

(b) For purpose of this subpart, emergency conditions shall be deemed to commence upon the occurrence, or the imminent threat of the occurrence, of a natural or man-made disturbance, including, but not limited to, an armed attack against the United States, its territories or possessions, terrorist attack, civil disturbance, fire, pandemic, hurricane, or flood, that results in, or threatens imminently to result in, a substantial disruption of the organization or operations of the Commission. Such conditions shall be deemed to continue until the Commission shall, by notice or order, resume its normal organization and operations, whether at its headquarters in Washington, DC or elsewhere.

■ 4. Section 200.202 is amended by:

- a. Removing the authority citation following the section; and
- b. Revising paragraph (b) to read as follows:

§ 200.202 Offices, and information and submittals.

* * * * *

(b) During emergency conditions, all formal or informal requests, filings, reports, or other submittals shall be submitted to the Commission as permitted in non-emergency conditions, unless the Chairman or his or her successor acting pursuant to § 200.203(c)(1) of this subpart specifies another means or location for submission of such requests, filings, reports, or other submittals, by a notice that is disseminated through a method (or combination of methods) that is reasonably designed to provide broad distribution of the information to the public.

■ 5. Section 200.203 is amended by:

- a. Removing the authority citation following the section;
- b. Revising paragraph (c)(1);
- c. In the first sentence of paragraph (e), revising the phrase “in the absence or incapacity of such person during the emergency conditions” to read “in the event of the unavailability or incapacity of such person during emergency conditions”; and
- d. Adding a sentence to the end of paragraph (e).

The revision and addition read as follows:

§ 200.203 Organization, and delegation of authority.

* * * * *

(c) * * *

(1) In the event of the unavailability or incapacity of the Chairman of the Commission during emergency conditions, the authority of the Chairman to govern the affairs of the

Commission and to act for the Commission, as provided for by law and by delegation from the Commission, will pass to the available person highest on the following list, until such time as the Chairman is no longer unavailable or incapacitated, or a successor Chairman has assumed office pursuant to Section 4 of the Securities Exchange Act of 1934 (15 U.S.C. 78d) and Reorganization Plan No. 10 of 1950 (15 FR 3175, 64 Stat. 1265):

(i) The Commissioners in order of seniority.

(ii) The General Counsel.

(iii) The Division Directors in the order designated by the Chairman in the most recent designation prior to the commencement of emergency conditions, or if no such designation has occurred, in order of seniority.

(iv) The Regional Directors in the order designated by the Chairman in the most recent designation prior to the commencement of emergency conditions, or if no such designation has occurred, in order of seniority.

(v) The District Administrators in the order designated by the Chairman in the most recent designation prior to the commencement of emergency conditions, or if no such designation has occurred, in order of seniority.

* * * * *

(e) * * * A person who discharges or assumes the duties of the head of a division or office pursuant to this subsection is hereby delegated, throughout the period of the unavailability or incapacity of the head of the division or office during the emergency conditions, all of the functions that the Commission has delegated to the head of the division or office.

§ 200.204 [Amended]

■ 6. Section 200.204 is amended by:

- a. Removing the authority citation following the section; and
- b. Revising the phrase “In the absence of unavailability of the appropriate staff officer or his successor” to read “In the event of the unavailability or incapacity of the appropriate staff officer or his or her successor during emergency conditions”.

§ 200.205 [Amended]

- 7. Section 200.205 is amended by removing the authority citation following the section.

Dated: June 5, 2006.

By the Commission.

Nancy M. Morris,
Secretary.

[FR Doc. 06-5232 Filed 6-8-06; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 57

RIN 1219-AB29

Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners

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

ACTION: Diesel particulate outreach seminars.

SUMMARY: The Mine Safety and Health Administration (MSHA) will conduct three outreach seminars to assist metal and nonmetal underground mine operators who use diesel-powered equipment in complying with the diesel particulate matter (DPM) health standards published on May 18, 2006 (71 FR 28924). The seminars will also address requirements for special extensions of time in which to meet the final limit.

DATES: The seminars will be held June 27, 2006 in Pittsburgh, Pennsylvania; June 29, 2006 in Louisville, Kentucky; and July 13, 2006 in Reno, Nevada. The seminar in Reno is being held in conjunction with the National Metal and Nonmetal Mine Rescue Contest at the same location as the contest.

ADDRESSES: See the location information provided in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT:

Patricia W. Silvey, Acting Director, Office of Standards, Regulations, and Variances, MSHA, 1100 Wilson Blvd., Room 2350, Arlington, Virginia 22209-3939; 202-693-9440 (telephone); or 202-693-9441 (facsimile).

The final rules on Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners are available on the Internet at <http://www.msha.gov/REGSINFO.HTM>.

SUPPLEMENTARY INFORMATION:

I. Seminars

The one-day seminars will provide for an exchange of information and will address questions about provisions of the May 18, 2006 final rule regarding the phased-in final limits, new provisions for medical evaluation of miners required to wear respiratory protection, and transfer of miners who are medically unable to wear respirators. The seminars will also address requirements from the June 6, 2005 rule for special extensions of time to meet the DPM final limit (70 FR 32868).

A. Attendance

The seminars are open to all interested parties. Metal and nonmetal mine operators, including contractors, who use diesel-powered equipment underground, as well as miners who work at those operations, miners' representatives and diesel powered equipment manufacturers are encouraged to attend the seminars. Registration to attend the seminars is not required.

B. Conduct of the Seminars

The seminars will begin each day at 9 a.m. During the morning session, MSHA will answer questions about requirements of the rule including compliance determination, the final PELs, applications for extensions of time in which to meet the final limits, medical evaluation, and transfer provisions. MSHA will give a PowerPoint presentation of the final rule provisions, followed by a question and answer session with the attendees. The afternoon session will focus on a discussion of control technology. The

purpose of the controls session is to provide the mining community with technical information on DPM control technologies that can be used to reduce personal exposures to DPM in underground MNM mines. The PowerPoint presentations will be made available on MSHA's Internet site at <http://www.msha.gov>.

C. Location of Seminars

The seminars will be held on the following dates and at the locations indicated:

Date	Location	Phone
June 27, 2006	Pittsburgh Airport Marriott, 777 Aten Road, Coraopolis, PA 15108	(800) 328-9297
June 29, 2006	Executive Inn, 978 Phillips Lane, Louisville, KY 40213	(800) 626-2706
July 13, 2006	Reno Sparks Convention Center, 4590 S Virginia Street, Reno, NV 89502-6013	(775) 827-7620

The Reno, NV seminar is being held in conjunction with the National Metal and Nonmetal Mine Rescue Contest and is at the same location as the contest.

II. Background

In January 2001, MSHA promulgated a final rule addressing DPM exposure of underground metal and nonmetal miners (66 FR 5706). The 2001 final rule established new health standards for underground metal and nonmetal mines that use equipment powered by diesel engines. The rule established an interim concentration limit of 400 micrograms of total carbon (TC) per cubic meter of air (400_{TC} µg/m³) which became applicable July 20, 2002, and a final concentration limit of 160 micrograms of total carbon per cubic meter of air (160_{TC} µg/m³) to become applicable after January 19, 2006; (amended on September 19, 2005 (70 FR 55019), to become applicable May 20, 2006). Industry challenged the rule and organized labor intervened in the litigation. Settlement negotiations with the litigants have resulted in other regulatory actions on several requirements of the rule. On February 27, 2002 (67 FR 9180), MSHA revised the 2001 final rule to clarify § 57.5060(b)(1) and (b)(2) regarding maintenance and to add a new paragraph (b)(3) to § 57.5067 regarding the transfer of existing equipment between underground mines. MSHA published the 2005 final rule on June 6, 2005, which converted the interim concentration limit measured by TC to a comparable permissible exposure limit (PEL) measured by elemental carbon (EC).

The 2006 final rule phases in the DPM final limit of 160_{TC} µg/m³ over a two-year period, based on feasibility. On

May 20, 2006, the first phase of the final limit of 308_{EC} µg/m³ became effective. On January 20, 2007, the DPM final limit will be reduced to 350_{TC} µg/m³. The final limit of 160_{TC} µg/m³ will become effective on May 20, 2008. Mine operators must continue to use engineering and administrative controls, supplemented by respiratory protection when needed, to reduce miners' exposures to the prescribed limits. As with the interim DPM limit, MSHA will enforce the final limits as permissible exposure limits (PEL).

This final rule also establishes new requirements for medical evaluation of miners required to wear respiratory protection, and transfer of miners who are medically unable to wear a respirator. It deletes the existing provision that restricts newer mines from applying for an extension of time in which to meet the final limit.

Dated: June 6, 2006.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 60**

[EPA-HQ-OAR-2002-0056; FRL-8180-4]

RIN 2060-AN50

Revision of December 2000 Clean Air Act Section 112(n) Finding Regarding Electric Utility Steam Generating Units; and Standards of Performance for New and Existing Electric Utility Steam Generating Units: Reconsideration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notice of final action on reconsideration.

SUMMARY: This action sets forth EPA's decision after reconsidering certain aspects of the March 29, 2005 final rule entitled "Revision of December 2000 Regulatory Finding on the Emissions of Hazardous Air Pollutants From Electric Utility Steam Generating Units and the Removal of Coal- and Oil-Fired Electric Utility Steam Generating Units from the Section 112(c) List" (Section 112(n) Revision Rule). We are also issuing our final decision regarding reconsideration of certain issues in the May 18, 2005 final rule entitled "Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units" (Clean Air Mercury Rule; CAMR).

After considering the petitions for reconsideration and the comments received, we are not revising the final Section 112(n) Revision Rule other than explaining in more detail what we meant by the effectiveness element in the term "necessary." The only two substantive changes we are making to