Sunshine Act Meetings

Federal Register
Vol. 52, No. 125
Tuesday, June 30, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 52 FR 20492.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 11:00 a.m., June 30, 1987.

CHANGE IN THE MEETING: The meeting on Enforcement Matters is cancelled.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, Secretary of the Commission.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 87-14883 Filed 6-26-87; 11:26 am]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:00 a.m., June 30, 1987.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Rule enforcement review.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 87-14884 Filed 6-26-87; 11:26 am]

BILLING CODE 6351-01-M

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 2:30 p.m., Wednesday, June 24, 1987.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Md.

STATUS: Closed to the Public.

MATTERS TO BE CONSIDERED:

Enforcement Matter OS #5678

The Commission will consider issues related to Enforcement Matter OS #5678.

The Commission decided that Agency business required scheduling this meeting without normal advance notice.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301-492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301-492-6800.

Sheldon D. Butts,
Deputy Secretary.
June 25, 1987.

[FR Doc. 87-14894 Filed 6-26-87; 12:18 pm]

BILLING CODE 6355-01-M

INTER-AMERICAN FOUNDATION ADVISORY COUNCIL MEETING

TIME AND DATE:

July 8, 1987
6:00-9:00 p.m.
July 9, 1987
9:00 a.m.-12:00 noon

PLACE: 1515 Wilson Boulevard, Fifth Floor, Rosslyn, Virginia 22209.

STATUS: Open.

MATTERS TO BE CONSIDERED:

July 9, 1987

1. Opening Remarks by Chairman of the Board, Chairman of the Advisory Council, and the Foundation's President
2. Introduction of Advisory Council Members
3. Introduction of Foundation Staff and presentation of Program Overview

July 10, 1987

4. Briefings on Foundation Programs
5. Organization of Advisory Council

CONTACT PERSONS FOR MORE INFORMATION: Charles M. Berk, Secretary to the Board of Directors (703) 841-3812.

Dated: June 22, 1987.

Charles M. Berk,
Sunshine Act Officer.

[FR Doc. 87-14865 Filed 6-26-87; 11:04 am]

BILLING CODE 7025-01-M

INTER-AMERICAN FOUNDATION BOARD COUNCIL MEETING

TIME AND DATE:

July 9, 1987
6:00-9:00 p.m.
July 10, 1987
9:00 a.m.-12:00 noon

PLACE: 1515 Wilson Boulevard, Fifth Floor, Rosslyn, Virginia 22209.

STATUS: Open.

MATTERS TO BE CONSIDERED:

July 9, 1987

1. The Chairman's Report
2. The President's Report
3. Approval of the Minutes of the Meeting of March 23-24, 1987

July 10, 1987

4. Report of the Committees of the Board
5. Other Business

CONTACT PERSONS FOR MORE INFORMATION: Charles M. Berk, Secretary to the Board of Directors (703) 841-3812.

Dated: June 22, 1987.

Charles M. Berk,
Sunshine Act Officer.

[FR Doc. 87-14866 Filed 6-26-87; 11:04 am]

BILLING CODE 7025-01-M

MERIT SYSTEMS PROTECTION BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 52 FR 22576 (June 12, 1987).

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., Friday, June 26, 1987.

CHANGE IN THE MEETING: Additional matter to be considered:

Campbell v. Defense Logistics Agency, MSPB Docket No. PH07528510377.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Robert E. Taylor, Clerk of the Board, (202) 653-7200.

Dated: June 25, 1987.

Robert E. Taylor,
Clerk of the Board.

[FR Doc. 87-14847 Filed 6-26-87; 9:19 am]

BILLING CODE 7400-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE: 9:30 a.m. Tuesday, July 7, 1987.

PLACE: Conference Room 8A, B, C, Eighth Floor, 800 Independence Avenue, SW., Washington, DC 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Aircraft Accident Report: Aeronaves de Mexico, S.A., McDonnell Douglas DC-9-32, XA-JED, and Piper PA-28-181, N4891F, Cerritos, California, August 31, 1986
2. Recommendations to Federal Aviation Administration regarding air traffic control

FOR MORE INFORMATION CONTACT: Bea Hardesty, (202) 382-6525.

Ray Smith,
Assistant Federal Register Liaison Officer.
June 26, 1987.

[FR Doc. 87-14848 Filed 6-26-87; 9:20 am]

BILLING CODE 7533-01-M

NEIGHBORHOOD REINVESTMENT CORPORATION

Ninth Annual Meeting

TIME AND DATE: 3:00 p.m.—Wednesday, June 17, 1987 (rescheduled from May 20, 1987).

PLACE: 1325 G Street, NW., Suite 800, Washington, DC, 20005.

STATUS: Open.

CONTACT PERSON FOR MORE INFORMATION: Timothy McCarthy, Director of Communications 376–2623.

AGENDA:

I. Call to order/corporate secretary
II. Election of temporary chairman
III. Election of chairman and vice chairman
IV. Approval of minutes, November 24, 1986
V. Executive director's activity report
VI. Personnel Committee report
VII. Election of officers and appointment of assistant secretary
VIII. Audit Committee report: Budget adjustments and reallocations
IX. Budget Committee report
X. Treasurer's report

Carol J. McCabe,

Secretary.

[FR Doc. 87–14879 Filed 6–26–87; 11:05 am]

BILLING CODE 7570-01-M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of June 29, July 6, 13, and 20, 1987.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of June 29

Tuesday, June 30

9:30 a.m.
Discussion of Pending Investigations (Closed-Ex. 5 & 7)
10:00 a.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed-Ex. 2 & 6)
2:00 p.m.
Discussion/Possible Vote on Full Power Operating License for Braidwood-1 (Public Meeting)

Wednesday, July 1

8:30 a.m.
Discussion/Possible Vote on Full Power Operating License for Nine Mile Point-2 (Public Meeting)
10:00 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)
2:00 p.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed-Ex. 2 & 6)

Week of July 6—Tentative

Wednesday, July 8

10:00 a.m.
Discussion/Possible Vote on Full Power Operating License for Beaver Valley-2 (Public Meeting)
11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of July 13—Tentative

Wednesday, July 15

10:00 a.m.
Briefing on Mark I Containments Status (Public Meeting)
11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of July 20—Tentative

Tuesday, July 21

10:00 a.m.
Briefing on Research Adjustment in Response to the National Academy of Sciences Report (Public Meeting)
2:00 p.m.
Briefing on Final Plan for NUREG-0956 Uncertainty Areas (Source Term) (Public Meeting)

Wednesday, July 22

10:00 a.m.
Discussion of Standardization Policy Statement Development (Public Meeting)

Thursday, July 23

10:00 a.m.
Briefing on Status of High Level Waste Management Program (Public Meeting)
2:00 p.m.
Briefing on the Status of TVA (Public Meeting)
3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

ADDITIONAL INFORMATION: Discussion of Management-Organization and Internal Personnel Matters (Closed-Ex. 2 & 6) scheduled for June 22, *postponed.*

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING): (202) 634–1498.

CONTACT PERSON FOR MORE INFORMATION: Robert McOsker (202) 634–1410.

Robert McOsker,

Office of the Secretary

June 25, 1987.

[FR Doc. 87–14946 Filed 6–26–87; 3:49 pm]

BILLING CODE 7590-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

STATUS: Open. The Council will hold an executive session to discuss internal personal matters.

TIME AND DATE: July 8–9, 1987, 9:00 a.m.

PLACE: Templin's Hotel, 414 East First Avenue, Post Falls, Idaho.

MATTERS TO BE CONSIDERED:

1. Council Deliberation on System Planning Work Plan.
2. Staff Presentation on Status of Snake River Salmon and Steelhead Stocks.
3. Staff Presentation and Panel Discussion on Protected Areas.
4. Staff Presentation on Draft Analysis of Conservation Measures as required by Section 4(k) of the Northwest Power Act.
5. Council Discussion on Activities to help Lenders and Appraisers Recognize the Value of Energy Efficiency in Homes.
6. Public Comment on Western Electricity Study Briefing Paper on Electricity Use in the Western United States and Canada.
7. Council Action on the Council's Fiscal Year 1989 and 1988 Revised Budget.
8. Council Business.
9. Public Comment.

FOR FURTHER INFORMATION CONTACT: Ms. Bess Atkins at (503) 222–5161.

Edwards Sheets,

Executive Director.

[FR Doc. 87–14886 Filed 6–26–87; 11:35 am]

BILLING CODE 0000-00-M

Corrections

Federal Register
Vol. 52, No. 125
Tuesday, June 30, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF ENERGY

Western Area Power Administration

Boulder Canyon Project; Rate Order; Confirmation and Approval

Correction

In notice document 87-12816 beginning on page 21351 in the issue of Friday, June 5, 1987, make the following correction:

On page 21359, in the third column, in the second paragraph from the bottom, in the second line ".3410" should read "3.410".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AD-FRL-3044-2]

Air Quality Implementation Plans; Restructuring SIP Preparation Regulations

Correction

In rule document 86-24433 beginning on page 40656 in the issue of Friday, November 7, 1986, make the following corrections:

PART 52—[CORRECTED]

1. On page 40676, in amendatory instruction 15, in the second column:

a. In the seventh line, after "(a)(10)(ii),", insert "(a)(11)(i),".

b. In the eighth line, remove "(a)(11)(i),".

c. In the 10th line, after "§ 52.1275(b)", insert "§ 52.1325".

2. In the same column, in amendatory instruction 16, in the fourth line, "§ 52.74(a)(2)(iv)" should read "§ 52.74(a)(2)(vi)".

3. On the same page, in the third column, in amendatory instruction 28, in the fourth line, "§ 52.828(1)(i)" should read "§ 52.828(b)(1)(i)".

4. On page 40677, in amendatory instruction 30, in the first column, in the third line, after "§ 52.2223", insert "(a)(7),".

5. On the same page, in amendatory instruction 38, in the second column, in the second line, "§ 52.24(j)(2)" should read § 52.24(i)(2)".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[PP 4G3138/T538; FRL-3196-2]

E.I. DuPont de Nemours and Co., Inc.; Extension of Temporary Tolerances

Correction

In notice document 87-10267 beginning on page 16905 in the issue of Wednesday, May 6, 1987, make the following correction:

On page 16905, in the second column, in the SUPPLEMENTARY INFORMATION, in the seventh line, "methoxy" was misspelled.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 86P-0369]

Canned Pacific Salmon Deviating From Identity Standard; Amendment of Temporary Marketing Permit

Correction

In notice document 87-12229 appearing on page 20147 in the issue of Friday, May 29, 1987, make the following corrections:

1. In the first column, under SUPPLEMENTARY INFORMATION, in the eighth line, "store" should read "style".

2. In the second column, in the third line, "cans and" should read "cans each and".

3. Also, in the second column, in the 12th line, "produce" should read "product".

BILLING CODE 1505-01-D

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 33

Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Labor

Correction

In rule document 87-7883 beginning on page 11600 in the issue of Thursday, April 9, 1987, make the following corrections:

1. On page 11603, in the third column, in the last paragraph, in the 11th line, before "regulations" insert "requirements and procedures of section 501 as established in".

§ 33.11 [Corrected]

2. On page 11609, in the second column, in § 33.11(e)(1), in the 10th line, "or" should read "for".

BILLING CODE 1505-01-D

DEPARTMENT OF STATE

[Public Notice 1013]

Certain Nonimmigrant Visas; Validity

Correction

In notice document 87-13306 appearing on page 22408 in the issue of Thursday, June 11, 1987, make the following correction:

In the second column, in the second paragraph, in the first line, "deleted" should read "deletes".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: DeSoto County, MS

Correction

In notice document 87-13307 beginning on page 22411 in the issue of Thursday, June 11, 1987, make the following correction:

On page 22411, in the third column, in the SUPPLEMENTARY INFORMATION, in the sixth line, "MS 391" should read "MS 301".

BILLING CODE 1505-01-D

federal register

Tuesday
June 30, 1987

Part II

Federal Emergency Management Agency

44 CFR Parts 59 and 60

National Flood Insurance Program; Evaluation Requirements for Manufactured Homes in Existing Mobile Home Parks or Subdivisions; Suspension of Rule and Amendment of Rule With Request for Comments

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 59 and 60

[Docket No. FEMA-FIA]

National Flood Insurance Program; Elevation Requirements for Manufactured Homes in Existing Mobile Home Parks or Subdivisions; Suspension of Rule and Amendment of Rule With Request for Comments

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Suspension of Rule; Amendment of Rule with Request for Comments.

SUMMARY: This notice suspends revisions to National Flood Insurance Program (NFIP) regulations regarding the elevation of manufactured homes placed in existing mobile home parks and subdivisions in special flood hazard areas which became effective on October 1, 1986 until March 31, 1988 and restores certain prior provisions. In order to seek additional public input, comments are requested on the impacts of the October 1, 1986 rule revision on owners of existing mobile home parks, owners and renters of individual mobile homes, government expenditures, and public safety.

EFFECTIVE DATE: Suspension of the rule and amendment of the rule are effective from June 30, 1987 until March 31, 1988.

Date for comments: Comments must be received on or before August 31, 1987.

ADDRESS: Send comments to: Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Michael F. Robinson, Federal Emergency Management Agency, Federal Insurance Administration, 500 C Street, SW., Washington, DC 20472; telephone number (202) 646-2717.

SUPPLEMENTARY INFORMATION: The revisions to National Flood Insurance Program (NFIP) criteria which became effective on October 1, 1986 in part required the elevation to or above the base flood elevation of new placements, replacements and substantial improvements of manufactured homes in existing mobile home parks or subdivisions (those mobile home parks and subdivisions established prior to the adoption by communities of floodplain management regulations). This notice suspends implementation of this provision until March 31, 1988 and in the interim restores prior requirements regarding these existing mobile home parks or subdivisions. These prior requirements are restored by adding two definitions to § 59.1 and by adding § 60.3(c)(12) which establishes the elevation requirements for manufactured homes. Comments are requested on the impacts of the October 1, 1986, rule revision on owners of existing mobile home parks or subdivisions, owners and renters of individual manufactured homes, government expenditures, and public safety as well as on alternative approaches for the resolution of problems related to the hazards posed by the location of these existing mobile home parks and subdivisions in floodplain areas.

Background

The October 1, 1986 revision eliminated a provision in NFIP floodplain management criteria which allowed for the replacement, new placement or substantial improvement of mobile homes in existing mobile home parks or subdivisions without meeting any elevation requirements. This provision had been added to NFIP criteria in a rule revision which became effective on December 1, 1976 (41 FR 46968). From December 1, 1976 until October 1, 1986 mobile homes placed in existing mobile home parks and subdivisions constituted the only form of housing not required to have the lowest floor elevated to or above the base flood elevation where such elevations were provided to the community. This provision has been commonly referred to as the "grandfathering of existing mobile home parks and subdivisions". Conventional residential structures and mobile homes placed on lots outside of mobile home parks or subdivisions, in new mobile home parks or subdivisions, in expansions to existing mobile home parks and subdivisions and in existing mobile home parks in which the park infrastructure was repaired, reconstructed or improved in excess of 50 percent of its value all had to meet the elevation requirement. New non-residential structures have to be either elevated or floodproofed to the base flood elevation. The rationale for this special treatment of existing mobile home parks was that the mobile home park operator's investment was in the roads, utilities, accessory structures and mobile home pads and not the mobile homes themselves, which are usually owned by individuals who rent sites. In many older mobile home parks the sites were so crowded together that there was concern that the elevation of individual replacement mobile homes would not be feasible and sites would have to be eliminated. On March 28, 1986, FEMA published a proposed rule in the Federal Register (51 FR 10742) that included a series of changes to NFIP criteria that would incorporate the term "manufactured home" in lieu of "mobile home" and that would eliminate most of the distinctions between mobile homes and conventional structures such as the prohibitions on the placement of manufactured homes in the floodway and in coastal high hazard areas (V-zones). As part of this overall revision, the proposed rule removed the provisions that had allowed the replacement, new placement or substantial improvement of mobile homes in existing mobile home parks or subdivisions without elevation to the base flood elevation. All newly placed or substantially improved "manufactured homes" would have to be elevated to or above the base flood elevation regardless of whether or not the mobile home park or subdivision was in existence prior to the adoption of the local floodplain management measures.

The rationale for elimination of these grandfather provisions was expressed in the Supplementary Information in the proposed rule as follows:

> The elimination of these grandfather provisions will not only make the NFIP treatment of "manufactured homes" consistent with that accorded to conventional structures, but will also result in reduced flood losses to owners of "manufactured homes." In addition, there will be savings to the Federal government through reduced flood insurance claims payments and disaster assistance. Post-disaster Interagency Hazard Mitigation Teams chaired by FEMA have identified a number of instances where large numbers of mobile homes in mobile home parks have been destroyed by floods and then replaced by new non-elevated mobile homes. These mobile homes in turn were destroyed by floods and again were replaced by non-elevated mobile homes. Three of the reports of these Hazard Mitigation Teams have recommended that this cycle be broken by eliminating NFIP grandfather provisions for existing mobile home parks. This conclusion is supported by NFIP insurance claims information which included numerous examples of multiple claims paid to a single policyholder for mobile homes. On a number of occasions the claims payments have been used to purchase a more expensive mobile home, increasing the potential for larger flood losses. These documented examples of repetitive losses due to the grandfather provisions were limited since only eight years of claims can be analyzed. The problem could become more serious due to the large number of mobile homes in existing mobile home parks that have not yet been flooded but are likely to be in the future. For example, one Florida county has approximately 7,000 "manufactured homes," most of which are in

existing mobile home parks and under the grandfather provision.

All of these structures are located in areas that are likely to be flooded by hurricane storm surges. Although some of these structures are now insured by private insurers, they are generally eligible for NFIP flood insurance coverage. These structures and those the NFIP currently insures represents a significant liability to the taxpayer unless the grandfather provisions are eliminated.

Copies of the proposed rule were mailed to approximately 17,000 participating communities and made available to various organizations with interests in floodplain development. Of the 61 comments that were received on the rule only 14 specifically addressed the elimination of the grandfathering of existing mobile home parks. Of the 14 comments, 6 supported and 7 opposed the change and 1 comment was unclear. Although comments were received from two organizations representing various aspects of the manufactured home industry, no comments were received from the owners of individual mobile home parks. In addition, no comments raised issues related directly to potential adverse economic impacts on the owners of existing mobile home parks or subdivisions. Based on its belief that the continuation of the grandfather provision could no longer be justified and on the minimal comment, FEMA published a final rule on August 25, 1986 (51 FR 30291) with an effective date of October 1, 1986. Subsequent to that October 1, 1986 effective date, concerns were raised about the potential adverse economic impacts of the rule provision on the owners of existing mobile home parks and subdivisions. The purpose of this notice is to suspend implementation of the provision to allow for additional comment and analysis to address these concerns.

Description of Action

This notice of suspension has the effect of suspending those provisions of the October 1, 1986 revisions to NFIP regulations which require the elevation of new, replacement and substantially improved manufactured homes in existing mobile home parks and subdivisions until March 31, 1988. The October 1, 1986 revisions contained extensive amendments to regulations affecting all aspects of the NFIP including a number of changes affecting manufactured homes that are not currently at issue. FEMA cannot restore the grandfathering of existing mobile home parks and subdivisions merely by suspending specific items in the October 1, 1986 revisions without introducing conflicts in terminology into the regulations or rescinding new requirements that apply to conventional construction. In particular, the term "mobile home" has been replaced by "manufactured home" throughout NFIP criteria and a provision regulating mobile home parks at paragraph 60.3(c)(5) has been replaced by a provision requiring that openings be placed in the walls of enclosures below the base flood elevation.

As a result, FEMA has developed a new § 60.3(c)(12) that has the effect of restoring the grandfather requirement without introducing other conflicts to the regulations. First, a definition of "existing manufactured home park or subdivision" is being added to Section 59.1. "Existing manufactured home park or subdivision" is defined as a manufactured home park or subdivision for which the construction of facilities including utilities, final grading or pouring of pads and the construction of streets is completed before the effective date of the floodplain management regulations adopted by the community. The term "existing manufactured home park or subdivision" includes the same parks and subdivisions as were included in the term "existing mobile home park or mobile home subdivision" prior to the October 1, 1986 rule revision.

In addition, a definition of an "expansion to an existing manufactured home park or subdivision" has been added. This term means the preparation of additional manufactured home sites in an existing manufactured home park or subdivision beyond those that had been completed prior to the effective date of the local floodplain management regulations. The definition of "expansion to an existing manufactured home park or subdivision" is the same as that of "expansion to an existing mobile home park or mobile home subdivision" as defined prior to the October 1, 1986 rule revision.

Finally, a new § 60.3(c)(12) is added which requires that all manufactured homes to be placed or substantially improved in zones Al–30, AE and AH have their lowest floors elevated to or above the base flood elevation. First, a sentence has been added clearly stating that the elevation requirement in that paragraph applies to manufactured homes placed or substantially improved in expansions to existing manufactured home parks and subdivisions. Second, a sentence has been added that states that the requirements of the paragraph do not apply to other manufactured homes placed or substantially improved in existing manufactured home parks or subdivisions except where the repair, reconstruction, or improvement of the streets, utilities or pads in the existing manufactured home parks equals or exceeds 50 percent of the value of the streets, utilities, or pads. These provisions were contained in § 60.3(c)(5) of NFIP criteria prior to the October 1, 1986 effective date of the rule revisions.

The addition of the two definitions and the new § 60.3(c)(12) will have the affect of temporarily restoring the grandfather provision to that which existed prior to October 1, 1986. It must be emphasized that the elevation requirement continues to apply to all manufactured homes placed or substantially improved outside of manufactured home parks as well as those placed in manufactured home parks established after the date of adoption of the floodplain management regulations of a community. In addition, all manufactured homes placed or substantially improved in existing mobile home parks and subdivisions continue to be subject to the anchoring provisions at § 60.3(b)(8).

Impacts of the Suspension of the Rule Revision on Communities

The provisions in the preceding paragraphs will impact on certain communities. NFIP criteria at § 60.7 require that communities revise their floodplain management ordinances to comply with revisions to NFIP regulations within six months of their effective date. The deadline for adoption of the October 1, 1986 revisions was April 1, 1987. Many communities completed adoption of the revisons by this date. These communities have the option of either retaining the new provisions at § 60.3(c)(6) of the October 1, 1986 rule or restoring the grandfather provision by again revising their ordinance to include the provisions of § 60.3(c)(12) contained in this rule. FEMA strongly recommends that communities which do not currently contain existing mobile home parks or subdivisions and which are unlikely to annex areas containing such parks or subdivisions, retain the October 1, 1986 provisions. Those communities which have not yet incorporated the October 1, 1986 rule revisions into their ordinances should initiate action to do so immediately since they are in violation of NFIP criteria and subject to suspension from the program. With respect to regulations applying to existing manufactured home parks and subdivisions, these communities may either adopt the provisions meeting § 60.3(c)(12) of the October 1, 1986 rule revision or adopt provisions that meet the provision as modified by this notice. Communities are reminded that FEMA indicated in the Supplementary Information in the final rule which became effective October 1, 1986, that subsequent to April 1, 1987 they would be suspended from the Program on 90 days prior written notice for failure to adopt the rule revisions. FEMA will be proceeding with the review of local ordinances to ensure compliance with provisions of the October 1, 1986 revisions other than those dealing with existing mobile home parks and subdivisions. FEMA will begin issuing 90-day and 30-day suspension letters to ensure adoption.

Request for Comments

During the period that this suspension is in effect, FEMA will be analyzing the impacts of applying the elevation requirement to manufactured homes placed or substantially improved in existing manufactured home parks and subdivisions. In addition, FEMA will be evaluating alternative means for addressing the hazards and threats to lives and property related to existing manufactured home parks that are located in flood hazard areas. FEMA encourages organizations, individuals and units of government to submit data and other information, as well as suggestions for alternative actions during the 60-day comment period provided in this notice. Data and other information should include statistical data, information on specifically how the end to the grandfather provision would impact on individual manufactured home parks owners, on individual manufactured home owners or renters, or on units of government, or on how this provision would interrelate with manufactured home financing, insurance, or other regulations of the industry. This information will be reviewed and analyzed along with other information developed by FEMA or provided to it both before and after October 1, 1986. At this time FEMA will also review possible alternative means of addressing the problem of the exposure to hazards to life and property of existing mobile home parks located in flood hazard areas. However, FEMA currently believes that a permanent return to the grandfather provision as it existed prior to October 1, 1986 is not justified and would be contrary to the purposes of the program's legislation.

FEMA has determined that, since this notice suspends a requirement that has been recently imposed, an environmental assessment need not be prepared. An environmental impact statement was prepared on the rule which became effective on December 1, 1976 and an environmental assessment was prepared on the revisions which became effective on October 1, 1986. Both contain an analysis of the impacts of the revisions in this rule. An environmental assessment will be prepared on any future rulemaking which results from FEMA's review of the impacts of the October 1, 1986 rule revision.

Since this notice suspends a requirement on small entities that has only recently been imposed, it will not have a significant economic affect on a substantial number of those entities and has not undergone a regulatory flexibility analysis. If, as a result of comments received, it appears that such an analysis is desirable, it will be performed for any future rulemaking on this issue.

This notice of suspension is not a "major rule" as defined in Executive Order 12291, dated February 27, 1981, and hence no regulatory analysis has been prepared.

FEMA has determined that this notice of suspension does not contain a collection of information requirements as described in section 3504(h) of the Paperwork Reduction Act.

List of Subjects in 44 CFR Parts 59 and 60

Flood insurance.

Accordingly, Title 44, Code of Federal Regulations is amended as follows:

PART 59—GENERAL PROVISIONS

The authority citation for Part 59 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978; E.O. 12127.

§ 59.1 [Amended]

1. Section 59.1 is amended as follows:

a. By adding alphabetically, a definition of "existing manufactured home park or subdivision" to read as follows: "Existing manufactured home park or subdivision" means a manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) are completed before the effective date of floodplain management regulations adopted by a community.

b. By adding alphabetically, a definition of "Expansion to an existing manufactured home park or subdivision" to read as follows:

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

PART 60—CRITERIA FOR LAND MANAGEMENT AND USE

The authority citation for Part 60 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978; E.O. 12127.

§ 60.3 [Amended]

2. Section 60.3(c)(6) is suspended.

3. Section 60.3(c)(12) is added to read as follows:

§ 60.3 Floodplain management criteria for flood-prone areas.

* * * * *

(c) * * *

(12) Require that all manufactured homes to be placed or substantially improved within Zones A1–30, AH, and AE on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of paragraph (b)(8) of this section. This paragraph applies to manufactured homes to be placed or substantially improved in an expansion to an existing manufactured home park or subdivision. This paragraph does not apply to manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision except where the repair, reconstruction, or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced.

Dated: June 18, 1987.

Harold T. Duryee,

Federal Insurance Administrator.

[FR Doc. 87-14527 Filed 6-29-87; 8:45 am]

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federal register

Tuesday
June 30, 1987

Part III

Department of Labor

Mine Safety and Health Administration

30 CFR Parts 48 and 75
Underground Coal Mining; Self-Contained Self-Rescue Devices; Emergency Temporary Standard and Proposed Rule

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 75

Self-Contained Self-Rescue Devices; Emergency Temporary Standard

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Emergency temporary standard.

SUMMARY: The Mine Safety and Health Administration (MSHA) is issuing an emergency temporary standard (ETS) which requires persons using self-contained self-rescue (SCSR) devices to receive training in the opening and activation of the device; insertion or simulated insertion of the mouthpiece; and the wearing of the nose clip. This training, commonly referred to as "hands-on" training, will be required after September 28, 1987 for all persons entering underground coal mines.

The basis for this ETS is MSHA's determination that "hands-on" training in SCSR units is necessary in the particular circumstances presented by this situation to avoid grave danger to underground miners from suffocation or poisoning from toxic products of combustion in the event of a mine fire or explosion. The Agency has further determined that immediate implementation of a "hands-on" training requirement is necessary to protect persons in underground coal mines from this grave danger. In accordance with section 101(b)(3) of the Mine Act this ETS will also serve as the basis for the Agency's final rule on the same subject. Elsewhere in this issue of the **Federal Register**, MSHA is proposing to implement on a permanent basis the requirement for "hands-on" training in the use of SCSR units.

DATES: Emergency Temporary Standard: The ETS is effective on June 30, 1987.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Acting Associate Assistant Secretary for MSHA, 4015 Wilson Boulevard, Room 627, Arlington, Virginia 22203; phone (703) 235–1910.

SUPPLEMENTARY INFORMATION:

I. Background

This ETS is issued in accordance with section 101(b) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 811. The ETS is effective immediately and revises the existing safety standard for self-contained self-rescue (SCSR) devices, 30 CFR 75.1714.

Existing safety standards in 30 CFR 75.1714 require that all persons going into underground coal mines have SCSR devices available to them and that they be instructed and trained in the use of such devices. These devices are closed-circuit breathing apparatuses that provide a source of oxygen and greatly increase a person's chance of surviving a mine emergency involving an irrespirable atmosphere. In the event of such a mine emergency, the SCSR device provides miners with the last protection allowing escape. For successful escape, miners must be able to rapidly and properly use the devices. In order to protect persons who go into underground coal mines from the grave danger of being unable to protect themselves with SCSR devices in the event of a mine emergency, the ETS specifies "hands-on" training in the use of SCSR's.

The decision to require "hands-on" training reflects the Agency's evaluation of SCSR training programs at underground coal mines and the results of an investigation of a mining accident where victims did not know how to properly use their SCSR devices. MSHA has also reviewed, and is guided by, recommendations from studies conducted by the U.S. Department of the Interior, Bureau of Mines, in conjunction with the University of Kentucky.

MSHA estimates that there are 93,000 workers affected by this ETS. An informal Agency evaluation of existing training programs indicated that a significant number of these miners, as many as half of them, have not had "hands-on" training in the use of SCSR's. Because the effective use of SCSR devices is essential to successful evacuation in an immediately life-threatening situation, the Agency believes that the lack of "hands-on" training demands immediate regulatory action.

The ETS applies to miners and visitors who go underground and requires that they receive "hands-on" training in the use of the SCSR units provided at the mine. Under the ETS, this training must include each person properly opening the device, activating it, inserting the mouthpiece or simulating this task while explaining proper insertion of the mouthpiece, and putting on the nose clips. After September 28, 1987, persons who have not received this training will not be permitted to enter an underground coal mine. Persons who have received "hands-on" training specified by the ETS within the preceding nine months or who have had this "hands-on" training in accordance with training programs approved under 30 CFR Part 48 do not have to be retrained to comply with the ETS.

In accordance with the Mine Act, the provisions of the ETS also serve as the basis for a proposed rule. Elsewhere in this issue of the **Federal Register**, MSHA proposes to revise the existing requirements in 30 CFR Part 48 and 30 CFR 75.160–1 to include "hands-on" training with SCSR devices as part of miners' and supervisors' regular training. Under the Mine Act, MSHA must promulgate final standards no later than nine months after publication of this ETS.

As an alternative to this ETS, MSHA considered implementing the "hands-on" training provisions of the ETS through the Agency's existing training regulations in 30 CFR Part 48. Under the Part 48 regulations, mine operators are required to develop and administer training programs for miners (with the exception of supervisory personnel subject to MSHA-approved State certification requirements) and for visitors. These programs are required to provide for a wide range of mine safety and health training, including instruction in the use, care and maintenance of SCSR devices.

The training programs required by Part 48 are subject to approval by MSHA District Managers. As part of this approval function, District Managers are authorized to require revisions to operators' training programs in accordance with certain notice and consultation provisions (30 CFR 48.3(j)(1)). Using this process, MSHA considered administratively requiring existing training programs to be amended to include "hands-on" training with SCSR devices.

However, this approach was not adopted for two primary reasons. The Part 48 training regulations do not require training for supervisory personnel subject to MSHA-approved State certification requirements (30 CFR 48.2(a)(1)(ii)). In the underground coal mining industry, a substantial majority of supervisory personnel are trained and "certified" in safety-related matters such as roof control, mine ventilation, gas measurements and first-aid. In addition to the State certification programs, MSHA standards address the training and retraining of these persons (30 CFR 75.160–1). Training in the use of SCSR devices is not, however, among the required courses of instruction and, consequently, "hands-on" training with SCSR devices could not be required for most supervisory personnel without some regulatory action.

Another deficiency with this approach is that it would not assure that all persons who go into underground coal mines would receive "hands-on" training with SCSR devices on a schedule commensurate with the danger posed. In accordance with the Part 48 training regulations and existing MSHA-approved training programs, miners are trained before they begin working and before undertaking new tasks. Thereafter, on an annual basis, they must receive "refresher training," which includes instruction in the use, care and maintenance of SCSR devices. With this existing structure for training miners, mandatory "hands-on" training with SCSR devices would be delayed by the process of amending and approving existing training programs. In addition, depending on when a training program amendment specifying "hands-on" SCSR training became effective relative to the annual cycle of refresher training at a mine, as much as an additional 12 months could pass before a miner received the "hands-on" SCSR training specified by the ETS.

The Agency also considered addressing the subject of additional SCSR training through the regular rulemaking process (Section 101(a) of the Mine Act). These procedures ordinarily involve several months for the submission of comments and public hearings, followed by the time necessary for development and publication of final rules. Postponing mandatory "hands-on" training for this amount of time would not be responsive to the degree of danger.

II. Basis for the Emergency Temporary Standard

A. Regulatory Authority

Section 101(b) of the Mine Act provides that:

(1) The Secretary shall provide, without regard to the requirements of Chapter 5, Title 5, United States Code, for an emergency temporary mandatory health or safety standard to take immediate effect upon publication in the **Federal Register** if he determines (A) that miners are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful, or to other hazards, and (B) that such emergency standard is necessary to protect miners from such danger.

(2) A temporary mandatory health or safety standard shall be effective until superseded by a mandatory standard promulgated in accordance with the procedures prescribed in paragraph (3) of this subsection.

(3) Upon publication of such standard in the **Federal Register**, the Secretary shall commence a proceeding in accordance with section 101(a), and the standards as published shall also serve as a proposed rule for the proceeding. The Secretary shall promulgate a mandatory health or safety standard under this paragraph no later than nine months after publication of the emergency temporary standard as provided in paragraph (2).

Issuance of a temporary mandatory standard is an extraordinary measure provided for by the Mine Act to enable MSHA to "react quickly to grave dangers which threaten miners before those dangers manifest themselves in serious or fatal injuries or illnesses." S.Rept. 181, 95th Cong., 1st sess. 23 (1977). The language authorizing the issuance of a temporary mandatory standard for these purposes indicates that it is appropriate to address miner exposure to "other hazards", as well as toxic substances or harmful agents. This broad scope is further indicated in the legislative history, which states that "[t]o exclude any kind of grave danger would contradict the basic purpose of emergency temporary standards—protecting miners from grave dangers." *Id.* The suggestion that a temporary mandatory standard is limited to new dangers in the mining industry is also dispelled in the legislative history which explains: "That a danger has gone unremedied should not be a bar to issuing an emergency standard. Indeed, if such is the case, the need for prompt action is that much more pressing." *Id.* In addition, the legislative history emphasizes that a record of fatalities or serious injuries is not necessary before an emergency temporary standard can be issued because "[d]isasters, fatalities, and disabilities are the very thing this provision is designed to prevent." "Waiting until those dangers manifest themselves as fatalities or disabling injuries or illnesses, frustrates the purpose of this [ETS] provision." *Id.* at 23–24.

B. Grave Danger

Diligent compliance with safety standards and safety-conscious work practices provide a substantial measure of protection against fires and explosions in underground coal mines. However, in this high-hazard work environment, the danger of a fire or explosion is ever present. Electricity or other sources of power can ignite coal dust or methane gas resulting in an explosion. Equipment can also be the source of a fire, which may involve fuel, lubricants and the surrounding coal. In caved, mined-out areas, which contain coal and accumulated gas, explosions can be caused by rock falls and in some instances fires are started by spontaneous combustion. When active mine areas are connected into previously mined-out areas, there is also the risk of exposure to an oxygen-deficient atmosphere.

MSHA standards are designed to prevent these hazards, but if an emergency occurs because other measures have failed, the SCSR is the last protection that allows escape. Rapid and proper donning of an SCSR under such extreme adverse circumstances is essential to survival.

The Secretary has therefore determined that miners are exposed to a grave danger when they enter underground coal mines without being prepared to properly use the SCSR devices provided for their protection in the event of a fire or explosion.

C. The Need for "Hands-On" Training in the Use of SCSR Devices

Existing MSHA standards in 30 CFR 75.1714 require that underground coal mine operators make SCSR devices available to the miners employed at their mines who go underground, and to the visitors which operators authorize to go underground. The existing standards also specify that mine operators instruct and train miners and visitors in the use and location of the self-rescue devices made available to them. Miner training is required to include use, care and maintenance of the units, and is required to be conducted in accordance with MSHA training regulations in 30 CFR Part 48.

The Part 48 regulations set forth requirements for operator-administered programs that address a wide-range of mine safety and health instruction and training. They include SCSR use instruction for visitors, new underground miners and annual refresher training for underground miners. The Part 48 training regulations do not cover supervisors who are subject to MSHS-approved State certification requirements. The supervisory personnel issue is discussed in section IV of this preamble.

The death of 27 miners in a mine fire on December 19, 1984, raised serious questions about the sufficiency of miner training in the use of SCSR devices. MSHA's investigation into the accident was protracted by problems of extinguishing the fire, and later by the hazardous conditions created by the fire damage. However, evidence gathered during the investigation *(Preliminary Report of Investigation, Underground Coal Mine Fire, Wilberg Mine,* issued April 27, 1987) indicated that some of the 27 victims did not have basic knowledge about how to start and use the SCSR devices available to them, and they were unaware of the critical need to protect their lungs from the smoke and carbon monoxide contaminated atmosphere created by the fire.

MSHS is aware that miners have in several instances successfully used SCSR devices to escape from mines following a mine fire or explosion. However, in November 1986, MSHA completed a nationwide evaluation of the effectiveness of SCSR training covering 1,174 underground coal mines. At each mine, a representative number of miners and supervisors were asked to respond to a series of questions concerning SCSR use and storage at the mine. The same miners and supervisors were then asked to don an SCSR unit provided by MSHS. When the evaluation was completed, a total of 8,904 persons had been interviewed and tested. Of this group nearly 20 percent, or 1,780, persons were graded as failing. At 243 mines where the evaluation indicated ineffective SCSR training, additional retraining was required for all underground personnel.

In addition to this evaluation, researchers from the University of Kentucky and the Bureau of Mines have recently reported their findings based on a series of SCSR donning studies. (Cole and Vaught, "Training in the use of self-contained self-rescuers," and Vaught and Cole, "Problems in donning the self-contained self-rescuer" (USBM project H003480040)). In cooperation with two coal companies, studies were made of miners' skill in the correct use of SCSR devices. Problem areas pointed out by the studies included heavy reliance by the industry on teaching methods that do not provide individual performance simulation. MSHA experience confirms that training in the use of SCSR devices typically consists of a film, slide or tape presentation, or demonstration by an instructor to either a class or an individual. "Hands-on" training, which would familiarize miners with the skills necessary to successfully use the units in an emergency, has not been industry-wide practice.

More recently, as the industry become aware of shortcomings in miners' training, some operators have taken the initiative to introduce "hands-on" training in the use of SCSR devices through their annual miner training programs or by other means. However, as stated above, approximately one-half of all coal miners currently working underground, or 46,000 persons, may not have had "hands-on" SCSR training.

"Hands-on" training is widely recognized in the training field as important to the development of task-oriented skills. Practice that closely duplicates the procedures that must be performed for survival during actual emergency situations is an essential part of task-oriented training. It also provides feedback to the instructor and the trainee about which procedural steps have been correctly performed as well as identifying those areas in which additional training is needed. (Hagman and Rose, "Retention of Military Tasks: A Review," Human Factors (1983)).

D. The Need for an Emergency Temporary Standard

SCSR devices provide the last means of protection to miners in an emergency escape situation. Miners are exposed to grave danger when they enter underground coal mines without being prepared to rapidly and properly use the SCSR device provided for their protection in the event of a mine emergency. "Hands-on" training will provide miners with the skills necessary to successfully use the units in an emergency. This is an effective, yet simple, method of assuring that miners will have the skills necessary to avoid the dangers posed by an emergency escape situation. As discussed previously, regularly rulemaking would not be immediately responsive to the degree of danger posed to underground miners. Given this particular circumstance presented in this situation, the Secretary has determined that an emergency temporary standard requiring "hands-on" training is necessary to immediately protect miners.

III. Discussion of the Emergency Temporary Standard

The ETS requires that each mine operator administer a basic level of "hands-on" training with the SCSR devices provided at the mine, and that this training be completed within 90 days after publication of this ETS. In accordance with existing 30 CFR 75.1714 this training is required for all miners employed by the operator who go undergound and for all visitors authorized by the operator to go underground. The ETS does not require retraining of persons who received this "hands-on" training within the nine-month period proceeding the effective date of this ETS, or who have received such training in accordance with a program approved by MSHA under 30 CFR Part 48.

The ETS specifies four task-oriented elements that must be included in SCSR training: (1) Opening the device; (2) activating the device; (3) inserting the mouthpiece or simulating this task while explaining proper insertion of the mouthpiece; and (4) putting on the nose clip. These steps are critical to isolating the lungs from a contaminated atmosphere and they are required to be performed by each person being trained. This "hands-on" training is to be made a part of the overall instruction and training provided miners and visitors in the location, use, care and maintenance of SCSR devices.

The effective date of this ETS is June 30, 1987 and it requires that operators administer the required training to their work force and visitors who go underground by no later than September 28, 1987. After September 28, 1987 miners and visitors will not be permitted to go underground without having received the required SCSR training.

MSHA recognizes that some mines may experience difficulty in meeting the requirements of this ETS within the time permitted. Influencing factors include the size of the mine's work force, the nature of prior SCSR training administered, and the availability of SCSR devices that can be used for training exercises. Accordingly, all underground coal mine operators are urged to make arrangements for and begin administering the required SCSR training without delay.

IV. Drafting Information

The principal persons responsible for preparing this document are: Douglas C. Altizer, Jr., Coal Mine Safety and Health, MSHA; Frank Schwamberger, Education Policy and Development, MSHA; Earnest C. Teaster, Jr., Office of Standards, Regulations and Variances, MSHA; and Edward C. Hugler, Office of the Solicitor, Department of Labor.

V. Executive Order 12291 and the Regulatory Flexibility Act

In accordance with Executive Order 12291, MSHA has prepared an initial analysis to identify potential costs and benefits associated with the emergency temporary standard. The Agency has incorporated this analysis into the Initial Regulatory Flexibility Analysis required by the Regulatory Flexibility Act. In this analysis, MSHA has determined that the emergency temporary standard would not result in major cost increases nor have an effect of $100 million or more on the economy. Therefore, the rule is not within the criteria for a major rule and a Regulatory Impact Analysis is not required.

The Regulatory Flexibility Act requires that agencies evaluate and include, whenever possible, compliance alternatives that minimize any adverse impact on small businesses when developing regulations. MSHA has determined that compliance alternatives are not available for small mines for the "hands-on" training requirement of this emergency temporary standard.

In the following summary of the Initial Regulatory Flexibility Analysis MSHA addressed the cost impact on industry by factoring in, where applicable, all direct and indirect costs for equipment and labor. MSHA estimates are based primarily upon the expertise of senior MSHA personnel who provided estimates for the time required to perform specific tasks and the compliance level of the industry.

MSHA estimates that the total compliance cost for the ETS is $834,355. The cost for SCSR training devices ($529,500) comprises about 63 percent of this cost. The remaining cost ($304,855) is attributed to labor for the miners taking the training, for the instructors giving the training and for persons revising the training plans. A copy of the full analysis is available upon request.

VI. Paperwork Reduction Act

The emergency temporary standard does not contain recordkeeping or reporting requirements.

List of Subjects in 30 CFR Part 75

Administrative practice and procedure, Education, Mine safety and health, Self-contained self-rescue devices.

Dated: June 25, 1987.

Alan C. McMillan,

Deputy Assistant Secretary for Mine Safety and Health.

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

30 CFR Part 75 is amended as follows:

1. The authority citation for 30 CFR Part 75 is revised to read as follows:

Authority: 30 U.S.C. 811, 957, and 961.

2. The authority citations following any Subpart heading or section are removed.

3. New paragraph (c) is added to § 75.1714 Part 75, Subchapter O, Chapter I, Title 30 of the Code of Federal Regulations to read as follows:

§ 75.1714 Availability of approved self-rescue devices; instruction in use and location.

* * * * *

(c)(1) After September 28, 1987 no miner employed by the operator or visitor authorized by the operator to enter the mine shall go underground without having received the training required by paragraph (2) of this section within the preceding nine months or in accordance with the training program required by 30 CFR Part 48.

(2) Training in the use of self-contained self-rescue devices shall include each person properly opening the device, activating the device, inserting the mouthpiece or simulating this task while explaining proper insertion of the mouthpiece, and putting on the nose clip.

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