

designations are published in paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 171.1. The Class E airspace designation listed in this document would be published subsequently in this Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1997); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREA; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E. O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth

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AWP CAE5 Mojave, CA [Revised]

Mojave Airport, CA
(Lat. 35°03'30"N, long. 118°09'03"W)
Edward AFB, CA
(Lat. 34°54'18"N, long. 117°53'01"W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of the Mojave Airport, excluding the portion within the Edwards AFB, CA, Class E airspace area.

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Issued in Los Angeles, California, on June 22, 1999.

John Clancy,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 99–17172 Filed 7–6–99; 8:45 am]

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 57 and 75

RIN 1219–AB19

Safety Standards for Self-Rescue Devices in Underground Coal and Underground Metal and Nonmetal Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Mine Safety and Health Administration (MSHA) is considering revising its safety standards for self-rescue devices based on MSHA's continuing evaluation of self-rescue devices and the public comments received during the recent Self-Rescue Conference held in Beckley, West Virginia. Self-rescue breathing devices, used in underground mines for over 25 years, have saved lives. The devices are subjected to harsh in-mine use conditions and are stored in a rugged mining environment. The rule would help assure that the devices will function as intended whenever they are needed in mine emergencies.

DATES: Submit comments on or before August 6, 1999.

ADDRESSES: Send comments to MSHA, Office of Standards, Regulations, and Variances, MSHA, Room 631, 4015 Wilson Boulevard, Arlington, Virginia 22203. You are encouraged to submit comments on a computer disk or via e-mail to comments@msha.gov along with an original hard copy or via telefax to: 703–235–5551.

FOR FURTHER INFORMATION CONTACT: Carol Jones, Acting Director, Office of Standards, Regulations, and Variances, 703–235–1910.

SUPPLEMENTARY INFORMATION:

I. Background

Miners wear breathing apparatus known as self-rescue devices to exit a

mine during emergencies such as fires, explosions, or other incidents which contaminate the environment. There are two types of self-rescue devices used in underground mines. A filter self-rescue device (FSR) removes hazardous carbon monoxide through filtration of the mine air. A self-contained self-rescue device (SCSR) is a closed-circuit breathing apparatus that isolates the users' lungs providing breathable air. Because an SCSR functions in a closed circuit, all contaminants in the surrounding mine air can be eliminated from the air the miner is breathing.

MSHA and the National Institute for Occupational Safety and Health (NIOSH) held a joint self-rescue conference in Beckley, West Virginia on June 15 and 16, 1999. The conference provided an opportunity for an exchange of information between the agencies, self-rescuer manufacturers, mining industry representatives and labor representatives on a range of topics involving self-rescue devices. The participants addressed a number of significant self-rescue device issues. The discussion also raised additional questions for the Agency to consider. Following the conference, MSHA personnel met to consider the issues raised and the views expressed at the conference.

With this advance notice of proposed rulemaking (ANPRM), we are requesting the mining community to comment on issues developed at the conference and other issues raised by MSHA. It is our hope that by hearing the views of the mining community early in our rulemaking process we can formulate a workable approach to addressing self-rescuer issues that will best protect the safety of miners.

We have already announced in the Semiannual Regulatory Agenda published in April, 1999 that we intend to develop a proposed rule to address self-rescue devices. We will consider the comments we receive as a result of this ANPRM in developing the proposed rule.

II. Issues We Ask You To Consider in Your Comments

1. There have been some instances where self-rescue devices were not donned properly in an emergency. In addition, there are studies which show that a person's ability to retain the knowledge and skills necessary to properly don a self-rescuer decreases significantly over time.

a. How can we enhance training to assure that miners will be able to effectively don their self-rescuer?

b. Is annual training appropriate? Would quarterly or semiannual training

be better? Should the training be held in conjunction with fire fighting and evacuation drills?

c. Is the content of the current training appropriate? Should training include: expectations when wearing self-rescuers; donning procedures for all types of self-rescuers present in the mine; ways to maximize the useful life of a self-rescuer during an emergency; and effective techniques for transferring from one unit to another?

d. Should miners be trained using a breathing-resistance simulator, for example, a mouthpiece?

2. Some of the concerns with self-rescue devices were discovered only after the units were deployed in mines. The self-rescue devices are subjected to harsh in-mine use conditions and stored in a rugged environment that could contribute to a device not functioning as intended.

a. How can we ensure that miners continue to have confidence in self-rescue devices so that they will be used successfully in an emergency?

b. How should we improve the reliability of self-rescue devices?

c. What should we do to reasonably ensure that all devices function as intended?

d. Should the current service life requirements be modified?

e. If the allowable service life is reduced, would 5 years be an appropriate service life? If not, what would be an acceptable service life?

f. Should manufacturers periodically examine all of their self-rescue devices deployed in mines, including both external and internal components? How often? Should manufacturers certify that the examinations and tests have been conducted?

g. Should manufacturers develop and perform nondestructive tests that can be used in the field to detect degradation of self-rescuers?

h. Should mine operators be required to conduct more frequent examinations? If so, how frequent?

i. NIOSH and MSHA, in the long-term field evaluation program, work with mine operators to periodically obtain and test self-rescue devices that are deployed in mines. How should the sampling and testing methodology in this program be improved?

j. How should we involve interested parties in the early stages of problem identification and the subsequent problem resolution?

3. International Standards

Self-rescuer manufacturers sell their products in international markets. Yet, each country has its own approval

criteria which limits the potential for a free market.

a. Should NIOSH/MSHA have as a goal to integrate international standards into the self-rescuer device approval process?

b. Are there other approaches to inspection of self-rescue devices or to service life issues that other countries implement and that we should consider for our nation's mines?

c. Should we allow the use of self-rescue devices that are approved by other countries?

4. There have been questions about the interpretation of the existing rule as it relates to storage plans and how the rule is being applied in the various MSHA Districts.

a. Are there areas of the rule which should be clarified?

b. Should the rule explicitly require the cache of additional self-rescuers in accordance with a plan that MSHA approves?

c. Should MSHA require operators applying for a storage plan to submit any additional information, such as the travel distance and time to the storage cache?

5. Over the years questions have come up concerning the distance from the miner that self-rescuers are stored in coal mines and the ability of the miners to reach the devices in a timely manner in the event of an emergency.

a. What should be the appropriate time necessary to reach the stored units?

b. Should we reduce the permitted travel time to caches?

c. Should we require the use of short-term duration SCSRs (anything less than 60 minutes) in lieu of using a FSR to reach a cache?

d. Where escape will take longer than 1 hour, should the standard for coal mines be revised to require caches of an adequate number of self-rescue devices to allow all miners to escape to the surface or a safe location?

e. MSHA and NIOSH, in conjunction with the MSHA state grants program, conducted a series of studies at various underground mines which determined the effect of heart rate as an indicator of workload during a mine escape. Should MSHA take this data into account in determining the location of these additional escape devices?

6. The devices currently required in metal and nonmetal mines are FSRs. SCSRs can be successfully used in a wider variety of mine emergencies than FSRs, and therefore are considered superior to FSRs. In 1987, MSHA began to require SCSRs in certain category V-A gassy metal and nonmetal mines (§ 57.22315).

a. Should SCSR requirements be expanded to other mines such as gassy metal and nonmetal mines categories I through V (approximately 20 mines and 4,800 miners), the group of metal and nonmetal mines that have the highest risk of fire and explosion from methane?

b. If expanded to these mines, should SCSR cache provisions be excluded where there are refuge chambers in metal and nonmetal mines?

III. Impact

Executive Order 12866 requires that regulatory agencies assess both the costs and benefits of intended regulations, and propose regulations on the basis that the benefits justify the costs. Regulatory agencies also are required to base decisions on the best reasonably obtainable scientific, technical, economic, and other data and information concerning the need for and the consequences of the proposed regulations.

We are exploring the development of a proposed rule addressing self-rescue devices. We anticipate that the benefit would be the prevention of fatalities which may occur if these devices are not used or not used as intended.

IV. Public Participation

We request comments on the specific issues addressed in this ANPRM. You are encouraged to be as specific as possible in addressing the issues and in suggesting alternatives. We also request that you include specific examples and cost estimates where possible to support your rationale. This will assist us in evaluating and analyzing your comments.

List of Subjects in 30 CFR Part 75

Mine safety and health, Underground mining.

Dated: June 29, 1999.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 99-17092 Filed 7-6-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01-99-094]

RIN 2115-AA97

Safety Zone: Staten Island Fireworks, Lower New York Bay and Raritan Bay

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.