

# 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 LABOR

### Occupational Safety and Health Administration

#### 29 CFR Parts 1910, 1915, and 1926

[Docket No. H-049]

RIN 1218-0099

#### Respiratory Protection

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Reopening the record for comments on a report by M. Nicas.

**SUMMARY:** OSHA is reopening the record for the Respiratory Protection standard for the purpose of receiving public comment on the Nicas Report. Several specific areas for comment have been identified.

**DATES:** Written comments must be postmarked on or before January 8, 1996.

**ADDRESSES:** Comments must be submitted in quadruplicate or 1 original (hardcopy) and 1 disk (5¼ or 3½ inch) in WordPerfect 5.0, 5.1, 6.0, 6.1, or ASCII to: Docket Office, Docket H-049, U.S. Department of Labor, Occupational Safety and Health Administration, Room N-2625, 200 Constitution Avenue, N.W., Washington, D.C. 20210; telephone: (202) 219-7894. Any information not contained on disk (e.g., studies, articles) must be submitted in quadruplicate. Written comments limited to 10 pages or less in length may also be transmitted by facsimile to (202) 219-5046, provided that the original and 3 copies are sent to the Docket Office thereafter.

**FOR FURTHER INFORMATION CONTACT:** Ms. Anne C. Cyr, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3647, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Telephone (202) 219-8148. A copy of the referenced report is available for inspection and copying in the Docket Office and will be mailed to persons

who request a copy by telephoning Mr. John Steelnack at (202) 219-7151. For an electronic copy of the Federal Register notice, contact the Labor News Bulletin Board (202) 219-4748; or OSHA's WebPage on the Internet at <http://www.OSHA.gov/>. For news releases, fact sheets and other short documents, contact OSHA FAX at (900) 555-3400 at \$1.50 per minute.

#### SUPPLEMENTARY INFORMATION:

##### Background

On November 15, 1994, OSHA published proposed revisions to 29 CFR 1910.134, the Respiratory Protection standard (59 FR 58884). After announcing an extended comment period on the proposal, OSHA held public hearings on the proposal from June 6-20, 1995 (60 FR 15263). One of the issues discussed extensively during this rulemaking is setting assigned protection factors (APFs) for the various respirator classes. To assist OSHA and the public in evaluating the record on this issue, OSHA contracted with Dr. Mark Nicas to prepare recommendations for evaluating protection factor studies and combining information across studies for use in setting APF values. Dr. Nicas submitted a report titled "The Analysis of Workplace Protection Factor Data and the Derivation of Assigned Protection Factors" (hereafter, the "Nicas Report") which was timely entered as a post-hearing comment into the Respiratory Protection Docket H-049 as Exhibit #156. OSHA is contemplating using the recommendations presented in the Nicas Report as an aid in setting APFs for the final Respiratory Protection standard.

##### Request for Review and Comments

The post-hearing briefing period recently ended on October 20, 1995. OSHA is interested in giving the public an additional opportunity to comment on the Nicas Report. Accordingly, OSHA is reopening the record for the Respiratory Protection standard solely to provide a further opportunity to review the Nicas Report and to submit such comments on the recommendations proposed. The Nicas Report recommends approaches to resolving key science-policy issues related to setting APFs. These issues include deciding which workplace protection factor studies should be

evaluated; accounting for particle size effects, respiratory deposition, and below-detection-limit values; and requiring specific statistical analyses to account for between-wearer variability in respirator performance, within-wearer variability, between-study variations, and parameter uncertainty.

OSHA requests that reviewers comment on the appropriateness and completeness of the issues identified, the statistical methodology recommended, and the solutions offered for the other issues. OSHA also would appreciate any additional opinions or information that reviewers may want to submit regarding statistical methodologies and evaluation criteria for APF studies.

##### Authority and Signature

This document was prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. It is issued pursuant to section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655).

Signed at Washington, D.C. this 1st day of November, 1995.

Joseph A. Dear,

*Assistant Secretary of Labor.*

[FR Doc. 95-27498 Filed 11-6-95; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[NC79-1-9606; FRL-5326-1]

#### Approval and Promulgation of Implementation Plans North Carolina: Approval of Revisions to the Raleigh/Durham Carbon Monoxide (CO) Maintenance Plan

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve revisions to the North Carolina CO Maintenance plan for the Raleigh/Durham area. On October 18, 1995, the State of North Carolina submitted a revision to the Raleigh/Durham CO Maintenance plan, and requested EPA to parallel process the above referenced