized WVDEP to promulgate several revisions to its Surface Mining Reclamation Regulations. SB 121 authorizes regulatory revisions which codifies an Emergency Rule filed on December 2009 which relates to trust funds and annuities; clarifies the format and information necessary for complete application submittal and clarification on the renewal process to take into account WVDEP's electronic permit filing processes; modifies the provision that an approved person must be capable and maintain the capability of submitting maps, plans and all other technical data in an electronic format prescribed by the Secretary; modifies the provision that pre-subsidence surveys shall be confidential and only used for evaluating damage relating to subsidence; clarifies that bonding for a permit in inactive status shall remain in effect for the life of the operation; and modifies the provision that the Secretary shall provide email notice of the issuance of a show cause order to members of the public who have subscribed to the Secretary's email notification service and otherwise provide notice to any person whose citizen complaint has resulted in the issuance of any violation that led to the issuance of a show cause order.

III. Description of West Virginia’s Proposed Action

1. Permit Application Requirements—CSR 38–2–3.1.c.4

The State proposes adding the words “if available” before “MSHA number” to require the submission of the MSHA number by the applicant if it is available. This proposed State revision falls under the Federal provisions at 30 CFR 778.12(c) and sections 507, 508, 510, and 515 of SMCRA.

2. Permit Application Requirements—CSR 38–2–3.1.d

The State is proposing to add the language “either in the application or in an electronic database accessible to the agency which has been updated within three months of submittal” after the word “List” to indicate the kinds of ownership or control information that is to be included in the permit application. This proposed State revision falls under the federal provisions at 30 CFR 778.12 and sections 507, 508, 510, and 515 of SMCRA.
3. Permit Application Requirements—CSR 38–2–3.1.k

The State is proposing to add the language “either in the application or in an electronic database accessible to the agency which has been updated within three months of submittal” after “List” to indicate the kinds of violation information that is to be included in the permit application. This proposed State revision falls under the Federal provisions at 30 CFR 778.14 and sections 507, 508, 510, and 515 of SMCRA.

4. Advertisement of Permit—CSR 38–2–3.2.a

The State is proposing to add the word “technically” and removing the word “administratively” before “complete” to indicate that a permit application must be technically complete, not administratively complete, to begin the advertisement. This proposed State revision falls under the Federal provisions at 30 CFR 773.6 and sections 506, 507, and 513 of SMCRA.

5. Maps for Permit—CSR 38–2–3.4.b

The State is proposing to add the language “in a format prescribed by the Secretary and either be” on paper 30 by 42 inches after the word “submitted” and “or, if electronic, be capable of being printed on paper of this size.” after the word “less” to allow for the submission of paper or electronic maps in a format prescribed by the Secretary. This proposed State revision falls under the Federal provisions at 30 CFR 779.24 and 782.24 and sections 506 and 507 of SMCRA.


The State is proposing to add new language in this subsection that will provide “All surveys” of the condition of all non-commercial buildings or residential dwellings and structures related thereto “shall be confidential and only used for evaluating damage relating to subsidence. The Secretary shall develop a procedure for assuring surveys shall remain confidential.” This proposed State revision falls under the Federal provisions at 30 CFR 784.20 and sections 507(a), 508(a), 510(b), 515(b), and 516 of SMCRA.

7. Certifications by Professional Surveyors—CSR 38–2–3.15.a. 3.15.b.1; 4.1.2.a.7; 4.10.a.1; 4.12; 5.4.d.2; 5.4.d.3; 5.4.e.1; 5.4.e.3; 7.5.b.11; 7.5.g.1.A; 7.5.g.2.A

Throughout the regulations the words “licensed land” have been deleted and the word “professional” added before “surveyor” to clarify that surveyors certified and licensed in West Virginia are considered to be professional surveyors. The proposed State revisions fall under the Federal provisions at 30 CFR 780.14(c), 780.25, 780.37, 784.23, 784.16, 784.24, 816/817.46(b), 816/817.49(a)(11), and 816/817.151 and sections 507(b)(14) and 515(b)(10)(B)(ii) of SMCRA.

8. Approved Persons—CSR 38–2–3.15.b.3

The State is proposing to add new language at the end of the paragraph to read: “Furthermore, any person seeking an approval must be capable and maintain the capability of submitting maps, plans and all other technical data in an electronic format proscribed by the Secretary.” Although there are no specific Federal requirements governing approved persons, these proposed revisions fall under the provisions at 30 CFR 780.14(c) and sections 507(b)(14) and 515(b)(10)(B)(ii) of SMCRA.

9. Bonding: Trust Fund or Annuity—CSR 38–2–11.3.f

All of subsection 11.3.f is new and can be viewed in its entirety at http://www.regulations.gov. Under the proposed rule, a permittee, with the approval of the Secretary, may establish a trust fund, annuity or both to guarantee treatment of long-term postmining pollutional discharges in lieu of posting a bond. The trust fund or annuity will be subject to certain conditions. The proposed revisions fall under the Federal provisions at 30 CFR 800.4, 800.11, 800.13, 800.14, 800.16, and 800.17, and sections 509 and 519 of SMCRA.

10. Inactive Status Procedures—CSR 38–2–14.11.h

Under the proposed rule, the Secretary may grant inactive status for a term longer than those set forth currently in (e), (f), and now (g). This will allow the Secretary to grant inactive status for coal refuse sites to exceed a period of 10 years. New language is also being added to provide that “Bonding in this manner shall remain in effect for the life of the operation.” This will require the permittee of an operation that receives inactive status approval to furnish and maintain a full-cost reclamation bond for the life of the operation. These proposed revisions fall under the Federal provisions at 30 CFR 816 and 817.131 and sections 509, 510, and 515 of SMCRA.

11. Show Cause Orders—CSR 38–2–20.4.a

The State is proposing to add new language to provide that “The Secretary shall provide email notice of the issuance of a show cause order to members of the public who have subscribed to the Secretary’s email notification system and otherwise provide notice to any person whose citizen’s complaint has resulted in the issuance of any violation that led to the issuance of the show cause order.” This is to ensure that citizens who subscribe to the Secretary’s email notification system get notified of all show cause orders, and any citizen whose complaint resulted in an enforcement action that led to a show cause notice is also notified. These proposed revisions fall under the Federal provisions at 30 CFR 843.14 and sections 521, 525, and 526 of SMCRA.

IV. 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 West Virginia program.

Written Comments

Send your written comments to OSM at one of 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 may 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) or sent to an address other than those listed above (see ADDRESSES).

Availability of Comments

Before including your address, phone number, email 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. (local time), on November 17, 2011. 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 there is limited interest in 
participation in a public hearing, 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 
will be open to the public and, if 
possible, we will post notices of 
meetings at the locations listed under 
ADRESSES. We will make a written 
summary of each meeting a part of the 
Administrative Record. 

V. 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 
revision to OSM for review, our 
regulations at 30 CFR 732.17(b) 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 
revision 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 948 

Intergovernmental relations, Surface 
mining, Underground mining. 


Thomas D. Shope, 
Regional Director, Appalachian Region. 

[FR Doc. 2011–28441 Filed 11–1–11; 8:45 am] 

BILLING CODE 4310–05–P 

ENVIRONMENTAL PROTECTION 
AGENCY 

40 CFR Part 52 


Approval and Promulgation of Air 
Quality Implementation Plans; 
Pennsylvania; Attainment Plan for the 
Pennsylvania Portion of the 
Philadelphia–Wilmington, 
Pennsylvania–New Jersey–Delaware 
1997 Fine Particulate Matter 
Nonattainment Area 

AGENCY: Environmental Protection 
Agency (EPA). 

ACTION: Proposed rule. 

SUMMARY: EPA is proposing to approve 
revisions to the Pennsylvania State 
Implementation Plan (SIP), which was 
submitted to EPA on April 12, 2010 to 
 demonstrate attainment of the 1997 
annual fine particulate matter (PM_{2.5}) 
national ambient air quality standard 
(NAAQS) for the Pennsylvania portion 
of the Philadelphia–Wilmington, 
Pennsylvania–New Jersey–Delaware (PA– 
NJ–DE) nonattainment area (Philadelphia 
area). This plan (herein 
called the “attainment plan”) includes 
the Pennsylvania portion of the 
Philadelphia area’s attainment 
demonstration and motor vehicle 
emission budgets (MVEBs) used for 
transportation conformity purposes. The 
attainment demonstration includes an 
analysis of reasonably available control 
measures (RACM) and reasonably 
available control technology (RACT), a 
base year emissions inventory, and 
contingency measures. The requirement 
for a reasonable further progress (RFP) 
plan is not required because 
Pennsylvania projected that attainment 
of the 1997 PM_{2.5} NAAQS would have 
happened in the Pennsylvania portion of 
the Philadelphia area by the attainment 
date, April 2010. This action is being 
taken in accordance with the Clean Air 
Act (CAA) and the Clean Air Fine 
Particulate Implementation Rule (PM_{2.5} 
Implementation Rule) issued by EPA on 
April 25, 2007. 

DATES: Written comments must be 
received on or before December 2, 2011. 

ADDRESS: Submit your comments, 
identified by Docket ID Number EPA– 
R03–OAR–2010–0391 by one of the 
following methods: 

A. www.regulations.gov. Follow the 
on-line instructions for submitting 
comments. 
B. Email: fernandez.cristina@epa.gov. 
C. Mail: EPA–R03–OAR–2010–0391, 
Cris tina Fernandez, Associate Director, 
Office of Air Planning Program, 
Mailcode 3AP30, U.S. Environmental 
Protection Agency, Region III, 1650 
Arch Street, Philadelphia, Pennsylvania 
19103. 

D. Hand Delivery: At the previously 
listed EPA Region III address. Such 
deliveries are only accepted during the 
Docket’s normal hours of operation, and 
special arrangements should be made for 
deliveries of boxed information. 

Instructions: Direct your comments to 
Docket ID No. EPA–R03–OAR–2010– 
0391. EPA’s policy is that all comments 
received will be included in the public 
docket without change, and may be 
made available online at 
www.regulations.gov, including any 
personal information provided, unless 
the comment includes information 
claimed to be Confidential Business 
Information (CBI) or other information 
whose disclosure is restricted by statute. 
Do not submit information that you 
consider to be CBI or otherwise 
protected through www.regulations.gov 
or email. The www.regulations.gov Web 
site is an “anonymous access” system, 
which means EPA will not know your 
identity or contact information unless 
you provide it in the body of your 
comment. If you send an email 
comment directly to EPA without going 
through www.regulations.gov, your 
email address will be automatically 
captured and included as part of the 
comment that is placed in the public 
docket and made available on the 
Internet. If you submit an electronic 
comment, EPA recommends that you 
include your name and other contact 
information in the body of your 
comment and with any disk or CD–ROM 
you submit. If EPA cannot read your 
comment due to technical difficulties 
and cannot contact you for clarification, 
EPA may not be able to consider your 
comment. Electronic files should avoid 
the use of special characters, any form 
of encryption, and be free of any defects 
or viruses. 

Docket: All documents in the 
electronic docket are listed in the 
www.regulations.gov index. Although 
listed in the index, some information is 
not publicly available, i.e., CBI or other 
information whose disclosure is 
restricted by statute. Certain other 
material, such as copyrighted material,