

### Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

### IV. Procedural Determinations

#### Executive Order 12866

This 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 subsection (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 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.

#### Unfunded Mandates

OSM has determined and certifies pursuant to the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of \$100 million or more in any given year on local, state, or tribal governments or private entities.

#### List of Subjects in 30 CFR Part 901

Intergovernmental relations, Surface mining, Underground mining.

Dated: August 14, 1998.

#### Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

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### DEPARTMENT OF THE INTERIOR

#### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 938

#### [PA-122-FOR]

#### Pennsylvania Regulatory Program

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

**SUMMARY:** OSM is announcing the receipt of a proposed amendment to the Pennsylvania Regulatory Program (hereinafter referred to as the Pennsylvania Program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1201 *et seq.*, as amended.

Pennsylvania has submitted both Act 54 and implementing regulations as part of the proposed amendment. This proposal modifies some requirements and adds other requirements to the Bituminous Mine Subsidence and Land Conservation Act (BMSLCA) dealing with mine subsidence control, subsidence damage repair or replacement, and water supply replacement. This amendment is intended to revise the State program to be consistent with SMCRA and the Federal regulations.

**DATES:** Written comments must be received by 4:00 p.m., E.D.T., September 24, 1998. If requested, a public hearing on the proposed amendment will be held on September 21, 1998. Requests to speak at the hearing must be received by 4:00 p.m., E.D.T., on September 9, 1998.

**ADDRESSES:** Written comments and requests to testify at the hearing 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, a listing of any scheduled public meetings or hearing, 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, Room 209 Executive House, 2nd and Chestnut Streets, P.O. 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

By letter dated July 29, 1998 (Administrative Record No. PA-841.07), the Pennsylvania Department of Environmental Protection (PADEP) submitted a proposed amendment to its program pursuant to mine subsidence control, subsidence damage repair or replacement, and water supply replacement provisions of SMCRA. The amendment submission included Act 54 (Pub. L. 357, No.54) and implementing regulations.

Pennsylvania enacted Act 54 on June 22, 1994, which amended the Bituminous Mine Subsidence and Land Conservation Act (BMSLCA). Section 1 of Act 54 amends the title of the BMSLCA to delete the phrase "forbidding damage to specified classes of existing structures from the mining of bituminous coal" from a list of items defining the purposes of the BMSLCA under the heading titled "An Act." The deleted phrase is replaced with language specifying that the BMSLCA will provide for the restoration or replacement of water supplies affected by underground mining and the restoration or replacement or compensation for surface structures damaged by underground mining. Another phrase, "providing for acquisition with compensation of coal support for existing structures not protected by this act, and future structures," under the heading, "An Act", was also deleted. Additional language is added that requires grantors to provide notice of the existence of voluntary agreements for the restoration of water supplies or for repair or compensation for structural damage.

Section 2 of Act 54 changes Section 2 "Purpose," of the BMSLCA by adding language that includes protection of private water supplies, provides for the restoration or replacement of water supplies affected by mining, and provides for the restoration or replacement of or compensation for surface structures damaged by underground mining.

Section 2 of Act 54 also changes Section 3, "Legislative Findings; Declaration of Policy," of the BMSLCA by deleting the phrase, "It is necessary to provide for the protection of those presently existing structures which are or may be damaged due to mine subsidence." Statements were added requiring development of remedies for

the restoration and replacement of water supplies affected by underground mining and for restoration or replacement or compensation for surface structures damaged by underground mining.

Section 3 of Act 54 deletes Section 4, "Protection of Surface Structures Against Damage from Cave-In, Collapse or Subsidence," of the BMSLCA.

Section 4 of Act 54 amends Section 5(b) of the BMSLCA by deleting a reference to section 6(b) and replacing it with 6(a) and deleting the phrase, "in accordance with the provisions of section 4."

Section 5 of Act 54 adds Sections 5.1, 5.2, 5.3, 5.4, 5.5, and 5.6 to the BMSLCA. Section 5.1 is a new section titled, "Restoration or Replacement of Water Supplies Affected by Underground Mining." This section defines the responsibilities of operators who affect a public or private water supply. Standards for adequacy of the replacement supply are specified and the term "water supply" is defined.

Section 5.2 is a new section titled "Procedures for Securing Restoration or Replacement of Affected Water Supplies; Duties of Department of Environmental Resources." This section defines the procedures for securing restoration or replacement of affected water supplies. PADEP's enforcement responsibilities are defined and the presumption of an operator's responsibility for causing damage to a water supply under certain circumstances is set forth. This section also sets forth defenses available to an operator for relief of liability for affecting a public or private water supply and requires use of a certified laboratory to analyze water samples for premining or post mining surveys. The conditions under which an operator can compensate a landowner for affecting a water supply and the mechanics of compensation are defined. Additionally, the amendment provides that a landowner can request PADEP to review an operator's finding that an affected water supply cannot be restored or that a permanent alternate source cannot be provided.

Section 5.3 is a new section titled "Voluntary Agreement; Restoration or Replacement of Water; Deed Recital." This section provides that a voluntary agreement for restoration or compensation for contamination, diminution, or interruption of an affected water supply between the operator and landowner is not prohibited.

Section 5.4 is a new section titled "Restoration or Compensation for Structures Damaged by Underground

Mining." This section sets forth the structures protected under the BMSLCA and limits the operator's responsibilities if denied access to the property with the damaged structures.

Section 5.5 is a new section titled "Procedure for Securing Repair and/or Compensation for Damage to Structures Caused by Underground Mining; Duties of Department of Environmental Resources." This section describes the procedures for securing repair or compensation for damage to structures caused by underground mining and the circumstances under which a landowner may file a claim with PADEP for damage to structures. PADEP's responsibilities for investigating claims are defined. This section also discusses the limits of the operator's liability for repairs or compensation and defines the process an operator or a landowner can use to appeal an order of PADEP. This section provides enforcement procedures for PADEP to use if the operator fails to repair or compensate for subsidence damage within certain time limits. Additionally, this section provides that, except under certain circumstances, PADEP cannot withhold permits or suspend review of permits of an operator against whom claims are filed.

Section 5.6 is a new section titled "Voluntary Agreements for Repair or Compensation for Damages to Structures Caused by Underground Mining; Deed Recital." This section provides that voluntary agreements for repair or compensation for damages to structures caused by underground mining are not prohibited. The effects of deeds, leases and other agreements on the operator's responsibilities under this amendment are also detailed.

Section 6 of Act 54 amends Section 6 "Repair of Damage or Satisfaction of Claims; Revocation or Suspension of Permit; Bond or Collateral," of the BMSLCA. This section deletes subsection (a) in its entirety. The amendment also includes the addition, in subsection (b), of references to Sections 5, 5.4, and 5.6 regarding the operator's responsibility to file a bond.

Section 7 of Act 54 adds Section 9.1 to the BMSLCA. Section 9.1 is a new section titled "Prevention of hazards to human safety and material damage to certain buildings." This section prohibits mining techniques or extraction ratios that will result in subsidence that creates an imminent hazard to human safety. Additionally, this section prohibits underground mining under or adjacent to specific types of structures and buildings.

Section 8 of Act 54 repeals section 15 of the BMSLCA. Section 15 is titled,

“Proceedings for Protection of Surface Structures.”

Section 9 of Act 54 amends Section 17.1 of the BMSLCA. Section 17.1, “Unlawful Conduct,” is amended to delete the phrase, “to cause land subsidence or injury.”

Section 10 of Act 54 adds Section 18.1 to the BMSLCA. Section 18.1 is a new section titled “Compilation and Analysis of Data.” This section describes data collection and analysis requirements of PADEP to determine the effects of deep mining on subsidence of surface structures and features and water resources. This section further describes PADEP’s reporting procedures and responsibilities.

The additions and changes to regulations proposed by the amendment are described as follows. The amendment will result in changes to the following provisions of the Pennsylvania program: 25 Pa Code 89.5, 25 Pa Code 89.33, 25 Pa Code 89.34, 25 Pa Code 89.35, 25 Pa Code 89.36, 25 Pa Code 89.67, and 25 Pa Code 89.141. The following sections are proposed to be added to the Pennsylvania program: 25 Pa Code 89.142a, 25 Pa Code 89.143a, 25 Pa Code 89.144a, 25 Pa Code 89.145a, 25 Pa Code 89.146a, 25 Pa Code 89.152, 25 Pa Code 89.153, 25 Pa Code 89.154, and 25 Pa Code 89.155. Finally, sections 25 Pa Code 89.142–89.145 are deleted under the proposal. A brief summary of the proposed changes and additions to the Pennsylvania program are found below.

The changes made to 25 Pa Code 89.5 “Definitions,” are the additions of definitions for “de minimis cost increase,” “dwelling,” “fair market value,” “irreparable damage,” “material damage,” “noncommercial building,” “permanently affixed appurtenant structures,” “public buildings and facilities,” “public water supply system,” “rebuttable presumption area,” “underground mining,” “underground mining operations,” and “water supply.” These definitions are being proposed to clarify various aspects of the changes to other regulations affected by the proposed amendment.

A revision to 25 PA Code 89.33 “Geology,” adds coal seam thickness as an information requirement in permit applications.

A revision to 25 PA Code 89.34 “Hydrology,” adds the ownership of wells and springs to the list of information that must be provided in the groundwater inventory. Additionally, the term “potentially impacted offsite area” is replaced with the term “adjacent area.”

A revision to 25 PA Code 89.35 “Prediction of the hydrologic

consequences,” requires permit applicants to predict whether underground mining activities may result in contamination, diminution or interruption of water supplies within the permit or adjacent area.

A revision to 25 Pa Code 89.36 “Protection of the hydrologic balance.” adds a new subsection (c). This subsection is added to require operators to describe the measures they will use to replace water supplies impacted by the mining operation.

A revision to 25 PA Code 89.67, “Support facilities,” clarifies that this section applies to surface sites associated with underground mining activities.

Numerous revisions to 25 PA Code 89.141 “Subsidence control: application requirements,” were made. A revision to subsection (a) requires a description of geologic conditions which affect the likelihood or extent of subsidence or subsidence related damage. A revision to subsection (d) clarifies the area which must be covered by the subsidence control plan. Subsection (d)(2) is a new information requirement that requires a description of the potential impacts of subsidence on overlying structures, surface lands and water supplies. A revision to Subsection (d)(3) requires descriptions of the measures to be taken to prevent material damage to, or reduction in, the reasonably foreseeable uses of certain structures and features listed in section 89.142a(c). Subsection (d)(4) requires a description of anticipated effects due to mine subsidence. Subsection (d)(5) requires a general description of the measures a mine operator will take to correct material damage to surface lands if damage occurs as a result of underground mining. Subsection (d)(6) requires a general description of the measures a mine operator will take to prevent irreparable damage to certain structures. Subsection (d)(7) requires a description of any monitoring the mine operator will conduct in conjunction with the subsidence control plan. Subsection (d)(8) requires a description of the measures that will be taken to maximize mine stability, while subsections (d)(9) and (10) require descriptions of the measures that will be taken to protect perennial streams. Subsection (d)(11) is a new section added to require information concerning the construction, use and approximate age of pipelines which will enable PADEP to assess the potential of damage which would result in an imminent hazard to human safety. Subsections (d)(12) and (13) require information relating to subsidence control measures

that must be taken to comply with statutes other than the BMSLCA.

25 Pa Code 89.142a is a new section titled, “Subsidence control: performance standards.” Subsection (a) sets forth general subsidence control requirements. Subsection (b) is a new requirement which specifies when mine operators will conduct premining surveys, the types of structures subject to the surveys, and the information to be included in the surveys. Subsection (c) is sets forth the special protections afforded to public buildings and facilities, impoundments and certain water bodies. This revision also describes requirements for mining beneath these structures. Subsection (d) prohibits a mine operator from mining in a manner which would cause irreparable damage to dwellings and certain other structures. Subsection (e) revises an existing regulation concerning the repair of damage to surface lands. This subsection requires an operator to correct material damage to surface lands. Subsection (f) sets forth an operator’s responsibility to repair or compensate for subsidence damage to certain buildings and structures. Subsection (g) revises an existing regulation concerning protection of utilities. This section describes the methods a mine operator must take to minimize damage, destruction or disruption in services provided by utilities. Subsection (h) is an existing regulation on perennial stream protection which is relocated in this rulemaking. This subsection requires mine operators to take measures to maintain the value and reasonably foreseeable uses of perennial streams and to restore to the extent technologically and economically feasible restoration of streams adversely impacted by mining. Subsection (i) requires PADEP to suspend underground mining beneath certain areas to prevent hazards to human safety. Subsection (j) is an existing regulation that has been relocated. This subsection prohibits mining in an area that is not covered by an approved subsidence plan. Subsection (k) is a new performance standard that will require mine operators to report mine subsidence damage claims to PADEP. Subsection (l) is an advisory statement that clarifies that PADEP does not have the authority to resolve property rights disputes.

25 PA Code 89.143a “Subsidence control: procedure for resolution of subsidence damage claims,” is a new section that describes the responsibilities of all parties in resolving claims of mine subsidence damage.

25 PA Code 89.144a "Subsidence control: relief from responsibility," is a new section that describes the conditions under which an operator may be relieved of the responsibility to repair or compensate for damage to a structure.

25 PA Code 89.145a "Water supply replacement: performance standards," is a new section that pertains to the restoration or replacement of water supplies contaminated, diminished or interrupted by underground mining. Subsection (a) requires mine operators to conduct premining surveys of certain water supplies. Subsection (b) sets forth a mine operator's basic responsibility to restore or replace a water supply that has been contaminated, diminished or interrupted by underground mining activities. Subsection (c) requires a mine operator to notify PADEP within 24 hours of receiving a complaint the a water supply has been affected. Subsection (d) repeats the statutory requirement to investigate all complaints of water supply contamination, diminution or interruption. Subsection (e) sets forth the requirement to provide a temporary water supply when a water supply has been impacted by underground mining within the rebuttable presumption zone. Subsection (f) sets forth the requirements for determining the adequacy of a permanently restored or replacement water supply.

25 PA Code 89.146a "Water supply replacement: procedures for resolution of water supply damage claims," is a new section that summarizes the responsibility of mine operators, landowners, water users and PADEP in resolving claims of water supply contamination diminution or interruption.

25 PA Code 89.152 "Water supply replacement: relief from responsibility," is a new section which describes the conditions under which an operator may be relieved of responsibility to restore or replace a water supply.

25 PA Code 89.153 "Water supply replacement: rebuttable presumption," is a new section which describes the effect of the rebuttable presumption provision under section 5.2 of the BMSLCA and the means by which an operator may rebut a presumption.

25 PA Code 89.154 "Maps," describes the contents of the mine subsidence control plan maps and the six month mine maps. Most of the requirements were existing and were relocated from 25 PA Code 89.142. Subsection (a) describes the content of the general mine map, while subsection (b) describes the content of the six month mine map. While much of the

information required by this section is the same as required by existing regulations, some additional details have been added.

25 PA Code 89.155 "Public Notice," contains public notice requirements which have been relocated from Section 89.144. Two additional parties have been added to the list of persons to be notified. Under this proposal, owners of all structures and owners of all utilities must now be notified of proposed mining.

### III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendment proposed by Pennsylvania satisfies the applicable requirements for the approval of State program amendments. 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 Administration Record.

#### Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by close of business on September 9, 1998. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and who wish to do so will be heard following those scheduled. The hearing will end after all persons who desire to comment have been heard.

#### Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing

to meet with OSM representatives to discuss the proposed amendments may request a meeting at the Harrisburg Field Office by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of the meetings will be posted in advance at the locations listed above under **ADDRESSES**. A summary of meeting will be 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: August 18, 1998.

**Allen D. Klein,**

*Regional Director, Appalachian Regional Coordinating Center.*

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## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### 36 CFR Part 1281

RIN 3095-AA82

### Presidential Library Facilities

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Proposed rule.

**SUMMARY:** NARA is issuing regulations relating to acceptance of new Presidential libraries under the Presidential Libraries Act amendments of 1986. That Act requires the Archivist of the United States to promulgate architectural and design standards for Presidential libraries and specifies what information NARA must provide to the Congress before accepting completed Presidential library buildings. NARA must obtain some of the information from the private foundations or other entities that develop the Presidential library. This rule will affect those

private foundations or other entities created to design, construct and equip Presidential libraries.

**DATES:** Comments on the proposed rule and the proposed information collection contained in § 1281.18 must be received by October 26, 1998.

**ADDRESSES:** Comments on the regulation and the proposed information collection must be sent to Regulation Comment Desk (NPOL), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. Comments may be faxed to 301-713-7270.

Comments regarding the burden-hour estimate or any other aspect of the collection of information requirement contained in this proposed rule should be sent also to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: NARA Desk Officer, Washington, D.C. 20503.

**FOR FURTHER INFORMATION CONTACT:** Nancy Allard at (301) 713-7360, extension 226.

### SUPPLEMENTARY INFORMATION:

Presidential libraries are constructed by non-federal or private organizations using non-federal or privately-raised funds. After completion, the buildings are donated or turned over to the Federal Government for use in perpetuity as part of the National Archives and Records Administration (NARA) system. The laws providing for the Federal Government to accept the completed building are codified in 44 U.S.C. 2112. Also in 44 U.S.C. 2112 are requirements that the Archivist of the United States promulgate architectural and design standards for Presidential libraries, and that an endowment be established by the donor of a new Presidential library and deposited in the National Archives Trust Fund prior to acceptance by NARA. The amount of the required endowment is based on several factors, including the size of the facility and the total costs of construction and improvements.

Before NARA can accept and take title to any Library or enter into an agreement to accept or establish a Library, the Archivist must submit a written report on the proposed Presidential archival depository to Congress. The report must include a certification that the facility and equipment meet the standards promulgated by the Archivist, and must contain information about the endowment.

This regulation prescribes the design and construction approval process that NARA requires for new Presidential library facilities, information that must

be furnished to NARA for its report to Congress, the required operating equipment that must be part of the endowment established by the donor of a new library, and background materials that must be provided to NARA to assist in its operation of the completed facility. The regulation also cites statutory requirements for the endowment that must be provided to NARA by the private foundation to help offset facility operating expenses and defines the measurement standard that NARA will use in calculating the square footage of the library.

This proposed rule is not a significant regulatory action for the purposes of Executive Order 12866. A copy of the proposed rule will be sent to OMB for review of the proposed information collections under the Paperwork Reduction Act. As required by the Regulatory Flexibility Act, it is hereby certified that this proposed rule will not have a significant impact on small entities.

### Paperwork Reduction Act

This proposed rule contains information collection activities which are subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. Under this Act, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The reporting burden for this collection is estimated to be approximately 31 hours per response for providing to NARA the information specified in proposed § 1281.18 or in proposed § 1281.20, including the time for gathering and maintaining the data needed and completing and reviewing the collection of information. A respondent would be required to submit a response on a one-time basis, when the new Presidential library is to be offered to the Government or when a gift to wholly fund a change or addition to a Presidential library is proposed. We estimate that fewer than one response will be required annually. Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of NARA's functions, including whether the information would have practical utility; (b) the accuracy of NARA's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.