

similar rules for foreign business organizations.”.

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

Steel Erection Negotiated Rulemaking Advisory Committee

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of Committee meeting.

SUMMARY: Under the provisions of the Federal Advisory Committee Act (FACA), notice is hereby given of a meeting of the Steel Erection Negotiated Rulemaking Advisory Committee (SENAC). Notice is also given of the location of the meeting. This meeting will be open to the public.

DATES: The meeting is scheduled for June 27-29, 1995. The meeting will begin at 9:00 a.m. on June 27th.

ADDRESSES: U.S. Department of Labor, DOL Academy, Room C-5320, Seminar Room 6, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Anne Cyr, Acting Director, Office of Information and Consumer Affairs, OSHA, U.S. Department of Labor, Room N-3647, 200 Constitution Avenue, N.W., Washington, D.C. 20210; telephone (202) 219-8151.

SUPPLEMENTARY INFORMATION: On May 11, 1994, OSHA announced that it had established the Steel Erection Negotiated Rulemaking Advisory Committee (SENAC) (59 FR 24389) in accordance with the Federal Advisory Committee Act (FACA), the Negotiated Rulemaking Act of 1990 (NRA) and section 7(b) of the Occupational Safety and Health Act (OSH Act) to resolve issues associated with the development of a Notice of Proposed Rulemaking on Steel Erection. Appointees to the Committee include representatives from labor, industry, public interests and government agencies.

SENAC began negotiations in mid June, 1994, and has met eight times since. Initial meetings dealt with procedural matters, including schedules, agendas and the establishment of workgroups. The Committee established workgroups to

address issues on Fall Protection, Allocation of Responsibility, Construction Specifications and Scope. During subsequent meetings, foundations for negotiations were established and additional workgroups were formed. In addition, the resolution of issues and the drafting of a revised rule continues.

This is the last scheduled meeting of SENAC. It is expected that consensus will be reached on a draft proposal at this meeting at which time OSHA will complete the preamble and prepare the document in the proper **Federal Register** format for publication. It is anticipated that SENAC will reconvene once OSHA has prepared the document to give final approval to the document.

All interested parties are invited to attend the Committee meetings at the time and place indicated above. No advanced registration is required. Seating will be available to the public on a first-come, first-served basis. Persons with disabilities, who need special accommodations, should contact the Facilitator by June 20, 1995.

During the meeting, members of the general public may informally request permission to address the Committee.

Minutes of the meetings and materials prepared for the Committee will be available for public inspection at the OSHA Docket Office, N-2625, 200 Constitution Ave., N.W., Washington, D.C. 20210; telephone (202) 219-7894. Copies of these materials may be obtained by sending a written request to the Facilitator.

The Facilitator, Philip J. Harter, can be reached at Suite 404, 2301 M Street, NW, Washington, D.C. 20037; telephone (202) 887-1033, FAX (202) 887-1036.

Authority

This document was prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, pursuant to section 3 of the Negotiated Rulemaking Act of 1990, 104 Stat. 4969, Title 5 U.S.C. 561 *et seq.*; and Section 7(b) of the Occupational Safety and Health Act of 1970, 84 Stat. 1597, Title 29 U.S.C. 656.

Signed at Washington, D.C., this 6th day of June, 1995.

Joseph A. Dear,

Assistant Secretary of Labor.

[FR Doc. 95-14161 Filed 6-8-95; 8:45 am]

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Mine Safety and Health Administration

30 CFR Parts 56 and 57

RIN 1219-AA17

Safety Standards for Explosives at Metal and Nonmetal Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of public hearings; Close of record.

SUMMARY: The Mine Safety and Health Administration (MSHA) will hold public hearings on its January 6, 1995, proposed safety standards for explosives at metal and nonmetal mines. The hearings will be held in Cleveland, Ohio and Elko, Nevada.

DATES: The hearings will be held in Cleveland, Ohio, July 6, 1995; and Elko, Nevada, July 12, 1995. Both hearings will begin at 9:00 a.m. MSHA requests that persons planning to participate in the public hearings notify the Agency at least five days prior to the public hearing date. There will be an opportunity for other persons, who have not made prior arrangements with MSHA and wish to speak, to register at the beginning of each public hearing. The public record for the rulemaking will close on August 18, 1995.

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

1. July 6, 1995—Quality Inn Airport, 16161 Brookpark Road, Cleveland, Ohio 44142.

2. July 12, 1995—Holiday Inn, 3015 Idaho Street, Elko, Nevada 89081.

Send requests to make oral presentations to: Mine Safety Health Administration, Office of Standards, Regulations and Variances, Room 631, 4015 Wilson Boulevard, Arlington, Virginia 22203.

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

SUPPLEMENTARY INFORMATION:

A. Rulemaking Background

MSHA published comprehensive revisions to its explosives safety standards for metal and nonmetal mines in January 1991 (56 FR 2070). Prior to the effective date of the rule, MSHA stayed several provisions due to compliance issues raised by the mining community and explosives manufacturers. The provisions involved were subsequently repropoed on October 16, 1992, (57 FR 47524), and a public hearing was held in April 1993. On December 30, 1993, (58 FR 69596), MSHA published the final rule which became effective on January 31, 1994.

Some of the mining industry and explosive manufacturers challenged the final rule. In response to their concerns, MSHA issued Program Policy Letter (PPL) No. P94-IV-3 on September 30, 1994. This current policy provides information to the mining community regarding the proper usage of the IME-22 Container as a "laminated partition" under §§ 56/57.6000, §§ 56/57.6133, §§ 56/57.6201. The Agency also interpreted the "continuous loading" requirements of §§ 56/57.6306; clarified the meaning of the term "good condition" as it applies to vehicles used in §§ 56/57.6202; clarified the application of §§ 56/57.6501 regarding double trunklines or loop systems when using low energy detonating cord with inhole delays; and interpreted §§ 56/57.6602(e) on static electricity dissipation during loading as it applies to the use of plastic hole liners.

On January 5, 1995, MSHA published a proposed rule, (60 FR 1866) which included revisions to §§ 56/57.6000 concerning the definition of "laminated partition;" §§ 56/57.6133 concerning powder chests; §§ 56/57.6201 concerning separation of transported explosive material; §§ 56/57.6302 concerning separation of explosive material; §§ 56/57.6306 concerning loading, blasting and security; and §§ 56/57.6602 concerning static electricity dissipation during loading. Also, the proposal would add a new provision, §§ 56/57.6905 to address hangup blasting which was merged with requirements for separation of explosive material; would delete the security provisions of existing §§ 56/57.6313 and would incorporate them into proposed §§ 56/57.6306; and would clarify in the preamble to the final rule the meaning of the term "good condition" as used in §§ 56/57.6202. The standards in part 56 apply to all surface metal and nonmetal mines; those in part 57 apply to all underground and all surface areas of underground metal and nonmetal mines.

The comment period closed on March 6, 1995. MSHA received numerous comments concerning the proposed provisions, including requests for public hearings.

MSHA is conducting these rulemaking hearings pursuant to section 101 of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 801 *et. seq.* The purpose of the hearings is to give the public further opportunity to submit comments on the proposal and to discuss their concerns. 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 MSHA official may exercise discretion to ensure the orderly progress of the hearings and may exclude irrelevant or unduly repetitious material and questions.

The hearings will begin with an introduction from MSHA, followed by an opportunity for members of the public to make oral presentations. The hearing panel will be available to address relevant questions. At the discretion of the presiding official, speakers may be limited to a maximum of 20 minutes for their presentations. In the interests 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 part of the rulemaking record. Copies of the hearing transcripts will be made available to the public for review.

MSHA will also accept for the record additional written comments and other related data from any interested party, including those who do not present oral statements. Written comments and data submitted to MSHA will be included in the rulemaking record. To allow for the submission of any post-hearing comments, the record will remain open until August 18, 1995.

B. Issues

Commenters posed various questions about the proposed rule. Of greatest concern to commenters are the issues discussed below.

1. §§ 56/57.6000 Definition of Laminated Partition
 §§ 56/57.6133 Powder Chests
 §§ 56/57.6201 Separation of Transported Explosive Material.

Existing §§ 56/57.6000 defines the composition of a "laminated partition," that may be used to separate detonators from other explosive materials under .6133 and .6201. The existing definition also states that the IME-22 Container meets the criteria of a "laminated partition." This definition and the nominal dimensions of the partition were derived from the Institute of Makers of Explosives' (IME) Safety Library Publication No. 22, "Recommendations for the Safe Transportation of Detonators in a Vehicle with other Explosive Materials," 1985.

IME objected to allowing the container to be used in a manner that is inconsistent with their recommendations for proper and safe usage. IME states that the IME-22 Container should not be used as a

"laminated partition" when certain detonators are transported with explosives or blasting agents in the same vehicle or stored together in powder chests.

Existing §§ 56/57.6133(b) allows the storage of detonators with other explosives in the same powder chests, as long as they are separated by 4-inches of hardwood, laminated partition, or equivalent. Similarly, existing §§ 56/57.6201 (a)(2) and (b)(2) allow the transportation of detonators with explosives as long as they are separated by 4-inches of hardwood, laminated partition, or equivalent. These current regulations make no distinction between different classes of detonators.

MSHA proposes minor revisions to the existing definition of "laminated partition." The proposal specifies the construction requirements for a "laminated partition" as described in the IME Safety Library Publication No. 22 (May 1993), and the Generic Loading Guide for the IME-22 Container (October 1993). For compliance with §§ 56/57.6133(b) and §§ 56/57.6201 (a)(2) and (b)(2), the definition would allow alternative construction as well.

In addition, the proposal would revise the existing requirements for Powder chests, §§ 56/57.6133, and Separation of transported explosive material, §§ 56/57.6201, and require that whenever operators use the IME-22 Container under these regulations, they must follow the manufacturer's instructions included in the IME Safety Library Publication No. 22, "Recommendations for the Safe Transportation of Detonators in a Vehicle with other Explosive Materials," (May 1993) and the "Generic Loading Guide for the IME-22 Container," (October 1993). Some commenters objected to MSHA's reference to the IME publications because the mining industry has not had an opportunity to comment on these publications. These commenters state that the IME publications are recommendations rather than federal regulations intended for the mining industry.

Regarding the term "equivalent" as used in proposed §§ 56/57.6133 and §§ 56/57.6201, some commenters requested that the Agency define the term, or specify in the regulation that any material or combination of materials providing the same degree of protection against the initiating force of detonators is equivalent to 4-inches of hardwood. At this stage, MSHA believes it would be appropriate to make this clarification in the preamble to the final regulation.

Another commenter requested that MSHA clarify the intent of the phrase "4 inches of hardwood." At this stage,

MSHA believes it would be appropriate to do so by stating in the preamble to the final regulation that the purpose of the 4 inches of hardwood is not to contain the force of initiated detonators but to provide sufficient separation of explosive materials from detonators to impede propagation should detonators be initiated by outside forces.

Finally, commenters recommended that MSHA specify in the regulation that any transport of explosives over the public highways is subject to the requirements of the Department of Transportation, Title 49 of Code of Federal Regulations. MSHA intends to include this advisory in the preamble to the final rule.

MSHA requests comments regarding the compliance impact on the mining industry under §§ 56/57.6133 and §§ 56/57.6201 requiring that any laminated partition conform to IME's prescribed usage for their container, which is also a laminated partition. The IME documentation is currently available to commenters and is a part of the rulemaking record. However, MSHA will make this information available to commenters at the hearings.

2. Sections 56/57.6202 Vehicles

Existing paragraphs (a)(1) require that vehicles containing explosives be maintained in good condition. In the preamble to the final standard, some operators believed that the Agency intended for such vehicles to comply with licensing requirements of Federal, State, and local authorities for over-the-road use. These operators requested that the Agency clarify its position regarding the term "good condition." In response to commenters' concerns, MSHA clarified the intended meaning of this term through policy and will include this language in the preamble to the final regulation. MSHA policy provides that a vehicle in "good condition" must be consistent with safe operating practices.

3. Sections 56/57.6306 Loading, Blasting, and Security.

Existing paragraphs (a) of §§ 56/57.6306 prohibit vehicles and other equipment from being driven over explosive material or initiating systems. Existing paragraph (b) allows haulage activity near the base of the highwall being loaded, if no other haulage access exists.

MSHA's proposed standard would redesignate these paragraphs, without change, as new paragraphs (b) and (c).

The proposal also would add a new paragraph (a), which would require that when explosive materials or initiating systems are brought to the blast site, the

area must be barricaded and posted, or flagged against unauthorized entry.

Commenters stated that this provision is unnecessary and arbitrary, because it would require the demarcation of the blast site regardless of the presence of authorized personnel. These commenters suggested that MSHA modify the language of the standard by incorporating by reference the requirements of existing §§ 56/57.6313, which requires identification of the blast site only when the site is not attended.

Existing paragraph (c) of §§ 56/57.6306 require that the loading process be continuous, with certain exceptions. Currently, MSHA standards permit interruptions in the loading process for unfavorable atmospheric conditions, large equipment failure, or circumstances beyond the operator's control.

Similarly, existing paragraphs (e) of §§ 56/57.6306 require the firing of the blast without undue delay, with certain exceptions to minimize the risk of a partial detonation. The same permissible interruptions recognized under existing paragraph (c) are identified in this standard as well. However, the standard specifies that if the interruption will exceed 72 hours, the operator must notify the appropriate MSHA District Office before the 72 hours have elapsed.

MSHA's proposal would revise and combine into paragraph (d)(1) existing paragraphs (c) and (e) and the security provisions of existing §§ 56/57.6313 requiring that areas in which loading is suspended or loaded holes are awaiting firing be attended, barricaded and posted or flagged against unauthorized entry. The proposal would also delete the 72 hour notification requirement of existing paragraph (e).

Proposed paragraph (d)(1) of §§ 56/57.6306 would require that loading and firing of a blast be performed without undue interruption or delay. If loading is interrupted or firing of the blast is delayed for any reason, the proposed standard would require that the mine be attended to prevent unauthorized entry to the blast site.

Proposed paragraph (d)(1) of § 57.6306, for underground mines only, would add an additional sentence specifying that underground areas are secure against unauthorized entry when the entrance to the mine is through vertical shafts and inclined shafts or adits when locked at the surface.

MSHA specifies in the preamble to the proposal that the presence of maintenance and other personnel during off-shift and weekends could satisfy the requirements of the proposal,

provided they prevent unauthorized entry to the blast site when loading is interrupted or firing is delayed.

Commenters objected to the proposed requirements as unreasonable, costly and burdensome, and requested that MSHA clarify the standard, specifically to reflect that the mine be attended rather than the blast site. Further, these commenters suggested that MSHA delete the phrase "to prevent unauthorized entry to the blast site" from the proposal because they believe that blast site would be protected by the proposed requirements in paragraph (a). Finally, these commenters objected to MSHA's concerns for trespassers as the basis for the regulation.

Other commenters requested that MSHA define what constitutes "undue delay" within the proposed regulation.

With regard to the underground provisions of proposed paragraph (d)(1), commenters indicated that the provisions were unrealistic and broad in that, in some instances, it is infeasible to require that inclined shafts and adits be locked or attended, since there are many multiple-adit mines that cannot be locked. Other commenters indicated that the underground requirements of proposed paragraph (d)(1) cannot be met without having a negative impact on compliance with MSHA ventilation requirements.

Proposed paragraph (d)(2) of §§ 56/57.6306 would require persons securing a blast site at a surface mine or at the surface area of an underground mine to withdraw from the blast site during the approach and progress of an electrical storm. For underground mines, MSHA proposes to include a new provision requiring that persons who are used to secure an underground blast site involving an electrical blasting operation capable of being initiated by lightning must be withdrawn from the blast site into a safe location. These proposed provisions are derived from existing §§ 56/57.6604, which requires the suspension of blasting operations and the withdrawal of all personnel from the blast area to a safe location during the approach and progress of an electrical storm.

Existing paragraphs (d) of §§ 56/57.6306 require that in electric blasting prior to connecting to the power source, and in nonelectric blasting, prior to attaching an initiating device, all persons vacate the blast area except persons in a blasting shelter or other safe location. MSHA's proposal would redesignate this provision as paragraph (e) without change.

Existing paragraphs (f) require clear escape routes from the blast area, and all access to the blast area be protected

against entry. Existing paragraphs (g) require, in part, that post-blast examinations be conducted by a person having the ability and experience to perform the examination. No changes were proposed to these existing paragraphs.

4. Sections 56/57.6302 Separation of Explosive Material. Sections 56/57.6905 Separation of Explosive Material and Hang-Up Blasting

Existing paragraphs (a) of §§ 56/57.6302 require that explosives and blasting agents be kept separated from detonators until loading begins. Paragraphs (b) require that explosive material be protected from impact and temperatures in excess of 150 °F when taken to the blast site.

This standard was promulgated under the "Use" portion of the explosives regulations. Shortly after publication, MSHA received information indicating a need to clarify that explosive material must be protected from impact during transportation and storage as well. MSHA agrees and the proposal would expand the scope of existing paragraph (b) to the cover storage and transportation, in addition to use. The Agency received no comments concerning proposed §§ 56/57.6302 and proposed paragraphs (a) and (b) of §§ 56/57.6905.

Under MSHA's proposal, the existing requirements of paragraph (a) of §§ 56/57.6302 would remain unchanged. The proposal, however, would revise the section heading to "Separation of explosive material."

Proposed § 57.6905, would include a new paragraph (c), which would require the use of detonating cord to initiate explosives placed in raises, chutes and ore passes to free hang-ups. MSHA's proposed rule would not preclude the use of such devices as ballistic disks which are initiated by a detonating cord.

With regard to proposed paragraph (c) of § 57.6905, commenters found the proposal too restrictive in that it would limit commonly accepted methods of blasting. Specifically, these commenters stated that the use of detonating cord as proposed by MSHA may introduce inherent hazards such as fire from the ignition of timber, loosening timber or other supports, contributing to fly rock, and loosening rib and back. These commenters also believe that MSHA's proposed standard would restrict technological developments in this area and questioned MSHA's evidence for requiring that operators use detonator cord in blasting hang-ups.

5. Sections 56/57.6313, Blast Site Security

As explained above, existing §§ 56/57.6313 requires that areas in which loading is suspended or loaded holes are awaiting firing be attended, barricaded and posted, or flagged against unauthorized entry.

MSHA's proposed rule would revise and incorporate the security provisions of existing §§ 56/57.6313 into §§ 56/57.6306 to ensure that the blast site is secure at all times.

6. Sections 56/57.6602 Static Electricity Dissipation During Loading

Existing §§ 56/57.6602 address the build-up of static electricity during pneumatic loading or dropping of explosive material into a blasthole and require that when explosive material is loaded pneumatically or dropped into a blasthole in a manner that could generate static electricity, an evaluation must be made of potential static electricity hazards and the hazard must be eliminated before loading begins.

Following publication of the final rule, MSHA received technical information indicating that the scope of this provision may be too broad because the term "dropping" encompasses dropping, pouring, or auguring explosive materials into blastholes which are performed at a low velocity. As a result, the generation of static electricity is insufficient to initiate the primer.

MSHA clarified the scope of the final standard through policy by interpreting the standard to apply only to pneumatic loading of explosive material. As indicated in the PPL, MSHA intends to delete the term "dropping" from the introductory text of existing §§ 56/57.6602. Some commenters believe that the provision, as revised, would still be too restrictive.

7. Executive Order 12866 and the Regulatory Flexibility Act

Based on an analysis of the impact of the proposed rule, MSHA estimates that the total annual recurring cost impact would be about \$70,000. All of these costs are attributable to the attended provision of paragraph (d)(1) of §§ 56/57.6306. The total cost impact on all small mines, those employing fewer than 20 miners, would be nominal.

Some commenters stated that MSHA significantly understates the expense that will result from this requirement. These commenters believe that they would either have to hire specific persons for security or use managerial personnel which would cost approximately \$300,000 annually.

Another commenter stated that MSHA's analysis considered only medium-sized underground and most open pit mines, but did not adequately consider large mines.

Dated: June 2, 1995.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 95-14305 Filed 6-7-95; 12:07 pm]

BILLING CODE 4510-43-P

30 CFR Parts 56 and 57

Public Meetings on Development of Program Policy Letters; First Aid Training for Selected Supervisors; and Examination of Working Places

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of public meetings.

SUMMARY: The Mine Safety and Health Administration (MSHA) will hold three public meetings to discuss the Agency's newly implemented process of soliciting public input on certain draft policy statements. The Agency will also discuss its draft policy statements which interpret existing MSHA regulations pertaining to metal and nonmetal mines concerning first aid training for selected supervisors, and draft policy statements which interpret existing MSHA regulations for metal and nonmetal mines concerning examination of working places.

DATES: MSHA requests that persons planning to participate in the public meetings notify the Agency at least five days prior to the public meeting date. All post-meeting written comments should be submitted by August 25, 1995. The public meetings will be held at the following locations: July 6 and 7, 1995 in Cleveland, Ohio; July 12 and 13, 1995, in Elko, Nevada; and July 19, 1995 in Dallas, Texas.

The meetings in Cleveland, Ohio and Elko, Nevada will commence immediately following the public hearings on MSHA's proposed rule on safety standards for explosives at metal and nonmetal mines. The public meeting in Dallas, Texas will commence on the date indicated, beginning at 9:00 a.m.

ADDRESSES: The public meetings will be held at the following locations:

1. July 6 and 7, 1995—Quality Inn Airport, 16161 Brookpark Road, Cleveland, Ohio 44142.
2. July 12 and 13, 1995—Holiday Inn, 3015 Idaho Street, Elko, Nevada 89081.
3. July 19, 1995—U.S. Department of Labor, 525 S. Griffin Street, 7th Floor, Room 754, Dallas, Texas, Zip 75202.