

concerning issues that the public may raise cannot be made at the meetings. FAA and NPS officials may, however, ask questions to clarify statements made by the public and to ensure a complete and accurate record. Comments made at these public meetings will be considered by the FAA and NPS when deliberations begin concerning whether to adopt any or all of the proposed rules.

10. The meetings are designed to solicit public views and more complete information on the proposed rule. Therefore, the meetings will be conducted in an informal and non-adversarial manner.

Issued in Washington, DC on August 27, 1996.

Chris A. Christie,

Director of Rulemaking.

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1915

[Docket No. S-051]

RIN 1218-AB51

Safety Standards for Fire Protection for Shipyard Employment

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Notice of public meeting; appointment of members to Advisory Committee; and notice of organizational meeting of Advisory Committee.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is announcing that a meeting of all parties interested in the Fire Protection for Shipyard Employment Negotiated Rulemaking Advisory Committee will be held to provide information, to promote an understanding of the negotiated rulemaking process, and to present the Committee members. Nominees for membership, who have been drawn from shipyard operators, labor, professional associations, and government agencies, have been selected to serve on the Committee. The nominees, along with their affiliations are listed in this notice. The members of the Committee will represent the interests of all groups interested in, or significantly affected by, the outcome of the rulemaking.

Immediately following the informational meeting, an organizational meeting of the advisory

committee will take place. The committee will be charged with its duties and will address certain procedural matters. These meetings will be open to the public.

DATES: The public meetings will be held on October 15, 16, and 17, 1996. The informational meeting will begin at 9:00 a.m. on October 15, 1996, and the organizational meeting of the Committee will begin at 1:00 p.m. on October 15, 1996 and will run until approximately 5:00 p.m. The meetings October 16 and 17, 1996 will begin at 9:00 a.m. and run until approximately 5:00 p.m. each day.

ADDRESSES: The public meetings will be held at the Port of Portland Building, 700 N.E. Multnomah, 13th Floor, Room 13A, Portland, Oregon, 97208. Any written comments in response to this notice should be sent, in quadruplicate, to the following address: Docket Office, Docket S-051, Room N-2625, 200 Constitution Ave., N.W., Washington, D.C. 20210; Telephone (202) 219-7894.

FOR FURTHER INFORMATION CONTACT: Ann Cyr, Acting Director; OSHA, U.S. Department of Labor, Office of Information and Consumer Affairs, Room N-3647, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Telephone: (202) 219-8151.

SUPPLEMENTARY INFORMATION:

I. Background

Fire protection in shipyard employment has been regulated by OSHA's general industry standards for fire protection, 29 CFR 1910.155 through 1910.165, Subpart L. In enforcement activities, OSHA has also used Section (5)(a)(1) of the Occupational Safety Health Act ("the Act"), the General Duty Clause, which requires each employer to, furnish to each of his employees employment and a place of employment which are free from recognized hazards causing or likely to cause death or serious physical harm.

The general industry standards, which address fire brigades, portable fire extinguishers, standpipe and hose systems, automatic sprinkler systems, fixed extinguishing systems, fire standpipe and hose systems, automatic sprinkler systems, fixed extinguishing systems, fire detection systems, and employee alarm systems, cover primarily landside shipyard operations. Fire hazards on board vessels are not covered by the general industry standards. Moreover, the general industry standards are in need of review and revision and do not completely address hazards that are unique to shipyard employment. The Agency believes a standard promulgated under

§ 6(b) of the Act will more effectively reduce the risks of fire in the shipyard and on board vessels.

OSHA has decided to use the negotiated rulemaking (Neg/Reg) process to develop a proposed standard for fire protection covering all shipyard employment. The most important reason for using Neg/Reg is that the shipyard stakeholders from all sectors strongly support consensual rulemaking efforts like negotiated rulemaking. OSHA believes this process will result in a proposed standard whose provisions will effectively protect employees working throughout the shipyard. (See OSHA's Notice of Intent to Form a Negotiated Rulemaking Committee to Develop a Proposed Rule on Fire Protection in Shipyard Employment, 61 FR 28824, June 6, 1996, for a detailed explanation of why OSHA is using negotiated rulemaking to develop its proposed standard and for general information on the negotiated rulemaking process).

II. Some Key Issues for Negotiation

OSHA expects that key issues to be addressed as part of these negotiations will include:

1. *Scope and Application.* Should Subpart P apply to all shipyard employment? How will the standard affect out-of-yard/plant firefighters such as those employed by a municipal fire department?

2. *Controls and Work Practices.* What controls and work practices will provide adequate protection for employees? Should OSHA require hot work permits? Should OSHA require training for all fire fighters? Should OSHA incorporate U.S. Coast Guard regulations in this standard? Is there any difference in controls and work practices on landside vs. onboard vessels and vessel sections? Should OSHA require the employer to secure (deactivate) all fire fighting systems onboard vessels when they arrive in the yard?

3. *Fire Brigades.* Should OSHA require each shipyard to have an in-yard/plant fire brigade?

4. *Written Fire Plans.* Should OSHA require written fire plans for landside and onboard vessels? If so, what provisions need to be included in the plans? Should OSHA include a requirement for de-watering (removal of firefighting water from the vessel) of vessels when fighting a fire on board a vessel?

5. *Technological Advances.* What advances in fire technology have occurred since OSHA's general industry standards were promulgated? Which of

these advances should be incorporated into the shipyard standard?

6. *Costs of Fire Protection.* What costs would be incurred by shipyards in meeting the various provisions of a new standard? Calculations should include costs of acquiring new equipment, instituting new engineering controls and work practices, and costs of training employees. Are there cost savings or other benefits that could be expected with the promulgation of identical rules for all of shipyard employment? If so, what would be the magnitude of savings?

7. *Appendices.* Should OSHA include technical information in an appendix or appendices? If so, should it (they) be mandatory?

III. Agenda for the Public Meeting

Following registration and assembly, the Facilitator for the Committee will offer an overview of negotiated rulemaking (Neg/Reg). Interest-based negotiation will be contrasted with the usual development of a proposed rule. The advantages of using Neg/Reg, where practical decision making results in a rule that can be more stringent, but, at the same time, easier and less expensive to implement, will be discussed. Other topics addressed will be working with caucuses and the "Wedge" concept, where the member at the table represents a much broader constituency and is expected to funnel information to the Committee and back to the interests he or she represents. The very important role of workgroups, composed of both members and other interested parties, working out technical problems and performing drafting and analysis tasks will be discussed. It should be noted that workgroups, while reflecting the deliberations of the Committee, do not make policy decisions. During the meeting the Facilitator may provide opportunities for questions and caucus meetings.

The Facilitator will also announce the selection of the Committee. He will discuss: the variety of interests and the potential representatives of those interests; the difficulty in selecting the Committee members and the basis for these selections; and the criteria used in assessing whether to go forward with a Neg/Reg in Fire Protection for Shipyard Employment.

The Facilitator will address the matters that must be resolved by the Committee at its first meeting, including the "Ground Rules." These are the procedural rules that the Committee will adopt at its first meeting. The Agency will distribute proposed Ground Rules that address: the composition of the Committee, the use of alternates,

and the essential commitment of the members to attend the meetings and participate meaningfully. The Ground Rules emphasize the importance of the members' communication with their constituencies including keeping them abreast of the negotiations, thereby limiting surprises. The goal of this negotiated rulemaking is a proposed rule and supporting documentation that all members will support. The Ground Rules will address "bargaining" in good faith to reach the goal.

The Facilitator will also identify and discuss the substantive issues to be resolved by this Committee. Here, the Facilitator is relying on the information presented to him by OSHA as well as the considerable input from the various interests during convening efforts. The time needed for the resolution of these issues and the order of their consideration is integrally related to the development of a tentative schedule. OSHA requests that all interested parties bring their calendars to facilitate the development of a tentative schedule of committee meetings, site visits and workgroup meetings.

Interactive training sessions, under the direction of the Facilitator, will constitute the final portion of this public meeting. Topics for these training sessions will include the following: a discussion on interest based negotiations; a session illustrating how to participate in a Neg/Reg; and an explanation of how the electronic bulletin board system will aid the negotiation process. Other training activities may be added at the time of the meeting.

IV. Committee Membership

Appointees to the Committee include representatives from labor, industry, public interests and government agencies. The appointees also represent groups interested in, or affected by, the outcome of the rulemaking. Following is a list of members and the affiliations they represent:

Labor

Richard M. Duffy: Director, Department of Occupational Health and Safety, International Association of Fire Fighters, AFL-CIO, CLC
 Ted Pederson: Seattle Fire Department Union, Metal Trades, International Brotherhood of Electrical Workers
 Michael M.X. Buchet: United Brotherhood of Carpenters

Management

E.P. "Rick" Kaiser: South Tidewater Association of Ship Repairers, Inc.
 George Broussard: American Waterways Shipyard Conference

J.D. Paulson: National Steel and Shipbuilding Company (NASSCO)

Firefighters

Russ Sill: Portland Fire Bureau
 Donald R. Mozick: Atlantic Marine, Inc. and Atlantic Dry Dock, Corp.

Safety Professionals

Guy Colonna: National Fire Protection Association
 Glenn Harris: Ship Production Panel-5 of the Society of Naval Architects and Marine Engineers

Government

George F. Hurley, III: Fire Chief, Norfolk Naval Shipyard
 Morgan J. Hurley: Fire Protection Engineer, DOT, Coast Guard
 Paul Jensen (Ted Pettit—alternate): National Institute for Occupational Safety and Health
 Joseph V. Daddura (Frank Strasheim—alternate): Occupational Safety and Health Administration

State Government

Peter Schmidt: State Department of Labor and Industry, Seattle, Washington

V. Agenda for the Organizational Meeting of the Fire Protection in Shipyard Employment Negotiated Rulemaking Advisory Committee

The meeting will be called to order. The Secretary of Labor, or his designee, will charge the Committee with its duties and goals. The Facilitator will assume the Chair and the procedural issues will be addressed by the Committee. These will include the adoption of the Ground Rules which are the procedural rules that the Committee will follow. The substantive matters must be considered in the development of a tentative schedule of committee meetings, site visits and workgroup meetings. The Committee will have to identify and discuss these matters to be resolved and determine the proper sequence of consideration as well as the location of the future meetings. OSHA will have provided proposed Ground Rules, issues, agendas (sequence of consideration), and meeting locations to the nominees of the committee prior to this meeting.

VI. Public Participation

All interested parties are invited to attend this public meeting at the time and place indicated above. No advanced registration is required. Seating will be available to the public on a first-come, first-served basis. Individuals with disabilities wishing to attend should contact Ms. Theda Kenney at (202) 219-

8061 to obtain appropriate accommodations no later than October 1, 1996. The opening public meeting is expected to last 2 and one half days.

In addition, members of the general public may request an opportunity to make oral presentations to the Committee. The Facilitator of the Committee has the authority to decide to what extent oral presentations by members of the public may be permitted at the meeting. Oral presentations will be limited to statements of fact and views, and shall not include any questioning of the committee members or other participants unless these questions have been specifically approved by the Facilitator.

Part 1912 of Title 29 of the Code of Federal Regulations will apply generally. The reporting requirements of § 1912.33 have been changed pursuant to § 1912.42 to help meet the special needs of this Committee. Specifically, § 1912.33 requires that verbatim transcripts be kept of all advisory committee meetings. Producing a coherent transcript requires a certain degree of formality. The Assistant Secretary therefore has determined pursuant to § 1912.42 that such formality might interfere with the free exchange of information and ideas during the negotiations, and that the OSH Act would be better served by simply requiring detailed minutes of the proceedings without a formal transcript.

Minutes of the meetings and materials prepared for the Committee will be available for public inspection at the OSHA Docket Office, N-2625, 200 Constitution Ave., N.W., Washington, D.C. 20210; Telephone (202) 219-7894.

Any written comments should be directed to Docket No. S-051, and sent in quadruplicate to the following address: OSHA Docket Office, U.S. Department of Labor, Room N-2625, 200 Constitution Ave., N.W., Washington, D.C. 20210; Telephone (202) 219-7894.

VII. Authority

This document was prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, pursuant to section 3 of the Negotiated Rulemaking Act of 1990, 104 Stat. 4969, Title 5 U.S.C. 561 *et seq.*; and Section 7(b) of the Occupational Safety and Health Act of 1970, 84 Stat. 1597, Title 29 U.S.C. 656.

Signed at Washington, D.C., this 22nd day of August, 1996.

Joseph A. Dear,
Assistant Secretary of Labor.

[FR Doc. 96-22225 Filed 8-29-96; 8:45 am]

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Mine Safety and Health Administration

30 CFR Parts 21, 24, and 75

RIN 1219-AA98

Technical Amendments; Removal of Unnecessary Regulations

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Proposed rule; technical amendments.

SUMMARY: The Mine Safety and Health Administration (MSHA) is proposing to remove approval regulations on flame safety lamps and single-shot blasting units which have become obsolete because of advances in technology. Removal of these obsolete parts would not reduce protection for miners. This proposal also would make conforming amendments to safety regulations for underground coal mines which require the use of this approved equipment.

DATES: Submit written comments on or before November 29, 1996.

ADDRESSES: Send comments to Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, MSHA, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203. Commenters are encouraged to send comments on a computer disk or via e-mail to psilvey@msha.gov along with an original printed copy.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, MSHA, 703-235-1910 (voice), 703-235-5551 (facsimile), psilvey@msha.gov (Internet e-mail).

SUPPLEMENTARY INFORMATION:

I. Purpose

In response to the Administration's regulatory reinvention initiative, MSHA has conducted a page-by-page review of its existing regulations to identify provisions that are obsolete, outdated, redundant, or unnecessary. As part of this review, the Agency has identified two regulations that could be removed immediately without any adverse effect on miner safety and health. These regulations are obsolete. Conforming amendments to other 30 CFR parts would be made, as appropriate. Equipment approved by MSHA under parts being proposed for elimination can

continue to be manufactured by the approval-holder and distributed for use in mines, as long as they continue to be manufactured in full compliance with the drawings and specifications upon which the approval was based. No changes in approved devices can be made once the 30 CFR parts being proposed for elimination are deleted.

For the reasons discussed below, the Agency is proposing to remove 30 CFR parts 21 and 24. MSHA specifically solicits comments on the impact of this action both on the mining community and on other government agencies if they reference these parts of 30 CFR.

II. Discussion

A. Part 21—Flame Safety Lamps

Part 21 addresses the requirements for approval of flame safety lamps used to detect oxygen deficiency and methane in mine atmospheres. Part 21 repeats the requirements for approval of flame safety lamps from Bureau of Mines' Schedule 7C, dated August 30, 1935. Advances in technology have produced oxygen and methane detecting devices which are more accurate and reliable than flame safety lamps. As a result, methane and oxygen detectors have replaced flame safety lamps as the required source for detecting these gases in mines. As required by 30 CFR 75.320, methane and oxygen detectors approved by MSHA must be used to make these tests and a permissible flame safety lamp may continue to be used only as a supplemental testing device for oxygen deficiency. These MSHA-approved flame safety lamps can continue to be manufactured by the approval-holder and distributed for use in mines, as long as they continue to be manufactured in full compliance with the drawings and specifications upon which the approval was based and there are no changes in the approved devices. Further, there have been no new applications for approval of flame safety lamps for more than 40 years. For these reasons, MSHA has determined that the approval requirements for flame safety lamps are obsolete and unnecessary and, therefore, is proposing to remove this part.

B. Part 24—Single-Shot Blasting Units

Part 24 addresses the requirements for approval of single-shot blasting units used in mines, especially mines that can contain methane or flammable dust in dangerous concentrations. Part 24 repeats the requirements for approval of single-shot blasting units from Bureau of Mines' Schedule 12D, dated November 27, 1945. Advances in technology have produced multiple-shot blasting units