

## II. Corrections to Proposed Rule on Diesel Particulate Matter Exposure of Underground Coal Miners (63 FR 17492)

[Figure V-5]:

1. On page 17567, Figure V-5, section 1, "MEASURED OR ESTIMATED IN MINE DP EXPOSURE ( $\mu\text{g}/\text{m}^3$ )" should read "MEASURED OR ESTIMATED DPM CONCENTRATION ( $\mu\text{g}/\text{m}^3$ )".

2. On page 17567, Figure V-5, section 2, line 18, "AVERAGE TOTAL SHIFT PARTICULATE OUTPUT (gm)" should read "AVERAGE, TOTAL SHIFT, ENGINE EMISSION RATE (gm/hp-hr)".

3. On page 17569, first column, line 19, " $E(a) = (DPM(m) - I) \times (Q(I)/35200) / [\text{Sum}(Hp(I) \times To(I))]$ " should read " $E(a) = (DPM(m) - I) \times Ts \times Q(I) \times 1.7 / [10^6 \times \text{Sum}(Hp(I) \times To(I))]$ ".

4. On page 17569, first column, line 29, " $To(I)$  = Individual engine operating times, hours" should read " $Ts$  = Total shift length, hours".

5. On page 17569, first column, after line 30 and before line 31, insert the following before beginning of paragraph: " $To(I)$  = Individual engine operating times, hr"; " $1.7$  = The metric conversion factor that converts cfm to  $\text{m}^3/\text{hr}$ ,  $1.7$ "; " $10^6$  = The conversion factor that converts gm to  $\mu\text{g}$ ".

6. On page 17569, second column, line 19, " $DPM(a) = \{[\text{Sum}(E(I) \times Hp(I) \times To(I))] \times 35,300/Q(I) + I\} \times [Ts/8]$ " should read " $DPM(a) = [E(a) \times \text{Sum}(Hp(I) \times 10^6/1.7 \times Q(I)) + I] \times Ts/8$ ".

7. On page 17569, second column, line 22, "35,300 is a metric conversion factor" should be deleted.

8. On page 17569, second column, line 26, " $E(I)$  = Individual engine emission rates, gm/hp-hr" should read " $E(a)$  = is the quantity calculated for section 2, Column B, the average engine emission rate, gm/hp-hr".

9. On page 17569, second column, line 30, " $To(I)$  = Operating time hours" should be deleted.

10. On page 17569, second column, after line 33 and before line 34, insert the following before the beginning of paragraph: " $1.7$  = The metric conversion factor that converts cfm to  $\text{m}^3/\text{hr}$ ,  $1.7$ "; " $10^6$  = The conversion factor that converts gm to  $\mu\text{g}$ ".

11. On page 17570, first column, line 19, " $DPM(c) = \{[\text{Sum}(E(I) \times Hp(I) \times To(I)) \times (35300/Q(I)) \times (1-R(o)) \times (1-R(f)) \times (1-R(e))] \times [Q(I)/Q(f)]\} + I$ " should read " $DPM(c) = \{(10^6/Ts) \times \text{Sum}[E(I) \times Hp(I) \times To(I) \times (1-R(o)) \times (1-R(f)) \times (1-R(e))]\} / 1.7 \times Q(f) + I$ ".

12. On page 17570, first column, insert in line 41, " $Ts$  = Total shift length, hours".

13. On page 17570, first column, after line 47 and before the section heading,

"VI. Impact Analysis": insert the following: "Note: The factor 1.7 to convert  $Q$  in cfm to  $\text{m}^3/\text{hr}$  is determined as follows:  $1 \text{ cu ft} = ((2.54 \text{ cm/in})^3 \times (12 \text{ in})^3/\text{cu ft})/[(100 \text{ cm})^3/\text{m}^3] = 0.028317 \text{ m}^3$ ;  $1 \text{ min} = 1/60 \text{ hr}$ ;  $1 \text{ cfm} = 1.7 \text{ m}^3/\text{hr}$ ;  $1 \text{ gm} = 106 \mu\text{g}$ ; Thus  $Q(\text{m}^3/\text{hr}) = 1.7 \times Q(\text{cu ft/min})$  and  $E(\mu\text{g}/\text{hp-hr}) = 10^6 \times E(\text{gm}/\text{hp-hr})$ ".

## II. Close of Rulemaking Records

The post-hearing comment periods for both proposed rules will close concurrently on July 26, 1999.

Commenters are encouraged to submit their comments on or before that date. This will allow the public 15 months from the date of publication to comment on the underground coal proposal, and nine months to comment on the metal and nonmetal proposal.

Dated June 30, 1999.

**J. Davitt McAteer**

*Assistant Secretary for Mine Safety and Health.*

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 938

[PA-124-FOR]

#### Pennsylvania Regulatory Program

**ACTION:** Proposed rule; reopening of public comment period.

**SUMMARY:** OSM is reopening the public comment period on certain parts of a proposed amendment to the Pennsylvania permanent regulatory program (hereinafter referred to as the Pennsylvania program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment was submitted on December 18, 1998, with revisions submitted on June 1, 1999. The comment period is being reopened for changes that deal with effluent limitations in 25 PA Code Chapter 87, Subchapter F and Chapter 88, Subchapter G. Specifically, these changes include the deletion of the definition of "best professional judgement" at 25 PA Code 87.202 and 25 Pa Code 88.502, and the deletion of subsections 25 PA Code 87.207 (b) and 25 PA Code 88.507 (b). Both §§ 87.207(b) and 88.507(b) are titled, "Treatment of Discharges" and require operator treatment of preexisting discharges which are not encountered during mining or implementation of the abatement plan with the effluent limits

established by best professional judgement. The amendment is intended to revise the State program to be consistent with the counterpart Federal provisions.

**DATES:** Written comments must be received by 4:00 p.m. on July 23, 1999.

**ADDRESSES:** Written comments should be mailed or hand-delivered to Mr. Robert J. Biggi, Director, Harrisburg Field Office at the first address listed below.

Copies of the Pennsylvania program, the proposed amendment, and all written comments received in response to this notice will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Harrisburg Field Office, Third Floor, Suite 3C, Harrisburg Transportation Center, 415 Market Street, Harrisburg, Pennsylvania 17101, Telephone: (717) 782-4036.

Pennsylvania Department of Environmental Protection, Bureau of Mining and Reclamation, Rachel Carson State Office Building, Post Office Box 8461, Harrisburg, Pennsylvania 17105-8461, Telephone: (717) 787-5103.

Each requester may receive, free of charge, one copy of the proposed amendment by contacting the OSM Harrisburg Field Office.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert J. Biggi, Director Harrisburg Field Office, Telephone: (717) 782-4036.

#### SUPPLEMENTARY INFORMATION:

#### I. Background on the Pennsylvania Program

On July 30, 1982, the Secretary of the Interior conditionally approved the Pennsylvania program. Background on the Pennsylvania program, including the Secretary's findings and the disposition of comments, can be found in the July 30, 1982, **Federal Register** (47 FR 33079). Subsequent actions concerning the Pennsylvania program amendments are identified at 30 CFR 938.15.

#### II. Discussion of the Proposed Amendment

The Pennsylvania Department of Environmental Protection (PADEP) submitted a proposed amendment to its program pursuant to remining and reclamation, postmining discharges, and water supply protection/replacement in a letter dated December 18, 1998 (Administrative Record No. PA-853.01). This proposed amendment was

published in the **Federal Register** on March 12, 1999 (64 FR 12269). The comment period for this proposal closed on April 12, 1999. During OSM's review of this proposal, PADEP submitted changes to supplement the original submission. These changes were described in a letter dated June 1, 1999 (Administrative Record No. 853.11). In that letter, PADEP indicated that the December 18, 1998, submission proposed to remove approved program language in 25 PA Code Chapters 87-90 dealing with effluent limits for discharges from areas disturbed by coal mining activities. The deletion of the definitions of the term "best professional judgement" from 25 PA Code 87.202 and 88.502 and deletion of 25 PA Code 87.207(b) and 88.507(b) are a supplement to this proposal. OSM is opening the public comment period to allow comment on these additional proposed deletions to the approved Pennsylvania program.

### III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comments on the proposed amendments identified above. Specifically, OSM is seeking comments on the proposed changes to Pennsylvania's regulations that were submitted on June 1, 1999 (Administrative Record No. PA-853.11). Comments should address whether the proposed changes satisfy the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Pennsylvania program.

### Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under DATES or at locations other than the Harrisburg Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

### IV. Procedural Determinations

#### Executive Order 12866

This proposed rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

#### Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed

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 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.

#### National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

#### 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 submittal which is the subject of this rule is based upon corresponding 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 in the analyses for the corresponding Federal regulations.

#### 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: June 30, 1999.

**Allen D. Klein,**

*Regional Director, Appalachian Regional Coordinating Center.*

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### LIBRARY OF CONGRESS

#### Copyright Office

#### 37 CFR Part 212

[Docket No. RM 99-4A]

#### Design Protection for Vessel Hulls

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** Section 1313(c) of title 17 permits a party damaged by the registration of a vessel hull design to request cancellation of the design. The Copyright Office is requesting interested parties to comment on the process and procedures that should be adopted for the cancellation of registrations of vessel hull designs.

**DATES:** Comments should be submitted no later than August 6, 1999. Reply comments are due no later than September 7, 1999.

**ADDRESSES:** An original and 10 copies of comments and reply comments should be mailed to: Office of the General Counsel, Copyright Office, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. If delivered by hand, an original and 10 copies should be brought to: Office of the Copyright General Counsel, Room LM-403, James Madison Memorial Building, 101 Independence Avenue, S.E., Washington, D.C. 20559-6000.

**FOR FURTHER INFORMATION CONTACT:** David O. Carson, General Counsel, or William J. Roberts, Senior Attorney, Office of the General Counsel, Copyright Office, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707-8380. Telefax: (202) 707-8366.

**SUPPLEMENTARY INFORMATION:** As part of the amendments made to the Copyright Act by the Digital Millennium Copyright Act, Public Law 105-304, Congress enacted design protection for vessel hulls. Chapter 13 of the Copyright Act creates certain exclusive rights for owners of original designs of vessel hulls provided registration of the design