

the structurally significant details (SSD) defined in Lockheed Document Number LG92ER0060, "L-1011-385 Series Supplemental Inspection Document," revised January 1994.

(1) The initial inspection for each SSD must be performed within one repeat interval after the effective date of this AD, or prior to the threshold specified in the Lockheed Document for that SSD, whichever occurs later.

(2) A 10 percent deviation from the repetitive interval specified in the Lockheed Document for that SSD is acceptable to allow for planning and scheduling time.

(3) If the Lockheed Document specifies that inspection of any SSD be performed at every "C" check, those inspections must be performed at intervals not to exceed 5,000 hours time-in-service or 2,500 flight cycles, whichever occurs earlier.

(4) If the Lockheed Document specifies either the initial inspection or the repetitive inspection intervals for any SSD in terms of flight hours or flight cycles, the inspection shall be performed prior to the earlier of the terms (whichever occurs first on the airplane: either accumulated number of flight hours, or accumulated number of flight cycles).

(5) The non-destructive inspection techniques referenced in Appendix VI of the Lockheed Document (Revision A of Lockheed Drawing 1647194) provide acceptable methods for accomplishing the inspections required by this AD.

(b) If any cracking is found in any SSD, prior to further flight, repair in accordance with either paragraph (b)(1), (b)(2), or (b)(3) of this AD:

(1) In accordance with the applicable service bulletin referenced in Lockheed Document Number LG92ER0060, "L-1011-385 Series Supplemental Inspection Document," revised January 1994; or

(2) In accordance with the Structural Repair Manual; or

(3) In accordance with a method approved by the Manager, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate.

(c) Within 30 days after returning the airplane to service, subsequent to accomplishment of the inspection(s) specified in Lockheed Document Number LG92ER0060, "L-1011-385 Series Supplemental Inspection Document," revised January 1994, submit a report of the results (positive or negative) of the inspection(s) to Lockheed in accordance with Section V., Data Reporting System (DRS), of the Lockheed Document. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 7, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 6, 18, 19, 20, 21, 22, 23, 26, 27, 29, 33, and 35

RIN 1219-AA87

Testing and Evaluation by Nationally Recognized Testing Laboratories and Use of Equivalent Testing and Evaluation Requirements

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

ACTION: Notice to extend period for public comment.

SUMMARY: Due to requests from the public, the Mine Safety and Health Administration (MSHA) is extending the period for public comment regarding its proposed rule for testing and evaluation by nationally recognized testing laboratories and the use of equivalent testing and evaluation requirements.

DATES: Written comments must be received on or before February 21, 1995.

ADDRESSES: All comments should be sent to Mine Safety and Health Administration, Office of Standards, Regulations, and Variances, Room 631, 4015 Wilson Boulevard, Arlington, Virginia 22203.

SUPPLEMENTARY INFORMATION: On November 30, 1994, MSHA published a proposed rule (59 FR 61376) to establish new procedures and requirements for testing and evaluation of certain products MSHA approves for use in underground mines. The comment period was scheduled to end on February 13, 1995.

In response to requests from the public, MSHA is extending the time for commenting on this proposed rule to February 21, 1995. All interested members of the mining community are

encouraged to submit comments prior to that date.

Dated: February 8, 1995.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD05-94-093]

RIN 2115-AE47

Drawbridge Operation Regulations; Mullica River, NJ

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of Burlington County, New Jersey, the Coast Guard is considering a change to the regulations governing operation of the Lower Bank bridge over the Mullica River at mile 15.0 between Atlantic and Burlington Counties, New Jersey. This change will extend the existing winter seasonal restrictions into April and require four hours advance notice of all bridge openings during this period. This change is being proposed because there have been few requests for bridge openings during the winter months. The proposed change, if adopted, will relieve the bridge owner of the responsibility of having a bridgetender constantly on duty during a time of year when there is no demonstrated need for one, and will still provide for the reasonable needs of navigation throughout the year.

DATES: Comments must be received on or before May 15, 1995.

ADDRESSES: Comments may be mailed to Commander (ob), Fifth Coast Guard District, c/o Commander (obr), First Coast Guard District, Bldg. 135A, Governors Island, New York 10004-5073. The comments will become part of this docket and will be available for inspection and copying by appointment at Bldg. 135A, Governors Island, New York 10004-5073. Normal office hours are between 7 a.m. and 3:30 p.m., Mondays through Fridays, except Federal holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Gary Kassof, Bridge Administrator—NY, Fifth Coast Guard District, (212) 668-7170.

SUPPLEMENTARY INFORMATION:**Request for Comments**

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD05-94-093) and the specific section of this proposal to which each comment applies, and give reasons for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format suitable for copying and electronic filing. If not practical, a second copy of any bound material is requested. Persons desiring acknowledgement that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Commander (ob) at the address under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place to be announced by a later notice in the **Federal Register**.

Drafting Information

The drafters of this notice are Mr. J. Arca, Fifth Coast Guard District, Bridge Branch-NY, Project Officer, and LCDR C.A. Abel, Fifth Coast Guard District Legal Office, Project Attorney.

Background and Purpose

The Lower Bank highway bascule bridge over the Mullica River in Lower Bank, New Jersey was replaced in 1993. It has a vertical clearance of 13 feet above mean high water (MHW) in the closed position, which is 4 feet higher than the previous bridge in the closed position. During the period from December 1993 through April 1994, a period of 151 days, requests for bridge openings occurred on only 34 days. The current operating regulations, which were implemented in January 1988, require the Lower Bank bridge to open on signal, except that it is required to open with four hours advance notice from April 1 through November 30 from 11 p.m. to 7 a.m., and from December 1 through March 31, from 4:30 p.m. to 8 a.m. This proposed change to the regulations would extend the winter

seasonal restrictions into April and increase the four hours advance notice requirement to apply to all requests for bridge openings during the winter months. This change, if adopted, will provide the bridge owner relief from the burden of constantly having a person available to open the bridge, when there is no sufficient justification to do so.

Burlington County has requested a change to the present operating regulations in 33 CFR 117.731a which would allow the Lower Bank Bridge to operate as follows: The draw of the Lower Bank Bridge would need not open unless at least four hours advance notice is given during the following periods, May 1 through November 30, from 11 p.m. to 7 a.m. and from December 1 to April 30 at all times. At all other times, the bridge would open on signal. This change to the regulations is being proposed due to infrequent requests for openings. The proposed change to the regulation will relieve the bridge owner of the burden of having personnel at the bridge at night and during the winter months. The bridgetenders will be on call to open the draw when the four hour advance notice is given to the bridge owner by calling the number that will be posted at the bridge; therefore, the reasonable needs of navigation will be met.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based on the fact that the regulation will not prevent mariners from transiting the bridge. Rather, it will only require mariners to plan their transits and provide advance notice.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that

otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal in accordance with the principles and criteria contained in Executive Order 12612, and has determined that this proposed regulation does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under section 2.B.2.E.(32)(e) of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement and checklist has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g).

2. In section 117.731a paragraph (a) is revised to read as follows:

§ 117.731a Mullica River.

* * * * *

(a) The draw of the Lower Bank bridge, mile 15.0, need not open unless at least four hours notice is given during the following periods:

(1) From May 1 through November 30, from 11 p.m. to 7 a.m.

(2) From December 1 through April 30, at all times.

* * * * *

Dated: January 20, 1995.

M.K. Cain,

Captain, U.S. Coast Guard Commander, Fifth Coast Guard District, Acting.

[FR Doc. 95-3545 Filed 2-10-95; 8:45 am]

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POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket No. RM95-3]

Appeals of Postal Service Determinations to Close or Consolidate Post Offices

AGENCY: Postal Rate Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes to amend its rules of practice governing the filing of postal patrons' appeals of determinations by the United States Postal Service to close or consolidate the post office which serves them. The Commission's current rule requires that petitions to initiate such appeals be received by the Commission within 30 days of the date on which the Postal Service made its determination publicly available. The proposed rule would allow affected postal patrons to initiate a timely appeal by filing a petition which either is received by the Commission within 30 days of the date on which the Postal Service made its determination publicly available, or bears a postmark or other indicia that it was mailed no later than 30 days after that date.

DATES: Comments responding to this notice of proposed rulemaking must be submitted no later than March 30, 1995.

ADDRESSES: Comments and correspondence should be sent to Margaret P. Crenshaw, Secretary of the Commission, 1333 H Street, N.W., Suite 300, Washington, D.C. 20268-0001 (telephone: 202/789-6840).

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, Legal Advisor, Postal Rate Commission, 1333 H Street, N.W., Suite 300, Washington, D.C. 20268-0001 (telephone: 202/789-6820).

SUPPLEMENTARY INFORMATION: The Postal Reorganization Act Amendments of 1976, Pub. L. No. 94-421, 90 Stat. 1303, provide postal patrons an opportunity to appeal determinations by the United States Postal Service to close or consolidate the post office which serves them. In pertinent part, the statute provides: "A determination of the Postal Service to close or consolidate any post office may be appealed by any person served by such office to the Postal Rate Commission within 30 days after such

determination is made available to such person * * *." 39 U.S.C. 404(b)(5).

In adopting rules to implement the provisions of Pub. L. 94-421, the Postal Rate Commission incorporated the 30-day provision in section 404(b)(5) as follows:

Petition for review. Review of a determination of the Postal Service to close or consolidate a post office shall be obtained by filing a petition for review with the Secretary of this Commission. Such petition must be received by the Commission within 30 days after the Service has made available to persons served by that post office the written determination to close or consolidate required by 39 U.S.C. 404(b)(3) through (4).

39 CFR 3001.111(a). Thus, under the Commission's current rule, the timeliness of affected postal patrons' appeals depends upon the Commission's actual receipt of their petition within the 30-day statutory period.

The Commission is concerned that the current rule may operate to the detriment of postal patrons served by post offices that are geographically remote from the Commission's offices in Washington, D.C. Because of uncertainties associated with postal processing, transportation, and delivery, a petition's transit time from mailing by the appellants to receipt at the Commission's offices cannot be known in advance, but may constitute a significant portion of the 30-day interval established in the current rule. An internal review of the Commission's records of section 404(b) appeals filed in Fiscal Years 1993 and 1994 discloses that the interval between the mailing of a petition and its receipt by the Commission has frequently approached, and has sometimes exceeded, one week.

In order to assure that members of the public affected by Postal Service determinations to close or consolidate post offices are afforded the full 30 days to pursue an appeal provided by 39 U.S.C. 404(b)(5), the Commission proposes to amend its current rule to incorporate two alternative measures of the timeliness of petitions. Under the proposed revision of 39 CFR 3001.111(a), a petition would be deemed timely if: (1) The Commission actually received it no later than 30 days following publication of the Postal Service's determination, or (2) the petition bears a postmark or other indicia demonstrating that it was mailed no later than 30 days after publication by the Postal Service.

List of Subjects in 39 CFR Part 3001

Administrative practices and procedure, Postal Service.

Accordingly, 39 CFR part 3001 is proposed to be amended as follows:

PART 3001—RULES OF PRACTICE AND PROCEDURE

1. The authority citation for 39 CFR Part 3001 continues to read as follows:

Authority: 39 U.S.C. 404(b), 3603, 3622-3624, 3661, 3662, 84 Stat. 759-762, 764, 90 Stat. 1303; (5 U.S.C. 553), 80 Stat. 383.

2. Section 3001.111(a) would be revised to read as follows:

§ 3001.111 Initiation of review proceedings.

(a) *Petition for review.* (1) Review of a determination of the Postal Service to close or consolidate a post office shall be obtained by filing a petition for review with the Secretary of this Commission. Such petition must either:

(i) Be received by the Commission within 30 days after the Service has made available to persons served by that post office the written determination to close or consolidate required by 39 U.S.C. 404(b) (3) through (4), or

(ii) Bear a postmark or other indicia demonstrating that the petition was mailed no later than the 30th day following the date on which the Postal Service made its written determination available.

(2) The petition shall specify the parties seeking review, all of whom must be persons served by the post office proposed to be closed or consolidated and shall identify the Postal Service as respondent. The Commission encourages parties seeking review to attach a copy of the Postal Service written determination, as the appeal process is thereby expedited. If two or more persons are entitled to petition for review of the same determination and their interests are such as to make joinder practicable, they may file a joint petition for review and may thereafter proceed as a single petitioner.

* * * * *

Issued by the Commission on February 7, 1995.

Margaret P. Crenshaw,

Secretary.

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