

a private sector laboratory recognized by the Occupational Safety and Health Administration (OSHA) as a Nationally Recognized Testing Laboratory (NRTL) to perform the necessary testing and evaluation for MSHA approvals. This would revise MSHA's testing and evaluation responsibilities and allow the Agency to expand its post-approval product audit program and pursue the evaluation of new safer technology as applied to underground mining products.

The proposal also would enable the Agency, upon an applicant's request, to approve products based upon testing and evaluation requirements other than MSHA's, provided that the alternative requirements are equivalent to MSHA's requirements and provide at least the same measure of protection for the miner.

II. Issues

Commenters questioned a number of provisions contained in the proposal. A major area of concern was the increased cost and the interrelationship between NRTL testing and MSHA approval. Many commenters stated that requiring a manufacturer to obtain testing and evaluation by a private sector laboratory would increase costs. These commenters expressed concern that the increased flexibility and other benefits of the proposed rule would not offset these increased costs.

Other issues of particular concern include: (1) The potential delay anticipated by some manufacturers and mine operators in receiving MSHA approval; (2) the means for determining—equivalent—testing and evaluation requirements and the use of international standards; (3) the acceptance in the MSHA/OSHA NRTL program of laboratories certified under international standards; and (4) the potential for product testing and evaluation to be limited to a single private sector laboratory.

MSHA specifically solicits additional suggestions and comments on these issues at the public hearing, as well as comments on any other aspects of the proposed rule.

III. Conduct of Hearing

The hearing will be conducted in an informal manner by a panel of MSHA officials. The order of appearance of persons making presentations will be determined by the Agency and, immediately before the hearing, any unallotted time will be made available

to persons making late requests. Although formal rules of evidence will not apply, the presiding official may exercise discretion in excluding irrelevant or unduly repetitious material and questions.

The hearing will begin with an opening statement from MSHA followed by an opportunity for members of the public to make oral presentations. During these presentations, the hearing panel will be available to answer relevant questions. At the discretion of the presiding official, speakers may be limited to a maximum of 20 minutes for their presentations. Time will be made available at the end of the hearings for rebuttal statements.

Verbatim transcripts of the proceedings will be taken and made a part of the rulemaking record. Copies of the hearing transcript will be made available for review by the public.

MSHA also will accept additional written comments and other appropriate data from any interested party, including those not presenting oral statements. Written comments and data submitted to MSHA will be included in the rulemaking record. To allow for the submission of any post-hearing comments, the record will remain open until December 15, 1995.

Dated: October 4, 1995.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 95-25163 Filed 10-6-95; 8:45 am]

BILLING CODE 4510-43-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95-152, RM-8700]

Radio Broadcasting Services; Brackettville, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Tim Walker requesting the allotment of Channel 234A to Brackettville, Texas. Channel 234A can be allotted to Brackettville, Texas, in compliance with the Commission's minimum distance separation requirements with a site restriction of 0.7 kilometers (0.4 miles) south in order to avoid a short-spacing

conflict with the licensed site of Station XHTA(FM), Channel 233A, Piedras Negras, Coahuila, Mexico. The coordinates for Channel 234A at Brackettville are 29-19-00 and 100-25-03. Mexican concurrence will be requested for this proposal.

DATES: Comments must be filed on or before November 20, 1995, and reply comments on or before December 5, 1995.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Tim Walker, P.O. Box 447, Hondo, Texas 78861 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-152, adopted September 20, 1995, and released September 29, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-24946 Filed 10-6-95; 8:45 am]

BILLING CODE 6712-01-F