also known as titanium IV, 2,2\textsuperscript{[bis 2-
propenolato-methyl, butanolato, tris
(dioctyl) phosphato] (CAS 110438–25–
0), or LICA 12 (CAS 103850–22–2);
(ii) Titanium IV, [(2-propenolato-1
methyl, n-propolatolatmethyl]
butanolato-1,
tris(dioctyl)pyrophosphate, or KR3538;
(iii) Titanium IV, [(2-propenolato-1
methyl, propolatolatmethyl]
butanolato-1, tris(dioctyl) phosphate;
(15) PCDE
(Polycyanofluoroaminoethyloxide);
(16) Certain bonding agents, as
follows:
(i) 1,1H-Isophthaloyl-bis(2-
ethaziridine) (HX–868, BITA (CAS
7722–73–8); or
(ii) Polyfunctional aziridine amides
with isophthalic, trimesic, isocyanuric,
or trimethyladipic backbone also having
a 2-methyl or 2-ethyl aziridine group;
Note to paragraph (f)(ii)(i): Include are 1) 1,1H-Isophthaloyl-bis-
(2-ethylaziridine) (HX–752) (CAS 7652–
64–4); 2) 2,4,6-tris(2-ethyl-1-aziridinyl)-
1,3,5-triazine (HX–874) (CAS 18924–91–
9); and 3) 1,1\textsuperscript{[bis 2-
ethylaziridine] (HX–877) (CAS 71463–
62–2). (17) Superfine iron oxide (Fe\textsubscript{2}O\textsubscript{3},
hematite) with a specific surface area
particle size of 0.003 micrometers or
less (CAS 1309–37–1); (18) TEPAN (HX–879)
(tetraethylenepentaamineacrylonitrile)
(CAS 68412–45–3) or cyanotethylated
polyamines and their salts;
(19) TEPANOL (HX–878) (tetraethylenepentaamineacrylonitrileglycidol)
(CAS 110445–33–5) or cyanotethylated
polyamines adducted with glycidol and their salts;
(20) TBP (triphenyl bismuth) (CAS
603–33–8); or
(21) Tris (ethoxyphenyl) bismuth
(TEPB) (CAS 90591–48–3).
(g) Precursors, as follows:
(1) BCMO (bischloromethylethoxetane)
(CAS 142173–26–0);
(2) DADN (1,5-diacyl-3,7-dinitro-1,
3, 5, 7-tetracyclocloctano;
(3) Dinitroazetidine-t-butyl salt (CAS
125735–38–8);
(4) CL–20 precursors (any molecule
containing hexaazaazowurtizane) (e.g.,
HB\textsubscript{1}I\textsubscript{W}
(hexabenzyhexaazaazowurtizane),
TAIW (tetraacylyldibenzylehexa-
azaazowurtizane));
(5) TAT (1, 3, 5, 7-tetraacyl-1, 3, 5,
7-tetraacyclocloctano) (CAS 41378–98–
7);
(6) Tetraazadecalin (CAS 5409–42–7);
(7) 1,3,5-trichlorobenzene (CAS 108–
70–3); or
(8) 1,2,4-trihydroxybutane (1,2,4-
butanetriol) (CAS 3068–00–6),
(b) Any explosive, propellant,
pyrotechnic, fuel, oxidizer, binder,
additive, or precursor that:
(1) is classified;
(2) is manufactured using classified
production data; or
(3) is being developed using classified
information.
“Classified” means classified
pursuant to Executive Order 13526, or
predecessor order, and a security
classification guide developed pursuant
thereto or equivalent, or to the
corresponding classification rules of
another government.
(i) Developmental explosives,
propellants, pyrotechnics, fuels,
oxidizers, binders, additives, or
precursors thereof developed under a
contract with the U.S. Government not
otherwise controlled under this
category.
(j) Technical data (as defined in
§ 120.10 of this subchapter) and defense
services (as defined in § 120.9 of this
subchapter) directly related to the
defense articles numerated in
paragraphs (a) through (i) of this
category (see also § 123.20 of this
subchapter).
(k) The following interpretations
explain and amplify the terms used in
this category and elsewhere in this
subchapter:
(1) Category V contains explosives,
energetic materials, propellants, and
pyrotechnics and specially formulated
fuels for aircraft, missile, and naval
applications. Explosives are solid,
liquid, or gaseous substances or
mixtures of substances, which, in their
primary, booster, or main charges in
warheads, demolition, or other military
applications. A mixture of substances, which
in an uncontrolled part. A cured
beryllium converted to a near net shape
is calculated using standard conditions
(1000 psi chamber pressure expanded to
14.7 psi) and measured in units of
pound-force-seconds per pound-mass
(lbf–s/lbm) or simplified to seconds (s).
Calculations will be based on shifting
equilibrium.
(5) Particle size is the mean particle
diameter on a weight basis. Best
industrial practices will be used in
determining particle size and the
controls may not be undermined by
addition of larger or smaller sized
material to shift the mean diameter.

Note 1: To assist the exporter, an item has
been categorized by the most common use.
Also, where appropriate, references have
been provided to the related controlled
precursors.

Note 2: Chemical Abstract Service (CAS)
registry numbers do not cover all the
substances and mixtures controlled by
this category. The numbers are provided as
elements to assist government agencies in
the license review process and exporters
when completing their license application
and export documentation.

* * * * * Dated: April 24, 2012.
Rose E. Gottemoeller,
Acting Under Secretary, Arms Control and
International Security, Department of State.
[FR Doc. 2012–10455 Filed 5–1–12; 8:45 am]
BILLING CODE 4710–25–P

DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation
and Enforcement
30 CFR Part 943
[SATS No. TX–060–FOR; Docket ID: OSM–
2012–0007]
Texas 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 Texas
regulatory program (Texas program)
under the Surface Mining Control and
Reclamation Act of 1977 (SMCRA or the
Act). Texas proposes revisions to its
regulations regarding: definitions;
review of permit applications; criteria
for permit approval or denial; 
commission review of outstanding 
permits; challenge of ownership or 
control and applicant/violator system 
procedures; identification of interests 
and compliance information; mining in 
previously mined areas; conditions of 
permits; revegetation standards; 
cessation orders; alternative 
enforcement; application approval and 
notice; permit revisions; permit 
renewals; transfer, assignment or sale of 
permit rights; and requirements for new 
permits for persons succeeding to rights 
granted under a permit. Texas intends to 
revise its program to be no less effective 
than the Federal regulations and 
improve operational efficiency.

This document gives the times and 
locations that the Texas program and 
this 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., June 1, 2012. If requested, 
we will hold a public hearing on the 
amendment on May 29, 2012. We will 
accept requests to speak at a hearing 
until 4 p.m., c.d.t. on May 17, 2012.

ADDRESSES: You may submit comments, 
identified by SATS No. TX–060–FOR, 
by any of the following methods: 
- 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: 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 
detail 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 Texas 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 Tulsa Field Office or 
going to 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, Email: 
aclayborne@osmre.gov.

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

- Surface Mining and Reclamation 
Division, Railroad Commission of 
Texas, 1701 North Congress Avenue, 
Capitol Station, P.O. Box 12967. Austin, 
Texas 78711–2967, Telephone: (512) 
463–6900.

FOR FURTHER INFORMATION CONTACT: 
Alfred L. Clayborne, Director, Tulsa 
Field Office, Telephone: (918) 581– 
6430, Email: aclayborne@osmre.gov.

SUPPLEMENTARY INFORMATION:

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

Background on the Texas Program

Section 503(a) of the Act permits a 
State to assume primary responsibility 
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 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 Texas 
program effective February 16, 1980. 
You can find background information 
about the Texas program, including 
the Secretary’s findings, the disposition 
of comments, and the conditions of 
approval of the Texas program in the 
February 27, 1980, Federal Register 
(45 FR 12998). You can also find 
additional information at the following 
section of this document.

D. Section 12.3 Definitions

Texas proposes to modify this section 
by revising, adding, or deleting language 
for the definitions of Applicant/Violator 
System; Control or controller; Knowing 
or knowingly; Lands eligible for 
remining; Own, owner, or ownership; 
Owned or controlled and owns and 
controls; Remining; Violation; Violation, 
failure, or refusal; Violation notice; and 
Willful or willfully.

B. Section 12.100 Responsibilities

Texas proposes to remove the word 
“renewal” from the provision that 
places the burden on the applicant to 
establish that an application is in 
compliance with all the Commission’s 
requirements.

C. Section 12.116 Identification of 
Interests and Compliance Information 
(Surface Mining)

Texas proposes to delete language in 
this section regarding identification of 
interests and compliance information 
and replace it with new language 
regarding certifying and updating 
existing permit information, permit 
applicant and operator information, 
permit history information, property 
interest information, violation 
information, and commission actions.

D. Section 12.153 Identification of 
Interests

Texas proposes to delete this section 
and incorporate the language into 
§ 12.156 for efficiency.

E. Section 12.156 Identification of 
Interest and Compliance Information 
(Underground Mining)

Texas proposes to add language to 
this section regarding identification of 
interests; specifically, certifying and 
updating permit application 
information, permit applicant and 
operator information, permit history 
information, property interest information, 
vioation information, and commission actions.

F. Section 12.206 Mining in Previously 
Mined Areas

Texas proposes to add new language 
regarding application requirements for 
operations on lands eligible for 
remining.
G. Section 12.215 Review of Permit Applications

Texas proposes to add language requiring the entry and updating of data into the Applicant Violator System. Additionally, language is being added regarding the review of permit history, review of compliance history, and making a permit eligibility determination based on this information.

H. Section 12.216 Criteria for Permit Approval or Denial

Texas proposes to add language stating that permits related to remining must contain lands eligible for remining, an identification of potential environmental and safety problems, and mitigation plans that address any potential environmental or safety problems.

I. Section 12.225 Commission Review of Outstanding Permits

Texas proposes to add language regarding written findings and preliminary findings for improvidently issued permits. Additionally, changes are proposed regarding permit suspension and rescission timeframes and appeal rights.

J. Section 12.234 Challenge of Ownership or Control, Information on Ownership and Control, and Violations, and Applicant/Violator System Procedures

Texas proposes to renumber its § 12.234 as § 12.235 and add new language to create a new § 12.234 regarding ownership and control challenges—specifically—the applicability, procedures, burden of proof, written agency decisions, and post-permit issuance information requirements.

K. Section 12.395 Revegetation: Standards for Success (Surface Mining) and § 12.560 Revegetation: Standards for Success (Underground Mining)

Texas proposes to delete language in this section regarding liability periods and replace it with new language that better matches the Federal regulations.

L. Section 12.676 Alternative Enforcement

Texas proposes to add new language regarding alternative enforcement; specifically for general provisions, criminal penalties, and civil actions for relief.

M. Section 12.677 Cessation Orders

Texas proposes to add new language requiring written notification to the permittee, the operator, and anyone listed or identified as an owner or controller of an operation, within 60 days of issuing a cessation order.

N. Section 12.221 Conditions of Permits: Environment, Public Health, and Safety; § 12.239 Application Approval and Notice; § 12.226 Permit Revisions; § 12.228 Permit Renewals: Completed Applications; § 12.232 Transfer, Assignment or Sale of Permit Rights: Obtaining Approval; and § 12.233 Requirements for New Permits for Persons Succeeding to Rights Granted Under a Permit

Texas proposes to make minor, nonsubstantial reference changes in these sections.

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, 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., C.D.T. on May 17, 2012. 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...
DEPARTMENT OF DEFENSE
Department of the Army, Corps of Engineers

33 CFR Part 334

Oregon Army National Guard, Camp Rilea, Clatsop County, OR; Danger Zone

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of proposed rulemaking and request for comments.

SUMMARY: The U.S. Army Corps of Engineers is proposing to establish a new danger zone in the waters adjacent to Camp Rilea located in Clatsop County, Oregon. The regulation would prohibit any activity by the public within the danger zone during use of weapons training ranges. The new danger zone is necessary to ensure public safety and satisfy the Oregon National Guard operations requirements for small arms training.

DATES: Written comments must be submitted by June 1, 2012.

ADDRESSES: You may submit comments, identified by docket number COE–2011–0036, by any of the following methods:


Email: david.h.olson@usace.army.mil. Include the docket number, COE–2011–0036, in the subject line of the message.


Hand Delivery/Courier: Due to security requirements, we cannot receive comments by hand delivery or courier.

Instructions: Direct your comments to docket number COE–2011–0036. All comments received will be included in the public docket without change and may be made available on-line at http://www.regulations.gov, including any personal information provided, unless the commenter indicates that 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 regulations.gov or email. The regulations.gov web site is an anonymous system, which means we will not know your identity or contact information unless you provide it in the body of your comment. If you send an email directly to the Corps without going through 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, we recommend 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 we cannot read your comment because of technical difficulties and cannot contact you for clarification, we may not be able to consider your comment. Electronic comments should avoid the use of any special characters, any form of encryption, and be free of any defects or viruses.

Docket: For access to the docket to read background documents or comments received, go to www.regulations.gov. All documents in the docket are listed. Although listed in the index, some information is not publicly available, such as CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form.


SUPPLEMENTARY INFORMATION: In response to a request from the Oregon Army National Guard, and pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3), the Corps is proposing to amend the regulations at 33 CFR part 334 to establish a new danger zone. The proposed danger zone would prohibit access to waters adjacent to Camp Rilea during use of weapons training ranges, thereby ensuring that no threat is posed to passing water traffic due to ricochet rounds.

Procedural Requirements

a. Review Under Executive Order 12866. The proposed rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

b. Review Under the Regulatory Flexibility Act. This proposed rule has been reviewed under the Regulatory Flexibility Act (Pub. L. 96–354) which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small governments). Unless information is obtained to the contrary during the public notice comment period, the Corps expects that this danger zone would have practically no economic impact on the public, and minimal anticipated navigational hazard or interference with existing waterway traffic. This proposed rule, if adopted, will have no significant economic impact on small entities.

c. Review under the National Environmental Policy Act. Due to the administrative nature of this action and because the proposed site for the danger zone is located in the Pacific Ocean and vessels may navigate around the prohibited area, the Corps expects that this regulation, if adopted, will not have a significant impact to the quality of the human environment and, therefore, preparation of an environmental impact statement will not be required. An environmental assessment will be prepared after the public notice period is closed and all comments have been received and considered.

d. Unfunded Mandates Act. This proposed rule does not impose an enforceable duty among the private sector and, therefore, it is not a Federal private section mandate and it is not subject to the requirements of either section 202 or Section 205 of the Unfunded Mandates Act. We have also found under Section 203 of the Act, that small governments will not be significantly and uniquely affected by this rulemaking.

List of Subjects in 33 CFR Part 334

Danger zones, Marine safety, Navigation (water), Restricted areas, Waterways.

For the reasons stated in the preamble, the Corps proposes to amend 33 CFR part 334 as follows: