2.5 (e.g., eye loupes) may pose an eye hazard.

(2) *Purchasing and servicing information.* Manufacturers of laser products shall provide or cause to be provided:

(i) In all catalogs, specification sheets, and descriptive brochures pertaining to each laser product, a legible reproduction (color optional) of the class designation and warning required by paragraph (g) of this section to be affixed to that product, including the information required for positions 1, 2, and 3 of the applicable logotype (Figure 1 of paragraph (g)(1) or Figure 2 of paragraph (g)(2)(ii) of this section).

(ii) To servicing dealers and distributors and to others upon request, at a cost not to exceed the cost of preparation and distribution, adequate instructions for service adjustments and service procedures for each laser product model, including clear warnings and precautions to be taken to avoid possible exposure to laser and collateral radiation in excess of the accessible emission limits in Tables 1, 2, 3, 4, and 7 of paragraph (d) of this section, and a schedule of maintenance necessary to keep the product in compliance with this section and, if applicable, § 1040.11. All such service instructions shall include a listing of those controls and procedures that could be used by persons other than the manufacturers or their agents to increase accessible emission levels of radiation and a clear description of the location of displaceable portions of the protective housing that could allow human access to laser or collateral radiation in excess of the accessible emission limits in Tables 1, 2, 3, 4, and 7 of paragraph (d) of this section. The instructions shall include protective procedures for service personnel to avoid exposure to levels of laser and collateral radiation known to be hazardous for each procedure or sequence of procedures to be accomplished, and legible reproductions (color optional) of required labels and hazard warnings.

(i) *Modification of a certified product.* The modification of a laser product, previously certified under § 1010.2 of this chapter, by any person engaged in the business of manufacturing, assembling, or modifying laser products constitutes manufacturing under the Federal Food, Drug, and Cosmetic Act if the modification affects any aspect of the product's performance or intended function(s) for which this section or § 1040.11 have an applicable requirement. The person who performs such modification shall recertify and reidentify the product in accordance with the provisions of §§ 1010.2 and 1010.3 of this chapter.

5. Section 1040.11 is revised to read as follows:

§ 1040.11 Specific purpose laser products.

(a) *Medical laser products.* Each medical laser product shall comply with all of the applicable requirements of § 1040.10 for laser products of its class. In addition:

(1) A label bearing the wording: ''Laser aperture.'' shall be affixed in close proximity to each aperture through which is emitted accessible laser radiation in excess of the accessible emission limits of Class 1, and

(2) For each Class 3B or 4 medical laser system, except those of Class 3B not exceeding 5 milliwatts at visible wavelengths and not intended for ocular exposure:

(i) The accessible emission level, shall not deviate from the preset or selected level by more than ±20 percent,

(ii) An electrical or optical quantity that is directly related to the laser level generated shall be continually monitored during operation,

(iii) A visible or audible indication shall be given whenever the monitored quantity denotes deviation from the preset or selected level by more than ±20 percent,

(iv) The user instructions shall specify an instrument, procedure, and schedule for calibration of the accessible emission level,

(v) If the system emits either continuously or a series of pulses for longer than 0.25 seconds, the system shall incorporate a visual or audible indication of actual emission in addition to the emission indicator required by § 1040.10(f)(5),

(vi) The system shall include a hand or foot operated control to stop the emission of laser radiation. The switch shall be colored red and be located so that it is clearly visible and quickly accessible to the operator from the operating position. If it is a push-button type, it shall be of the ''mushroom-head'' type.

(b) *Surveying, leveling, and alignment laser products.* Each surveying, leveling, or alignment laser product shall comply with all of the applicable requirements of § 1040.10 for a Class 1, 2 or 3A laser product and shall not permit human access to laser radiation in excess of the accessible emission limits of Class 3A.

(c) *Demonstration laser products.* Each demonstration laser product shall comply with all of the applicable requirements of § 1040.10 for a Class 1, 2, 3A or Class 3B laser, except for Class 3B with not more than five times the AEL of Class 2 in the wavelength range of 400 to 700 nanometers, and shall not permit human access to laser radiation in excess of the accessible emission limits of such classes.

Dated: March 17, 1999.

William K. Hubbard,

Acting Deputy Commissioner for Policy.

[FR Doc. 99–7158 Filed 3–23–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 57

RIN 1219–AB11

Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners

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

ACTION: Proposed rule; notice of hearings; and close of record.

SUMMARY: MSHA is announcing public hearings on the Agency's proposed rule about diesel particulate matter exposure of underground metal and nonmetal miners, which was published in the **Federal Register** on October 29, 1998. These hearings will be held under section 101 of the Federal Mine Safety and Health Act of 1977.

The rulemaking record will remain open until July 26, 1999.

DATES: If you want to make an oral presentation for the record, submit your request at least 5 days prior to the hearing date. However, you do not have to make a written request to speak. The public hearings will be held at the following locations on the dates indicated:

May 11, 1999, Salt Lake City, Utah
May 13, 1999, Albuquerque, New Mexico
May 25, 1999, St. Louis, Missouri
May 27, 1999, Knoxville, Tennessee

Each hearing will be held from 8:30 a.m. to 5 p.m., but will continue into the evening if necessary.

The rulemaking record will remain open until July 26, 1999.

ADDRESSES: Send requests to make oral presentations to: MSHA, Office of Standards, Regulations, and Variances, Room 631, 4015 Wilson Boulevard, Arlington, VA 22203–1984.

The hearings will be held at the following locations:

1. May 11, 1999, Doubletree Hotel, 255 South West Temple, Salt Lake City, Utah 84101, Tel. No. 801–328–2000.

2. May 13, 1999, Doubletree Hotel, 201 Marquette NW, Albuquerque, New Mexico, 87102, Tel. No. 505–247–3344.

3. May 25, 1999, Holiday Inn Select, St. Louis Downtown Convention Center, 811 North Ninth St., St. Louis, Missouri 63101, Tel. No. 314–421–4000.

4. May 27, 1999, Hyatt Regency Knoxville, 500 Hill Avenue, SE, Knoxville, Tennessee 37915, Tel. No. 423–637–1234.

FOR FURTHER INFORMATION CONTACT: Carol J. Jones, Acting Director; Office of Standards, Regulations, and Variances, MSHA, 4015 Wilson Boulevard, Arlington, VA 22203–1984. She can be reached at cjones@msha.gov (Internet E-mail), 703–235–1910 (Voice), or 703–235–5551 (Fax).

SUPPLEMENTARY INFORMATION:

I. Background

On October 29, 1998, (63 FR 58104), MSHA published a proposed rule that would establish new health standards for underground metal and nonmetal mines that use equipment powered by diesel engines.

The proposed rule is designed to reduce the risks to underground metal and nonmetal miners of serious health hazards that are associated with exposure to high concentrations of diesel particulate matter (dpm). DPM is a very small particle in diesel exhaust. Underground miners are exposed to far higher concentrations of this fine particulate than any other group of workers. The best available evidence indicates that such high exposures put these miners at excess risk of a variety of adverse health effects, including lung cancer.

The proposed rule for underground metal and nonmetal mines would establish a concentration limit for dpm, and require mine operators to use engineering and work practice controls to reduce dpm to that limit. Underground metal and nonmetal mine operators would also be required to implement certain ''best practice'' work controls similar to those already required of underground coal mine operators under MSHA's 1996 diesel equipment rule. Additionally, operators would be required to train miners about the hazards of dpm exposure.

The comment period on the proposed rule was scheduled to close on February 26, 1999. However, in response to requests from the public for additional time to prepare their comments, and with additional data added to the rulemaking record by MSHA, the Agency extended the public comment period until April 30, 1999 (64 FR 7144).

The Agency welcomes your comments on the significance of the material already in the record, and any information that can supplement the record. For example, we welcome comments on: Additional information on existing and projected exposures to dpm and to other fine particulates in various mining environments; the health risks associated with exposure to dpm; on the costs to miners, their families and their employers of the various health problems linked to dpm exposure; or additional benefits to be expected from reducing dpm exposure.

The rulemaking record will remain open until July 26, 1999.

II. Public Hearings

MSHA will hold pubic hearings to receive additional public comments on the proposed rule addressing diesel particulate matter exposure of underground metal and nonmetal miners.

The hearings will be conducted in an informal manner by a panel of MSHA officials. Although formal rules of evidence or cross examination will not apply, the presiding official may exercise discretion to ensure the orderly progress of the hearings and may exclude irrelevant or unduly repetitious material and questions.

Each session will begin with an opening statement from MSHA, followed by an opportunity for members of the public to make oral presentations. The hearing panel may ask questions of speakers. At the discretion of the presiding official, the time allocated to speakers for their presentations may be limited. In the interest of conducting productive hearings, MSHA will schedule speakers in a manner that allows all points of view to be heard as effectively as possible.

Verbatim transcripts of the proceedings will be prepared and made a part of the rulemaking record. MSHA will make available copies of the hearing transcripts for pubic review.

MSHA will accept additional written comments and other appropriate data for the record from any interested party, including those not presenting oral statements. Written comments and data submitted to MSHA will be included in the rulemaking record.

III. Rulemaking Record

To allow for the submission of post-hearing comments, the rulemaking record will remain open until July 26, 1999. This provides nine months from publication for the public to comment on this proposed rule.

Dated: March 8, 1999.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 99–7139 Filed 3–23–99; 8:45 am]

BILLING CODE 4510–43–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–6314–2]

Massachusetts: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: The EPA is providing additional opportunity to the public to comment on the proposal to grant final authorization to the Commonwealth of Massachusetts for revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA) published in the **Federal Register** of February 24, 1999 (64 FR 9110). The notice proposes to approve Massachusetts for final authorization for provisions of the Universal Waste Rule (UWR) and the Toxicity Characteristics (TC) Rule except as they relate to cathode ray tubes (CRTs). The purpose of today's document is to extend the public comment period from March 26, 1999 to May 10, 1999. This extension is provided in response to a request from the Commonwealth of Massachusetts to extend the comment period by an additional 45 days. EPA does not anticipate granting any further extensions of this comment period.

DATES: Written comments must be received on or before May 10, 1999.

ADDRESSES: Copies of the Commonwealth of Massachusetts' revision application and the materials which EPA used in evaluating the revision (the ''Administrative Record'') are available for inspection and copying during normal business hours at the following addresses: Massachusetts Department of Environmental Protection Library, One Winter Street—2nd Floor, Boston, MA 02108, business hours: 9:00 a.m. to 5:00 p.m., Telephone: (617) 292–5802 and EPA Region I Library, One Congress Street—11th Floor, Boston, MA 02114–2023, business hours: 8:30 a.m. to 5:00 p.m., Telephone: (617) 918–1990. Send written comments to Robin Biscaia at the address below.