

### 3. Executive Orders

Executive Order 12988 (February 5, 1996) requires agencies to state in clear language the preemptive effect, if any, to be given to any new regulation. The amendments proposed below, if issued on a final basis, would modify two flammability standards issued under the FFA. With certain exceptions which are not applicable here, no State or political subdivision of a State may enact or continue in effect "a flammability standard or other regulation" applicable to the same fabric or product as an FFA standard if the State or local flammability standard or regulation is "designed to protect against the same risk of the occurrence of fire" unless the State or local flammability standard or regulation "is identical" to the FFA standard. See section 16 of the FFA (15 U.S.C. 1203). Consequently, if issued as proposed, the amendments proposed below would preempt nonidentical State or local flammability standards or regulations that are intended to address the unreasonable risk of the occurrence of fire associated with ignition of carpets and rugs.

In accordance with Executive Order 12612 (October 26, 1987), the Commission certifies that the proposed amendments do not have sufficient implications for federalism to warrant a Federalism Assessment.

### Conclusion

Therefore, pursuant to the authority of section 30(b) of the Consumer Product Safety Act (15 U.S.C. 2079(b)) and sections 4 and 5 of the Flammable Fabrics Act (15 U.S.C. 1193, 1194), the Commission hereby proposes to amend title 16 of the Code of Federal Regulations, Chapter II, Subchapter D, Parts 1630 and 1631 to read as follows below.

### List of Subjects in 16 CFR Parts 1630 and 1631

Carpets, Consumer protection, Flammable materials, Floor coverings, Labeling, Records, Rugs, Textiles, Warranties.

### PART 1630—STANDARD FOR THE SURFACE FLAMMABILITY OF CARPETS AND RUGS

1. The authority for subpart A of part 1630 continues to read as follows:

**Authority:** Sec. 4, 67 Stat. 112, as amended, 81 Stat. 569–570; 15 U.S.C. 1193.

2. Section 1630.1(f) is revised to read as follows:

#### § 1630.1 Definitions.

\* \* \* \* \*

(f) *Timed Burning Tablet* (pill) means a methenamine tablet, flat, with a nominal heat of combustion value of 7180 calories/gram, a mass of 150 mg  $\pm$  5 mg and a nominal diameter of 6 mm.

\* \* \* \* \*

3. Section 1630.4(a)(3) is amended by revising the first sentence to read as follows:

#### § 1630.4 Test Procedure.

(a) \* \* \*

(3) *Standard igniting source.* A methenamine tablet, flat, with a nominal heat of combustion value of 7180 calories/gram, a mass of 150 mg  $\pm$  5 mg and a nominal diameter of 6mm.

\* \* \*

\* \* \* \* \*

### PART 1631—STANDARD FOR THE SURFACE FLAMMABILITY OF SMALL CARPETS AND RUGS

1. The authority for subpart A of part 1631 continues to read as follows:

**Authority:** Sec. 4, 67 Stat. 112, as amended, 81 Stat. 569–570; 15 U.S.C. 1193.

2. Section 1631.1(f) is revised to read as follows:

#### § 1631.1 Definitions.

\* \* \* \* \*

(f) *Timed Burning Tablet* (pill) means a methenamine tablet, flat, with a nominal heat of combustion value of 7180 calories/gram, a mass of 150 mg  $\pm$  5 mg and a nominal diameter of 6 mm.

\* \* \* \* \*

3. Section 1631.4(a)(3) is amended by revising the first sentence to read as follows:

#### § 1631.4 Test Procedure.

(a) \* \* \*

(3) *Standard igniting source.* A methenamine tablet, flat, with a nominal heat of combustion value of 7180 calories/gram, a mass of 150 mg  $\pm$  5 mg and a nominal diameter of 6mm.

\* \* \*

\* \* \* \* \*

Dated: November 7, 2006.

Alberta E. Mills,

Acting Secretary, Consumer Product Safety Commission.

### List of Relevant Documents

1. Briefing Memorandum from Patricia K. Adair, Project Manager, Directorate for Engineering Sciences, to the Commission, "Technical Amendment to the Flammability Standards for Carpets and Rugs; 16 CFR Part 1630 and 16 CFR Part 1631.

2. Memorandum from Linda Fansler, Division of Electrical and Flammability Engineering, "Evaluation of Methenamine Tablets," July 25, 2005.

3. Memorandum from Linda Fansler, Division of Electrical and Flammability

Engineering, "Methenamine Tablet Thickness," September 12, 2005.

4. Memorandum from Shing Bong Chen, Ph.D. and Bhawanji K. Jain, Directorate for Laboratory Sciences, Division of Chemistry, "Chemical Composition of the Methenamine Tablets," April 13, 2003.

5. Memorandum from Terrance R. Karels, Directorate for Economic Analysis, "Preliminary Regulatory Analysis: Amendment to Flammable Fabrics Act; Standards for Carpets and Rugs," September 23, 2005.

6. Letter from Alan H. Schoem, Office of Compliance, "Equivalency of Methenamine Tablets, Standard for Flammability of Carpets and Rugs, 16 CFR Parts 1630 and 1631," July 29, 2004.

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## DEPARTMENT OF THE INTERIOR

### National Indian Gaming Commission

### 25 CFR Parts 502 and 546

### Class II Definitions and Game Classification

**AGENCY:** National Indian Gaming Commission, Interior.

**ACTION:** Proposed rule; notice of availability.

**SUMMARY:** This notice announces the availability of two analytical reports commissioned by the National Indian Gaming Commission (NIGC) to analyze the economic impact of proposed class II game classification regulations as well as sets a deadline for comments on these reports. These two reports may be viewed and downloaded by visiting the NIGC Web site <http://www.nigc.gov>. Those individuals who are unable to view or download this Web site may contact Shawn Pensoneau at (202) 632–7003 to obtain a copy of the reports.

**DATES:** The deadline for comments on the economic impact reports is December 15, 2006.

### FOR FURTHER INFORMATION CONTACT:

Penny Coleman, Michael Gross or John Hay at 202/632–7003; fax 202/632–7066 (these are not toll-free numbers).

**SUPPLEMENTARY INFORMATION:** Congress established the National Indian Gaming Commission (NIGC or Commission) under the Indian Gaming Regulatory Act of 1988 (25 U.S.C. 2701 *et seq.*) (IGRA) to regulate gaming on Indian lands. On May 25, 2006, proposed Class II definitions and game classification standards were published in the **Federal Register** (71 FR 30232, 71 FR 30238).

Dated: November 6, 2006.

**Philip N. Hogen,**

*Chairman, National Indian Gaming Commission.*

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 914

[Docket No. IN-157-FOR]

#### Indiana 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 Indiana regulatory program (Indiana program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Indiana proposes revisions to its rules to allow commercial forestry (trees) to be planted on reclaimed prime farmland provided all remaining reclamation requirements for prime farmland are met. Indiana also proposes to restructure several of its provisions and make some minor language changes. Indiana intends to revise its program to improve operational efficiency.

This document gives the times and locations that the Indiana 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., e.t., December 13, 2006. If requested, we will hold a public hearing on the amendment on December 8, 2006. We will accept requests to speak at a hearing until 4 p.m., e.t. on November 28, 2006.

**ADDRESSES:** You may submit comments, identified by Docket No. IN-157-FOR, by any of the following methods:

- *E-mail:* IFOMAIL@osmre.gov.

Include Docket No. IN-157-FOR in the subject line of the message.

- *Mail/Hand Delivery:* Andrew R. Gilmore, Chief, Alton Field Division—Indianapolis Area Office, Office of Surface Mining Reclamation and

Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, Indiana 46204.

- *Fax:* (317) 226-6182.

- *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 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 Indiana 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 Indianapolis Area Office. Andrew R. Gilmore, Chief, Alton Field Division—Indianapolis Area Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, Indiana 46204, Telephone: (317) 226-6700, E-mail: IFOMAIL@osmre.gov.

In addition, you may review a copy of the amendment during regular business hours at the following location: Indiana Department of Natural Resources, Division of Reclamation, R. R. 2, Box 129, Jasonville, Indiana 47438-9517, Telephone: (812) 665-2207.

**FOR FURTHER INFORMATION CONTACT:** Andrew R. Gilmore, Chief, Alton Field Division—Indianapolis Area Office. Telephone: (317) 226-6700. E-mail: IFOMAIL@osmre.gov.

#### SUPPLEMENTARY INFORMATION:

- Background on the Indiana Program
- Description of the Proposed Amendment
- Public Comment Procedures
- Procedural Determinations

#### I. Background on the Indiana 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 (Secretary) conditionally approved the Indiana program effective July 29, 1982. You can find background information on the Indiana program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Indiana program in the July 26, 1982, **Federal Register** (47 FR 32071). You can also find later actions concerning the Indiana program and program amendments at 30 CFR 914.10, 914.15, 914.16, and 914.17.

#### II. Description of the Proposed Amendment

By letter dated October 23, 2006 (Administrative Record No. IND-1738), Indiana sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*). Indiana sent the amendment at its own initiative. Below is a summary of the changes proposed by Indiana. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES**.

##### A. 312 Indiana Administrative Code (IAC) 25-4-102 Special Categories of Mining; Prime Farmland

1. Indiana proposes to restructure the following provisions with minor changes to the existing language: 312 IAC 25-4-102(a)(1), (a)(3)(A) and (B); (b); (d)(4) and (6); (e)(3); and (f)(5).

2. At 312 IAC 25-4-102, Indiana proposes to add new subdivision (d)(8) to read as follows:

(d)(8) If the applicant proposes to establish commercial forest resources on the prime farmland, the plan must also include the following:

- (A) A commercial forest planting plan that shall include the following:
  - (i) A stocking rate.
  - (ii) A plan for replanting as needed.
- (B) A commercial forest management plan.
- (C) Documentation of landowner consent.

##### B. 312 IAC 25-6-143 Prime Farmland; Special Performance Standards; Revegetation and Restoration of Soil Productivity

1. Indiana proposes to restructure the following provisions: 312 IAC 25-6-143(b)(3) and (b)(8).

2. At 312 IAC 25-6-143, Indiana proposes to add new subsection (c) to read as follows:

(c) Commercial forest resources may be established on reclaimed prime farmland provided that productivity is demonstrated by subsection (b) and as follows:

- (1) The director has approved a forest planting plan and forest management plan in consultation with the division of forestry.
- (2) Landowner consent has been obtained.