

household substance for which special packaging (*i.e.*, child-resistant packaging), is required, the Commission may prohibit the packaging of such substance in packages that it determines are unnecessarily attractive to children. *Id.* Therefore, in order to issue a rule requiring that torch fuel and lamp oil not be sold in see-through containers, the Commission would need to determine that the packaging is “unnecessarily attractive” to children.

The petitioner asserts that certain petroleum distillates, including torch fuel and lamp oil, as currently packaged, resemble juice. The petitioner notes that because young children enjoy the taste of juice and are accustomed to drinking it regularly, packaging petroleum distillates in clear plastic bottles causes needless danger, as children may mistake it for juice.

The petitioner states that “the New Jersey Poison Information and Education System stated in June 2008 that four people were hospitalized, one was critically ill, and one killed due to torch oil being mistaken for apple juice.” The petitioner also states that “from 2002 through 2009 the Annual Report of the American Association of Poison Control Centers’ National Data System has chronicled the exposure of many young children to lamp oils, which includes torch fuels.” The petitioner’s son died after ingesting torch fuel from a clear plastic bottle.

While torch fuel and lamp oil already are subject to child-resistant packaging and labeling requirements under the PPPA and the Federal Hazardous Substances Act, the petitioner asserts that additional special packaging is necessary. Specifically, the petitioner requests that the CPSC initiate rulemaking “that would require manufacturers of [torch fuel and lamp oils] to package the product in containers that make it impossible to see the product when in the container.” The petitioner notes that this could be accomplished “by packaging the fuel in a solid container or opaque plastic child-resistant container or a metal container.”

The notice that we published in the **Federal Register** of July 26, 2011 (76 FR 44506) stated that we invited comments on the petition, and it informed interested parties how to obtain a copy of the petition. The notice indicated that the comment period would close on September 26, 2011.

Recently, counsel representing the petitioner contacted the Commission to request an extension of the comment period. We note that the docket for this proceeding, as of September 28, 2011, contains nearly 260 comments. Thus,

given the interest in this subject, we are reopening the comment period for any interested parties until November 16, 2011.

Interested parties may obtain a copy of the petition by writing or calling the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504-7923.

Copies of the petition are also available for inspection from 8:30 a.m. to 5 p.m., Monday through Friday, in the Commission’s Public Reading Room, Room 419, 4330 East West Highway, Bethesda, MD, or from our Web site at: <http://www.cpsc.gov>.

Dated: October 11, 2011.

**Todd A. Stevenson,**

*Secretary, U.S. Consumer Product Safety Commission.*

[FR Doc. 2011-26691 Filed 10-14-11; 8:45 am]

**BILLING CODE 6355-01-P**

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 915

[Docket No. IA-016-FOR; Docket ID: OSM-2011-0014]

#### Iowa Regulatory Program

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

**ACTION:** Proposed rule; public comment period on proposed amendment.

**SUMMARY:** We, the Office of Surface Mining Reclamation and Enforcement (OSM), are announcing receipt of a proposed amendment to the Iowa regulatory program (Iowa program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Iowa proposes to revise its regulatory program by updating its adoption by reference of applicable portions of the Code of Federal Regulations. Iowa intends to revise its program to be consistent with the corresponding Federal regulations.

This document provides the times and locations that the Iowa program and proposed amendments to this 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 the amendment until 4 p.m., c.d.t., November 16, 2011. If requested, we will hold a public hearing

on the amendment on November 14, 2011. We will accept requests to speak at a hearing until 4 p.m., c.d.t., November 1, 2011.

**ADDRESSES:** You may submit comments, identified by Docket No. IA-016-FOR, by any of the following methods:

- *E-mail:* [agilmore@osmre.gov](mailto:agilmore@osmre.gov).
- Include Docket No. IA-016-FOR in the subject line of the message.
- *Mail/Hand Delivery:* Andrew R. Gilmore, Chief, Alton Field Division, Office of Surface Mining Reclamation and Enforcement, 501 Belle Street, Alton, Illinois 62002.

- *Fax:* (618) 463-6470.
- *Federal eRulemaking Portal:* The amendment has been assigned Docket ID: OSM-2011-0014. If you would like to submit comments go to <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 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:* For access to the docket to review copies of the Iowa regulations, 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 Alton Field Division; or you can view the full text of the program amendment available for you to read at <http://www.regulations.gov>.

Andrew R. Gilmore, Chief, Alton Field Division, Office of Surface Mining Reclamation and Enforcement, 501 Belle Street, Alton, Illinois 62002. Telephone: (618) 463-6460. E-mail: [agilmore@osmre.gov](mailto:agilmore@osmre.gov).

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

Iowa Department of Agriculture and Land Stewardship, Division of Soil Conservation, Mines & Minerals Bureau, 502 E. 9th Street, Henry A. Wallace Building, Des Moines, Iowa 50319. Telephone: (515) 281-5347.

**FOR FURTHER INFORMATION CONTACT:** Andrew R. Gilmore, Chief, Alton Field Division. Telephone: (618) 463-6460. E-mail: [agilmore@osmre.gov](mailto:agilmore@osmre.gov).

#### **SUPPLEMENTARY INFORMATION:**

- I. Background on the Iowa Program
- II. Description of the Proposed Amendment
- III. Public Comment Procedures

IV. Procedural Determinations

**I. Background on the Iowa 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 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 Iowa program effective April 10, 1981. You can find background information on the Iowa program, including the Secretary’s

findings, the disposition of comments, and the conditions of approval, in the January 21, 1981, **Federal Register** (46 FR 5885). You can also find later actions concerning the Iowa program and program amendments at 30 CFR 915.10, 915.15, and 915.16.

Iowa uses a system of coal mining regulations that adopt the Federal regulations under SMCRA that are in effect up to a specific date. They note in their regulations, variations from the Federal regulations, primarily in reference to agency names, responsible officials, and other provisions to reflect Iowa law. The approved Iowa program is structured this way.

**II. Description of the Proposed Amendment**

By letter dated August 25, 2011 (Administrative Record No. IA-451), the Iowa Department of Agriculture and

Land Stewardship, Division of Soil Conservation (IDSC) sent us amendments to its Program under SMCRA (30 U.S.C. 1201 *et seq.*) to satisfy ownership and control requirements and to update other provisions. Below is a summary of the changes proposed by Iowa. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES** or at <http://www.regulations.gov>.

*Adoptions by Reference of 30 CFR Part 700 to End Revised as of July 1, 2010*

Iowa proposes to amend its adoption by reference regulations by updating dates of Federal regulations adopted to July 1, 2010, adding citations in its ownership and control requirement sections, and making other changes, all listed in the table below.

27 Iowa Administrative Code Chapter 40, coal mining rules	Topic
27-40.1(1) .....	Authority and scope.
27-40.3(207) .....	General.
27-40.4(207) .....	Permanent regulatory program and exemption for coal extraction incidental to the extraction of other minerals.
27-40.5(207) .....	Restrictions on financial interests of State employees.
27-40.6(207) .....	Exemptions for coal extraction incident to government—financed highway or other constructions.
27-40.7(207) .....	Protection of employees.
27-40.11(207) .....	Initial regulatory program.
27-40.12(207) .....	General performance standards—initial program.
27-40.13(207) .....	Special performance standards—initial program.
27-40.21(207), 40.21(3), 40.21(7) .....	Areas designated by an Act of Congress.
27-40.22(207), 40.22(1) .....	Criteria for designating areas as unsuitable for surface coal mining operations.
27-40.23(207) .....	State procedures for designating areas unsuitable for surface coal mining operations.
27-40.30(207) .....	Requirements for coal exploration.
27-40.31(207), 40.31(9), 40.31(10), 40.31(11).	Requirements for permits and permit processing.
27-40.32(207), 40.32(7) .....	Revision or amendment; renewal; and transfer, assignment, or sale of permit rights.
27-40.33(207) .....	General content requirements for permit applications.
27-40.34(207) .....	Permit application—minimum requirements for legal, financial, compliance, and related information.
27-40.35(207) .....	Surface mining permit applications—minimum requirements for information on environmental resources.
27-40.36(207), 40.36(2) .....	Surface mining permit applications—minimum requirements for reclamation and operation plan.
27-40.37(207) .....	Underground mining permit applications—minimum requirements for information on environmental resources.
27-40.38(207), 40.38(6) .....	Underground mining permit applications—minimum requirements for reclamation and operation plan.
27-40.39(207), 40.39(2), 40.39(3) .....	Requirements for permits for special categories of mining.
27-40.41(207) .....	Permanent regulatory program—small operator assistance program.
27-40.51(207) .....	Bond and insurance requirements for surface coal mining and reclamation operations under regulatory programs.
27-40.61(207) .....	Permanent program performance standards—general provisions.
27-40.62(207) .....	Permanent program performance standards—coal exploration.
27-40.63(207) .....	Permanent program performance standards—surface mining activities.
27-40.64(207) .....	Permanent program performance standards—underground mining activities.
27-40.65(207) .....	Special permanent program performance standards—auger mining.
27-40.66(207) .....	Special permanent program performance standards—operations on prime farmland.
27-40.67(207) .....	Permanent program performance standards—coal preparation plants not located within the permit area of a mine.
27-40.71(207) .....	State regulatory authority—inspection and enforcement.
27-40.74(207) .....	Civil penalties.
27-40.75(207) .....	Individual civil penalties.
27-40.81(207) .....	Permanent regulatory program requirements—standards for certification of blasters.
27-40.82(207) .....	Certification of blasters.

The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES** or at [www.regulations.gov](http://www.regulations.gov).

### 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 Iowa 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 November 1, 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 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. 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 rulemaking process and include them in the final rule.

#### **List of Subjects in 30 CFR Part 915**

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 6, 2011.

**Ervin J. Barchenger,**

*Regional Director, Mid-Continent Region.*

[FR Doc. 2011-26764 Filed 10-14-11; 8:45 am]

**BILLING CODE 4310-05-P**

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 926

[SATS No. MT-032-FOR; Docket ID OSM-2011-0011]

#### Montana 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 are announcing receipt of a proposed 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 proposes changes to the Montana Strip and Underground Mine Reclamation Act (MSUMRA) that differentiate between coal beneficiation and coal preparation plants. Montana intends to revise its program to clarify ambiguities and improve operational efficiency.

This document gives the times and locations that the Montana program and 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., m.d.t. November 16, 2011. If requested, we will hold a public hearing on the amendment on November 14, 2011. We will accept requests to speak until 4 p.m., m.d.t. on November 1, 2011.

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

- *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). This proposed rule has been assigned Docket ID: OSM-2011-0011. If you would like to submit comments through the Federal eRulemaking Portal, go to <http://www.regulations.gov> and follow the instructions.

- *Mail/Hand Delivery/Courier:* 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.

For detailed instructions on submitting comments and additional information on the rulemaking process, see the “III. Public Comment