

Signed: April 21, 1997.

**John W. Magaw,**  
Director.

Approved: May 5, 1997.

**John P. Simpson,**

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

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## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### 30 CFR Parts 7, 31, 32, 36, 70, and 75

RIN 1219-AA27

#### Approval, Exhaust Gas Monitoring, and Safety Requirements for the Use of Diesel-Powered Equipment in Underground Coal Mines

AGENCY: Mine Safety and Health  
Administration, Labor.

ACTION: Final rule; corrections.

**SUMMARY:** This document corrects errors in the final rule for the approval, exhaust gas monitoring, and safety requirements for the use of diesel-powered equipment in underground coal mines which appeared in the **Federal Register** on October 25, 1996.

**DATES:** Effective June 27, 1997.

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

**SUPPLEMENTARY INFORMATION:** On October 25, 1996, MSHA published a final rule on the approval, exhaust gas monitoring, and safety requirements for the use of diesel-powered equipment in underground coal mines (61 FR 55412). This document corrects errors that appeared in the final rule.

This notice corrects the effective date section to include that the removal of part 32 is also effective November 25, 1996; and editorial errors in the numbers and mathematical symbols in § 7.88, § 7.89, § 7.98(q)(7) Table F-1, and § 7.100.

This notice corrects the preamble language for § 75.1906 by deleting language inadvertently included that would have imposed an earlier compliance deadline for the requirements of § 75.1903(c) and (d). In the final rule, MSHA did not adopt a different compliance date in § 75.1906(l) for § 75.1903(c) and (d). Instead, the compliance date for these paragraphs is the same 12-month deadline as that for

the rest of §§ 75.1902 through 75.1906. Removing reference to the earlier compliance date conforms the preamble language to that of the final rule and eliminates conflicting information.

This notice also corrects the rule and corresponding preamble language for § 75.1909 to reflect existing § 75.523-3 requirements which govern automatic emergency-parking brakes on electric-powered haulage equipment. Section 75.523-3 provided the basis for § 75.1909 requirements for supplemental brake systems on heavy duty diesel-powered equipment. MSHA's intent is that § 75.1909(c)(5) specify essentially the same requirements as existing § 75.523-3(c).

The provision for supplemental brake systems was included in § 75.523-3 to eliminate accidents occurring when the machine was in operation without an operator in the operator's compartment. The preamble to the March 24, 1989 final rule for § 75.523-3 (54 FR 12410) states in part that:

\* \* \* at least five fatalities have occurred since 1978 when equipment operators were repositioning themselves or were not at the controls of an energized machine when it rolled away.

The preamble discussion in the October 25, 1996 diesel equipment final rule (61 FR 555468) states in part that § 75.1909(c)(1) through (c)(5):

\* \* \* closely track the brake system requirements for electric haulage equipment in existing § 75.523-3 with the exception of the requirement that the brake system be engaged by an emergency deenergization device or panic bar.

The emergency deenergization device is the only difference intended between the technical requirements for the braking systems required by existing § 75.523-3 and the braking systems required for diesel equipment in the final rule. It is an editorial oversight that the two requirements differ.

Existing § 75.523-3 requires a means to "apply the brakes manually without deenergizing the equipment;" whereas, the current language in § 75.1909(c)(5) of the final rule requires a means to "apply the brakes manually without the engine operating." This notice corrects the final rule and preamble language for § 75.1909(c)(5) by replacing the phrase "without the engine operating" with the phrase "without shutting down the engine." Without this change to the rule and the preamble, the two parts of § 75.1909(c)(5) partially repeat rather than complement each other.

## List of Subjects

### 30 CFR Part 7

Diesel-powered equipment, Mine safety and health, Reporting and recordkeeping requirements.

### 30 CFR Part 75

Diesel-powered equipment, Mine safety and health, Underground coal mines, Reporting and recordkeeping requirements.

Dated: June 19, 1997.

**J. Davitt McAteer,**

Assistant Secretary for Mine Safety and Health.

Accordingly, the final rule published on October 25, 1996 (61 FR 55412) is corrected as follows:

1. The **DATES** section of the preamble on page 55412, column one, is corrected to add the words "and part 32" after the words "the removal of part 31".

### PART 7—TESTING BY APPLICANT OR THIRD PARTY

2. The authority citation for part 7 continues to read as follows:

**Authority:** 30 U.S.C. 957.

#### § 7.88 [Corrected]

3. Section 7.88(a)(9)(vi), on page 55516, column one, line six, is corrected by deleting a "5" in the number "(0.00552)" to read "(0.0052)".

4. Section 7.88(a)(9)(xi), on page 55516, column two, line one is corrected by adding a slash after "K=13,913.4" to read "K=13,913.4/".

#### § 7.89 [Corrected]

5. Section 7.89(a)(9)(i) and (ii), on page 55517, is corrected by changing the abbreviation "P<sub>F</sub>" to read "P<sub>f</sub>" in column two, line eight, and in column three, line one.

6. Section 7.89(a)(9)(iv)(A), on page 55517, is corrected by changing the abbreviation "P<sub>F<sub>corr</sub></sub>" to read "P<sub>f<sub>corr</sub></sub>" in line one of the equation section.

#### § 7.98 [Corrected]

7. Section 7.98(q)(7), Table F-1, on page 55520, second column, is corrected in the fifth entry by changing the subscript number 3 following "0.008" to a superscript footnote number 3.

8. Section 7.98(q)(7), Table F-1 is further corrected on page 55521 as follows:

a. In the second column, second entry by changing "<sup>1</sup>/<sub>16</sub>" to read "<sup>3</sup>/<sub>8</sub>";

b. In the first column, by adding a dot leader after the third entry and a corresponding entry in the second column to read "<sup>1</sup>/<sub>16</sub>"; and

c. In the second column, by reducing the size of the footnote numbers for

footnotes 8 and 12 following the entry “7/16” to appropriate footnote size.

9. Section 7.98(q)(7) Table F-1, footnote 12, on page 55521, is corrected by changing “f” to read “If” in the first word of the sentence.

#### § 7.100 [Corrected]

10. Section 7.100(a)(3)(iii)(B) and (C) on page 55523, column two, is corrected by deleting the words “rated speed” from the first sentence of each paragraph.

#### PART 75—[AMENDED]

11. The authority citation for part 75 continues to read as follows:

**Authority:** 30 U.S.C. 811.

12. The preamble discussion of § 75.1906(l), on page 55455, is corrected by deleting the last sentence which begins at the bottom of column two and ends at the top of column three.

13. The preamble discussion of § 75.1909(c)(5), on page 55468, is corrected by removing the words “without the engine operating” in the last line of column one and the first line of column two, and adding in their place the words “without shutting down the engine”.

#### § 75.325 [Corrected]

14. Section 75.325(k), on page 55527, column two, is corrected by changing the effective date in the first sentence from “November 25, 1977” to read “November 25, 1997.”

#### § 75.1909 [Corrected]

15. Section 75.1909(c)(5) on page 55531, column two, is corrected by replacing the words “without the engine operating” in lines three and four with the words “without shutting down the engine”.

[FR Doc. 97-16878 Filed 6-26-97; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR PART 52

[AS-AZ-CA-HW-NV-000-0002; FRL-5847-8]

#### Correction of Implementation Plans; American Samoa, Arizona, California, Hawaii, and Nevada State Implementation Plans

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is finalizing the promulgation of corrections to the

American Samoa State Implementation Plan (SIP), the Arizona SIP, the California SIP, the Hawaii SIP, and the Nevada SIP. The proposed rule was published in the **Federal Register** on July 25, 1996. These corrections concern the deletion from the SIPs of a variety of administrative provisions concerning variances, hearing board procedures, and fees. The intended effect of promulgating these corrections to the SIPs is to delete the above referenced rules and make the SIPs consistent with the requirements of the Clean Air Act, as amended in 1990 (CAA or “the Act”), regarding EPA action on SIP submittals and SIPs for national primary and secondary ambient air quality standards.

**EFFECTIVE DATE:** This rule is effective on July 28, 1997.

**ADDRESSES:** Copies of the rules being deleted are available for public inspection at EPA’s Region IX office during normal business hours. Copies of the rules are also available for inspection at the locations listed in **SUPPLEMENTARY INFORMATION** under “Public inspection”.

**FOR FURTHER INFORMATION CONTACT:** Julie A. Rose, Rulemaking Office (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1184.

#### SUPPLEMENTARY INFORMATION:

##### I. Public Inspection

Arizona Department of Environmental Quality, P.O. Box 600, Phoenix, CA 85001-0600,

Coconino County Air Pollution Control District, 1515 East Cedar Avenue, Flagstaff, AZ 86004

Maricopa County, Environmental Services Department, 2406 S. 24th Street, Suite E-214, Phoenix, AZ 85034

Pima County Department of Environmental Quality, 130 West Congress Street, 3rd Floor, Tucson, AZ 85701-1317

Pinal County Air Quality Control District, P.O. Box 987, Florence, AZ 85232

California Air Resources Board Stationary Source Division, Rule Evaluation Section, 2020 “L” Street, Sacramento, CA 95814

Amador County Air Pollution Control District, 500 Argonaut Lane, Jackson, CA 95642

Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109

Butte County Air Quality Management District, 2525 Dominic Drive, Chico, CA 95928

Calaveras County Air Pollution Control District, 891 Mountain Ranch Road, San Andreas, CA 95249-9709

Colusa County Air Pollution Control District, 100 Sunrise Blvd., Suite F, Colusa, CA 95932

Glenn County Air Pollution Control District, P.O. Box 351, Willows, CA 95988

Great Basin Unified Air Pollution Control District, 157 Short Street, Suite 6, Bishop, CA 93514

Imperial County Air Pollution Control District, 150 South Ninth Street, El Centro, CA 92243-2801

Kern County (Southeast Desert) Air Pollution Control District, 2700 M. Street, Suite 290, Bakersfield, CA 93301

Lake County Air Quality Management District, 883 Lakeport Blvd., Lakeport, CA 95453

Lassen County Air Pollution Control District, 175 Russell Avenue, Susanville, CA 96130

Mariposa County Air Pollution Control District, P.O. Box 2039, Mariposa, CA 95338

Mendocino County Air Quality Management District, 306 E. Gobbi Street, Ukiah, CA 95482

Modoc County Air Pollution Control District, 202 W. Fourth Street, Alturas, CA 96101

Mojave Desert Air Quality Management District, 15428 Civic Drive, Suite 200, Victorville, CA 92392

Monterey Bay Unified Air Pollution Control District, 24580 Silver Cloud Ct., Monterey, CA 93940

Northern Sierra Air Quality Management District, P.O. Box 2509 Grass Valley, CA 95945

North Coast Unified Air Quality Management District, 2389 Myrtle Avenue, Eureka, CA 95501

Northern Sonoma County Air Pollution Control District, 109 North Street, Healdsburg, CA 95448

Placer County Air Pollution Control District, 11464 B Avenue, Auburn, CA 95603

Sacramento Metropolitan Air Quality Management District, 8411 Jackson Road, Sacramento, CA 95826

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123-1096

San Joaquin Valley Unified Air Pollution Control District (Formerly: Fresno County APCD, Kern County APCD, Kings County APCD, Madera County APCD, Merced County APCD, San Joaquin County APCD, Stanislaus County APCD, and Tulare County APCD), 1999 Tuolumne Street, Suite 200, Fresno, CA 93721