

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF THE INTERIOR

### National Indian Gaming Commission

#### 25 CFR Chapter III

#### Class II Gaming Regulation Proposals Submitted by Poarch Band of Creek Indians on Behalf of Tribal Gaming Working Group

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

**ACTION:** Request for comments.

**SUMMARY:** The National Indian Gaming Commission (NIGC) is publishing for comment Class II Gaming Regulation Proposals submitted on July 28, 2011 by the Poarch Band of Creek Indians (PBCI) on behalf of the Tribal Gaming Working Group (TGWG). PBCI and TGWG state their proposals were drafted with the intent of ensuring that all controls are covered in the current regulations, while at the same time removing some of the strict procedural steps and tasks not appropriately characterized as standards. PBCI and TGWG also assert that the current regulations are difficult to use and apply due to duplication across multiple sections, dated terminology, and procedures that are obsolete and not reflective of current technology.

**DATES:** Comments must be received on or before October 7, 2011.

**ADDRESSES:** You may submit comments by any one of the following methods, however, please note that comments sent by electronic mail are strongly encouraged.

- *E-mail comments to:* [reg.review@nigc.gov](mailto:reg.review@nigc.gov).
- *Mail comments to:* Lael Echo-Hawk, Counselor to the Chair, National Indian Gaming Commission, 1441 L Street, NW., Suite 9100, Washington, DC 20005.
- *Hand deliver comments to:* 1441 L Street, NW., Suite 9100, Washington, DC 20005.
- *Fax comments to:* Lael Echo-Hawk, Counselor to the Chair, National Indian Gaming Commission at 202-632-0045.

**FOR FURTHER INFORMATION CONTACT:** Lael Echo-Hawk, Counselor to the Chair, National Indian Gaming Commission, 1441 L Street, NW., Suite 9100, Washington, DC 20005. Telephone: 202-632-7009; email: [reg.review@nigc.gov](mailto:reg.review@nigc.gov)

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

The National Indian Gaming Commission (NIGC) is requesting comments on the Class II Gaming Regulation Proposals submitted on July 28, 2011 by the Poarch Band of Creek Indians (PBCI) on behalf of the Tribal Gaming Working Group (TGWG). PBCI and TGWG state their proposals were drafted with the intent of ensuring that all controls are covered in 25 CFR Part 543, while at the same time removing some of the strict procedural steps and tasks not appropriately characterized as standards. PBCI and TGWG also assert that the current regulations are difficult to use and apply due to duplication across multiple sections, dated terminology, and procedures that are obsolete and not reflective of current technology.

##### *A. How can I get copies of this document and other comments submitted in regard to this document?*

You can access publicly available documents related to this document at <http://www.nigc.gov/Portals/0/NIGC%20Uploads/Tribal%20Consultation/Regulatory%20Review%202010-2011/NRRA/AAAFinalPackageSubmittedNIGCon072911.pdf>. Public comments related to this action can be found at [http://www.nigc.gov/TribalConsultation/Regulatory\\_Review\\_2011-2012/Group\\_3\\_25\\_CFR\\_Parts\\_543\\_547.aspx](http://www.nigc.gov/TribalConsultation/Regulatory_Review_2011-2012/Group_3_25_CFR_Parts_543_547.aspx).

##### *B. What should I consider as I prepare my comments for NIGC?*

When submitting comments, remember to:

1. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
2. Describe any assumptions and provide any technical information and/or data that you used.
3. If you estimate potential costs of burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
4. Provide specific examples to illustrate your concerns and suggest

alternatives. Explain your views as clearly as possible.

5. Make sure to submit your comments by the comment period deadline identified.

##### II. What action is the agency taking?

NIGC is announcing the availability of Class II Gaming Regulation proposals from PBCI and TGWG and requesting comment from the public.

##### List of Subjects

Class II Minimum Internal Control Standards, Class II Technical Standards, and related Guidance and Bulletin documents.

Dated: August 10, 2011, Washington, DC.

**Tracie L. Stevens,**

*Chairwoman.*

**Steffani A. Cochran,**

*Vice-Chairwoman.*

**Daniel J. Little,**

*Associate Commissioner.*

[FR Doc. 2011-20721 Filed 8-12-11; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 917

[KY-254-FOR; OSM-2011-0005]

#### Kentucky Regulatory Program

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

**ACTION:** Proposed rule; public comment period and opportunity for public hearing.

**SUMMARY:** We are announcing receipt of a proposed amendment to the Kentucky Regulatory Program (hereinafter, the "Kentucky program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). On May 10, 2011, Kentucky submitted proposed bonding revisions to the Kentucky Revised Statutes (KRS) as authorized by House Bill 385 (HB 385), which passed during the State's regular 2011 legislative session. HB 385 amends the Kentucky Revised Statutes to require that, as of the effective date of the Act, any determination by the Energy and Environmental Cabinet (EEC) to change a bond requirement or bond amount

currently in use will result in a new administrative regulation that includes all bond requirements, including the bond amount; HB 385 also prohibits bond amounts from being instituted as policy. Finally, it requires an administrative regulation that fails to include bond amounts to be declared deficient automatically.

This document gives the times and locations that the Kentucky program and this submittal are available for your inspection, the comment period during which you may submit written comments, and the procedures that we will follow for the public hearing, if one is requested.

**DATES:** We will accept written comments until 4 p.m., E.S.T., September 14, 2011. If requested, we will hold a public hearing on September 9, 2011. We will accept requests to speak until 4 p.m., E.S.T., on August 30, 2011.

**ADDRESSES:** You may submit comments, identified by “SATS No. KY-254-FOR; Docket Number OSM-2011-0005” by either of the following two methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. The proposed rule has been assigned Docket ID: OSM-2011-0005. If you would like to submit comments through the Federal eRulemaking Portal, go to <http://www.regulations.gov> and follow the instructions; or

*Mail/Hand Delivery/Courier:* Joseph L. Blackburn, Field Office Director, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 2675 Regency Road, Lexington, Kentucky 40503.

*Instructions:* For detailed instructions on submitting comments and additional information on the rulemaking process, see the “Public Comment Procedures” heading of the **SUPPLEMENTARY INFORMATION** section in this document.

*Docket:* In addition to obtaining copies of documents at <http://www.regulations.gov>, you may also obtain information 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 OSM’s Lexington Field Office.

Joseph L. Blackburn, Field Office Director, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 2675 Regency Road, Lexington, Kentucky 40503, (859) 260-3900.

Carl E. Campbell, Commissioner, Department for Natural Resources, 2 Hudson Hollow, Frankfort, Kentucky 40601, Telephone: (502) 564-6940.

**FOR FURTHER INFORMATION CONTACT:**  
Joseph L. Blackburn, *Telephone:* (859) 260-3900. *E-mail:*  
[jblackburn@osmre.gov](mailto:jblackburn@osmre.gov).

**SUPPLEMENTARY INFORMATION:**

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

**I. Background on the Kentucky 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 Kentucky program on May 18, 1982. You can find background information on the Kentucky program, including the Secretary’s findings, the disposition of comments, and conditions of approval of the Kentucky program in the May 18, 1982, **Federal Register** (47 FR 21434). You can also find later actions concerning Kentucky’s program and program amendments at 30 CFR 917.11, 917.12, 917.13, 917.15, 917.16, and 917.17.

**II. Description of the Proposed Amendment**

On March 17, 2011, Governor Beshear signed House Bill (HB) 385 which was approved by the 2011 Kentucky General Assembly. HB 385 amends Kentucky Revised Statutes 350.060 to require as of the effective date of the Act that any determination by the Energy and Environmental Cabinet (EEC) to change a bond requirement or bond amount currently in use will result in a new administrative regulation that includes all bond requirements including the bond amount; proscribe bond amounts from being instituted as policy; require after the effective date of the Act an administrative regulation that fails to include bond amounts to be declared automatically deficient.

**1. KRS 350.060 (11) Processing Permit Applications**

The State proposes to delete “The cabinet shall” and insert “Within thirty (30) days of a cabinet determination of a need to change a bond protocol

currently in use, the cabinet shall immediately.” This proposed State revision falls under the Federal provisions at 30 CFR 800.14 and section 509 of SMCRA.

**2. KRS 350.060 (11) Processing Permit Applications**

The State proposes to add new language at the end of (11) to ensure that Bond protocols will include the formula for establishing the amount of the bond or be automatically declared deficient in accordance to KRS Chapter 13A. This proposed State revision falls under the Federal provisions at 30 CFR 800.15 and section 509 of SMCRA.

**III. Public Comment Procedures**

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the Kentucky program now satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve these revisions, they will become part of the Kentucky program.

**Written or Electronic 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 Tribal 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 at locations 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, e-mail address, or other personal identifying information in your comment, be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may 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. We will not consider anonymous comments.

**Public Hearing**

If you wish to speak at the public hearing, contact the person listed under

**FOR FURTHER INFORMATION CONTACT** by 4 p.m., E.S.T. on August 30, 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 the hearing.

To assist the transcriber and ensure an accurate record, we request, that if possible, each person who speaks at a 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 there is only limited interest in participating in a public hearing, 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 and, 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 917

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 13, 2011.

**Michael K. Robinson**,  
*Acting Regional Director, Appalachian Region.*

[FR Doc. 2011–20660 Filed 8–12–11; 8:45 am]

**BILLING CODE 4310–05–P**

#### POSTAL SERVICE

##### 39 CFR Part 111

##### **Folded Self-Mailers and Unenveloped Mailpieces**

**AGENCY:** Postal Service™.

**ACTION:** Proposed rule.

**SUMMARY:** The Postal Service proposes to revise the *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) 201.3.14 to provide standards for creating folded self-mailers (FSM) and other unenveloped mailpieces such as forms, statements, and official notices that will improve processing of these pieces on automated Postal processing equipment.

**DATES:** We must receive your comments on or before September 14, 2011.

**ADDRESSES:** Mail or hand-deliver written comments to the manager, Product Classification, U.S. Postal Service®, 475 L'Enfant Plaza, SW., Room 4446, Washington, DC 20260–5015. Interested parties may review and photocopy all written comments at USPS® Headquarters Library, 475 L'Enfant Plaza, SW., 11th Floor N, Washington, DC between 9 a.m. and 4 p.m., Monday through Friday. Email comments that contain the name and address of the commenter, may be sent to: [mailingstandards@usps.gov](mailto:mailingstandards@usps.gov), with a subject line of “FSM.” Faxed comments will not be accepted.

**FOR FURTHER INFORMATION CONTACT:** Craig Vance at 202–268–7595, or Susan Thomas at 202–268–8069.

**SUPPLEMENTARY INFORMATION:** In this proposed rule, the Postal Service defines letter-sized FSM, provides detailed standards about the basic elements of all FSM letter-sized pieces, and introduces “panels” as a basic element for constructing FSMs. Additionally, optional creative elements that are currently found in FSM designs, but are not defined in the DMM, are added.

#### History

To improve the quality of FSMs, the USPS, in collaboration with the mailing industry, implemented a series of tests designed to identify the characteristics of FSMs that could be processed successfully on automated letter-sorting machines. Industry members, recommended through the Mailers Technical Advisory Council (MTAC), Postal Customer Councils (PCC) and the Business Service Network, were asked to provide sample mailpieces for testing. A wide array of mail owners, mail service providers, and vendors participated. The collaboration resulted in a better understanding of the capabilities and needs of the mailing community and enabled the Postal Service to align terms commonly used in the mailing industry with those in the proposed standards. Working together, the Postal Service attempted to strike a balance between innovation and mailpiece machinability.

The outcome of this collaboration is a streamlined framework of proposed standards that aligns with existing letter-mail standards, provides specific information, and clearly defines the characteristics of additional design elements for mailers who create FSM mailpieces. Folded self-mailer maximum dimensions and weights are now proposed to align with other unenveloped letter standards. The dimensions will better delineate envelope and oversized cards when compared to unenveloped-type mail. Improved standards that are clear and easy to understand will encourage consistency and level-set the playing field minimizing delays in production and will help the Postal Service to control costs.

Postal letter sorting equipment is capable of processing letters at the rate of 10 pieces per second. When prepared according to current standards and processed at that speed, some FSM designs have higher rates of damage and cause jams in letter sorting equipment that result in diverting those pieces to flat sorters or manual handling. Both alternate processes are time consuming and costly. This proposed rule provides standards for FSM and other unenveloped letter designs so those mailpieces can better withstand the rigors of letter automation processing.

#### Testing

The collaborative testing focused on the primary characteristics of folded self-mailers. Four characteristics proved to be the most important—dimensions, basis weight of the paper that forms the