

a written summary of each meeting a part of the administrative record.

IV. Procedural Determinations

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart Federal regulations.

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.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has conducted the reviews required by Section 3 of Executive Order 12988 and has determined that, to the extent allowable by law, this rule meets the applicable standards of Subsections (a) and (b) of that Section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under Sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

Executive Order 13132—Federalism

This rule does not have Federalism implications. SMCRA delineates the roles of the Federal and State governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to “establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations.” Section 503(a)(1) of SMCRA requires that State laws regulating surface coal mining and reclamation operations be “in accordance with” the requirements of SMCRA. Section 503(a)(7) requires that State programs contain rules and regulations “consistent with” regulations issued by the Secretary pursuant to SMCRA.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

In accordance with Executive Order 13175, we have evaluated the potential effects of this rule on Federally-recognized Indian tribes and have determined that the rule does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. The basis for this determination is that our decision is on a State regulatory program and does not involve a Federal program involving Indian lands.

Executive Order 13211—Regulations That Significantly Affect the Supply, Distribution, or Use of Energy

On May 18, 2001, the President issued Executive Order 13211 which requires agencies to prepare a Statement of Energy Effects for a rule that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is exempt from review under Executive Order 12866 and is not expected to have a significant adverse effect on the supply, distribution, or use of energy, a Statement of Energy Effects is not required.

National Environmental Policy Act

Section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that a decision on a proposed State regulatory program provision does not constitute major Federal action within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). A determination has been made that such decisions are categorically excluded from the NEPA process (516 DM 13.5(A)(2)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State amendment that is the subject of this rule is based on counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not

have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) Does not have an annual effect on the economy of \$100 million; (b) Will not cause a major increase in costs or prices for consumers, individual industries, geographic regions, or Federal, State or local governmental agencies; and (c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This determination is based upon the fact that the State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rule.

Unfunded Mandates

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 938

Intergovernmental relations, Surface mining, Underground mining.

Dated: January 12, 2007.

H. Vann Weaver,

Acting Regional Director, Appalachian Region.

[FR Doc. E7-1862 Filed 2-5-07; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 110

[CGD01-06-023]

RIN 1625-AA98

Anchorage Regulations; Port of New York and Vicinity

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to expand the boundary of a Special Anchorage Area on the Hudson River at Nyack, NY. This proposed action is necessary to facilitate safe navigation in that area and provide safe and secure anchorages for vessels not more than 20 meters in length. This proposed action is intended to increase the safety of life and property on the Hudson River, improve the safety of anchored vessels, and provide for the overall safe and efficient flow of recreational vessel traffic and commerce.

DATES: Comments and related material must reach the Coast Guard on or before April 9, 2007.

ADDRESSES: You may mail comments and related material to Waterways Management Division (CGD01-06-023), Coast Guard Sector New York, 212 Coast Guard Drive, room 321, Staten Island, New York 10305. The Waterways Management Division of Coast Guard Sector New York maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at room 321, Coast Guard Sector New York, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander M. McBrady, Waterways Management Division, Coast Guard Sector New York at (718) 354-2353.

SUPPLEMENTARY INFORMATION:**Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD01-06-023), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request

for a meeting by writing to the Waterways Management Division at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

As part of a waterfront revitalization effort, the Village of Nyack is encouraging waterfront use by the general public. This proposed rule is in response to a request made by the Village of Nyack to ensure the safe navigation of increased vessel traffic expected to arrive along the village waterfront due to this revitalization effort.

The Coast Guard is designating the area as a special anchorage area in accordance with 33 U.S.C. 471. In accordance with that statute, vessels will not be required to sound signals or exhibit anchor lights or shapes which are otherwise required by rule 30 and 35 of the Inland Navigation Rules, codified at 33 U.S.C. 2030 and 2035. The proposed expanded special anchorage area will be located on the west side of the Hudson River about 1,600 yards north of the Tappan Zee Bridge, well removed from the channel and located where general navigation will not endanger or be endangered by unlighted vessels. Providing an anchorage well removed from the channel and general navigation would greatly increase navigational safety.

Discussion of Proposed Rule

The proposed rule would expand the boundary of a current special anchorage area located on the Hudson River at the Village of Nyack, NY. It would include all waters of the Hudson River bound by the following points: 41°06'06.8" N, 073°54'55.5" W; thence to 41°06'06.8" N, 073°54'18.0" W; thence to 41°05'00.0" N, 073°54'18.0" W; thence to 41°05'00.0" N, 073°55'02.2" W; thence along the shoreline to the point of origin (NAD 1983). The boundaries of the special anchorage area would increase from its current size of approximately 735 yards by approximately 1,030 yards to approximately 935 yards by approximately 2,250 yards. The 200 yard expansion beyond the current boundary would occur on the eastern side and the 2,250 yard expansion would occur on the southern side of the special anchorage area.

All proposed coordinates are North American Datum 1983 (NAD 83).

The expanded special anchorage area would be limited to vessels no greater than 20 meters in length. Vessels not

more than 20 meters in length are not required to sound signals as required by rule 35 of the Inland Navigation Rules (33 U.S.C. 2035) nor exhibit anchor lights or shapes required by rule 30 of the Inland Navigation Rules (33 U.S.C. 2030) when at anchor in a special anchorage area. Additionally, mariners utilizing the expanded anchorage area are encouraged to contact local and State authorities, such as the local harbor master, to ensure compliance with additional applicable State and local laws. Such laws may involve, for example, compliance with direction from the local harbor master when placing or using moorings within the anchorage.

Vessels would not be authorized to anchor within a buoyed fairway within the expanded special anchorage area. The fairway will be marked to prevent vessels from anchoring near an active cable.

Regulatory Evaluation

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary.

This finding is based on the fact that the proposal conforms to the changing needs of the Village of Nyack and the changing needs of recreational vessels along the Hudson River. The proposed eastern boundary of the special anchorage area is approximately 970 yards from the 12-foot contour on the west side of the Hudson River and approximately 2,600 yards from the 12-foot contour on the eastern side of the Hudson River. The resulting impact to vessel transits in this area is so minimal because the special anchorage area leaves more than enough room for the navigation of all vessels. This will allow for greater safety of navigation and traffic in the area, while also providing for a substantial improvement to the safety of anchorages in the area.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently

owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule would affect the following entities, some of which might be small entities: the owners or operators of recreational or commercial vessels intending to transit in a portion of the Hudson River near the expanded special anchorage area. However, this special anchorage area would not have a significant economic impact on these entities for the following reasons. The proposed eastern boundary of the special anchorage area is approximately 970 yards from the 12-foot contour on the west side of the Hudson River and approximately 2,600 yards from the 12 foot contour on the eastern side of the Hudson River. It is also about 1,700 yards from the 600-foot wide Hudson River Federal Project Channel. The eastern boundary of this proposed expanded Special Anchorage Area only extends an additional 200 yards from the Nyack shoreline. This is more than enough room for the types of vessels currently operating on the river, which include both small and large commercial vessels. Thus, this special anchorage area will not impede safe and efficient vessel transits on the Hudson River.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lieutenant Commander M. McBrady, Waterways Management Division, Coast Guard Sector New York at (718) 354–2353. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship

between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.ID and Department of Homeland Security Management Directive 5100.1, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, we believe that this rule should be categorically excluded, under figure 2–1, paragraph (34)(f), of the Instruction, from further environmental documentation. This rule fits the category selected from paragraph (34)(f) as it would expand a special anchorage area.

A preliminary "Environmental Analysis Check List" is available in the docket where indicated under **ADDRESSES**. Comments on this section will be considered before we make the final decision on whether the rule should be categorically excluded from further environmental review.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 110 as follows:

PART 110—ANCHORAGE REGULATIONS

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035 and 2071; 33 CFR 1.05–1(g); and Department of Homeland Security Delegation No. 0170.1.

2. Amend § 110.60, by revising paragraph (o–2) to read as follows:

§ 110.60 Port of New York and vicinity.

* * * * *

(o) * * *

(o–2) Hudson River, at Nyack. That portion of the Hudson River bound by the following points: 41°06'06.8" N, 073°54'55.5" W; thence to 41°06'06.8" N, 073°54'18.0" W; thence to 41°05'00.0" N, 073°54'18.0" W; thence to 41°05'00.0" N, 073°55'02.2" W; thence along the shoreline to the point of origin (NAD 1983), excluding a fairway in the charted cable area that is marked with buoys.

Note: The area is principally for use by yachts and other recreational craft. A mooring buoy is permitted.

* * * * *

Dated: January 24, 2007.

Timothy S. Sullivan,

*Rear Admiral, U.S. Coast Guard Commander,
First Coast Guard District.*

[FR Doc. E7–1882 Filed 2–5–07; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–2006–23882]

RIN 2127–AH34

Federal Motor Vehicle Safety Standards; Door Locks and Door Retention Components

AGENCY: National Highway Traffic Safety Administration, Department of Transportation (NHTSA).

ACTION: Final rule.

SUMMARY: We are amending our safety standard on door locks and door retention components in order to add and update requirements and test procedures and to harmonize with the world's first global technical regulation for motor vehicles. Today's final rule adds test requirements and test procedures for sliding doors, adds secondary latched position requirements for doors other than hinged side doors and back doors, provides a new optional test procedure for assessing inertial forces, and extends the application of the standard to buses with a gross vehicle weight rating (GVWR) of less than 10,000 pounds, including 12–15 passenger vans. Today's final rule also eliminates an exclusion from the requirements of the standard for doors equipped with wheelchair platform lifts.

DATES: Today's final rule is effective September 1, 2009. Optional early compliance is permitted on and after February 6, 2007. Petitions for reconsideration must be received by March 23, 2007.

ADDRESSES: Petitions for reconsideration must be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Nassif Building, Washington, DC 20590–0001.

FOR FURTHER INFORMATION, CONTACT: *For technical issues:* Mr. Maurice Hicks, Structures and Special Systems Division, Office of Crashworthiness Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590; telephone (202) 366–6345; telefax (202) 493–2739; Maurice.hicks@dot.gov.

For legal issues: Ms. Rebecca Schade, Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590; telephone (202) 366–2992; telefax (202) 366–3820.

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I. Executive Summary

Between 1995 and 2003, over 54,000 motor vehicle occupants were ejected annually from their vehicles. Ejections through glazing (*i.e.*, ejections through a vehicle window) comprised 59 percent of all ejections. Twenty-six percent of all ejections occurred through openings other than side glazing and doors, such as windshields, open convertible tops, and open truck beds. The remaining 15 percent of ejections occurred through a vehicle door. Given the sources and magnitude of the overall safety problem posed by ejections from vehicles, the agency is addressing the problem comprehensively, focusing on ejections through glazing as well as ejections through doors.¹ This final rule focuses on those ejections that occur through a vehicle door.

Currently, passenger cars, trucks, and multipurpose passenger vehicles must comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 206, *Door locks and door retention components*. Most of this standard's requirements were established in the early 1970s, in

¹ On September 15, 2004, the agency proposed revisions to FMVSS No. 214, *Side impact protection*, which would likely induce vehicle manufacturers to use side curtains as a countermeasure (69 FR 55550). The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) added a provision to 49 U.S.C. Chapter 301 which requires the agency to conduct a rulemaking proceeding to establish performance standards to reduce complete and partial ejections of vehicle occupants. See 49 U.S.C. 30128(c)(1). Containment requirements for side curtains may be one of the countermeasures to prevent ejections through side glazing.