

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.

[FR Doc. 99-17295 Filed 7-7-99; 8:45 am]

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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

is made within two years after the date on which the design is first made public. Registration of designs is made at the Copyright Office.

The Copyright Office has adopted interim regulations, effective July 1, 1999, implementing the registration system for vessel hull designs. The interim regulations did not, however, address procedures for cancelling registrations upon petition of an interested party. This Notice of Inquiry seeks public comment as to what type of process and procedures the Copyright Office should adopt for the cancellation of registrations. Persons submitting comments are invited to combine those comments with the comments they submit relating to the interim regulations, which are due on the same date.

Section 1313(c) of title 17 provides that "[a]ny person who believes he or she is or will be damaged by a registration under this chapter may, upon payment of the prescribed fee, apply to the [Register] at any time to cancel the registration on the ground that the design is not subject to protection under this chapter." 17 U.S.C. 1313(c). Upon receipt of such application, the Register must provide the owner of the design with the request for cancellation and "the owner shall have a period of 3 months after the date on which such notice is mailed to present arguments to the [Register] to support the validity of the registration." *Id.* The Register is granted authority to establish regulations by which the opposing parties may "appear and be heard in support of their arguments," and is directed to cancel the registration if she determines that "the design is not subject to protection under this chapter." *Id.*

Because the Copyright Office has just published interim regulations creating the registration process for vessel hull designs and has yet to make a registration, it was not necessary to immediately adopt cancellation regulations. The Office is now seeking comment on the appropriate structure and procedures for cancelling registrations. In considering a process, commenters should bear in mind that the fees for cancellation proceedings will be set at a level designed to recover the actual cost of the proceedings.

The Office specifically seeks comment to the following inquiries. First is the issue of who should conduct a cancellation proceeding. Should the proceeding be conducted by staff of the Copyright Office, and, if so, should it be conducted by staff of the Examining Division or by attorneys in the General Counsel's Office? Or, should the Office

hire an administrative law judge ("ALJ") (preferably one with knowledge of vessel designs) to conduct the hearings and make findings of fact? If an ALJ is the preferable choice, how should the ALJ be paid? Should the ALJ's findings be given presumptive validity, or should the Register be empowered to make her own findings?

Second, how extensive should the proceeding be to consider the petition? The statute prescribes that the owner must be given 3 months to respond to the petition. Should additional written arguments be permitted in addition to the initial petition and the owner's response? What type of submissions should be permitted, and what should the time be? Should the parties be confined to presenting their arguments in written format, or should oral hearing be allowed as well? How extensive should such hearings be? Should they be conducted in accordance with the Administrative Procedure Act requirements for formal hearings, or according to some other less formal format?

Third, what should be the fee charged by the Copyright Office for such a proceeding? Because the registration fee is relatively modest, and because the fee for cancellation proceedings is likely to be considerably greater, should the obligation to pay for cancellation proceedings be shared by the party seeking cancellation and the party who obtained the registration? Should the fee be fixed, or should it be assessed in whole or in part based on the amount of time the presiding officer actually expends in reviewing the submissions and conducting the proceeding? Does the Office have authority to assess fees in that manner?

The Office welcomes responses to these inquiries, as well as any other information or comment as to the cancellation process.

Dated: July 1, 1999.

David O. Carson,
General Counsel.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NM-37-1-7392b; FRL-6372-8]

Approval and Promulgation of Implementation Plan for New Mexico—Albuquerque/Bernalillo County: Transportation Conformity Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: We, the EPA, are proposing to approve a revision to the New Mexico State Implementation Plan (SIP) that contains transportation conformity rule for Albuquerque/Bernalillo County. If we approve this transportation conformity SIP revision, the Albuquerque/Bernalillo County Air Quality Control Board will be able to implement and enforce the Federal transportation conformity requirements at the State level per 40 CFR part 51, subpart T and 40 CFR part 93, subpart A—Conformity to State or Federal Implementation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws. Our proposed action would streamline the conformity process and allow direct consultation among agencies at the local levels. Our proposed approval is limited to 40 CFR part 51, subpart T and 40 CFR part 93, subpart A (Transportation Conformity). We approved the SIP revision for conformity of general Federal actions (under 40 CFR part 51, subpart W) on September 13, 1996 (61 FR 48407).

We are proposing to approve this SIP revision under sections 110(k) and 176 of the Clean Air Act. We have given our rationale for the proposed approval and other information in the Final Rules section of this **Federal Register**.

In the "Rules and Regulations" section of **Federal Register**, we are approving the State's SIP revision as a direct final rule without prior proposal because we view this as a noncontroversial revision and anticipate no adverse comment. We have explained our reasons for this approval in the preamble to the direct final rule. If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment, we will withdraw the direct final rule and it will not take effect. We will address all public comments in a subsequent final rule based on this proposed rule. We will not institute a second comment period on this action.