

### III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the submission satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the Maryland program.

#### *Electronic or Written 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 sent to an address 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, you should 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., local time February 14, 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, if possible, that 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 submission, 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 920**

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 1, 2010.

**Michael K. Robinson,**

*Acting Regional Director, Appalachian Region.*

**Editorial Note:** This document was received in the Office of the Federal Register on January 14, 2011.

[FR Doc. 2011-1113 Filed 1-27-11; 8:45 am]

**BILLING CODE 4310-05-P**

### **SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION**

#### **33 CFR Part 401**

[Docket No. SLSDC-2011-0002]

**RIN 2135-AA29**

#### **Seaway Regulations and Rules: Periodic Update, Various Categories**

**AGENCY:** Saint Lawrence Seaway Development Corporation, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. Under agreement with the SLSMC, the SLSDC is amending the joint regulations by updating the Seaway Regulations and Rules in various categories. The proposed changes will update the following sections of the Regulations and Rules: Condition of Vessels, and Preclearance and Security for Tolls. These proposed amendments are necessary to take account of updated procedures and will enhance the safety of transits through the Seaway. Several of the proposed amendments are merely editorial or for clarification of existing requirements.

**DATES:** Any party wishing to present views on the proposed amendment may file comments with the Corporation on or before February 28, 2011.

**ADDRESSES:** You may submit comments [identified by Docket Number SLSDC 2011-0002] by any of the following methods:

- *Web Site:* <http://www.Regulations.gov>. Follow the online instructions for submitting comments/submissions.

- *Fax:* 1-202-493-2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-001.

- *Hand Delivery:* Documents may be submitted by hand delivery or courier to West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Instructions:* All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this rulemaking. Note that all comments received will be

posted without change at <http://www.Regulations.gov> including any personal information provided. Please see the Privacy Act heading under *Regulatory Notices*.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.Regulations.gov>; or in person at the Docket Management Facility; U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Carrie Mann Lavigne, Chief Counsel, Saint Lawrence Seaway Development Corporation, 180 Andrews Street, Massena, New York 13662; 315/764-3200.

**SUPPLEMENTARY INFORMATION:** The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. Under agreement with the SLSMC, the SLSDC is proposing to amend the joint regulations by updating the Regulations and Rules in various categories. The proposed changes would update the following sections of the Regulations and Rules: Condition of Vessels, and Preclearance and Security for Tolls. These updates are necessary to take account of updated procedures which will enhance the safety of transits through the Seaway. Many of these proposed changes are to clarify existing requirements in the regulations. Where new requirements or regulations are being proposed, an explanation for such a change is provided below.

*Regulatory Notices: Privacy Act:* Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://www.Regulations.gov>.

The SLSDC is proposing to amend two sections of the Condition of Vessels portion of the joint Seaway regulations. Under section 401.8, "Landing booms", the SLSDC is clarifying that no more than 4 mooring lines will be handled by

Seaway personnel as part of the tie-up service. In addition, the proposed change clarifies that tie-up service does not include let go service. In section 401.24, "Application for preclearance", the SLSDC is requiring that preclearance applications must be received by the SLSMC between 08:00-16:00 hours Monday through Friday and at least 24 hours prior to the vessel's arrival.

The other changes to the joint regulations are merely editorial or to clarify existing requirements.

#### Regulatory Evaluation

This proposed regulation involves a foreign affairs function of the United States and therefore Executive Order 12866 does not apply and evaluation under the Department of Transportation's Regulatory Policies and Procedures is not required.

#### Regulatory Flexibility Act Determination

I certify this proposed regulation will not have a significant economic impact on a substantial number of small entities. The St. Lawrence Seaway Regulations and Rules primarily relate to commercial users of the Seaway, the vast majority of whom are foreign vessel operators. Therefore, any resulting costs will be borne mostly by foreign vessels.

#### Environmental Impact

This proposed regulation does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, *et reg.*) because it is not a major federal action significantly affecting the quality of the human environment.

#### Federalism

The Corporation has analyzed this proposed rule under the principles and criteria in Executive Order 13132, dated August 4, 1999, and has determined that this proposal does not have sufficient federalism implications to warrant a Federalism Assessment.

#### Unfunded Mandates

The Corporation has analyzed this proposed rule under Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4, 109 Stat. 48) and determined that it does not impose unfunded mandates on State, local, and tribal governments and the private sector requiring a written statement of economic and regulatory alternatives.

#### Paperwork Reduction Act

This proposed regulation has been analyzed under the Paperwork Reduction Act of 1995 and does not contain new or modified information

collection requirements subject to the Office of Management and Budget review.

#### List of Subjects in 33 CFR Part 401

Hazardous materials transportation, Navigation (water), Penalties, Radio, Reporting and recordkeeping requirements, Vessels, Waterways.

Accordingly, the Saint Lawrence Seaway Development Corporation proposes to amend 33 CFR part 401 as follows:

### PART 401—SEAWAY REGULATIONS AND RULES

#### Subpart A—Regulations

1. The authority citation for subpart A of part 401 continues to read as follows:

**Authority:** 33 U.S.C. 983(a) and 984(a)(4), as amended; 49 CFR 1.52, unless otherwise noted.

2. In § 401.8, revise paragraph (c) to read as follows:

#### § 401.8 Landing booms.

\* \* \* \* \*

(c) Vessels not equipped with or not using landing booms must use the Seaway's tie-up service at approach walls using synthetic mooring lines only. Maximum of 4 lines will be handled by Seaway personnel and the service does not include let go service.

3. In § 401.11, revise paragraph (a) introductory text to read as follows:

#### § 401.11 Fairleads.

(a) Mooring lines shall:

\* \* \* \* \*

4. In § 401.12 revise paragraphs (a)(1), (a)(1)(i), and (a)(2) to read as follows:

#### § 401.12 Minimum requirements—mooring lines and fairleads.

(a) \* \* \*

(1) Vessels of more than 100 m but not more than 150 m in overall length shall have three mooring lines—wires or synthetic hawsers, which shall be independently power operated by winches, capstans or windlasses. All lines shall be led through closed chocks or fairleads acceptable to the Manager and the Corporation.

(i) One shall lead forward and one shall lead astern from the break of the bow and one lead astern from the quarter.

\* \* \* \* \*

(2) Vessels of more than 150 m in overall length shall have four mooring lines—wires, independently power operated by the main drums of adequate power operated winches as follows:

(i) One mooring line shall lead forward and one mooring line shall lead astern from the break of the bow.

(ii) one mooring line shall lead forward and one mooring line shall lead astern from the quarter.

\* \* \* \* \*

5. Revise § 401.24 to read as follows:

**§ 401.24 Application for preclearance.**

The representative of a vessel may, on a preclearance form obtained from the Manager, St. Lambert, Quebec, or downloaded from the St. Lawrence Seaway Web site (<http://www.greatlakes-seaway.com>), apply for preclearance, giving particulars of the ownership, liability insurance and physical characteristics of the vessel and guaranteeing payment of the fees that may be incurred by the vessel. The preclearance application must be received by the St. Lawrence Seaway between 08:00—16:00 hours Monday through Friday excluding holidays and at least 24 hours prior to arrival.

6. In § 401.39, revise paragraph (a) as follows:

**§ 401.39 Preparing mooring lines for passing through.**

\* \* \* \* \*

(a) Winches shall be capable of paying out and heaving in at a minimum speed of 46 m per minute; and

\* \* \* \* \*

7. In § 401.40, revise paragraph (a) to read as follows:

**§ 401.40 Entering, exiting, or position in lock.**

(a) Unless directed by the Manager and the Corporation, no vessel shall proceed into a lock in such a manner that the stem passes the stop symbol on the lock wall nearest the closed gates.

\* \* \* \* \*

8. In § 401.51, revise paragraph (b) to read as follows:

**§ 401.51 Signaling approach to a bridge.**

\* \* \* \* \*

(b) The signs referred to in subsection (a) are placed at distances varying between 550 m and 2990 m upstream and downstream from moveable bridges at sites other than lock sites.

\* \* \* \* \*

9. In § 401.57, revise paragraph (c) to read as follows:

**§ 401.57 Disembarking or boarding.**

\* \* \* \* \*

(c) Persons disembarking or boarding shall be assisted by a member of the vessel's crew under safe conditions.

10. In § 401.65, revise paragraph (c) to read as follows:

**§ 401.65 Communication—ports, docks and anchorages.**

\* \* \* \* \*

(c) Every vessel prior to departing from a port, dock, or anchorage shall report to the appropriate Seaway station its destination and its expected time of arrival at the next check point.

\* \* \* \* \*

Issued at Washington, DC on January 18, 2011.

Saint Lawrence Seaway Development Corporation.

**Collister Johnson, Jr.,**  
*Administrator.*

[FR Doc. 2011-1833 Filed 1-27-11; 8:45 am]

**BILLING CODE 4910-61-P**

**LIBRARY OF CONGRESS**

**Copyright Office**

**37 CFR Part 202**

[Docket No. 2011-2]

**Deposit Requirements for Registration of Automated Databases That Predominantly Consist of Photographs**

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

**ACTION:** Notice of proposed rulemaking and request for comments.

**SUMMARY:** The Copyright Office is proposing to amend its regulations, including the recently published interim regulations regarding electronic registration of automated databases that consist predominantly of photographs and group registration of published photographs (the “Interim Regulations”), governing the deposit requirements for applications for automated databases that consist predominantly of photographs. The proposed amendments would require that, in addition to providing material relating to claimed compilation authorship, the deposits for such databases include the image of each photograph in which copyright is claimed. The Office believes that this amendment will align the deposit requirements for such databases with the deposit requirements for published or unpublished photographs as a single work or group registration of published photographs and provide a better public record identifying the scope of the copyright claim.

**DATES:** Comments must be received in the Office of the General Counsel of the Copyright Office no later than February 28, 2011.

**ADDRESSES:** The Copyright Office strongly prefers that comments be submitted electronically. A comment page containing a comment form is

posted on the Copyright Office Web site at <http://www.copyright.gov/docs/databases>. The Web site interface requires submitters to complete a form specifying name and organization, as applicable, and to upload comments as an attachment via a browse button. To meet accessibility standards, all comments must be uploaded in a single file in either the Adobe Portable Document File (PDF) format that contains searchable, accessible text (not an image); Microsoft Word; WordPerfect; Rich Text Format (RTF); or ASCII text file format (not a scanned document). The maximum file size is 6 megabytes (MB). The name of the submitter and organization should appear on both the form and the face of the comments. All comments will be posted publicly on the Copyright Office Web site exactly as they are received, along with names and organizations. If electronic submission of comments is not feasible, please contact the Copyright Office at 202-707-8125 for special instructions.

**FOR FURTHER INFORMATION CONTACT:** David O. Carson, General Counsel, or Catherine Rowland, Attorney Advisor, Copyright Office, GC/I&R, P.O. Box 70400, Washington, DC 20024.

*Telephone:* (202) 707-8380. *Telefax:* (202) 707-8366.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Copyright Office has long allowed photographers to register groups or collections of photographs, including groups of either published or unpublished photographs (or of any other unpublished works) as part of a single work when certain requirements have been met. *See* 37 CFR 202.3(b)(4)(i)(A) and (B). It has also adopted a group registration procedure for published photographs that complements the unpublished collection procedure. *See* 37 CFR 202.3(b)(10).

Despite the availability of these options, however, some applicants have registered groups of photographs as part of automated databases. A published database is registerable under the “single unit of publication” rule of § 202.3(b)(4)(i)(A), and the group database registration provisions permit single registrations that covers up to three months’ worth of updates and revisions to an automated database when all of the updates or other revisions (1) are owned by the same copyright claimant, (2) have the same general title, (3) are similar in their general content, including their subject, and (4) are similar in their organization.