flavored wine product. An appellation of origin may not otherwise appear on the label of a product of this class.

(ii) Identify added flavoring material(s). If one flavoring material is used in the production of the flavored wine product, the flavoring material must be specifically identified (*e.g.,* ''peach flavor'' or ''kiwi flavor''). If two or more flavoring materials are used in the production of the flavored wine product, each flavoring material may be specifically identified (*e.g.,* ''peach flavor,'' ''kiwi flavor,'' or ''peach and kiwi flavors'') or the characterizing flavor must be specifically identified and the remaining flavoring material(s) must be generally referenced as ''other flavor(s).'' The term ''natural'' may not be used to describe flavoring materials anywhere on the product label(s). Artificial flavoring material(s) must be so described (*e.g.,* ''artificial raspberry flavor'');

(iii) Identify coloring material(s), whether added directly or through flavoring material(s). The coloring materials may be identified specifically (*e.g.,* ''caramel,'' ''certified color,'' ''annato,'' etc.) or the words ''artificially colored'' may be used to indicate the presence of any one or a combination of coloring material(s), except that FD&C Yellow No. 5 requires specific disclosure in accordance with 27 CFR 4.32(c);

(iv) Include a reference to sugar, if the sugar is used in the production of the flavored wine product (not including the use of sugar in the production of the base wine within the authorized limits);

(v) Include a reference to water, if the water addition, whether added directly to the flavored wine product or by the addition of flavoring material(s), exceeds 5 percent by volume of the flavored wine product;

(vi) Include, except for flavored wine products made from a base of a class 6 wine and imported flavored wine products, a reference to the addition of wine spirits, whether added in the production of the wine component of the flavored wine product or added in the production of the flavored wine product, if the wine spirits are not derived from the same kind of fruit from which the wine component was fermented.

(2) *Optional statements.* In addition to the statement of composition portion of the mandatory designation, additional statements regarding the components of the flavored wine product may appear on a back or side label, but not the brand label. Such statements must reference all components listed in the mandatory statement of composition and must include the percentage of each component totaling 100 percent. Furthermore, such additional statements must be truthful, accurate and specific, within the meaning of § 4.38(f).

Par. 4. Section 4.34 is amended by removing the last two sentences in paragraph (a) and adding in their place three new sentences and by adding a new paragraph (c) to read as follows:

§ 4.34 Class and type.

(a) * * * Except as provided in paragraph (c) of this section, an appellation of origin may not appear on the label of the product. If the statement of composition includes a single grape variety, type designation of varietal significance, or semi-generic name, as provided in §§ 4.23, 4.28, and 4.24(b), respectively, the product must comply with the provisions of paragraph (c) of this section. In addition to the mandatory designation for the wine, there may be stated a distinctive or fanciful name, or a designation in accordance with trade understanding. All parts of the designation of the wine, whether mandatory or optional, must appear together in the same size, style and color typeface.

* * * * *

(c) If the class of wine is not defined in subpart C, and the statement of composition required by paragraph (a) of this section includes a single grape variety, type designation of varietal significance, or semi-generic name, as provided in §§ 4.23, 4.28, and 4.24(b), respectively,

(1) An appellation of origin no smaller than a country must appear together with the named grape variety, type designation of varietal significance, or semi-generic name; and

(2) The named grape variety, type designation of varietal significance, or semi-generic type wine must constitute not less than 75 percent by volume of the finished wine product: *Provided,* That for *Vitis labrusca* varieties, the named grape variety must constitute not less than 51 percent by volume of the finished wine product.

Par. 5. Section 4.39(a) is amended by revising the introductory text in paragraph (7) to read as follows:

§ 4.39 Prohibited practices.

(a) * * *

(7) Any statement, design, device, or representation (other than the statement of composition required by § 4.21(j)(1) and a statement of alcohol content in conformity with § 4.36), which tends to create the impression that a wine:

* * * * *

Signed: October 13, 1999.

John W. Magaw,

Director.

Approved: November 12, 1999.

John P. Simpson,

Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 99–33574 Filed 12–27–99; 8:45 am]

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 14, 18, and 75

RIN 1219–AA92

Requirements for the Approval of Flame-Resistant Conveyor Belts

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

ACTION: Proposed rule; limited reopening of the record; request for public comments.

SUMMARY: We (MSHA) are reopening the rulemaking record on our proposed rule revising the requirements for approval of flame-resistant conveyor belts for the limited purpose of giving you (interested parties) an opportunity to comment on two documents. These documents are an updated Preliminary Regulatory Impact Analysis (PRIA) and an updated Paperwork Reduction Act (PRA) submission filed with OMB. The updated PRIA, using recent economic and industry data, evaluates the impact of the proposed part 14 approval requirements on small manufacturers and the impact of proposed part 75 modifications on small mines. The updated PRIA concludes that the proposal would not have a significant economic impact on a substantial number of small entities. The updated paperwork submission evaluates the information collection requirements of the proposal using OMB's 1995 revised 83–I. Only comments addressing the updated PRIA, including its conclusion that the proposal would not have a significant economic impact on a substantial number of small entities, and the information collection requirements of the updated paperwork submission will be considered by MSHA. You may obtain a copy of the updated PRIA and updated paperwork submission, using revised form 83–I and Supporting Statement, from MSHA's Office of Standards, Regulations, and Variances; 4015 Wilson Boulevard, Room 631, Arlington, VA 22203; telephone (703) 235–1910. You may also access our Internet website at http://

www.msha.gov to obtain an electronic copy.

DATES: Please submit your comments on or before February 28, 2000.

ADDRESSES: You may use mail, facsimile (fax), or electronic mail to MSHA. Clearly identify your comments and send them—

(1) By mail to Carol J. Jones, Acting Director, Office of Standards, Regulations, and Variances, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203–1984; or

(2) By fax to MSHA, Office of Standards, Regulations, and Variances, 703–235–5551; or

(3) By electronic mail to comments@msha.gov.

We would appreciate receiving an original hard copy of your comments for accuracy.

In addition, send your comments on the information collection requirements to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for MSHA, 715 17th Street NW., Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Carol J. Jones, (703) 235–1910. Copies of this reopening notice, updated PRIA and updated paperwork submission in alternate formats may be obtained by calling (703) 235–1910.

SUPPLEMENTARY INFORMATION:

I. Background

Prior to the initiation of this rulemaking, we held a public meeting on January 19, 1989, in Triadelphia, West Virginia, to discuss the development of the revised laboratory-scale flame test to evaluate the resistance of conveyor belts to ignition and flame propagation [54 FR 1802]. On December 24, 1992, we published a proposed rule to implement new procedures and requirements for testing and approval of flame-resistant conveyor belts and requirements for their use in underground coal mines [57 FR 61524], requesting public comment by February 22, 1993. The date for comments was extended to March 26, 1993, in response to public request. Several commenters requested a hearing on this proposal. On May 2, 1995, we held a public hearing in Washington, Pennsylvania [69 FR 16589]. The post-hearing comment period closed on June 5, 1995.

On June 1, 1995, the United Mine Workers of America (UMWA) and the Bituminous Coal Operators' Association (BCOA) jointly submitted ten (10) questions regarding the proposed rule and issues raised at the public hearing. On October 31, 1995, we placed a written response to each question in the rulemaking record. On the same date we reopened the record for 45 days to give all interested parties an opportunity to provide any additional data, test results, and technical information [60 FR 55353]. On December 20, 1995, we extended the comment period to February 5, 1996 [60 FR 65609], the date on which the record closed.

II. Specific Issues

A. The Regulatory Flexibility Act (RFA)

The RFA requires us to analyze and publish, for public comment, the impact of a proposed regulation on small entities. This analysis must consider regulatory alternatives consistent with the purpose of applicable statutes, and explain our rationale for the regulatory option proposed. If there is no significant economic impact on a substantial number of small entities, we can so certify, providing a factual basis for the certification. In Chapter V of the PRIA for the conveyor belt proposal (available simultaneously with the proposed rule on December 24, 1992), we preliminarily assessed the impact of the proposal and determined that the proposed rule would not have a significant economic impact on a substantial number of small mining operations. The preamble to the proposal also included a discussion of our preliminary conclusions about the cost of the rule and invited all conveyor belt manufacturers and mine operators, including small manufacturers and small operators, to comment.

At the time the conveyor belt proposal was published, we defined a small mine to be one that employed fewer than 20 miners. In order to fully comply with the RFA requirements, we must use the Small Business Administration (SBA) definition for ''small mine'' and ''small conveyor belt manufacturer.'' For the mining industry, SBA defines a ''small'' mine as one with 500 or fewer employees. SBA's definition of a small conveyor belt manufacturer is also one with 500 or fewer employees. To ensure that the PRIA for the conveyor belt proposal conforms with the appropriate criteria, we have updated our evaluation of the impact of the proposal on small mines and small manufacturers in the PRIA using the SBA definitions. The updated PRIA also reflects current economic and industry data and addresses comments received on the PRIA from commenters on the 1992 proposal.

This notice advises the mining industry that we are reopening the record for the limited purpose of receiving comments from you on the updated PRIA and its assessment that the conveyor belt proposal would not have a significant economic impact on a substantial number of small entities, either small mines or small manufacturers, as defined by the SBA. Comments which are outside the scope of this notice will not be considered.

B. The Paperwork Reduction Act (PRA) of 1995

The proposed rule for conveyor belts, published on December 24, 1992, summarized the paperwork burdens of the proposal based on the paperwork evaluation set out in the SF 83 and Supporting Statement, consistent with the PRA of 1980. It also requested comments on the collection of information requirements contained in the proposal from interested parties, asking that such comments be sent to us and to the MSHA Desk Officer at the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs (OIRA). Prior to publication of the proposal, by transmittal letter dated June 24, 1992, the Secretary sent to OMB a copy of the proposed rule, the PRIA, and the paperwork submission using form SF 83 required under Executive Order 12291 and the PRA. These documents are part of the rulemaking record of this proposal. However, we have confirmed that OIRA has no files on our conveyor belt proposal nor a record indicating that the proposed rule, PRIA, and paperwork submission were received by that office.

This notice advises you that we are resubmitting a proposed paperwork submission on the requirements for approval of flame-resistant conveyor belt to OMB for its review and approval under 44 U.S.C. § 3507(d) of the PRA. This resubmittal provides you with the opportunity to comment. We updated the paperwork submission to address changes contained in the PRA of 1995, to reflect current industry and economic data, and to address comments received on the information collection requirements from commenters on the 1992 proposal. It uses the 1995 OMB revised form 83–I, instead of the SF 83 prepared and transmitted to OMB with the conveyor belt proposal in 1992.

Descriptions of the respondents and information collection requirements follow with an estimate of the annual information collection burden and cost of that burden. The burden hour estimate includes the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collected information.

1. Description of the Proposed Collection of Information Requirements, the Need for and Proposed use of the Information

Under the Federal Mine Safety and Health Act of 1977 (Mine Act), we are required to approve certain products and equipment for use in underground coal mines. This approval indicates that MSHA's specifications and tests, designed to ensure that a product will not present a fire, explosion, or other specific safety hazard related to use, are met. Section 311(h) of the Mine Act requires that all conveyor belts acquired for use underground meet the requirements established by the Secretary for flame-resistant conveyor belts. Because of the fire hazards in underground coal mines, our current safety standard, 30 CFR 75.1108, requires the use of flame-resistant conveyor belts.

If you are a manufacturer who desires to market your belts as approved for use in underground coal mines, you must submit an application for conveyor belt approval to us. The paperwork provisions found in proposed § 14.4(c) and (d), application for approval and extension of approval, would require an application for approval of flame-resistant belt to contain product specifications, including compound formulation, describing the belt or proposed changes to approved belting. This information would be used by our technical experts to assess the belt's compliance with the proposed technical requirements and to determine whether the belt should be approved for use in underground coal mines. Further, under proposed § 14.5, the applicant would need to submit three 5-foot by 9-inch samples of the belt to MSHA for testing where testing of the belt is required. Our approval marking on a product indicates that the product meets the specified technical requirements. The information this proposed rule would require is essentially the same information currently required by manufacturers seeking ''acceptance'' of conveyor belts under part 18.

Any product not in compliance with these proposed requirements would need to be traced and replaced or withdrawn from use if it could present a hazard to miners. Proposed § 14.7(d) would require you, as an approval-holder, to maintain records on the distribution of all conveyor belts bearing an approval marking. The proposal does not specify a set number of years for retention of records on the distribution of approved belts, or the type of record you must maintain. Instead, the proposed rule would require retention of records for at least the projected service life of the belt, as determined by you, the applicant. This approach would recognize that the life of a belt can vary depending on factors such as its physical characteristics, use as a main line or section belt, the type of material being transported, and belt maintenance. We assume that most manufacturers would use existing record systems to fulfill this proposed requirement.

Proposed § 14.8(d) would require you, as an approval-holder, to notify us immediately should you become aware that approved belts may have been distributed that do not meet the requirements for flame resistance upon which the approval is based. Prompt notification is important so that we could work with you on appropriate corrective action to protect miners from the hazards of fire which noncompliant conveyor belting could affect.

2. Description of Respondents

The respondents in the paperwork provisions are mine equipment manufacturers who produce conveyor belts for underground mines. Although there are 74 firms or subsidiaries of firms that hold MSHA acceptances for conveyor belts under the existing rule in part 18, the number of active belt manufacturers has decreased since the time the proposed rule was published in 1992. Some companies are no longer in business and some have been consolidated with other companies. Therefore, MSHA estimates that only ten manufacturers of conveyor belts would submit applications for approval of flame-resistant conveyor belt under the proposed rule. These manufacturers produce a number of different conveyor belts which are normally approved through separate applications for approval. An application for approval would be required whenever a new approval is sought under the proposed part 14 requirements, or when changes to a previously approved belt are planned.

3. Information Collection Burden

We estimate that there would be 663 burden hours for the first year related to conveyor belt manufacturers, 383 hours for the second year and 143 burden hours for each year thereafter, for a total of years one through three of 1,189 burden hours. The costs associated with that burden would be $46,734 for the first year, $27,269 for the second year and $10,199 for each succeeding year for a total of $84,202. With respect to this collection of information, we request your comments specifically on the resubmitted paperwork submission. You are invited to comment further on:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) The accuracy of our estimate of the projected burden, including the validity of methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on respondents, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology

III. Request for Comments

This is a limited reopening of the record to provide you an opportunity to comment on the updated PRIA and the updated paperwork submission we are resubmitting to OMB on the proposed requirements for the approval of flame-resistant conveyor belts. We will consider comments addressing the economic impact of the proposal on small manufacturers and small mines and our conclusion, in the updated PRIA, that the proposal would not have a significant economic impact on a substantial number of small entities. Comments on the information collection requirements in the updated paperwork submission will also be considered. Comments addressing the substantive provisions of proposed part 14 and § 75.1108–1 will not be considered due to the limited scope of this reopening notice.

We encourage you to take advantage of this opportunity to provide information and express your concerns on the specific issues discussed here.

You can obtain a copy of the updated PRIA and updated paperwork submission by contacting MSHA at the address or telephone number provided at the beginning of this notice. These documents are also available on our website at http://www.msha.gov.

Dated: December 13, 1999.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

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