harassment campaign. To confirm that it may disregard the 90 requests that constitute the harassment campaign, Y must apply to the district director for a determination. Y may disregard the 90 requests while the application is pending and after the determination is received. However, it must respond within the applicable time limits to the 10 requests it received in March that were not part of the harassment campaign.

Example 4. The facts are the same as in *Example 3,* except that Y receives 5 additional requests from representatives of the news media. In the past, some of these representatives have published articles criticizing Y. Some of these articles were hostile to Y. Normally, the Internal Revenue Service will not consider a tax-exempt organization to be reasonable under paragraph (d) of this section if it disregards requests from members of the news media. There are no additional facts that demonstrate that Y could reasonably believe the requests from the news media to be part of X's harassment campaign. Thus, although Y is the subject of a harassment campaign, it must respond within the applicable time limits to the 5 requests that it received from representatives of the news media.

(g) *Effective date.* This section is effective beginning 60 days after its publication as a final regulation in the **Federal Register.**

Michael P. Dolan,

Acting Commissioner of Internal Revenue.

[FR Doc. 97–25492 Filed 9–25–97; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 75

Self-Rescue Devices; Use and Location Requirements

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of a draft policy change; request for comments.

SUMMARY: The Mine Safety and Health Administration (MSHA) is requesting comments on a change to a proposed policy letter (PPL) relating to the approval guidelines for storage plans for Self-Contained Self-Rescue (SCSR) Devices in underground coal mines. MSHA is publishing this notice to voluntarily afford an opportunity for interested persons to comment on the PPL before its anticipated issuance and effective date.

DATES: Submit all comments on or before November 25, 1997.

ADDRESSES: Comments may be transmitted by electronic mail, fax or mail. Comments by electronic mail must be clearly identified as such and sent to this e-mail address: psilvey@msha.gov. Comments by fax must be clearly identified as such and sent to: Mine Safety and Health Administration, Office of Standards, Regulations and Variances, 703–235–5551. Send mail comments to: Mine Safety and Health Administration, Office of Standards, Regulations and Variances, Room 631, 4015 Wilson Boulevard, Arlington, Virginia 22203–1984. Interested persons are encouraged to supplement written comments with computer files or disks; please contact the Agency with any questions about format.

FOR FURTHER INFORMATION CONTACT: Milton D. Conley, Division of Health, Coal Mine Safety and Health, (703) 235–1358.

SUPPLEMENTARY INFORMATION: MSHA updates its policies for enforcement of safety and health regulations through Program Policy Letters (PPLs). These PPLs are Agency interpretations of what existing MSHA regulations require; they are not new regulations. Therefore, PPLs do not impose new requirements, but explain or clarify how regulations work or apply in a particular situation. These PPLs are used by MSHA inspectors, miners, mine operators, and mining equipment manufacturers as guidance in determining how best to comply with MSHA regulations.

To increase public participation in selected draft PPLs, MSHA is voluntarily requesting comments and suggestions from the public, especially from people who would be directly affected by the PPLs. By this notice, MSHA is affording an opportunity for public comment on a draft PPL that addresses the storage plans for self-contained self-rescuers in underground coal mines. MSHA will consider all timely submitted comments before finalizing the PPL.

I. Background

MSHA standards at 30 CFR 75.1714 require, in part, that each mine operator make available to each miner who enters the mine an approved Self-Contained Self-Rescue (SCSR) device which is adequate to protect the miner for one hour or longer. Section 75.1714–2 addresses use and location requirements for these devices. Under this standard, the devices must be worn, carried, or kept within 25 feet of the miners, unless a storage plan has been approved by the district manager.

The present SCSR storage plan policy, as outlined in Volume V of MSHA's Program Policy Manual, requires the storage cache of one-hour SCSRs to be within 5 minutes travel time of the affected miners on a working section. This policy also allows for up to 10 minutes travel time to the SCSR storage cache for miners in outby areas. The SCSR storage caches are required to contain a number of devices at least equal to the number of miners who may be required to use the devices at any given time. The travel time and distance to the SCSR storage cache is determined by using an Escapeway and Distance Chart.

In 1977, MSHA proposed, as part of its rulemaking development of the SCSR standard, that miners wear, carry or keep the one-hour SCSR devices within 25 feet. Those devices (referred to as first generation SCSRs) measure approximately 10.5″ x 7.75″ x 3.375″ and weigh about 8.5 pounds. By way of comparison, these devices are about three times the size and weight of the approved filter-type self-rescue devices that miners had been required to wear or carry under the previous regulations.

Comments from the mining industry expressed concern that the size and weight of the one-hour SCSR devices available at that time made it impractical for miners to wear, carry or keep these devices within 25 feet, and in some cases exposed miners to a hazard. As a result of these concerns, the final rule includes provisions for MSHA, upon request from a mine operator, to approve storage plans on a mine-by-mine basis, allowing miners to be more than 25 feet from a one-hour SCSR device. See 30 CFR 75.1714–2(e). This provision also requires mine operators to submit specific information to justify a storage plan, and requires miners who are further than 25 feet from their one-hour SCSRs to wear or carry an approved filter-type self-rescuer.

In an effort to improve SCSR technology, a joint government task force was formed in 1984. Its primary charge was to determine if feasible technology existed to develop a one-hour SCSR device that was smaller and lighter than the first generation devices, and therefore could be more readily worn, carried, or kept within 25 feet of miners during the course of their work. The task force members included representatives from the Bureau of Mines (BOM), the National Institute for Occupational Safety and Health (NIOSH), and MSHA. As a part of this effort, the task force members worked with representatives from the various SCSR manufacturers, mine operators' associations, and the United Mine Workers of America (UMWA). This task force work led to the development, by the CSE Corporation of the CSE SR–100, a second generation one-hour SCSR device measuring approximately 7.75″ x 5.5″ x 4.0″ and weighing about 5.7

pounds. This device is approximately one-third smaller in size and weight than the first generation device, is more ergonomically designed, and is therefore easier to wear or carry than the first generation SCSRs. This device was subjected to extensive in-mine testing, and in 1990 received approval by MSHA and NIOSH to be used underground as a Person Wearable-Self-Contained Self-Rescuer (PW–SCSR). Shortly thereafter, Draeger developed the OXY K Plus, and the Mine Safety Appliances Company (MSA) developed the Portal-Pack. These are similar devices that were also approved by MSHA and NIOSH as one-hour SCSR devices. All three devices, CSE SR–100, Draeger OXY K Plus, and MSA Portal-Pack, are approximately the same size and weight, and are referred to by MSHA as second generation PW–SCSR devices.

In May of 1992, the Assistant Secretary for MSHA convened a government, labor, and industry task group to study the wearability of the second generation devices and the SCSR storage plan guidelines. It included representatives from the BOM, NIOSH, MSHA, UMWA, mine operators' associations, and SCSR manufacturers. The final task group report was released in July, 1994. Wearability survey results from miners and inspectors who wore the second generation devices indicated the improved wearability of these devices. However, the size and weight of the second generation devices in some circumstances could create a problem for miners who work in confined spaces such as equipment operators and mechanics. The report also stressed the importance of all miners wearing, carrying or keeping their SCSRs as close as possible at all times. However, where in-mine conditions made this difficult, the task group supported MSHA's approval of storage plans as part of the overall mine evacuation plan.

In January, 1995, as part of the MSHA-sponsored Mine Emergency Preparedness Seminar, Agency personnel met with representatives from SCSR manufacturers, mine operators' associations, and labor representatives. The primary purpose of those discussions was to identify problems the mining community was continuing to face regarding the use of SCSR devices. The participants identified approximately twenty problems that generally were classified as follows: (1) Size and weight of the second generation devices; (2) restrictiveness of the 25-foot rule; and (3) approval of storage plans on a mine-by-mine basis only.

MSHA is continuing to work with manufacturers to encourage the development of a one-hour SCSR device that would be widely accepted as person wearable for all occupations. Comments from the industry indicate that this would mean the development of a one-hour SCSR that is closer to the size and weight of the approved filter self-rescue devices that miners have worn or carried for many years. MSHA recognizes that this will be a difficult task to achieve with present technology. However, we will continue to work with the manufacturers toward that goal. In September 1996, MSA received MSHA/NIOSH approval for the Life-Saver 60 SCSR. This indicates that manufacturers are willing to continue their efforts to further develop SCSR devices that meet the needs of the industry.

II. Draft Policy Objectives

MSHA is interested in receiving comments on the following draft changes to the existing SCSR storage policy. A key objective of these changes is to recognize that improvements in SCSR technology and design over the past 15 years have produced smaller, lighter, and more ergonomically suitable devices. As a result, it is possible for a significant number of miners to wear or carry their one-hour SCSRs, making the devices more readily accessible and available to miners in the event of an emergency. This needs to be reflected in MSHA's policy on SCSR storage.

The draft policy changes are also intended to respond to the concerns expressed by miners, mine operators, and manufacturers that: (1) The size and weight of the second generation SCSR devices still make it difficult for some miners to wear, carry, or keep the devices within 25 feet; (2) the 25-foot requirement in the SCSR standard is too restrictive in that miners who wear, carry, or keep their SCSRs within 25 feet may inadvertently leave the one-hour devices when, for example, they go to the dinner hole, go for supplies, or help move trailing cables; (3) storage plans should be approved on a mine-by-mine basis; (4) MSHA should develop uniform national procedures for approving storage plans; and (5) the policy should not impede the development and use of new technology.

III. Draft Revised Policy

SCSR Storage Location Guidelines

Mine operators who provide their miners with one-hour SCSRs that are worn, carried, or kept within 25 feet of them at all times while underground are not required to have a storage plan, and only one SCSR for each miner underground is needed.

Mine operators, who choose to request approval to store the one-hour SCSRs more than 25 feet from miners, must minimize the travel time to the SCSR storage caches and should deploy additional SCSRs, as outlined below, to ensure that all miners have ready access to one-hour SCSRs in the event of an emergency requiring the use of such devices.

1. Miners Who Work or Travel in Outby Areas of a Mine

Miners who work or travel in outby areas of a mine should either wear or carry their one-hour SCSRs with them at all times. If the mine operator, in consultation with the miners, believes it would be difficult for certain miners to perform their work while wearing or carrying their one-hour devices and wants the one-hour SCSRs to be stored for such miners, the mine operator must request that the district manager approve a storage plan allowing such miners to be more than 25 feet from their one-hour SCSRs. A storage plan for miners who work or travel in outby areas of a mine must include a provision requiring the affected miners to wear an approved filter type self-rescuer or, utilizing new SCSR technology, wear an approved SCSR which provides less than one-hour of protection. It also should: (1) Specify the proposed storage locations for the one-hour SCSRs, which should always be within a distance that can be traveled by miners at a normal pace within five minutes; and (2) set the number of one-hour SCSRs in each of these storage locations to equal or exceed the total number of miners who may be relying on the use of these devices at any given time. The five minute travel distance should be determined based on actual in-mine conditions rather than on the current Escapeway and Distance Chart. Before approving any storage locations proposed by the mine operator for the one-hour SCSRs, the district manager should verify that any proposed cache would always be within a distance that can be traveled at a normal pace in five minutes or less from these miners.

2. Miners on Continuous or Conventional Mining Sections

Miners who work on or around equipment, such as continuous miner operators, roof bolting machine operators, and shuttle car operators and their helpers, should place their one-hour SCSRs in a readily accessible location on the equipment if they do not wear or carry them. If such miners place their one-hour SCSRs on their

equipment and take the devices with them when they are going to be further than 25 feet from that equipment, a storage plan is not required. Mine operators and manufacturers are encouraged to develop compartments on the equipment to ensure safe storage for the devices.

If the mine operator, in consultation with the miners, believes that it would be difficult or impractical for such miners to take their one-hour SCSRs with them when they may be further than 25 feet from their equipment, the mine operator must request that the district manager approve a storage plan allowing these equipment operators and helpers to be more than 25 feet from their one-hour SCSRs on the equipment. A storage plan for these miners must include a provision requiring the affected miners to wear an approved filter type self-rescuer or, utilizing new SCSR technology, wear an approved SCSR which provides less than one hour of protection. It also should: (1) Establish a designated section storage cache for one-hour SCSRs, in addition to the SCSRs on the equipment, which should always be within a distance that can be traveled by miners at a normal pace within three minutes; and (2) set the number of one-hour SCSRs in the proposed storage location to equal or exceed the total number of miners that normally work on the affected section. The three minute travel distance should be determined based on actual in-mine conditions rather than on the current Escapeway and Distance Chart. Before approving the designated section storage cache of additional SCSRs proposed by the mine operator, the district manager should verify that the proposed cache would always be within a distance that can be traveled by miners at a normal pace in three minutes or less.

Miners on continuous or conventional sections who perform work that does not include the use of mobile equipment, such as foremen, mechanics, and general laborers, should wear, carry or keep their one-hour SCSRs within 25 feet. If the mine operator, in consultation with the miners, believes that it would be difficult or impractical for such miners to do so, the mine operator must request that the district manager approve a storage plan permitting these miners to be further than 25 feet from their one-hour SCSRs. The plan must include a provision requiring the affected miners to wear an approved filter type self-rescuer or, utilizing new SCSR technology, wear an approved SCSR which provides less than one hour of protection. It also should: (1) Establish a designated section storage cache for one-hour SCSRs which should always be within a distance that can be traveled by miners at a normal pace within three minutes; and (2) set the number of one-hour SCSRs in the proposed storage location to equal or exceed the total number of such miners that normally work on the affected section. The three minute travel distance should be determined based on actual in-mine conditions rather than on the current Escapeway and Distance Chart. Before approving the designated section storage cache of SCSRs proposed by the mine operator, the district manager should verify that the proposed cache would always be within a distance that can be traveled by miners at a normal pace in three minutes or less.

3. Miners on Longwall Mining Sections

Miners who work on longwall mining sections should wear or carry their one-hour SCSRs. If the mine operator, in consultation with the miners, believes that it would be difficult for longwall miners to perform their work on the longwall face while wearing or carrying their devices, the mine operator must request that the district manager approve a storage plan permitting these miners to be further than 25 feet from their one-hour SCSRs. The plan must include a provision requiring the affected miners to wear an approved filter type self-rescuer or, utilizing new SCSR technology, wear an approved SCSR which provides less than one hour of protection. It also should: (1) Locate storage caches at the headgate and tailgate ends of the longwall; (2) provide miners on the longwall section with additional SCSRs located on the longwall face so they are no further than three minutes travel time from the one-hour devices; and (3) set the number of one-hour SCSRs located at each headgate and tailgate cache and on the face to equal or exceed the number of miners who normally work on the longwall mining section. The three minute travel distance should be determined based on actual in-mine conditions rather than on the current Escapeway and Distance Chart. Before approving the location for the additional face SCSRs proposed by the mine operator, the district manager should verify that longwall miners would always be within three minutes or less of one-hour devices in the headgate, tailgate, or on the face traveling at a normal pace.

4. Miners Working in Specific Outby Areas

Miners working in specific outby areas, such as belt installers, track layers, and construction workers, should wear, carry, or keep their one-hour SCSRs in a readily accessible location within 25 feet. If the mine operator, in consultation with the miners, believes it is difficult or impractical for these miners to perform their work while wearing or carrying their one-hour devices, the operator must request that the district manager approve a storage plan permitting these miners to be further than 25 feet from their one-hour SCSRs. A storage plan for miners working in specific outby areas of a mine must include a provision requiring the affected miners to wear an approved filter type self-rescuer or, utilizing new SCSR technology, wear an approved SCSR which provides less than one hour of protection. It also should: (1) Establish a designated storage location for one-hour SCSRs that should always be within a distance that can be traveled by the affected miners at a normal pace within three minutes; and (2) set the number of one-hour SCSRs in the designated storage cache to equal or exceed the number of miners working in the specific area at any given time. The storage plan may describe the typical arrangement proposed since the area where this type of miner works changes periodically. The three minute travel distance should be determined based on actual in-mine conditions rather than on the current Escapeway and Distance Chart. Before approving the storage cache proposed by the mine operator, the district manager should verify that the location would always be within a distance that can be traveled by miners at a normal pace in three minutes or less.

IV. Other Matters Bearing Upon the Safety of Miners

1. Storage Methods and Procedures

Storage plans submitted for district manager approval must contain provisions ensuring that all designated storage caches: (1) Are readily identifiable; (2) are easily accessible and direct miners to the nearest intake escapeway; and (3) are adequately protected from the mining environment.

2. Training

All mine operators who request approval to store more than one type of one-hour SCSR must include a provision in their SCSR storage plans detailing the training to be provided to ensure that all miners have the ability to satisfactorily don and use each type of filter self-rescuer and SCSR device deployed at their mines.

V. Final Policy Effective Date

Mine operators who submit new SCSR storage plans for approval after the date the notice of final policy change is issued should address the factors outlined in 30 CFR Section 75.1714–2(e)(1)(I) through (xi), and should provide the additional SCSR protection set out in the final policy change notice.

Mine operators with currently approved SCSR storage plans who choose to continue storing the one-hour SCSR devices should revise their storage plans to provide the additional SCSR protection set out above within two years from the date of the final notice of policy change.

Dated: September 19, 1997.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 97–25633 Filed 9–25–97; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 206

RIN 1010–AC09

Workshops on Proposed Rule—Establishing Oil Value for Royalty Due on Federal Leases

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of workshops.

SUMMARY: The Minerals Management Service (MMS) has reopened the public comment period under a proposed rule published in the **Federal Register** on January 24, 1997 (62 FR 3742), amending the royalty valuation regulations for crude oil produced from Federal leases. In the July 3, 1997, **Federal Register** (62 FR 36030), we published a supplementary notice of proposed rulemaking. We received a variety of comments on the proposed and supplementary proposed rules. In the September 22, 1997, **Federal Register**, we published a summary of these comments, outlined alternatives for proceeding with further rulemaking, and requested public comment on those or other suggested alternatives. Comments on the notice reopening the comment period must be submitted to MMS by October 22, 1997.

MMS will hold three workshops to discuss alternatives for proceeding with the rulemaking. The sole purpose of these workshops is to obtain comments on the alternatives described in the September 22, 1997, **Federal Register** notice, or any new alternatives or modifications to the proposed alternatives for MMS's consideration. We are not requesting comments on the original proposed rule or the supplemental proposed rule, nor on the summary of comments outlined in the September 22, 1997, **Federal Register** notice. Interested parties are invited to attend and participate in these workshops.

DATES: The workshops will be held as follows:

Workshop 1: Lakewood, Colorado, on September 30, 1997, and October 1, 1997, beginning at 9 a.m. each day and ending at 5 p.m. on September 30, 1997, and ending at 3 p.m. on October 1, 1997, Mountain time.

Workshop 2: Houston, Texas, on October 7 and 8, 1997, beginning at 9 a.m. each day and ending at 5 p.m. on October 7, 1997, and 3 p.m. on October 8, 1997, Central time.

Workshop 3: Houston, Texas, on October 14, 1997, beginning at 9 a.m. and ending at 4 p.m. Central time.

ADDRESSES: Workshop 1 will be held at the Golden Hill Office Complex, 12600 West Colfax Avenue, Suite C–300, Lakewood, Colorado 80225–0165; telephone (303) 275–7200. Workshops 2 and 3 will be held in the Houston Compliance Division Office, Minerals Management Service, 4141 North Sam Houston Parkway East, Houston, Texas 77032; telephone (281) 987–6802.

FOR FURTHER INFORMATION CONTACT: David S. Guzy, Chief, Rules and Publications Staff, Royalty Management Program, Minerals Management Service, P.O. Box 25165, MS 3021, Denver, Colorado 80225–0165; telephone (303) 231–3432; fax number (303) 231–3385; e-Mail David__Guzy@mms.gov.

SUPPLEMENTARY INFORMATION: MMS has invited two representatives each from five industry trade associations and from five States to participate in a round table discussion of the alternatives at Workshops 1 and 2. These two workshops will be open to the public to observe the discussions. We ask for the cooperation of States and industry trade associations in limiting the people in attendance so that we may assure a productive dialogue of the alternatives among the round table participants. Workshop 3 will be open to the public without advance registration. We encourage a workshop atmosphere; members of the public are encouraged to participate in a discussion of the alternatives. For building security measures, each person may be required to present a picture identification to gain entry to the meeting.

Dated: September 22, 1997.

Lucy Querques Denett,

Associate Director for Royalty Management.

[FR Doc. 97–25515 Filed 9–25–97; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD07–97–047]

RIN 2115–AE46

Special Local Regulations; City of Augusta, GA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish temporary special local regulations for the Augusta Port Authority's Head of the South Rowing Regatta. The event will be held from 7:00 a.m. to 6:00 p.m. Eastern Standard Time (EST) on November 7 and 8, 1997, on the Savannah River at Augusta, GA. These regulations are necessary for the safety of life on the navigable waters during the event.

DATES: Comments must be received on or before October 27, 1997.

ADDRESSES: Comments may be mailed to Commander, U.S. Coast Guard Group Charleston, 196 Tradd Street, Charleston, SC 29401, or may be delivered to the Operations Office at the same address between 7:30 a.m. and 3:30 p.m. Monday through Friday, except federal holidays. The telephone number is (803) 724–7621.

The Group Commander maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at the above address.

FOR FURTHER INFORMATION CONTACT: LTJG M.J. DaPonte, Project Manager, Coast Guard Group Charleston at (803) 724–7621.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their name and address, identify this rulemaking (CGD7 97–047) and the specific section of this proposal to which each comment applies, and give a reason for each comment. Persons desiring acknowledgment of receipt of comments