

amendments at 30 CFR 926.15, 926.16, and 926.30.

## II. Submission of the Withdrawal

By letter dated July 20, 2011, Montana sent us an amendment to its program (SATS No. MT-033-FOR, Administrative Record Docket ID No. OSM-2011-0012) under SMCRA (30 U.S.C. 1201 *et seq.*). Montana submitted the amendment to include changes made to the Montana Strip and Underground Mine Reclamation Act (MSUMRA) as a result of the 2011 Montana Legislature passage of Senate Bill 286 relating to coal prospecting. Montana sent the amendment to include the changes made at its own initiative.

We announced receipt of the proposed amendment in the October 17, 2011, **Federal Register** (76 FR 64047). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the amendment's adequacy (Administrative Record ID No. OSM-2011-0012-0004). We did not hold a public hearing or meeting because no one requested one. We received comments from the Montana Historical Society, Westmoreland Resources Inc., the Bureau of Land Management, and the Mine Safety and Health Administration (Administrative Record ID No. OSM-2011-0012-0010).

During our review of the amendment, we identified areas needing clarification at MSUMRA Section 82-4-226. We notified Montana of our concerns by letter dated November 22, 2011 (Administrative Record ID No. OSM-2011-0012-0005).

We delayed final rulemaking to afford Montana the opportunity to submit new material to address the concerns. Montana responded in a letter dated December 22, 2011, by submitting additional explanatory information (Administrative Record ID No. OSM-2011-0012-0006). Based upon Montana's additional explanatory information for its amendment, we reopened the public comment period in the March 27, 2012, **Federal Register** [(77 FR 18149); (Administrative Record Document ID No. OSM-2011-0012-0007)] and provided an opportunity for a public hearing or meeting on the adequacy of the revised amendment. We did not hold a public hearing or meeting because no one requested one. We received comments from the State Historic Preservation Office, the Mine Safety and Health Administration, the US Geological Survey, and the Bureau of Land Management (Administrative Record ID No. OSM-2011-0012-0011).

In a letter dated October 5, 2012 (Administrative Record Document ID

No. OSM-2011-0012-0013), Montana notified us that they were withdrawing the proposed amendment at this time. Montana stated in the letter that they were submitting additional rule language to be reviewed informally by OSM in anticipation of promulgation of the revised rule through the Montana State Legislature sometime around April 2013.

### List of Subjects in 30 CFR Part 926

Intergovernmental relations, Surface mining, Underground mining.

Accordingly, the proposed rule published October 17, 2011, at 76 FR 64047, is withdrawn December 12, 2012.

Dated: October 16, 2012.

**Allen D. Klein,**

*Regional Director, Western Region.*

[FR Doc. 2012-30031 Filed 12-11-12; 8:45 am]

**BILLING CODE 4310-05-P**

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 944

[SATS No. UT-049-FOR; Docket ID OSM-2012-0015]

#### Utah 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 amendment to the Utah regulatory program (hereinafter, the "Utah program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Utah proposes to revise references to Federal regulations specifying abandoned mine land reclamation contractor eligibility criteria. These changes relate to the Ownership and Control required amendments. Utah intends to revise its program to be consistent with the corresponding Federal regulations.

**DATES:** We will accept written comments on this amendment until 4:00 p.m., [m.s.t.] December 27, 2012.

**ADDRESSES:** You may submit comments, identified by "SATS #UT-049-FOR" or "Docket ID OSM-2012-0015," by any of the following methods:

- *Email:* [cbelka@OSMRE.gov](mailto:cbelka@OSMRE.gov). Please include "Docket ID OSM-2012-0015" in the subject line of the message.
- *Mail/Hand Delivery/Courier:* Kenneth Walker, Chief, Denver Field

Division, Office of Surface Mining Reclamation and Enforcement, 1999 Broadway, Suite 3320, Denver, CO, 80202, (303)293-5012, [kwalker@OSMRE.gov](mailto:kwalker@OSMRE.gov).

- *Fax:* (303) 293-5017.
- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Instructions:* All submissions received must include the agency name and Docket ID OSM-2012-0015. 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 Utah 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) Denver Field Division. In addition, you may review a copy of the amendment during regular business hours at the following locations:

Kenneth Walker, Chief, Denver Field Division, Office of Surface Mining Reclamation and Enforcement, 1999 Broadway, Suite 3320, Denver, CO, 80202, (303)293-5012, [kwalker@OSMRE.gov](mailto:kwalker@OSMRE.gov).  
John R. Baza, Director, Utah Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Salt Lake City, UT 84116, (801)538-5334, [johnbaza@utah.gov](mailto:johnbaza@utah.gov).

**FOR FURTHER INFORMATION CONTACT:** Kenneth Walker, Chief, Denver Field Division, Telephone: (303)293-5012, Internet address: [kwalker@OSMRE.gov](mailto:kwalker@OSMRE.gov).

#### **SUPPLEMENTARY INFORMATION:**

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

#### **I. Background on the Utah 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 Utah program on January 21, 1981. You can find background information on the Utah program, including the Secretary’s findings, the disposition of comments, and the conditions of approval of the Utah program in the January 21, 1981, **Federal Register** (46 FR 5899). You can also find later actions concerning Utah’s program and program amendments at 30 CFR 944.15 and 944.30.

## II. Description of the Proposed Amendment

By letter dated June 25, 2012, Utah sent us a proposed amendment to its program (SATS #UT-049-FOR, Administrative Record No. OSM-2012-0015-0002) under SMCRA (30 U.S.C. 1201 *et seq.*). Utah sent the proposed amendment in response to an October 2, 2009 letter (Administrative Record No. OSM-2012-0015-0003) that OSM sent to Utah in accordance with 30 CFR 732.17(c). The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES**.

We announced receipt of the proposed amendment in the September 5, 2012, **Federal Register** (77 FR 54491), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (Administrative Record No. OSM-2012-0015-0001). Because no one requested a public hearing or meeting, none was held. The public comment period ended on October 5, 2012. We received comments from three Federal agencies.

During our review of the amendment, we identified concerns relating to two provisions of the Utah Administrative Code (UAC) at R643-874-160 and R643-875-200. Both provisions specify contractor eligibility criteria for abandoned mine land reclamation projects (general requirements and noncoal reclamation requirements, respectively). The UAC references Federal regulations for those contractor eligibility criteria. The references are currently incorrect due to changes in the Federal Program approved on December 3, 2007 (72 FR 68029) and November 14, 2008 (73 FR 67630). We notified Utah of the concerns by email dated October 4, 2012 (Administrative Record No. OSM-2012-0015-0009). Utah responded in a letter dated November 2, 2012, by submitting a supplemental amendment proposal (Administrative Record No. OSM-2012-0015-0008).

Utah now proposes revisions to update R643-874-160 and R643-875-200 to reference the current Federal contractor eligibility requirements. Specifically, Utah proposes to replace its reference to 30 CFR “773.15(b)(1),” which no longer exists, with reference to 30 CFR “773.12 through 773.14.”

## 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 Utah 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 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](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.

## VI. 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 944

Intergovernmental relations, Surface mining, Underground mining.

Dated: November 7, 2012.

**Allen D. Klein,**

*Director, Western Region.*

[FR Doc. 2012-29970 Filed 12-11-12; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2011-1062]

RIN 1625-AA09

#### Drawbridge Operation Regulation; Bear Creek, Dundalk, MD

**AGENCY:** Coast Guard, DHS.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The Coast Guard is withdrawing its proposed rule concerning the proposed change to regulations governing the operation of the Baltimore County highway bridge at Wise Avenue across Bear Creek, mile 3.4, between Dundalk and Sparrows Point, MD. The proposed change would have altered the current four hour advance notice requirement for a bridge opening to a 48-hour advance notice for a bridge opening.

**DATES:** The notice of proposed rulemaking is withdrawn on December 12, 2012.

**ADDRESSES:** The docket for this withdrawn rulemaking is available for inspection or copying at the 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, between 9 a.m. and 5 p.m., Monday through Friday,