

amend Class E airspace at Salt Lake City, Utah, to accommodate a new instrument approach procedure at Salt Lake City International Airport. The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of the regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

#### PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

#### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

#### Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth

\* \* \* \* \*

#### ANM UT E5 Salt Lake City, UT [Revised]

Salt Lake City International Airport, UT  
(Lat. 40°47'13" N, long. 111°58'08" W).

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 41°00'00" N, long. 111°45'03" W, thence south along long. 111°45'03" W, to lat. 40°22'30" N, thence southeast to lat. 40°10'20" N, long. 111°35'03" W, thence southwest to lat. 40°03'30" N, long. 111°48'33" W, thence northwest to lat. 40°43'00" N, long. 112°22'03" W, thence north along long. 112°22'03" W, to lat. 41°00'00" N, thence east along lat. 41°00'00" N, to the point of beginning; that airspace extending upward from 1,200 feet above the surface bounded on the north by lat. 41°00'00" N, on the east by long. 111°25'33" W, thence south to lat. 40°11'00" N, thence east to lat. 40°06'00" N, long. 110°20'00" W, thence southwest to lat. 39°33'00" N, long. 110°55'00" W, thence southwest to lat. 39°04'00" N, long. 112°27'30" W, thence northwest to lat. 39°48'00" N, long. 112°50'00" W, thence west via lat. 39°48'00" N, to the east edge of Restricted Area R-6402A, and on the west by the east edge of Restricted Area R-6402A, Restricted Area R-6402B and Restricted Area R-6406B and long. 113°00'03" W; excluding the portion within the Price, UT and the Delta, UT, airspace areas; that airspace east of Salt Lake City extending upward from 11,000 feet MSL bounded on the northwest by the southeast edge of V-32, on the southeast by the northwest edge of V-235, on the southwest by the northeast edge of V-101 and on the west by long. 111°25'33" W; excluding that airspace within the Evanston, WY, 1,200-foot Class E airspace area; that airspace southeast of Salt Lake City extending upward from 13,500 feet MSL bounded on the northeast by the southwest edge of V-484, on the south by the north edge of V-200 and on the west by long. 111°25'33" W; excluding the portion within Restricted Area R-6403 and the Bonneville, UT Class E airspace area.

\* \* \* \* \*

Issued in Seattle, Washington, on August 28, 1995.

**Helen Fabian Parke,**

*Manager, Air Traffic Division, Northwest Mountain Region.*

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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, Labor.

**ACTION:** Proposed rule; Notice of public hearing.

**SUMMARY:** The Mine Safety and Health Administration (MSHA) will hold a public hearing on its proposed regulations for testing and evaluation of products by nationally recognized testing laboratories (NRTL) and the use of equivalent testing and evaluation requirements. The purpose of the hearing is to receive relevant comments on these proposed changes to MSHA's regulations for the approval of products for use in underground mines and to respond to questions from the public about these proposed changes.

**DATES:** The hearing will be held on Wednesday, November 15, 1995, in Washington, PA beginning at 9:00 a.m. The public record will close on December 15, 1995.

**ADDRESSES:** The hearing will be held at the Ramada Inn, Suite B and C, 1170 W. Chestnut Street, Washington, PA 15301. For hotel reservations contact Lisa at 412-225-9750.

Send requests to make oral presentations to the Mine Safety and Health Administration; Office of Standards, Regulations, and Variances; 4015 Wilson Boulevard, Room 631; Arlington, VA 22203; FAX: 703-235-5551. Requests to make oral presentations also can be made by calling the MSHA Office of Standards, Regulations, and Variances at 703-235-1910.

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

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On November 30, 1994, MSHA published a proposed rule (59 FR 61376) to revise its existing standards for testing and evaluating products for approval for use in underground mines. The comment period closed on February 21, 1995.

The proposal would require manufacturers of certain products to use

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]

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## 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.*

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