

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 McAtee,**

*Assistant Secretary for Mine Safety and Health.*

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## 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.

**FOR FURTHER INFORMATION CONTACT:**

Rodric Breland, chief, Division of Safety, Metal and Nonmetal Mine Safety and Health, 703-235-8647.

**SUPPLEMENTARY INFORMATION:****A. Public Participation**

The purpose of these public meetings is to provide a forum for the mining community to informally and openly exchange ideas with MSHA about how best to implement current regulatory requirements.

All persons who notify MSHA in advance that they plan to speak will have time allotted to them for their presentations. MSHA requests that the notification identify the person and organization, the amount of time requested for the presentation, and the location where the presentation will be made. Written statements are not required, but participants are encouraged to submit written materials and a computer disk containing the same information.

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 meeting.

Discussion and comments may address revisions as well as alternative language for the policy statements. No transcript will be made of these public meetings.

**B. Background**

On February 22, 1995, MSHA withdrew the following Program Policy Letters (PPL): PPL No. P94-IV-2, First Aid Training for Selected Supervisors; PPL No. P94-IV-4, Ventilation Plan; and PPL No. P94-IV-5, Examination of Working Places (60 FR 9986). On that date MSHA also informed the public of its intentions to establish a process which expanded public opportunity to comment on certain policies. As a part of the same notice, the agency requested public comment on draft interpretations of existing MSHA regulations at 30 CFR §§ 56/57.18010 concerning first aid training for selected supervisors, and 30 CFR §§ 56/57.18002 regarding examination of working places. Both draft interpretations pertain solely to metal and nonmetal mines.

**C. Discussion of Comments**

Some commenters opposed MSHA's new process for issuing policy and suggested that the Agency should utilize its statutory rulemaking process to revise the regulations rather than issue a policy statement. These draft Program Policy Letters are intended to be clarifying statements of what existing MSHA regulations mean and require. As

such, they do not substantively alter the applicable regulations and rulemaking is not required.

**56/57.18010—First Aid Training for Selected Supervisors**

Some commenters agreed with this draft policy statement, while other commenters wanted to make certain that MSHA interpreted the regulations as requiring first aid assistance to sick or injured employees on each working shift. These other commenters suggested that the agency add to the course content subject matter by addressing patient assessment, artificial ventilation, control of bleeding, control of shock, wounds and dressing, burns and scalds, musculoskeletal injuries, handling and transportation, and immediate treatment of exposure to hazardous liquids and gases. Some other commenters objected to MSHA's interpretations of course content, duration, refresher requirements and posting of course schedules. In addition, some commenters requested that a record of first aid training be kept on file.

A few commenters objected to MSHA's interpretation that the regulations require first aid trained supervisors to be present at the mine site during all production shifts.

Some commenters suggested that MSHA allow registered nurses, emergency medical technicians and other medical professionals to qualify as "selected supervisors" under the regulations. These same commenters also suggested that noncompliance with the standard could be handled by MSHA's current enforcement tools without the draft policy statement.

**56/57.18002—Examination of Working Places**

Some commenters agreed with MSHA's draft policy statement, while other commenters questioned the qualifications of persons assigned by operators to conduct required examinations under the regulations. Some of these commenters also stated that the draft policy could encourage operators to delegate the responsibilities under the regulations to conduct these examinations by hourly employees, who do not represent management.

Regarding recordkeeping requirements of the regulations, some commenters suggested that MSHA interpret the regulations to include remedial action taken to address hazardous conditions found during the examination, in addition to the interpretation of recordkeeping requirements included in the draft policy. Commenters also objected to the recordkeeping portion of the draft

policy statement as being too detailed and going beyond the regulatory requirement. Commenters also recommended that operators be allowed to certify daily that the examination was conducted in order to satisfy the recordkeeping requirements of the regulations.

One commenter indicated that MSHA is interpreting the regulations to require pre-shift examinations. MSHA encouraged operators to perform these examinations prior to commencement of work in an area. MSHA, however, clarifies in the draft policy statement that the regulations allow for the examinations to be performed at any time during the shift. MSHA has no intentions of citing operators if such examinations are not conducted prior to each shift.

These commenters also suggested that a trained miner be considered a "competent person" under the regulations. Additionally, these commenters objected to MSHA's interpretation of the standard's language that operators promptly initiate appropriate action in order to correct hazardous conditions as requiring operators to "promptly initiate the correction of any hazardous conditions that are found." These commenters support requiring withdrawal of all persons from affected areas in an imminent danger situation, but suggest that MSHA modify the draft program policy letter language to permit removing persons from the area and barricading or posting the area until it is safe for entry.

Dated: June 2, 1995.

**J. Davitt McAtee,**

*Assistant Secretary for Mine Safety and Health.*

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**DEPARTMENT OF THE INTERIOR****Minerals Management Service****30 CFR Part 211****RIN 1010-AB45****Amendments of Regulations to Establish Liability for Royalty Due on Federal and Indian Leases, and To Establish Responsibility to Pay and Report Royalty and Other Payments**

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Minerals Management Service (MMS), Royalty Management