

January 31, 2005. The applicable corrective and other specified actions must be done before further flight.

Inspection of the FMS in the BCRC

(i) For airplanes identified in Table 4 of this AD, on which the date of the original standard airworthiness certificate or the date

of issuance of the original export certificate of airworthiness is before October 2, 2004: Except as provided by paragraph (j) of this AD, within 2,400 flight hours after the effective date of this AD, do a one-time general visual inspection for anti-fretting material contamination of the Halon filters and plumbing parts of the FMS in the BCRC,

do applicable corrective if necessary; and related investigative and other specified actions. The actions must be done in accordance with the applicable service bulletin in table 4 of this AD. The applicable corrective and related investigative and other specified actions must be done before further flight.

TABLE 4.—SERVICE BULLETINS FOR INSPECTING FMS IN THE BCRC

| For airplanes identified in— | On which— | Do the actions in accordance with the accomplishment instructions of— |
|--|---|---|
| (1) Paragraphs (c)(5) and (c)(6) of this AD. | The BCRC was incorporated in production in accordance with any Airbus modification 47198, 47884, 48895, 48710, 49316, 50107, 50900, or 51320. | Airbus Service Bulletin A340-26-5009, dated January 31, 2005. |
| (2) Paragraph (c)(4) of this AD | The BCRC was incorporated in production in accordance with Airbus modification 50901. | Airbus Service Bulletin A340-26-4035, dated February 22, 2005. |

Compliance Time

(j) The inspection required by paragraphs (g), (h), and (i) of this AD may be done within 6,600 flight hours after the effective date of this AD, provided that you can conclusively determine from reviewing the airplane maintenance records that the fire extinguishing system has never been activated before the effective date of this AD. A log book entry is not acceptable for determining if a fire extinguishing bottle has been activated.

Alternative Methods of Compliance (AMOCs)

(k)(1) The Manager, International Branch, ANM-116, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

Related Information

(l) French airworthiness directives F-2005-019 R1 (for Model A330-200 and A330-300 series airplanes), and F-2005-020 R1 (for Model A340-200 and A340-300 series airplanes, and Model A340-541 and A340-642 airplanes), both issued May 11, 2005, also address the subject of this AD.

Issued in Renton, Washington, on March 10, 2006.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. E6-4442 Filed 3-27-06; 8:45 am]

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 7

RIN 1219-AB43

Equivalency Evaluation of the U.S. Environmental Protection Agency's Nonroad Diesel Engine Standards

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

ACTION: Notice of intent.

SUMMARY: We intend to review the U.S. Environmental Protection Agency's (EPA) standards for nonroad diesel engines to determine if certain EPA requirements in 40 CFR part 89, Control of Emissions From New and In-Use Nonroad Compression-Ignition Engines, provide, or can be modified to provide, at least the same degree of protection as our existing applicable requirements in 30 CFR part 7, subpart E—Diesel Engines Intended for Use in Underground Coal Mines. This review is limited to the testing of Category B diesel engines as defined in 30 CFR 7.82, Definitions.

DATES: Comments must be received by May 30, 2006.

ADDRESSES: Comments must be clearly identified as such and transmitted electronically to equivalencycomment@dol.gov. Alternatively, comments can be submitted by using the Federal eRulemaking portal <http://www.regulations.gov> and following the instructions. Persons unable to file comments electronically should submit their comments to us by regular mail or hand delivery to MSHA, Approval and Certification Center, Attention: John P. Faini, Box 251, Industrial Park Road, Triadelphia, West Virginia 26059 or transmit by facsimile to (304) 547-2071.

Please specify RIN 1219-AB43 on documents sent in response to this notice. You may contact us with any format questions. Comments are posted for public viewing at <http://www.msha.gov/currentcomments.asp>.

FOR FURTHER INFORMATION CONTACT: John P. Faini, Mechanical and Engineering Safety Division, Approval and Certification Center, MSHA; phone: (304) 547-2042; facsimile: (304) 547-2084; E-mail: faini.john@dol.gov. We maintain a listserve on our Web site that enables subscribers to receive e-mail notification when we publish rulemaking documents in the **Federal Register**. To subscribe to the listserve, visit our site at <http://www.msha.gov/subscriptions/subscribe.aspx>.

SUPPLEMENTARY INFORMATION:

Background

On June 17, 2003 we published a final rule, Testing and Evaluation by Independent Laboratories and Non-MSHA Product Safety Standards (68 FR 36417). The final rule allows manufacturers to test their products in accordance with non-MSHA standards if we determine that the non-MSHA standard is equivalent to our applicable product approval requirements or can be modified to provide at least the same level of protection.

Part 7 of 30 CFR specifies requirements for our approval of applicant or third party testing and evaluation of equipment and materials for use in underground mines that do not involve subjective testing. Paragraph 7.10(b) requires us to publish our intent to review any non-MSHA product safety standard for equivalency in the **Federal Register** for the purpose of soliciting public input. In addition, paragraph 7.10(c) requires us to list our equivalency determinations in 30 CFR part 7.

EPA is a Federal agency that regulates both the gaseous and diesel particulate matter emissions from nonroad diesel engines sold in the United States. The EPA standards in 40 CFR part 89, Control of Emissions from New and In-Use Nonroad Compression-Ignition Engines, establish laboratory testing procedures and application requirements for nonroad engines. Diesel engine manufacturers are redesigning their engines to meet new EPA emission standards. Manufacturers must apply for our approval for each new engine design if they are to be used in underground coal mines. Manufacturers would benefit if they were able to streamline engine testing so they could solicit approval from us as well as EPA using the same set of results.

We are asking for public input concerning our intent to review certain EPA Nonroad Diesel Engine standards published under part 89, Title 40, CFR to determine whether these standards provide, or could be modified to provide, at least the same degree of protection as our existing applicable requirements. We intend to limit our review to the following EPA standards:

- 89.2, Definitions,
- 89.6, Reference materials,
- 89.115, Application for certificate,
- 89.119, Emission tests,
- Subpart D, Emission Test

Equipment Provisions,

- Appendix A, to Subpart D,
- Appendix B, to Subpart D, and
- Subpart E, Exhaust Emission Test

Procedures.

We intend to review these specific EPA standards to determine whether the EPA requirements provide adequate testing procedures and technical information needed for the issuance of our approval under part 7, subpart E. The requirements in our part 7 apply to certain equipment and materials whose product testing and evaluation does not involve subjective analysis. We have reviewed the applicable EPA requirements and have determined that they do not involve subjective analysis.

If we determine the specified sections of 40 CFR part 89 would provide at least the same degree of protection in their original form or could be modified to demonstrate equivalency to 30 CFR part 7, subpart E, Category B diesel engines, then we would amend 30 CFR part 7 accordingly. If modifications are required, they would also be specified in our part 7.

We welcome comments on whether the EPA requirements provide testing procedures and technical information equivalent to the approval requirements set out in part 7 subpart E. If you feel

the specified sections of 40 CFR part 89 do not provide the same degree of protection in their original form, but could be modified to do so, specify what modifications are necessary to demonstrate equivalency. After the comment period closes, we will perform an evaluation of the EPA standards. At the conclusion of the evaluation, we will publish our determination in the **Federal Register** accompanied by a summary of the findings and a list of required modifications, if necessary.

Dated: March 20, 2006.

David G. Dye,

Acting Assistant Secretary for Mine Safety and Health.

[FR Doc. E6-4362 Filed 3-27-06; 8:45 am]

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 18 and 75

RIN 1219-AB34

High-Voltage Continuous Mining Machine Standard for Underground Coal Mines

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

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: We (the Mine Safety and Health Administration (MSHA)) are reproposing provisions involving two issues included in the notice of proposed rulemaking that was published in the **Federal Register** on July 16, 2004. These issues involve the following: Types of trailing cables that can be used with high-voltage continuous mining machines; and a requirement to use high-voltage insulating gloves or insulated cable handling tools when handling energized high-voltage trailing cables. In connection with the second issue, we are also addressing the availability requirement for high-voltage insulating gloves and insulated cable handling tools, and the safety requirements for these tools. We are reproposing these provisions after consideration of the oral and written pre- and post-hearing comments that we received.

DATES: Comments must be received by May 30, 2006.

ADDRESSES: Comments must be clearly identified as such and transmitted electronically to <http://www.regulations.gov> or to zzMSHA-comments@dol.gov. Include "RIN 1219-AB34" in the subject line of the

message. Persons unable to file comments electronically should submit their comments to us by regular mail or hand delivery to MSHA, 1100 Wilson Blvd., Room 2350, Arlington, Virginia 22209-3939, or by facsimile at 202-693-9441. You may contact us with any format questions.

Instructions: All comments, including any personal information contained therein, will be posted without change at <http://www.msha.gov/currentcomments.asp>.

Docket: The entire rulemaking record may be viewed in MSHA's public reading room at 1100 Wilson Boulevard, Room 2349, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: For further information contact Robert Stone, Acting Director, Office of Standards, Regulations, and Variances, MSHA, 1100 Wilson Blvd., Arlington, Virginia 22209-3939. Mr. Stone can be reached at (202) 693-9440.

We maintain a listserv on our Web site that enables subscribers to receive e-mail notification when we publish rulemaking documents in the **Federal Register**. To subscribe to the listserv, visit our site at <http://www.msha.gov/subscriptions/subscribe.aspx>.

You may obtain copies of this proposed rule in an alternative format by accessing the Internet at <http://www.msha.gov/REGSINFO.HTM>. The document is also available by calling 202-693-9440.

I. Rulemaking Background

On July 16, 2004, we published a proposed rule in the **Federal Register** (69 FR 42812) to establish design requirements for approval of high-voltage continuous mining machines operating in face areas of coal underground mines. The rule also proposed to establish new mandatory electrical safety standards for the installation, use, and maintenance of high-voltage continuous mining machines used in underground coal mines. The proposed rule would enable mines to safely utilize high-voltage continuous mining machines with enhanced safety protection from fire, explosion, and shock hazards without the need for mine operators to file petitions for modification (PFM) to use them.

In the July 16, 2004 **Federal Register** notice we also announced that four public hearings would be held in September 2004. The post-hearing comment period was scheduled to close on October 14, 2004. However, on August 23, 2004, we published a notice changing the public hearing dates to November 2004, and the close of the post-hearing comment period to