

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1099

[DA-95-10]

Milk in the Paducah, Kentucky Marketing Area; Extension of Time for Filing Comments on Proposed Termination of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing comments to proposed termination of order.

SUMMARY: This notice extends the time for filing comments on the proposed termination of the order regulating the handling of milk in the Paducah, Kentucky, marketing area. The time has been extended 17 days to April 10, 1995, at the request of interested persons.

DATES: Comments now are due on or before April 10, 1995.

ADDRESSES: Comments (two copies) should be filed with the USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090-6456.

FOR FURTHER INFORMATION CONTACT: Gino M. Tosi, Marketing Specialist, Order Formulation Branch, USDA/AMS/Dairy Division, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 690-1366.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Proposed Termination of Order: Issued March 3, 1995; published March 9, 1995 (60 FR 12907).

Notice is hereby given that the time for filing comments to the proposed termination of the order regulating the handling of milk in the Paducah, Kentucky, marketing area is hereby extended from March 24, 1995, to April 10, 1995.

This notice is issued pursuant to the provisions of the Agricultural Marketing

Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Dated: March 27, 1995.

Kenneth C. Clayton,

Acting Administrator.

[FR Doc. 95-7962 Filed 3-30-95; 8:45 am]

BILLING CODE 3410-02-P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 170 and 171

RIN 3150-AE20

Revision of Fee Schedules; 100% Fee Recovery, FY 1995; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Revision of Fee Schedules; 100% Fee Recover, FY 1995; Correction.

SUMMARY: This document corrects a notice appearing in the Federal Register on Monday, March 20, 1995 (60 FR 14670). The action is necessary to correct a typographical error.

FOR FURTHER INFORMATION CONTACT:

C. James Holloway, Jr., Office of the Controller, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone 301-415-6213.

On page 14679, Table V, item 2, add the word "on" so that the sentence reads: "Activities not assessed Part 170 licensing and inspection fees or Part 171 annual fees based on existing law or Commission policy."

Dated this 27th day of March, 1995.

For the Nuclear Regulatory Commission.

Michael T. Lesar,

Chief, Rules Review Section, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration.

[FR Doc. 95-7936 Filed 3-30-95; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 14, 18, and 75

RIN 1219-AA92

Requirements for Approval of Flame-Resistant Conveyor Belts

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Proposed rule; reopening of the record; request for public comment and notice of public hearing.

SUMMARY: The Mine Safety and Health Administration (MSHA) is reopening the rulemaking record on proposed revisions to requirements for approval of flame-resistant conveyor belts for use in underground mines. Subsequent to the record closing on the conveyor belt proposal, MSHA published another proposed rule which would allow independent laboratories to test and evaluate certain products MSHA approves for use in underground mines. To allow comment on the applicability of the independent laboratory proposal to conveyor belt testing, submission of new relevant data, or updating of comments previously submitted, the Agency is reopening the rulemaking record on the conveyor belt proposal and scheduling a public hearing.

DATES: Written comments must be submitted on or before April 21, 1995.

The public hearing will be held on Tuesday, May 2, 1995, beginning at 9 a.m. All written requests to make oral presentations for the record should be submitted at least 5 days prior to the hearing date. Requests may also be made by calling the MSHA Office of Standards at 703-235-1910.

The public record for the rulemaking will close on June 2, 1995.

ADDRESSES: Send written comments and requests to make oral presentations to MSHA; Office of Standards, Regulations, and Variances; 4015 Wilson Boulevard, Room 631; Arlington, Virginia 22203. Commenters are encouraged to submit comments on a computer disk along with a hard copy.

The location and address for the public hearing is: Holiday Inn Meadowlands, 340 Racetrack Road, Washington, PA 15301. The Holiday Inn is adjacent to the Meadows Racetrack in Meadowlands approximately 5 miles north of Washington, PA.

FOR FURTHER INFORMATION CONTACT:
Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, 703-235-1910.

SUPPLEMENTARY INFORMATION:

I. Background

On December 24, 1992, MSHA published a proposed rule to implement new procedures and requirements for testing and approval of flame-resistant conveyor belts and requirements for their use in underground coal mines (57 FR 61524). The proposed revision would replace the existing flame test for acceptance of flame-resistant belts specified in Agency regulations. Because of the fire hazards in underground coal mines, existing MSHA safety standards require that conveyor belts be flame-resistant in accordance with specifications of the Secretary and pass the flame test for conveyor belting specified in 30 CFR 18.65. The comment period closed on March 26, 1993. Several commenters requested that the Agency hold public hearings.

On November 30, 1994, the Agency proposed a new part 6 to 30 CFR which would allow independent testing laboratories to test and evaluate certain mining products for use in underground mines, as well as allow the use of equivalent testing and evaluation requirements (59 FR 61376). Under the proposal, an independent laboratory recognized by the Occupational Safety and Health Administration (OSHA) as a nationally recognized testing laboratory would conduct product testing and evaluation currently done by MSHA according to MSHA's testing and evaluation requirements. Upon request by an applicant, the new proposal would also enable the Agency to approve products based upon testing and evaluation requirements other than MSHA's, provided that the alternative requirements are equivalent to the Agency's and provide at least the same measure of protection to miners. Several commenters on the independent laboratory testing proposal questioned how it would relate to the conveyor belt proposal. Since publication of the independent laboratory testing proposal occurred after the close of the conveyor belt record, MSHA is reopening the conveyor belt record for a limited period of time prior to holding a hearing. This will allow all parties to comment on the applicability of the independent laboratory proposal to conveyor belt testing, to submit new relevant data, or to update comments previously submitted.

The purpose of the public hearing is to receive relevant comment and to answer questions concerning the proposal. The hearing will be conducted in an informal manner by a panel of MSHA officials. Although formal rules of evidence will not apply, the presiding official may exercise discretion in excluding irrelevant or unduly repetitious material and questions. The order of appearance will be determined by the Agency prior to the hearing, and any unallotted time will be made available to persons making late requests.

The hearing will begin with an opening statement from MSHA. The public will then be given the opportunity to make oral presentations. The hearing panel will be available to answer relevant questions during the presentations. At the discretion of the presiding official, speakers may be limited to a maximum of 20 minutes for their presentations. At the end of the hearing, time will be made available for rebuttal statements. Verbatim transcripts of the proceedings will be taken and made part of the rulemaking record, and will be made available for review by the public.

At the time of the hearing, MSHA will also accept written comments and appropriate data from any party, including those not presenting oral statements. Written comments and data will be included in the rulemaking record. The record will remain open until June 5, 1995, to allow for the submission of any post-hearing comments.

II. Issues

Although commenters questioned a number of provisions contained in the proposal, some portions of the rule raised issues of particular concern and MSHA will address the following issues at the public hearing and specifically solicits comments, data, and pertinent information on them, in addition to any other aspect of the proposed rule.

A. Proposed Test

The repeatability and reproducibility of the proposed conveyor belt test was questioned by several commenters. The Agency considers "repeatability" to mean the degree of duplication of test results for a sample using a single apparatus in a specific laboratory or location. "Reproducibility" is considered by MSHA to mean the degree of duplication of test results for a sample using the same type of apparatus in a multitude of laboratories or locations. More than 700 individual tests have been conducted by MSHA and serve as a data base to address this

issue. MSHA will make available its data on repeatability of the proposed test. In addition, MSHA requests any information or data regarding repeatability and reproducibility, particularly from those parties and individuals who have installed the proposed test apparatus and have used the proposed test in evaluation of conveyor belts.

Several commenters indicated that parameters such as humidity, temperature, atmospheric pressure, and airflow changes affect the proposed test results. In the development of the proposed test, factors such as airflow and temperature were considered. The proposal specifies controlling the temperature of the roof of the test apparatus and the temperature of the air entering the test chamber. Also, the proposal specifies control of the airflow through the apparatus to 200 plus or minus 20 ft/min (61 plus or minus 6 m/min). In addition, a variety of other parameters, such as different airflows, different lengths and widths of test samples, and variations in the duration of the ignition time, were evaluated during development of the proposed test. This information was used in designing the proposed test and establishing its comparison with the large-scale fire test results. MSHA requests specific information or data on the experience that manufacturers and other parties may have with respect to the effect of parameters on the proposed test, such as temperature, humidity, atmospheric pressure, and airflow changes.

In its comments on the proposed rule, Factory Mutual, Norwood, MA, suggested that MSHA consider a conveyor belt test developed by its personnel from which a "fire propagation index" could be determined. Factory Mutual indicated that its test correlated with large-scale conveyor belt fire tests conducted by the U.S. Bureau of Mines in conjunction with MSHA. MSHA requests information from Factory Mutual and other organizations and individuals that have used or have obtained data from the Factory Mutual test or any other test that compares to the proposed test.

B. Pollution Control

Another issue on which commenters expressed concern was the impact the proposed test may have on the environment and what pollution controls may be necessary as a result of the emissions from the testing of conveyor belts. MSHA is interested in hearing from manufacturers who have installed the proposed conveyor belt test apparatus and performed testing of

conveyor belts as to the method of pollution control that is used or is necessary to perform testing using the proposed test.

C. Combustion Toxicity

Some commenters indicated that conveyor belts passing the proposed tests would present more of a toxic hazard than conveyor belts meeting the present MSHA acceptance test. MSHA requests any information or data from manufacturers and other parties on the comparison or assessment of the combustion toxicity of conveyor belts meeting the present acceptance test and belts meeting the proposed test.

D. Quality Assurance

Commenters also questioned the proposal regarding the quality assurance (control) program for maintaining conveyor belt as approved. One commenter suggested that inspection of ingredients alone could not ensure that conveyor belting is manufactured as approved, suggesting that a flame test is needed for this assurance. MSHA requests information on the current practices manufacturers use in their quality control programs to maintain a product as approved. MSHA is particularly interested in whether manufacturers flame test belts using the MSHA acceptance test indicated in 30 CFR 18.65, inspect or control ingredients, or perform a combination of both.

E. Cost Data

Commenters provided a range of data on the financial impact of the proposed rule, which included costs of belting passing the proposed flame test ("new" belt), total dollar amount of the conveyor belt market, and belt service life information. MSHA solicits comments and data on the economic impact to all belt manufacturers and all underground coal mines, including small manufacturers and small mine operators. In particular, MSHA requests information for both rubber and PVC types of conveyor belt on: (1) the quantity of belt (in feet or meters) currently in use that would pass the proposed test; (2) the total quantity (in feet or meters) and dollar amount of the market for conveyor belt used in underground coal mines; (3) the cost of belt that will pass the proposed flame test ("new" belt) versus belt that passes the current MSHA flame test ("old" belt); (4) whether costs of the "new" belt will decline as production increases and by how much; and (5) the life and warranty of "new" belt versus "old" belt.

Some manufacturers and other parties have installed the proposed MSHA test apparatus to conduct research and testing on samples of conveyor belts. MSHA also requests information from interested parties on the research and development costs for conveyor belt meeting the new test.

Dated: March 27, 1995.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 95-8018 Filed 3-30-95; 8:45 am]

BILLING CODE 4510-43-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IN32-1-6006; FRL-5180-8]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) proposes to approve State Implementation Plan (SIP) revision request submitted by the State of Indiana for the purpose of bringing about the attainment of the National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM). The SIP revision request was submitted by the State to satisfy certain Federal requirements for an approvable nonattainment area PM SIP for the Lake County nonattainment area. This area was designated nonattainment for PM and classified as moderate by the Clean Air Act (Act), upon enactment of the 1990 Amendments (amended Act). The amended Act requires that States make plan submittals by November 15, 1991, for those areas designated nonattainment and classified as moderate for PM upon enactment (the "initial moderate nonattainment areas").

DATES: Comments on this SIP revision request and on USEPA's proposed rulemaking action must be received by May 1, 1995.

ADDRESSES: Written comments should be addressed to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (AR-18J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: David Pohlman, Regulation

Development Branch, Regulation Development Section (AR-18J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886-3299.

SUPPLEMENTARY INFORMATION:

I. Background

The air quality planning requirements for moderate PM nonattainment areas are set out in Title I of the amended Act.¹ The USEPA has issued a "General Preamble" describing USEPA's preliminary views on how USEPA intends to review SIPs and SIP revisions submitted under Title I of the amended Act, including those State submittals containing moderate PM nonattainment area SIP requirements (see generally 57 FR 13498, April 16, 1992). The reader should refer to the General Preamble for a more detailed discussion of the interpretations of Title I advanced in this proposed rule and the supporting rationale. In this proposed rule on the Indiana moderate PM SIP submittal for the Lake County nonattainment area, USEPA is proposing to apply the interpretations as expressed in the General Preamble, taking into consideration the special factual issues presented.

Part D of Title I contains the provisions applicable to nonattainment areas. Moderate PM nonattainment areas must meet the applicable requirements set out in Subparts 1 (sections 171-179B of the Act) and 4 (sections 188-190 of the Act) of Part D. Subpart 1 contains provisions generally applicable to all nonattainment areas and Subpart 4 contains provisions specifically applicable to PM nonattainment areas. At times, Subparts 1 and 4 overlap or conflict. USEPA has attempted to clarify the relationship among these various provisions in the General Preamble and, as appropriate, in this proposed rule.

Under Part D, those States containing initial moderate PM nonattainment areas were required to submit, among other things, the following provisions by November 15, 1991:

1. Provisions to assure that reasonably available control measures (RACM) (including such reductions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology—RACT) shall be implemented;

¹ The 1990 Amendments to the Act made significant changes to the air quality planning requirements for areas that do not meet (or that significantly contribute to ambient air quality in a nearby area that does not meet) the PM national ambient air quality standards (see Pub. L. No. 101-549, 104 Stat. 2399). References herein are to the Clean Air Act, as amended, 42 U.S.C. 7401 et seq.