

Federal Register, a final rule that finalized a proposed rule published by the Department on January 26, 1996, which proposed many benefits to the mortgage lenders that would reduce their servicing costs and the confusion generated by adjustments to the annual mortgage insurance premium (MIP) on cases not endorsed within the first six months after amortization. The purpose of this document is to remove a redundant sentence in the preamble of the rule and to make a clarifying change to § 203.264.

EFFECTIVE DATE: August 19, 1996.

FOR FURTHER INFORMATION CONTACT: John L. Sahl, Acting Director, Office of Mortgage Insurance Accounting and Servicing, Room 2108, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, DC 20410, telephone (202) 708-1046. For telephone communication, contact Anne Baird-Bridges, Single Family Insurance Operations Division, at (202) 708-2438. Hearing or speech-impaired individuals may call HUD's TTY number (202) 708-4594. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

Accordingly, corrections are made to FR Doc. 96-18354, a final rule on Single Family Mortgage Insurance Premium, published in the Federal Register on July 19, 1996 (61 FR 37798), as follows:

1. On page 37798, in the first column, the preamble is corrected by removing the third sentence in paragraph 2 of the **SUMMARY** that reads, "A new system is being developed (and expected to be operational by Summer 1997) which would produce a monthly notice of premiums due, and the reconciliation will be made monthly by the lender when the premium is paid."

2. On page 37801, § 203.264 is correctly revised to read as follows:

§ 203.264 Payment of periodic MIP.

The mortgagee shall pay each MIP in twelve equal monthly installments. Each monthly installment shall be due and payable to the Commissioner no later than the tenth day of each month, beginning in the month in which the mortgagor is required to make the first monthly mortgage payment. This will be effective for amortization beginning on or after September 1, 1996.

Dated: August 14, 1996.

Camille E. Acevedo,

Assistant General Counsel for Regulations.

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 56 and 57

Final Policy on Examination of Working Places

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Final rule; policy.

SUMMARY: The Mine Safety and Health Administration (MSHA) is revising its policy concerning the examination of working places at all metal and nonmetal mining operations to clarify operators' obligations under 30 CFR 56.18002 and 57.18002, Examination of Working Places. To ensure that all interested persons are informed of this action, MSHA is publishing the full text of the Program Policy Letter addressing these standards in Appendix I of this notice. This policy letter supersedes MSHA's existing policy regarding enforcement of these standards.

EFFECTIVE DATE: November 18, 1996.

FOR FURTHER INFORMATION CONTACT: Rodric Breland, Chief, Division of Safety, Metal and Nonmetal Mine Safety and Health, 703-235-8647.

SUPPLEMENTARY INFORMATION:

I. Paperwork Reduction Act

The information collection requirement in §§ 56.18002 and 57.18002 has been approved by the Office of Management and Budget under control number 1219-0089.

II. Discussion of Final Policy

MSHA's safety standards in §§ 56.18002 and 57.18002 concerning examination of working places at metal and nonmetal mines were first promulgated as advisory standards in July 1969 and became mandatory in August 1979. MSHA issued Program Policy Letter (PPL) No. P94-IV-5 on December 12, 1994, clarifying its policy concerning these standards. Shortly thereafter, MSHA introduced a new procedure to encourage participation in enforcement policy formulation and withdrew the PPL concerning examination of working places. Subsequently, the PPL was revised and published in the Federal Register (60 FR 9987) on February 22, 1995 and public input was solicited. The Agency also held public meetings on July 6 and 7, 1995, in Cleveland, Ohio; and July 12 and 13, 1995, in Elko, Nevada. MSHA received comments from both labor and industry, and considered these comments in the development of this final policy.

The Agency is now publishing the final policy in the Federal Register to ensure that all interested parties are informed. MSHA also will issue this policy as Program Policy Letter No. P96-IV-2 and as an update to the Program Policy Manual, Volume IV, pages 61 and 62. The full text of this Program Policy Letter is published in Appendix I of this notice. This policy letter supersedes MSHA's existing policy regarding enforcement of these standards.

Dated: August 8, 1996.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

Appendix I—Program Policy Letter No. P96-IV-2—30 CFR 56.18002 and 57.18002—Examination of Working Places

Effective Date: November 18, 1996.

Expiration Date: 3/31/97.

Program Policy Letter No. P96-IV-2

From: Vernon R. Gomez, Administrator for Metal and Nonmetal Mine Safety and Health.

Subject: 30 CFR 56.18002 and 57.18002—Examination of working places.

Scope

This policy letter applies to metal and nonmetal mine operators and Metal and Nonmetal Mine Safety and Health Administration (MSHA) enforcement personnel.

Purpose

This policy letter revises MSHA's existing policy regarding enforcement of its standards in Title 30, Code of Federal Regulations (30 CFR) §§ 56.18002 and 57.18002, Examination of working places, to clarify operators' obligations under these standards. MSHA also is revising this policy in MSHA's Program Policy Manual, Volume IV, pages 61 and 62.

Mine operators are responsible for preventing unsafe conditions and practices and correcting safety and health hazards before miners become exposed to them. MSHA believes that regular working place examinations are fundamental to the prevention of accidents in the mining industry. MSHA standards in 30 CFR 56.18002 and 57.18002 require the operator to conduct a regular examination of working areas for hazards. As a result, miners will be ensured a safer and more healthful mine environment.

Policy

30 CFR §§ 56/57.18002, Examination of working places, provide:

(a) A competent person designated by the operator shall examine each working place at least once each shift for conditions which may adversely affect safety or health. The operator shall promptly initiate appropriate action to correct such conditions.

(b) A record that such examinations were conducted shall be kept by the operator for

a period of one year, and shall be made available for review by the Secretary or his authorized representative.

(c) In addition, conditions that may present an imminent danger which are noted by the person conducting the examination shall be brought to the immediate attention of the operator who shall withdraw all persons from the area affected (except persons referred to in section 104(c) of the Federal Mine Safety and Health Act of 1977) until the danger is abated.

MSHA intends that the terms "competent person" and "working place," used in §§ 56/57.18002(a), be interpreted as defined in §§ 56.2 and 57.2, Definitions.

A "competent person," according to §§ 56.2 and 57.2, is "a person having abilities and experience that fully qualify him to perform the duty to which he is assigned." This definition includes any person who, in the judgment of the operator, is fully qualified to perform the assigned task. MSHA does not require that a competent person be a mine foreman, mine superintendent, or other person associated with mine management.

The phrase "working place" is defined in 30 CFR §§ 56.2 and 57.2 as: "any place in or about a mine where work is being performed." As used in the standard, the phrase applies to those locations at a mine site where persons work during a shift in the mining or milling processes.

Standards 56/57.18002(b) require operators to keep records of working place examinations. These records must include: (1) the date the examination was made; (2) the examiner's name; and (3) the working places examined. MSHA intends to allow operators considerable flexibility in complying with this provision in order to minimize the paperwork burden.

Records of examinations may be entered on computer data bases or documents already in use, such as production sheets, logs, charts, time cards, or other format that is more convenient for mine operators.

In order to comply with the record retention portion of §§ 56.18002(b) and 57.18002(b), operators must retain workplace examination records for the preceding 12 months. As an alternative to the 12-month retention period, an operator may discard these records after MSHA has completed its next regular inspection of the mine, if the operator also certifies that the examinations have been made for the preceding 12 months.

Evidence that a previous shift examination was not conducted or that prompt corrective action was not taken will result in a citation for violation of §§ 56.18002 and 57.18002 (a) or (c). This evidence may include information which demonstrates that safety or health hazards existed prior to the working shift in which they were found. Although the presence of hazards covered by other standards may indicate a failure to comply with this standard, MSHA does not intend to cite §§ 56.18002 and 57.18002 automatically when the Agency finds an imminent danger or a violation of another standard.

Background

Failure to conduct working place examinations has been a contributing cause

of a significant number of recent accidents. In the 5-year period from 1988-1992, MSHA has investigated 17 serious and fatal accidents where working place examinations were not conducted or were inadequately conducted and were found to have contributed to the cause of the accident.

Authority

30 CFR §§ 56.18002 and 57.18002.

Filing Instructions

This policy letter should be filed after the tab "Program Policy Letters," located behind Volume IV of the Program Policy Manual.

Issuing Office and Contact Person

Metal and Nonmetal Mine Safety and Health, Division of Safety, Richard Feehan, 703-235-8647

Distribution

Program Policy Manual Holders
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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 946

[VA-107-FOR]

Virginia Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving a proposed amendment to the Virginia permanent regulatory program (hereinafter referred to as the Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of statutory changes contained in Virginia House Bill 706 and the implementing regulations, both of which address sudden release of accumulated water from underground coal mine voids. The amendment is intended to improve the effectiveness of the Virginia program.

EFFECTIVE DATES: August 19, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Robert A. Penn, Director, Big Stone Gap Field Office, Office of Surface Mining Reclamation and Enforcement, 1941 Neeley Road, Suite 201, Compartment 116, Big Stone Gap, Virginia 24219, Telephone: (540) 523-4303.

SUPPLEMENTARY INFORMATION:

- I. Background on the Virginia Program.
- II. Submission of the Amendment.
- III. Director's Findings.
- IV. Summary and Disposition of Comments.
- V. Director's Decision.
- VI. Procedural Determinations.

I. Background on the Virginia Program

On December 15, 1981, the Secretary of the Interior conditionally approved the Virginia program. Background information on the Virginia program including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the December 15, 1981, Federal Register (46 FR 61085-61115). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 946.11, 946.12, 946.13, 946.15, and 946.16.

II. Submission of the Amendment

By letter dated April 17, 1996 (Administrative Record No. VA-876), Virginia submitted amendments to § 45.1-243 of the Code of Virginia contained in Virginia House Bill 706, and concerning the sudden release of accumulated water from underground coal mine voids. Virginia also submitted the proposed implementing regulations at § 480-03-19.784.14 concerning hydrologic information for reclamation and operations plans, and § 480-03-19.817.41 concerning performance standards for hydrologic balance protection.

The proposed amendment was published in the May 3, 1996, Federal Register (61 FR 19885), and in the same notice, OSM opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendment. The comment period closed on June 3, 1996.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment to the Virginia program.

The amendments proposed by Virginia are as follows:

1. § 45.1-243 of the Code of Virginia is amended by adding a new subsection to read as follows:

B. The Director's regulations shall require that permit applicants submit hydrologic reclamation plans that include measures that will be utilized to prevent the sudden release of accumulated water from underground workings.

2. § 480-03-19.784.14(g) of the Virginia regulations is amended to add