

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 JUSTICE

Drug Enforcement Administration

21 CFR part 1310

[DEA Number 137P]

RIN 1117-AA31

Exemption of Chemical Mixtures; Correction

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This document contains corrections to the proposed rule (DEA-137P) which was published Wednesday, September 16, 1998, (63 FR 49506). The proposed rule related to the implementation of those portions of the Domestic Chemical Diversion Control Act of 1993 [Pub. L. 103-200] that exempt from regulation under the Controlled Substances Act certain chemical mixtures that contain regulated chemicals.

FOR FURTHER INFORMATION CONTACT: Frank O. Sapienza, Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307-7183.

SUPPLEMENTARY INFORMATION:

Background

The proposed regulations that are subject to this correction make amendments to parts 1300 and 1310 of Title 21 of the Code of Federal Regulations to exempt from regulation, under the Controlled Substances Act, certain chemical mixtures that contain listed chemicals.

Need for Correction

As published, the proposed rule contains the following errors that may cause confusion: 1) reference is made to a nonexistent paragraph (g) in the amendatory language of 21 CFR 1310.12; 2) the amendatory language of 21 CFR 1310.13 (i) is incomplete; and 3)

there are several typographical errors in the "Supplementary Information" section.

Accordingly, the publication on September 16, 1998 of the proposed rule (DEA-137P), which was the subject of FR Doc. 98-24293, is corrected as follows:

Supplementary Information—[Correction]

1. On page 49506, in the third column, twentieth line from the bottom correct "caused" to read "used".

2. On page 49508, first column, eighteenth line, correct "21 U.S.C. 802(39)(a)((v))" to read "21 U.S.C. 802(39)(A)(v)".

3. On page 49508, first column, first full paragraph, twenty third line correct "Methamphetamine Control Act of 1966" to read "Methamphetamine Control Act of 1996".

4. On page 49508, first column, eighth line from the bottom, correct "21 U.S.C. 802(39)(a)(iii)" to read "21 U.S.C. 802(39)(A)(iii)".

5. On page 49508, second column, eight line from the top, insert "appear" after "not".

6. On page 49508, second column, fourth line from bottom of last full paragraph correct "and" to read "or".

7. On page 49510, third column, eight line from the bottom, replace "grining" with "grinding".

8. On page 49512 on the first line of the first column replace "1998" with "1988".

§ 1310.12 [Corrected]

1. On page 49514, in the third column, in § 1310.12 paragraph (a) remove "(c), (d) and (g)" of the second line and add "(c) and (d)" in its place.

§ 1310.13 [Corrected]

2. On page 49517, in the second column, in § 1310.13, paragraph (i) remove the colon following "section" and add "and are exempted by the Administrator from application of sections 302, 303, 310, 1007, and 1008 of the Act (21 U.S.C. 822-3, 830, and 957-8):"

Dated: October 14, 1998.

Donnie R. Marshall,

Acting Deputy Administrator, Drug Enforcement Administration.

[FR Doc. 98-27991 Filed 10-16-98; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 72 and 75

RIN 1219-AA74

Diesel Particulate Matter Exposure of Underground Coal Miners

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

ACTION: Proposed rule; notice of hearings; and close of record.

SUMMARY: MSHA is announcing public hearings regarding the Agency's proposed rule addressing diesel particulate matter exposure of underground coal miners, which was published in the **Federal Register** on April 9, 1998. These hearings will be held under section 101 of the Federal Mine Safety and Health Act of 1977. The rulemaking record will remain open until February 16, 1999.

DATES: All requests to make oral presentations for the record should be submitted at least 5 days prior to each hearing date. However, you do not have to give a written request to be provided an opportunity to speak. The public hearings are scheduled to be held at the following locations on the dates indicated:

November 17, 1998—Salt Lake City, Utah

November 19, 1998—Beaver, West Virginia (Beckley)

December 15, 1998—Mt. Vernon, Illinois

December 17, 1998—Birmingham, Alabama

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 until February 16, 1999.

ADDRESSES: Send requests to make oral presentations to: MSHA, Office of Standards, Regulations, and Variances, Room 631, 4015 Wilson Boulevard, Arlington, VA 22203-1984.

The hearings will be held at the following locations:

November 17, 1998—Salt Palace Convention Center, 100 S. West Temple, Salt Lake City, Utah, 84101.

November 19, 1998—National Mine Health & Safety Academy, Auditorium, 1301 Airport Road, Beaver, West Virginia (Beckley) 25813-9426.

December 15, 1998—Ramada Inn, 405 S. 44th Street, Mt. Vernon, Illinois, 62864.

December 17, 1998—Radisson Hotel, 808 20th Street South, Birmingham, Alabama 35205.

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

SUPPLEMENTARY INFORMATION: On April 9, 1998, (63 FR 17492), MSHA published a proposed rule to reduce the risks to underground coal miners of serious health hazards that are associated with exposure to high concentrations of diesel particulate matter (dpm). DPM is a very small particle in diesel exhaust. Underground miners are exposed to far higher concentrations of this fine particulate than any other group of workers. The best available evidence indicates that such high exposures put these miners at excess risk of a variety of adverse health effects, including lung cancer.

The proposed rule for underground coal mines would require that mine operators install and maintain high-efficiency filtration systems on certain types of diesel-powered equipment. Underground coal mine operators would also be required to train miners about the hazards of dpm exposure.

The comment period was scheduled to close on August 7, 1998. However, due to requests from the mining community, the Agency extended the comment period for an additional 60 days, until October 9, 1998.

MSHA will hold public hearings to receive additional public comment. The hearings will address any issues relevant to the rulemaking.

The hearings will be conducted in an informal manner by a panel of MSHA officials. Although formal rules of evidence or cross examination will not apply, the presiding official may exercise discretion to ensure the orderly progress of the hearings and may exclude irrelevant or unduly repetitious material and questions.

Each session will begin with an opening statement from MSHA, followed by an opportunity for members of the public to make oral presentations. The hearing panel may ask questions of speakers. At the discretion of the presiding official, the time allocated to speakers for their presentations may be limited. In the interest of conducting productive hearings, MSHA will schedule speakers in a manner that allows all points of view to be heard as effectively as possible.

Verbatim transcripts of the proceedings will be prepared and made

a part of the rulemaking record. Copies of the hearing transcripts will be made available for public review.

MSHA will accept additional written comments and other appropriate data for the record from any interested party, including those not presenting oral statements. Written comments and data submitted to MSHA will be included in the rulemaking record. To allow for the submission of post-hearing comments, the record will remain open until February 16, 1999. This provides ten months from publication for the public to comment on this proposed rule.

Dated October 15, 1998.

Marvin W. Nichols, Jr.,

Deputy Assistant Secretary for Mine Safety and Health.

[FR Doc. 98-27976 Filed 10-16-98; 8:45 am]

BILLING CODE 4510-43-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[SD-001-0002b; FRL-6175-5]

Clean Air Act Approval and Promulgation of State Implementation Plan for South Dakota; Revisions to the Air Pollution Control Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve certain State implementation plan (SIP) revisions submitted by the designee of the Governor of South Dakota on May 2, 1997. The May 2, 1997 submittal included revisions to the Administrative Rules of South Dakota (ARSD) pertaining to the State's regulatory definitions, minor source operating permit regulations, open burning rules, stack testing rules, and new source performance standards (NSPS). This document pertains to the entire State SIP submittal with the exception of the revisions to the NSPS regulations and the new State provision regarding pretesting of new fuels or raw materials: EPA will act on those two regulations separately.

In the Rules section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated in

relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing on or before November 18, 1998.

ADDRESSES: Written comments may be mailed to Richard R. Long, 8P-AR, at the EPA Region VIII Office listed. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air and Radiation Program, Environmental Protection Agency, Region VIII, 999 18th Street, suite 500, Denver, Colorado, 80202. Copies of the State documents relevant to this action are available for public inspection at the Air Quality Program, Department of Environment and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, South Dakota 57501.

FOR FURTHER INFORMATION CONTACT: Vicki Stamper, EPA Region VIII, (303) 312-6445.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations section of this **Federal Register**.

Authority: 42 U.S.C. 7401 et seq.

Dated: September 24, 1998.

Jack W. McGraw,

Acting Regional Administrator, Region VIII.

[FR Doc. 98-27839 Filed 10-16-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[FRL-6176-5]

National Emission Standards for Hazardous Air Pollutants for Manufacturing of Nutritional Yeast

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rules; notice of public hearing.

SUMMARY: The Environmental Protection Agency (EPA) is proposing standards to limit emissions from facilities that manufacture nutritional yeast and are major sources of hazardous air pollutant (HAP) emissions, particularly acetaldehyde. The proposed standards would carry out section 112 of the Clean Air Act, as amended November 15, 1990 (the Act), to protect the public health by