

announcing our intent to form a negotiated rulemaking committee under the No Child Left Behind Act, the Negotiated Rulemaking Act of 1996, and the Federal Advisory Committee Act. The purpose of the Committee is to negotiate and reach consensus on recommendations for proposed rules for Indian education under six sections of The No Child Left Behind Act of 2001. The May 5 notice discussed the issues to be negotiated and the interest group representatives proposed as members of the committee.

The first meeting of the Committee will be held from June 9 to June 13 in Albuquerque, New Mexico. At this meeting, the Committee will address organizational issues such as facilitation, ground rules, schedules, subcommittees, and prioritizing issues. There is no requirement for advance registration for members of the public who wish to attend and observe the meeting. The need to convene the committee as soon as possible in order to meet the schedule for publication of the proposed rule requires that we publish this notice less than 15 days before the meeting date. The agenda for the meeting is as follows:

Agenda for No Child Left Behind Negotiated Rulemaking Committee Meeting

June 9–13, 2003

June 9

Opening—1:30 p.m.

Welcome and Introductions

Background information on Committee tasks

Overview of No Child Left Behind Act provisions for negotiation

June 10

Pre-negotiation workshop—8:30 a.m.

Negotiation of Committee ground rules

June 11

Public comments—8:30 a.m.

Discussion and decision making relating to process

Identification of work groups

Work group meetings

June 12

Public comments—8:30 a.m.

Work group meetings

June 13

Public comments—8:30 a.m.

Selection of Co-Chairs

Work group meetings

Selection of facilitation team

Closing—noon

Dated: May 23, 2003.

Aurene M. Martin,

Acting Assistant Secretary—Indian Affairs.

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 70, 72, 75, and 90

RIN 1219–AB14

Verification of Underground Coal Mine Operators' Dust Control Plans and Compliance Sampling for Respirable Dust

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

ACTION: Extension of comment periods.

SUMMARY: We are extending the period for public and post-hearing comment on the proposed rule addressing Verification of Underground Coal Mine Operators' Dust Control Plans and Compliance Sampling for Respirable Dust (Plan Verification), published in the **Federal Register** on March 6, 2003 and on March 17, 2003, respectively.

DATES: We must receive your comments by July 3, 2003.

ADDRESSES: You may use mail, facsimile (fax), or electronic mail to send us your comments. Clearly identify them as comments and send them (1) by mail to MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Room 2313, Arlington, Virginia 22209–3939; (2) by fax to (202) 693–9441; or (3) by electronic mail to: comments@msha.gov.

FOR FURTHER INFORMATION CONTACT: Marvin W. Nichols, Jr., Director, Office of Standards, Regulations and Variances, MSHA; phone: (202) 693–9440; facsimile: (202) 693–9441; e-mail: nichols-marvin@msha.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On March 6, 2003, (68 FR 10784), MSHA published a proposed rule in the **Federal Register** that would require mine operators to verify through sampling the effectiveness of the dust control parameters for each mechanized mining unit (MMU) specified in the approved mine ventilation plan. For samples to be valid, the operator would be required to sample on a production shift during which the amount of material produced by an MMU is at or above the verification production level using only the dust control parameters listed in the ventilation plan.

The use of approved powered, air-purifying respirators (PAPRs) and/or verifiable administrative controls would be allowed as a supplemental means of compliance when MSHA determines that all feasible engineering or environmental controls are being used. The proposed rule would also rescind operator compliance sampling in underground coal mines. The use of a personal, continuous dust monitor (PCDM), once developed and approved, could be used by an operator in conjunction with the dust control parameters specified in the mine ventilation plan. The proposed rule would significantly improve miners' health protection by limiting the exposure of individual miners to respirable coal mine dust.

II. Extension of Comment Periods

The comment periods for the Plan Verification rule were scheduled to close on June 4, 2003 (68 FR 10784, 68 FR 12641). However, in response to requests from the public for additional time to prepare their comments, the comment periods have been extended 30 days until July 3, 2003. All comments must be submitted to MSHA by this date.

Dated: May 9, 2003.

Dave D. Lauriski,

Assistant Secretary of Labor for Mine Safety and Health.

[FR Doc. 03–13528 Filed 5–28–03; 8:45 am]

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

30 CFR Part 72

RIN 1219–AB18

Determination of Concentration of Respirable Coal Mine Dust

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

ACTION: Extension of comment periods.

SUMMARY: We are extending the periods for public and post-hearing comment on the notices reopening the comment period and announcing public hearings on the Determination of Concentration of Respirable Coal Mine Dust (Single Sample), published in the **Federal Register** on March 6, 2003 and on March 17, 2003, respectively.

DATES: We must receive your comments by July 3, 2003.

ADDRESSES: You may use mail, facsimile (fax), or electronic mail to send us your comments. Clearly identify them as comments and send them (1) by mail to MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Room 2313, Arlington, Virginia 22209-3939; (2) by fax to (202) 693-9441; or (3) by electronic mail to: comments@msha.gov.

FOR FURTHER INFORMATION CONTACT: Marvin W. Nichols, Jr., Director, Office of Standards, Regulations and Variances, MSHA; phone: (202) 693-9440; facsimile: (202) 693-9441; e-mail: nichols-marvin@msha.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On March 6, 2003, (68 FR 10940), the Secretaries of Labor and Health and Human Services published a notice, "Determination of Concentration of Respirable Coal Mine Dust (Single Sample)," reopening the rulemaking record on a July 7, 2000 joint proposed rule that would determine that the average concentration of respirable dust to which each miner in the active workings of a coal mine is exposed can be accurately measured over a single shift. In that proposed rule the Secretaries proposed to rescind a previous 1972 finding by the Secretary of the Interior and the Secretary of Health, Education and Welfare, on the accuracy of single shift sampling (63 FR 42068).

II. Extension of Comment Periods

The comment periods for the reopening of the Single Sample rule were scheduled to close on June 4, 2003 (68 FR 10940, 68 FR 12641). However, in response to requests from the public for additional time to prepare their comments, the comment periods have been extended 30 days until July 3, 2003. All comments must be submitted to MSHA by this date.

Dated: May 15, 2003.

Elaine L. Chao,
Secretary of Labor.

Dated: May 23, 2003.

Tommy G. Thompson,
Secretary, Department of Health and Human Services.

[FR Doc. 03-13441 Filed 5-28-03; 8:45 am]

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DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 334

United States Army Restricted Area, New River, Radford Army Ammunitions Plant, Radford, VA

AGENCY: United States Army Corps of Engineers, DoD.

ACTION: Notice of proposed rulemaking and request for comments.

SUMMARY: The U. S. Army Corps of Engineers is proposing to establish a restricted area on the New River in the vicinity of the Radford Army Ammunitions Plant, Radford, Virginia. The restricted area will enable the Commanding Officer to enhance security efforts in response to potential terrorist activities. These regulations are necessary to safeguard the facility and are part of a comprehensive plan to protect the public, environment, and economic interests from sabotage and other subversive acts, accidents, or incidents of similar nature.

DATES: Written comments must be submitted on or before June 30, 2003.

ADDRESSES: U.S Army Corps of Engineers, ATTN: CECW-OR, 441 G Street, NW., Washington, DC 20314-1000.

FOR FURTHER INFORMATION CONTACT: Mr. Frank Torbett, Corps of Engineers Headquarters, Regulatory Branch, Washington, DC at (202) 761-4618, or Mr. Rick Henderson, Corps of Engineers, Norfolk District, Regulatory Branch, at (757) 441-7653.

SUPPLEMENTARY INFORMATION: Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat 266; 33 U.S.C. 1) and Chapter XIX, of the Army Appropriations Act of 1919 (40 Stat 892; 33 U.S.C. 3) the Corps proposes to amend the restricted area regulations in 33 CFR part 334 by adding § 334.812 which would establish a restricted area in the New River, at the Radford Army Ammunitions Plant, Radford, Virginia. The public currently has unrestricted access to the facility. The Commanding Officer is seeking authorization from the Corps of Engineers to establish a restricted area in waters of the United States adjacent to the Ammunitions Plant in Radford, Virginia. The District Engineer's preliminary review indicates this request is not contrary to the public interest.

Procedural Requirements

a. *Review under Executive Order 12866.* This proposed rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

b. *Review under the Regulatory Flexibility Act.* These proposed rules have been reviewed under the Regulatory Flexibility Act (Public Law 96-354) which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (*i.e.*, small businesses and small Governments). The Corps expects that the economic impact of the establishment of this restricted area would have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic and accordingly, certifies that this proposal if adopted, will have no significant economic impact on small entities.

c. *Review under the National Environmental Policy Act.* An environmental assessment has been prepared for this action. The Norfolk District has concluded, based on the minor nature of the proposed restricted area regulation, that this action, if adopted, will not have a significant impact to the quality of the human environment, and preparation of an environmental impact statement is not required. The environmental assessment may be reviewed at the District office listed at the end of **FOR FURTHER INFORMATION CONTACT**, above.

d. *Unfunded Mandates Act.* This proposed rule does not impose an enforceable duty among the private sector and, therefore, is not a Federal private sector mandate and is not subject to the requirements of Section 202 or 205 of the Unfunded Mandates Act. We have also found under Section 203 of the Act, that small Governments will not be significantly and uniquely affected by this rulemaking.

List of Subjects in 33 CFR Part 334

Danger zones, Marine safety, Navigation (water), Restricted areas, Waterways.

For the reasons set out in the preamble, the Corps proposes to amend 33 CFR part 334, as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for part 334 continues to read as follows:

Authority: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).