

proposed standard will be provided at an informal public hearing to be held in Washington, DC. on April 29, 1997, and extending through May 1, 1997, depending on the number of persons intending to participate in the hearing.

The hearing will commence at 9:30 a.m. on April 29, 1997, in C5521, Seminar Room #4, of the Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC. 20210.

All persons desiring to participate in the hearing must file in quadruplicate a notice of intention to appear, postmarked on or before April 1, 1997. The notice of intention to appear, which will be available for inspection and copying at the OSHA Docket Office (Room N2625), telephone (202) 219-7894, must contain the following information:

1. The name, address, and telephone number of each person to appear;
2. The capacity in which the person will appear;
3. The approximate amount of time required for the presentation;
4. The issues that will be addressed;
5. A brief statement of the position that will be taken with respect to each issue; and,
6. Whether the party intends to submit documentary evidence and, if so, a brief summary of it.

The notice of intention to appear shall be mailed to: Docket Office, Docket S-052, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC. 20210; telephone (202) 219-7894.

A notice of intention to appear also may be transmitted by facsimile to (202) 219-5046 (Attention: Docket S-052), by the same date, provided the original and 3 copies are sent to the same address and postmarked no more than 3 days later.

Filing of Testimony and Evidence Before the Hearing

Any party requesting more than 10 minutes for a presentation at the hearing, or who will submit documentary evidence, must provide in quadruplicate, the complete text of the testimony, including any documentary evidence to be presented at the hearing. One copy shall not be stapled or bound and be suitable for copying. These materials must be provided to the Docket Office at the address above and be postmarked no later than April 14, 1997.

Each such submission will be reviewed in light of the amount of time requested in the notice of intention to appear. In those instances when the information contained in the submission does not justify the amount

of time requested, a more appropriate amount of time will be allocated and the participant will be notified of that fact prior to the informal public hearing.

Any party who has not substantially complied with this requirement may be limited to a 10 minute presentation, and may be requested to return for questioning at a later time.

Any party who has not filed a notice of intention to appear may be allowed to testify for no more than 10 minutes as time permits, at the discretion of the Administrative Law Judge, but will not be allowed to question witnesses.

Notice of intention to appear, testimony, and evidence will be available for copying at the Docket Office at the address above.

Conduct and Nature of the Hearing

The hearing will commence at 9:30 a.m. on April 29, 1997. At that time, any procedural matters pertaining to the proceeding will be resolved.

The nature of an informal rulemaking hearing is established in the legislative history of section 6 of the Occupational Safety and Health Act and is reflected by OSHA's rules of procedure for hearings (29 CFR 1911.15(a)). Although the presiding officer is an Administrative Law Judge, and limited questioning by persons who have filed notices of intention to appear is allowed on crucial issues, the proceeding is informal and legislative in type. The Agency's intent, in essence, is to provide interested persons with an opportunity to make effective oral presentations that can proceed expeditiously in the absence of procedural restraints that impede or protract the rulemaking process.

Additionally, since the hearing is primarily for information gathering and clarification, it is an informal administrative proceeding rather than one of an adjudicative nature.

The technical rules of evidence, for example, do not apply. The regulations that govern hearings and the pre-hearing guidelines to be issued for this hearing will ensure fairness and due process and also facilitate the development of a clear, accurate, and complete record. Those rules and guidelines will be interpreted in a manner that furthers that development. Thus, questions of relevance, procedure, and participation generally will be decided so as to favor development of the record.

The hearing will be conducted in accordance with 29 CFR Part 1911. It should be noted that § 1911.4 specifies that the Assistant Secretary may, upon reasonable notice, issue alternative procedures to expedite proceedings or for other good cause.

The hearing will be presided over by an Administrative Law Judge who makes no decision or recommendation on the merits of OSHA's proposal. The responsibility of the Administrative Law Judge is to ensure that the hearing proceeds at a reasonable pace and in an orderly manner. The Administrative Law Judge, therefore, will have all of the powers necessary and appropriate to conduct a full and fair informal hearing as provided in 29 CFR 1911, including the powers:

1. To regulate the course of the proceedings;
2. To dispose of procedural requests, objections, and comparable matters;
3. To confine the presentations to the matters pertinent to the issues raised;
4. To regulate the conduct of those present at the hearing by appropriate means;
5. At the Judge's discretion, to question and permit the questioning of any witness and to limit the time for questioning; and,
6. At the Judge's discretion, to keep the record open for a reasonable, stated time (known as the post-hearing comment period) to receive written information and additional data, views, and arguments from any person who has participated in the oral proceedings.

OSHA recognizes that there may be interested persons who, through their knowledge of safety or their experience in the subject matter of this proceeding, would wish to endorse or support certain provisions in the proposed standard. OSHA welcomes such supportive comments in order that the record of this rulemaking will present a balanced picture of the public response on the issues involved.

Signed at Washington, DC. this 26th day of February 1997.

Gregory R. Watchman,

Acting Assistant Secretary of Labor.

[FR Doc. 97-5176 Filed 2-28-97; 8:45 am]

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Mine Safety and Health Administration

30 CFR Parts 56, 57, 62, 70, and 71

RIN 1219-AA53

Health Standards for Occupational Noise Exposure

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

ACTION: Proposed rule; change of dates for hearings.

SUMMARY: Due to a scheduling conflict, MSHA is changing the dates of two of the public hearings announced in the

Federal Register on February 6, 1997 (62 FR 5554).

DATES: The public hearings are scheduled to be held at the following locations on the dates indicated:

May 6, 1997—Beaver, West Virginia (Beckley)

May 8, 1997—St. Louis, Missouri

May 13, 1997—Denver, Colorado

May 15, 1997—Las Vegas, Nevada

May 28, 1997—Atlanta, Georgia

May 30, 1997—Washington, DC

Each hearing will last from 9:00 a.m. to 5:00 p.m., but will continue into the evening if necessary.

The record will remain open after the hearings until June 20, 1997.

ADDRESSES: The hearings will be held at the following locations:

May 6, 1997, National Mine Health & Safety Academy, Auditorium, 1301 Airport Road, Beaver, West Virginia (Beckley) 25813.

May 8, 1997, Harley Hotel, North Ballroom, 3400 Rider Trail South, St. Louis, Missouri 63134.

May 13, 1997, Four Points Sheraton Hotel, Mount Evans Room, 3535 Quebec Street, Denver, Colorado 80207.

May 15, 1997, Bourbon Street Hotel, 120 E. Flamingo Road, Las Vegas, Nevada 89109.

May 28, 1997, Holiday Inn Airport, 5010 Old National Highway, Atlanta, Georgia 30349.

May 30, 1997, Department of Labor, Frances Perkins Building, Auditorium, 200 Constitution Avenue, NW., Washington, DC 20210.

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

SUPPLEMENTARY INFORMATION: On December 17, 1996, MSHA published in the Federal Register (61 FR 66348) a proposed rule to revise the Agency's existing health standards for occupational noise. On February 6, 1997, MSHA published in the Federal Register (62 FR 5554) a notice extending the comment period to April 21, 1997. In that same notice, the Agency announced public hearings and stated that the rulemaking record will close on June 16, 1997.

Due to a scheduling conflict, MSHA is changing the dates of the Atlanta, Georgia and Washington, DC hearings. The Agency has learned that the American Industrial Hygiene Association (AIHA) and the American Conference of Governmental Industrial Hygienists (ACGIH) will be holding their joint annual "Conference and Exposition" the week of May 17-23,

1997. MSHA believes that many members of the AIHA and ACGIH will be interested in attending the Agency's hearings on occupational noise exposure, including several members of the Agency's staff working on the noise proposal. Therefore, the Agency has changed the hearing for Atlanta, Georgia to May 28, 1997, and the hearing for Washington, DC to May 30, 1997. To allow for the submission of posthearing comments, the record would remain open until June 20, 1997.

Dated: February 24, 1997.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 97-5073 Filed 2-28-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD07-97-005]

RIN 2115-AE46

Special Local Regulations; Charleston to Bermuda Sailboat Race, Charleston, SC

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish temporary special local regulations for the Charleston to Bermuda Sailboat Race. The race would start on May 11, 1997, between the hours of 11 a.m. and 3 p.m. Eastern Daylight Time (EDT) near Waterfront Park on the Charleston Peninsula, and would transit out to sea by the South, Mount Pleasant, and Fort Sumter Ranges in Charleston Harbor. The nature of the event and the closure of portions of Charleston Harbor creates an extra or unusual hazard on the navigable waters of Charleston Harbor, Charleston, SC. These regulations are necessary for the safety of life on the navigable waters during the event.

DATES: Comments must be received on or before April 2, 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.

FOR FURTHER INFORMATION CONTACT: ENS M.J. DaPonte, Project Manager, Coast

Guard Group Charleston, SC 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 (CGD07-97-005) 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 should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in the view of the comments. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Project Manager at the address under **ADDRESSES**. If it is determined that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at the time and place announced by a later notice in the Federal Register.

Background and Purpose

The proposed regulations are needed to provide for the safety of life during the start of the Charleston to Bermuda Sailboat Race. These proposed regulations are intended to promote safe navigation in Charleston Harbor immediately before, during, and immediately after the start of the race by controlling the traffic entering, exiting, and traveling within the regulated area. The anticipated concentration of commercial traffic, spectator vessels, and participating vessels associated with the race poses a safety concern which is addressed in these proposed special local regulations.

The proposed regulations would not permit the entry or movement of spectator vessels and other non-participating vessel traffic between the starting area at the southern end of Commercial Anchorage Area D (33 CFR 110.173), and the entrance to the Charleston Harbor jetties on Saturday, May 11, 1997, from 10 a.m. to 3 p.m. EDT. These proposed regulations would permit the movement of spectator vessels and other non-participants within the regulated area before the start of the race, and after the last participant clears the Charleston Harbor jetties at the discretion of the Coast Guard Patrol Commander.