

registration is required. Seating will be available to the public on a first-come, first-served basis. Individuals with disabilities wishing to attend should contact Luz Delacruz by Telephone at 202-693-2020 or by Fax at 202-693-1689 to obtain appropriate accommodations no later than Tuesday, July 22, 2003. The C-DAC meeting is expected to last two and a half days.

In addition, members of the general public may request an opportunity to make oral presentations to the Committee. The Facilitator has the authority to decide to what extent oral presentations by members of the public may be permitted at the meeting. Oral presentations will be limited to statements of fact and views, and shall not include any questioning of the committee members or other participants. Questions, answers and a less formal exchange is encouraged in the workgroup sessions.

The procedural requirements in Part 1912 of Title 29 of the Code of Federal Regulations will apply generally to C-DAC meetings. The reporting requirements of § 1912.33 have been changed pursuant to § 1912.42 to help meet the special needs of negotiated rulemaking committees. Specifically, § 1912.33 requires that verbatim transcripts be kept of all advisory committee meetings. Producing a coherent transcript requires a certain degree of formality. The Assistant Secretary therefore has determined pursuant to § 1912.42 that such formality might interfere with the free exchange of information and ideas during the negotiations, and that the OSH Act would be better served by simply requiring detailed minutes of the proceedings without a formal transcript.

Minutes of the meetings and materials prepared for the Committee will be available for public inspection at the OSHA Docket Office, N-2625, 200 Constitution Ave., NW., Washington, DC 20210; Telephone (202) 693-2350.

The Facilitator, Susan Podziba, can be reached at Susan Podziba and Associates, 21 Orchard Road, Brookline, MA 02445; Telephone (617) 738-5320, Fax (617) 738-6911.

VI. Authority

This document was prepared under the direction of John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, pursuant to section 3 of the Negotiated Rulemaking Act of 1990, (5 U.S.C. 561 *et seq.*), the Federal Advisory Committee Act (5 U.S.C. Appendix 2), the Occupational Safety and Health Act

of 1970 (29 U.S.C. 651 *et seq.*), and Secretary of Labor's Order No. 5-2002 (67 FR 65008).

Signed at Washington, DC, this 27 day of June, 2003.

John L. Henshaw,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 03-16871 Filed 7-2-03; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 70, 75, and 90

RIN 1219-AB14

Verification of Underground Coal Mine Operators' Dust Control Plans and Compliance Sampling for Respirable Dust

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This document extends the comment period for Verification of Underground Coal Mine Operators' Dust Control Plans and Compliance Sampling for Respirable Dust (Plan Verification), published in the **Federal Register** on March 6, 2003 as a proposed rule. The comment period was scheduled to close on July 3, 2003, but will now remain open until further notice is published in the **Federal Register**.

MSHA has decided to extend the comment period in order to obtain further information on Personal Dust Monitors (PDMs), a new technology which is currently being tested by the National Institute for Occupational Safety and Health (NIOSH).

All comments received will be entered into the rulemaking.

DATES: The rulemaking record for the proposed rule published on March 6, 2003, and for which the comment period was extended on May 29, 2003, will remain open until further notice in the **Federal Register**.

ADDRESSES: You may use mail, facsimile (fax), or electronic mail to send us your comments. Clearly identify them as comments and send them (1) by mail to MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Room 2313, Arlington, Virginia 22209-3939; by fax to (202) 693-9441; or (3) electronic mail to: comments@msha.gov.

FOR FURTHER INFORMATION CONTACT: Marvin W. Nichols, Jr., Director, Office

of Standards, Regulations and Variances, MSHA; phone: (202) 693-9440; facsimile: (202) 693-9441; e-mail: nichols-marvin@msha.gov.

You can request a copy of this extension notice in an alternate format, such as a large print version, an electronic file or a file on a disk. This extension notice is available on MSHA's Internet site, <http://www.msha.gov>, at the "Statutory and Regulatory Information" icon.

SUPPLEMENTARY INFORMATION:

I. Rulemaking Background

On July 7, 2000, the Mine Safety and Health Administration (MSHA) published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register**, Verification of Underground Coal Mine Operators' Dust Control Plans and Compliance Sampling for Respirable Dust (Plan Verification) (65 FR 42122). A notice of public hearing and close of record was also published in the **Federal Register** (65 FR 41286) on July 7, 2000. During August 2000, three public hearings were conducted in Morgantown, West Virginia; Prestonsburg, Kentucky; and Salt Lake City, Utah. Transcripts of those proceedings were made available to the public. In response to requests from commenters, the public comment period was extended to September 8, 2000 (65 FR 29215).

On March 6, 2003, (68 FR 10784), in response to commenters to the 2000 proposed rule, MSHA published a second proposed rule in the **Federal Register**. During May 2003, the agency held six public hearings in Washington, Pennsylvania; Charleston, West Virginia; Evansville, Indiana; Lexington, Kentucky; Birmingham, Alabama; and Grand Junction, Colorado. The hearings were attended by over 500 members of the public. In response to requests from the mining community the Agency extended the post-hearing comment period from June 4, 2003 to July 3, 2003 (68 FR 32005, May 29, 2003). This notice extends the public comment period from July 3, 2003 until further notice is published in the **Federal Register**.

II. Reasons for Extension of Comment Period

The Agency made the decision to extend the comment period on the proposed rule after careful consideration of comments during the May 2003 public hearings concerning the preliminary success of in-mine tests on a prototype of personal dust monitors (PDMs).

The Comment period will remain open during which time:

- The in-mine testing of the pre-production prototype PDMs at mines in Pennsylvania, West Virginia, Alabama, and Utah is completed;

- NIOSH and MSHA commit \$150,000 each for further testing contingent upon completion and positive assessment of the in-mine testing; and

- Information is obtained to assist in controlling and monitoring respirable coal mine dust and preventing Black Lung disease.

For all the reasons stated herein, the comment period on the proposed rule is hereby extended until further notice is published in the **Federal Register**.

A separate notice reopening the rulemaking record for the proposed rule "Determination of Concentration of Respirable Coal Mine Dust," (68 FR 10940, 68 FR 32005) will be published in the **Federal Register** shortly.

Dated: June 30, 2003.

John R. Caylor,

Deputy Assistant Secretary for Mine Safety and Health.

[FR Doc. 03-16979 Filed 7-1-03; 11:28 am]

BILLING CODE 4510-43-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 19 and 27

[FRL-7522-4]

Civil Monetary Penalty Inflation Adjustment Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency is proposing to amend the final Civil Monetary Penalty Inflation Adjustment Rule, as mandated by the Debt Collection Improvement Act of 1996, to adjust EPA's civil monetary penalties ("CMPs") for inflation on a periodic basis. The Agency is required to review its penalties at least once every four years and to adjust them as necessary for inflation according to a formula specified in the statute. A complete version of Table 1 from the proposed regulatory text, which lists all of the EPA's civil monetary penalty authorities, appears near the end of this document.

DATES: Written comments should be submitted on or before August 4, 2003.

ADDRESSES: Mail written comments to the Docket Office, Enforcement & Compliance Docket and Information Center (2201AT), Docket Number EC-2001-008, U.S. Environmental

Protection Agency, EPA West, 1200 Pennsylvania Avenue, NW., Room B133, Washington, DC 20460 (in triplicate, if possible). Please use a font size no smaller than 12. Written comments may be delivered in person to: U.S. Environmental Protection Agency, EPA West, 1301 Constitution Avenue, NW., Room B133, Washington, DC 20460. Comments may also be submitted electronically to docket.oeca@epa.gov or faxed to (202) 566-1511. Attach electronic comments as an ASCII (text) file, and avoid the use of special characters and any form of encryption. Be sure to include the docket number, EC-2001-008 on your document. Public comments, if any, may be reviewed at the Enforcement and Compliance Docket Information Center, U.S. Environmental Protection Agency, EPA West, 1301 Constitution Avenue, NW., Room B133, Washington, DC 20460. Persons interested in reviewing this docket may do so by calling (202) 566-1512.

FOR FURTHER INFORMATION CONTACT: David Abdalla, Office of Regulatory Enforcement, Multimedia Enforcement Division, Mail Code 2248A, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, (202) 564-2413.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. 2461 note, as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. 3701 note, ("DCIA"), each federal agency is required to issue regulations adjusting for inflation the maximum civil monetary penalties that can be imposed pursuant to such agency's statutes. The purpose of these adjustments is to maintain the deterrent effect of CMPs and to further the policy goals of the laws. The DCIA requires adjustments to be made at least once every four years following the initial adjustment. The EPA's initial adjustment to each CMP was published in the **Federal Register** on December 31, 1996, at 61 FR 69360 and became effective on January 30, 1997.

The proposed rule adjusts the amount for each type of CMP that EPA has jurisdiction to impose in accordance with these statutory requirements. It does so by revising the table contained in 40 CFR 19.4. The table identifies the statutes that provide EPA with CMP authority and sets out the inflation-adjusted maximum penalty that EPA may impose pursuant to each statutory provision. The proposed rule also revises the effective date provisions of

40 CFR 19.2 to make the penalty amounts set forth in 40 CFR 19.4 apply to all applicable violations that occur after the effective date of the final rule.

The DCIA requires that the adjustment reflect the percentage increase in the Consumer Price Index between June of the calendar year preceding the adjustment and June of the calendar year in which the amount was last set or adjusted. The DCIA defines the Consumer Price Index as the Consumer Price Index for all urban consumers published by the Department of Labor ("CPI-U"). As the initial adjustment was made and published on December 31, 1996, the inflation adjustment for the CMPs set forth in the proposed rule was calculated by comparing the CPI-U for June 1996 (156.7) with the CPI-U for June 2002 (179.9), resulting in an inflation adjustment of 14.8 percent. In addition, the DCIA's rounding rules require that an increase be rounded to the nearest multiple of: \$10 in the case of penalties less than or equal to \$100; \$100 in the case of penalties greater than \$100 but less than or equal to \$1,000; \$1,000 in the case of penalties greater than \$1,000 but less than or equal to \$10,000; \$5,000 in the case of penalties greater than \$10,000 but less than or equal to \$100,000; \$10,000 in the case of penalties greater than \$100,000 but less than or equal to \$200,000; and \$25,000 in the case of penalties greater than \$200,000.

The amount of each CMP was multiplied by 14.8 percent (the inflation adjustment) and the resulting increase amount was rounded up or down according to the rounding requirements of the statute. The table below shows the inflation-adjusted CMPs and includes only the CMPs as of the effective date of the final rule. EPA intends to readjust these amounts in the year 2007 and every four years thereafter, assuming there are no further changes to the mandate imposed by the DCIA.

On June 18, 2002, the EPA published a direct final rule and a parallel proposed rule in the **Federal Register** (67 FR 41343). The direct final rule would have amended the Civil Monetary Penalty Inflation Adjustment Rule, as mandated by the DCIA, to adjust EPA's civil monetary penalties for inflation. EPA stated in the direct final rule that if we received adverse comment by July 18, 2002, EPA would publish a timely notice of withdrawal on or before the August 19, 2002 effective date, and then address that comment in a subsequent final action based on the parallel proposal published at (67 FR 41363). EPA