

Hendry, Highlands, Lee, Manatee, Monroe, Okeechobee, Sarasota, and that part of the counties of Palm Beach and Martin not included in Regulation Area II. This district shall have three grower members and alternates.

(c) Citrus District Three shall include the County of St. Lucie and that part of the counties of Brevard, Indian River, Martin, and Palm Beach described as lying within Regulation Area II, and County Commissioner's Districts Four and Five of Volusia County. This district shall have four grower members and alternates.

3. A new paragraph (g) is added to § 905.120 to read as follows:

§ 905.120 Nomination procedure.

* * * * *

(g) Up to four grower members may be growers who are also shippers, or growers who are also employees of shippers.

Dated: November 28, 2012.

David R. Shipman,
Administrator, Agricultural Marketing Service.

[FR Doc. 2012-29244 Filed 12-11-12; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG-126770-06]

RIN 1545-BG07

Allocation of Costs Under the Simplified Methods; Hearing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of public hearing on notice proposed rulemaking.

SUMMARY: This document provides notice of public hearing on proposed regulations that provide guidance on allocating costs to certain property produced by the taxpayer or acquired by the taxpayer for resale.

DATES: The public hearing is being held on Monday, January 7, 2013, at 10:00 a.m. The IRS must receive outlines of the topics to be discussed at the public hearing by Wednesday, December 19, 2012.

ADDRESSES: The public hearing is being held in the IRS Auditorium, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC 20224. Due to building security procedures, visitors must enter at the Constitution Avenue entrance. In

addition, all visitors must present photo identification to enter the building.

Send Submissions to CC:PA:LPD:PR (REG-126770-06), room 5205, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday to CC:PA:LPD:PR (REG-126770-06), Couriers Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC or sent electronically via the Federal eRulemaking Portal at www.regulations.gov (REG-126770-06).

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Christopher Call at (202) 622-4940; concerning submissions of comments, the hearing and/or to be placed on the building access list to attend the hearing Oluwafunmilayo Taylor at (202) 622-7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

The subject of the public hearing is the notice of proposed rulemaking (REG-126770-06) that was published in the **Federal Register** on Wednesday, September 5, 2012 (77 FR 54482).

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments at the hearing that submitted written comments by December 4, 2012, must submit an outline of the topics to be addressed and the amount of time to be denoted to each topic.

A period of 10 minutes is allotted to each person for presenting oral comments. After the deadline for receiving outlines has passed, the IRS will prepare an agenda containing the schedule of speakers. Copies of the agenda will be made available, free of charge, at the hearing or in the Freedom of Information Reading Room (FOIA RR) (Room 1621) which is located at the 11th and Pennsylvania Avenue NW., entrance, 1111 Constitution Avenue NW., Washington, DC.

Because of access restrictions, the IRS will not admit visitors beyond the immediate entrance area more than 30 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this document.

LaNita VanDyke,

Chief, Publications and Regulations Branch,
Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).

[FR Doc. 2012-29932 Filed 12-7-12; 11:15 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 926

[SATS No: MT-033-FOR; Docket ID: OSM-2011-0012]

Montana Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.
ACTION: Proposed rule; withdrawal.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSM), are announcing the withdrawal of a proposed rule pertaining to an amendment to the Montana regulatory program (the Montana program) and its coal rules and regulations. Montana submitted the amendment at their own initiative to modify coal prospecting procedures and allow for a new type of coal prospecting permit.

DATES: The proposed rule published October 17, 2011, at 76 FR 64047, is withdrawn December 12, 2012.

FOR FURTHER INFORMATION CONTACT: Jeffrey Fleischman, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, Dick Cheney Federal Building, POB 11018, 150 East B Street, Casper, Wyoming 82601-1018; Telephone: 307-261-6550, email address: jfleischman@osmre.gov.

SUPPLEMENTARY INFORMATION:

- I. Background on the Montana Program
- II. Submission of the Withdrawal

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. 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. 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.

- *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.
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.

FOR FURTHER INFORMATION CONTACT: Kenneth Walker, Chief, Denver Field Division, Telephone: (303)293-5012, Internet address: 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