

perspectives from stakeholders concerning the benefits and costs of revising the Department's title III regulation to ensure the accessibility of movies (from both a quantitative and qualitative perspective), particularly from members of the disability community, industry, and governmental entities. The Department thus asks for information so that the Department can determine whether such a proposed rule (1) should be deemed an economically "significant regulatory action" as defined in section 3(f) of E.O. 12866; or (2) would have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act and, if so, consider suggested alternative regulatory approaches to minimize any such impact.

Consistent with the Regulatory Flexibility Act of 1980 and Executive Order 13272, the Department must consider the impacts of any proposed rule on small entities, including, in pertinent part, small businesses and small nonprofit organizations. See 5 U.S.C. 603-04 (2006); E.O. 13272, 67 FR 53461 (Aug. 13, 2002). The Department will make an initial determination as to whether any rule it proposes is likely to have a significant economic impact on a substantial number of small entities, and if so, the Department will prepare an initial regulatory flexibility analysis analyzing the economic impacts on small entities and regulatory alternatives that reduce the regulatory burden on small entities while achieving the goals of the regulation. In response to this ANPRM, the Department encourages small entities to provide cost data on the numbers of small entities that may be impacted by this rule, the potential economic impact of adopting a specific requirement for captioning and video description and recommendations on less burdensome alternatives, with cost information.

Question 20. The Small Business Administration size standard for small movie theatres is \$7 million dollars in annual gross revenues. Does the public have estimates of the numbers of small entities that may be impacted by future regulation governed by this ANPRM? How many small entities presently provide movie captioning or video description? How many small entities already have, or have plans to convert to, digital cinema? How many small entities presently have, or plan to convert to, digital sound systems? How much would it cost each small entity to provide movie captioning and video description technology using digital sound? How much would it cost each small entity to provide movie

captioning or video description if the entity converted to digital cinema?

Question 21. Currently, what are the general costs per movie theater owner or operator to display movies with closed captioning? How many small entities offer this feature? What are the general costs to small entities to display movies with open or closed captioning? For all entities, is that figure per auditorium, per facility, or per company? Do these costs change for showing IMAX or 3D films with captions? Are there any cost-sharing or cost-allocation agreements that help mitigate these costs for movie theater owners or operators? Is most or all of this expense a one-time fee? If not, please explain.

Question 22. Currently, what are the general costs per movie theater owner or operator to display movies with video description? How many small entities offer this feature? What are the general costs to small entities to display movies with video description? For all entities, is that figure per auditorium, per facility, or per company? Are there any cost-sharing or cost-allocation agreements that help mitigate these costs for movie theater owners or operators? Is most or all of this expense a one-time fee? If not, please explain.

Question 23. Currently, what are the general costs to convert to digital cinema? Are the costs different for small entities? If so, why? What are the costs for small entities? Is that figure per auditorium, per facility, or per company? Are there cost-sharing or cost-allocation agreements that help mitigate these costs for movie theater owners or operators?

Question 24. What impact will the measures being contemplated by the Department requiring captioning and video description of movies have on small entities? Please provide information on: (a) Capital costs for equipment needed to meet the regulatory requirements; (b) costs of modifying existing processes and procedures; (c) any effects to sales and profits, including increases in business due to tapping markets not previously reached; and (d) changes to market competition as a result of the proposed rule.

Question 25. Should any category or type of movie theater be exempted from any regulation requiring captioning or video description? For example, the Department now considers it likely that drive-in theaters will not be subject to this rule because the Department is not aware of any currently available technology that would enable closed captioning or video description of movies shown in drive-in theaters. Are

there other types of movie facilities that should be exempted and why?

Question 26. If an exemption is provided, how should such an exemption be structured? Should it be based on the size of the company? To determine size, should the Department consider (a) using the Small Business Size Standard of \$7 million dollars in annual gross revenue so that movie theater owners who fall within those parameters should be exempt?; (b) using factors such as whether the movie theater owner is an independent movie house (not owned, leased, or operated by, a movie theater chain), or small art film house in order to be exempt?; or (c) using some other formula or factors to determine if a movie theater owner should be exempt? Should the Department consider the establishment of different compliance requirements or timetables for compliance for small entities, independent movie houses, or small art film houses to take into account the resources available to small entities? What are other alternatives for small businesses, independent movie houses, or small art film houses that would minimize the cost of future regulations?

Dated: July 21, 2010.

Thomas E. Perez,

Assistant Attorney General, Civil Rights Division.

[FR Doc. 2010-18337 Filed 7-22-10; 4:15 pm]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 926

[SATS No. MT-030-FOR; Docket ID No. OSM-2009-0007]

Montana Regulatory Program

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

ACTION: Proposed rule; reopening and extension of public comment period on proposed amendment.

SUMMARY: We are announcing receipt of revisions pertaining to a previously proposed statutory amendment to the Montana regulatory program (hereinafter, the "Montana program") under the Surface Mining Control and Reclamation Act of 1977 ("SMCRA" or "the Act"). Montana revised its original amendment proposal to remain consistent with SMCRA and Office of Surface Mining Reclamation and Enforcement ("OSM") policy. The

revised amendment pertains to exempting certain small water treatment and other facilities areas from the 10-year revegetation responsibility period. Montana intends to revise its program to be consistent with OSM's interpretation of SMCRA, clarify ambiguities, and to improve operational efficiency.

DATES: We will accept written comments on this amendment until 4 p.m., [m.d.t.] August 25, 2010.

ADDRESSES: You may submit comments, identified by "SATS No. MT-030-FOR" or "Docket ID No. OSM-2009-0007," by any of the following methods:

- *E-mail:* cbelka@osmre.gov. Please include "Docket ID No. OSM-2009-0007" in the subject line of the message.
- *Mail/Hand Delivery/Courier:* Jeffrey Fleischman, Chief, Casper Field Office, Office of Surface Mining, Reclamation and Enforcement, Dick Cheney Federal Building POB 11018, 150 East B Street, Casper, WY 82601-7032, (307) 261-6550.
- *Fax:* (307) 261-6552.
- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions below for submitting comments.

Instructions: All submissions received must include the agency name and Docket ID No. OSM-2009-0007. 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: Access to the docket, to review copies of the Montana program, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document, may be obtained at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting Office of Surface Mining Reclamation and Enforcement (OSM's) Casper Field Office. In addition, you may review a copy of the amendment during regular business hours at the following locations:

Jeffrey Fleischman, Chief, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, Dick Cheney Federal Building POB 11018, 150 East B Street, Casper, WY 82601-7032, (307) 261-6550, jfleischman@osmre.gov.

Edward L. Coleman, Bureau Chief, Industrial and Energy Minerals Bureau, Department of Environmental Quality, P.O. Box 200901, Helena, MT 59620-0901, (406) 444-2544, ecoleman@mt.gov.

FOR FURTHER INFORMATION CONTACT: Jeffrey Fleischman, Casper Field Office Director. Telephone: (307) 261-6550. Internet address: jfleischman@osmre.gov.

SUPPLEMENTARY INFORMATION:

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

I. Background on the Montana 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 State 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 Montana program on April 1, 1980. You can find background information on the Montana program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Montana program in the April 1, 1980, **Federal Register** (45 FR 21560). You can also find later actions concerning Montana's program and program amendments at 30 CFR 926.15, 926.16, and 926.30.

II. Description of the Proposed Amendment

Montana originally proposed to revise MCA 82-4-235(2), (3), and (4). These statutory provisions all pertain to revegetation and final bond release. We announced receipt of the original proposed amendment in the August 12, 2009, **Federal Register** (74 FR 40537), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (Document ID #OSM-2009-0007-0001; Administrative Record No. MT-27-05). Because no one requested a public hearing or meeting, none was held. The public comment period ended on September 11, 2009. We received comments from one Federal agency and one private citizen.

During our review of the amendment, we identified concerns relating to the proposed provisions of the Montana Code Annotated at 82-4-235(3)(a), revegetation responsibility periods. We notified Montana of our concerns by letter dated March 19, 2010 (Document

ID #OSM-2009-0007-0006; Administrative Record No. MT-27-08). Montana responded in a letter dated April 12, 2010, by submitting a revised amendment proposal (Document ID #OSM-2009-0007-0007; Administrative Record No. MT-27-09).

OSM's concern with Montana's original proposal was that the provision would have allowed different types of areas to be exempted from the revegetation responsibility period than allowed under OSM's interpretation of SMCRA 515(b)(20). OSM proposed a policy in 1993 to allow State regulatory program amendments which would specify that areas reclaimed following the removal of siltation structures and associated diversions and access roads are not subject to a revegetation responsibility period (58 FR 48333). This allows States to elect to exclude these specific areas from the ten-year responsibility period in order to process bond releases on logical increments or permit areas as a whole. Sedimentation ponds and associated diversions or other siltation structures which are prohibited from being removed until two years after the last augmented seeding, fertilizing, irrigation, or other work need not extend the responsibility period or be divided out to have a separate responsibility period. The policy was adopted on May 29, 1996 (61 FR 26792, 26796).

Montana has revised its proposed statutory language to be consistent with this OSM policy and SMCRA. Proposed MCA 82-4-235(3)(a) now reads:

(3)(a) Vegetative cover of water management facilities and other support facilities composing no more than 10% of the area for which bond release is sought is not subject to the 10-year responsibility period. Water management facilities and other support facilities include sedimentation ponds, diversions, other water management structures, soils stockpiles, and access roads.

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 Montana 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 Tribal 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 above (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 in the electronic docket for this rulemaking at <http://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.

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 926

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 18, 2010.

Allen D. Klein,

Director, Western Region.

[FR Doc. 2010-18231 Filed 7-23-10; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA-R01-RCRA-2010-0561; FRL-9179-6]

Rhode Island: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The State of Rhode Island has applied to EPA for final authorization of changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA proposes to grant final authorization to Rhode Island. EPA has determined that these changes satisfy all requirements needed to qualify for final authorization, and is authorizing the State's changes through an immediate final action.

DATES: Comments must be received on or before August 25, 2010.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R01-RCRA-2010-0561, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

- *E-mail:* biscaia.robin@epa.gov.

- *Fax:* (617) 918-0642, to the attention of Robin Biscaia.

- *Mail:* Robin Biscaia, RCRA Waste Management Section, Office of Site Remediation and Restoration (OSRR 07-1), EPA New England—Region I, 5 Post Office Square, Suite 100, Boston, MA 02109-3912.

- *Hand Delivery or Courier:* Deliver your comments to: Robin Biscaia, RCRA Waste Management Section, Office of Site Remediation and Restoration (OSRR 07-1), EPA New England—Region I, 5 Post Office Square, Suite 100, Boston, MA 02109-3912. Such deliveries are only accepted during the Office's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

For further information on how to submit comments, please see today's immediate final rule published in the "Rules and Regulations" section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Robin Biscaia, RCRA Waste Management Section, Office of Site Remediation and Restoration (OSRR 07-1), EPA New England—Region I, 5 Post Office Square, Suite 100, Boston, MA 02109-3912, telephone number: (617) 918-1642; fax number: (617) 918-0642, e-mail address: biscaia.robin@epa.gov.

SUPPLEMENTARY INFORMATION: In the "Rules and Regulations" section of this **Federal Register**, EPA is authorizing the changes by an immediate final rule (except with respect to the zinc fertilizer rule). EPA did not make a proposal prior to the immediate final rule because we believe this action is not controversial and do not expect adverse comments that oppose it. We have explained the reasons for this authorization in the preamble to the immediate final rule. Unless we get written adverse comments which oppose this authorization during the comment period, the immediate final rule will become effective on the date it establishes, and we will not take further action on this proposal. If we get comments that oppose this action, we will withdraw the immediate final rule and it will not take immediate effect. We will then respond to public comments in a later final rule based on this proposal. You may not have another opportunity for comment. If you want to comment on this action, you should do so at this time.

With respect to the zinc fertilizer rule (checklist 200), we think that there may be adverse comments that oppose the Federal authorization of the State for this rule. Thus, we are not including the authorization of the zinc fertilizer rule within the immediate final rule. Rather, we are proposing to authorize Rhode Island for the zinc fertilizer rule in this proposed rule. Any approval of Rhode Island to implement the zinc fertilizer rule will occur only through a later separate final rule, which will be issued only after considering any public comments. Anyone wishing to comment on our proposal to authorize Rhode Island for the zinc fertilizer rule must also do so at this time.

We are proposing to authorize Rhode Island for the zinc fertilizer rule because, through Rules 2.2 C and 2.2 H, Rhode Island has incorporated by reference the Federal zinc fertilizer rule exactly. When a State incorporates by reference Federal requirements exactly, the State is being equivalent to and consistent with the Federal rule. Any commenter opposed to EPA's adoption of the zinc fertilizer rule should have addressed his or her comments to the EPA prior to the Federal adoption of the rule. Any commenter opposed to Rhode Island's adoption of the rule should have addressed his or her comment to Rhode Island before the State adopted the rule. While Rhode Island has the right to be more stringent and not adopt the rule, Rhode Island also has the right not to be more stringent and to adopt the Rule. Commenters wishing a State to be more stringent should make sure to