

*G. How do we evaluate specific genitourinary listings?*

1. *Chronic hemodialysis or peritoneal dialysis* (106.02A). A report from an acceptable medical source describing the chronic renal disease and the need for ongoing dialysis is sufficient to satisfy the requirements in 106.02A.

2. *Congenital genitourinary impairments* (106.07).

a. The criteria include the need for repeated surgeries, recurrent infection, and electrolyte imbalance.

b. Diagnostic cystoscopy does not satisfy the requirement for repeated surgical procedures.

c. Appropriate laboratory and clinical evidence document electrolyte disturbance.

d. Hospital admissions are inpatient hospitalizations for 24 hours or more.

*H. How do we evaluate episodic genitourinary impairments?* Some listings for genitourinary impairments are met when the longitudinal clinical record shows that at least three events have occurred within a consecutive 12-month period, with intervening periods of improvement. *Events* include urological surgical procedures, hospitalizations, and treatment with parenteral antibiotics. In every listing in which we require more than one event, there must be at least 1 month between the events, in order to ensure that we are evaluating separate episodes.

1. *What do we mean by systemic infection?* *Systemic infection* (106.07B) is an infection requiring an initial course of parenterally administered antibiotics occurring at least once every 4 months or at least 3 times a year. See 106.00H for information about how we evaluate episodic genitourinary impairments.

*J. How do we evaluate impairments that do not meet one of the genitourinary listings?*

1. These listings are only examples of common genitourinary impairments that we consider severe enough to prevent you from doing any gainful activity or that result in marked and severe functional limitations. If your impairment(s) does not meet the criteria of any of these listings, we must also consider whether you have an impairment(s) that satisfies the criteria of a listing in another body system.

2. If you have a medically determinable impairment(s) that does not meet a listing, we will determine whether your impairment(s) medically equals a listing(s), or, in the case of a claim for SSI payments, functionally equals the listings. (See §§ 404.1526, 416.926, and 416.926a.) When we decide whether a child receiving SSI payments continues to be disabled, we use the rules in § 416.994a.

106.01 Category of Impairments, Genitourinary Impairments

106.02 *Impairment of renal function*, due to any chronic renal disease expected to last 12 months. With:

A. *Chronic hemodialysis or peritoneal dialysis* (see 106.00G1);

or

B. *Kidney transplantation*. (See 106.00E1.) Consider under a disability for 12 months following surgery; thereafter, evaluate the residual impairment;

or

C. *Persistent elevation of serum creatinine* to 3 mg per deciliter (100 ml) or greater, over at least 3 months;

or

D. *Reduction of creatinine clearance* to 30 ml per minute (43 liters/24 hours) per 1.73 m<sup>2</sup> of body surface area over at least 3 months.

106.06 *Nephrotic syndrome*, with anasarca, persistent for at least 3 months despite prescribed therapy. (See 106.00E2.) With:

A. Serum albumin of 2.0 g/dL (100 ml) or less;

or

B. Proteinuria of 40 mg/m<sup>2</sup>/hr or greater.

106.07 *Congenital genitourinary impairments* (see 106.00G3 and 106.00H) resulting in one of the following:

A. Repeated urological surgical procedures, occurring at least 3 times in a consecutive 12-month period;

or

B. Documented episodes of systemic infection requiring an initial course of parenteral antibiotics, occurring at least 3 times in a consecutive 12-month period (see 106.00I);

or

C. Hospitalization (for 24 hours or more) for episodes of electrolyte disturbance, occurring at least 3 times in a consecutive 12-month period.

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## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### 30 CFR Parts 18 and 75

#### RIN 1219-AB34 and RIN 1219-AA98

#### High-Voltage Continuous Mining Machines and Low- and Medium-Voltage Diesel-Powered Electrical Generators

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

**ACTION:** Change of hearing dates and locations; close of comment periods.

**SUMMARY:** This document announces changes in the dates and locations of the public hearings for the proposed rules addressing (1) High-Voltage Continuous Mining Machines; and (2) Low- and Medium-Voltage Diesel Powered Electrical Generators. The hearings for both proposed rules have been rescheduled for November 2004. The hearings in Pittsburgh, Pennsylvania have been moved to Morgantown, West Virginia.

The hearings for the High-Voltage Continuous Mining Machines (HVCMM) proposed rule will be held first, starting

at 9 a.m. local time each day; and the hearings for the proposed rule for Low- and Medium-Voltage Diesel Powered Electrical Generators will follow.

**DATES:** The post-hearing comment period for both proposed rules will close on December 10, 2004.

The public hearing dates and locations are listed in the Public Hearing Section under **SUPPLEMENTARY INFORMATION** below. Individuals or organizations wishing to make oral presentations for the record should submit a request at least 5 days prior to the hearing dates. However, commenters do not need to submit a request in advance in order to speak at the hearing.

**ADDRESSES:** You may submit comments, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- E-mail: [Comments@MSHA.gov](mailto:Comments@MSHA.gov). You must include the Regulatory Identification Number (RIN) in the subject line for each rule you are commenting on. For comments on the proposed rule addressing Low- and Medium-Voltage Diesel Powered Electrical Generators include RIN 1219-AA98 in the subject line of the message. To submit comments for the proposed rule addressing High-Voltage Continuous Mining Machines include RIN 1219-AB34 in the subject line.
- Fax: (202) 693-9441.
- Mail/Hand Delivery/Courier: MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Room 2313, Arlington, Virginia 22209-3939.

Instructions: All submissions must reference MSHA and RIN numbers 1219-AA98 for the proposed rule addressing Low- and Medium-Voltage Diesel Powered Electrical Generators or RIN 1219-AB34 for the proposed rule addressing High-Voltage Continuous Mining Machines.

**Docket:** To access comments received, go to <http://www.MSHA.gov> or MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Room 2350, Arlington, Virginia. All comments received will be posted without change to <http://www.msha.gov>, including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Marvin W. Nichols, Jr., Director, Office of Standards, Regulations, and Variances, MSHA, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209-3939. Mr. Nichols can be reached at [nichols.marvin@dol.gov](mailto:nichols.marvin@dol.gov) (Internet E-mail), (202) 693-9440 (voice), or (202) 693-9441 (facsimile). This notice is available on the Internet

at <http://www.msha.gov/REGSINFO.HTM>.

#### SUPPLEMENTARY INFORMATION:

##### I. Proposed Rule for High-Voltage Continuous Mining Machines

On July 16, 2004 we published a proposed rule in the **Federal Register** (69 FR 42812) addressing design requirements for approval of high-voltage continuous mining machines operating in face areas of 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 provisions 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 to use high-voltage continuous mining machines.

Also in that notice we announced that four public hearings would be held in

September 2004. The post-hearing comment period was scheduled to close on October 14, 2004.

##### II. Proposed Rule for Low- and Medium-Voltage Diesel Powered Electrical Generators

On June 25, 2004, we published a proposed rule in the **Federal Register**, (69 FR 35992), amending low- and medium-voltage three-phase circuits used underground. It would allow the use of low- and medium-voltage diesel-powered electrical generators as an alternative means of powering electrical equipment. The generators are portable and are used to power electrical equipment when moving the equipment in, out, and around the mine and when performing work in areas where permissible equipment is not required. The proposed rule would eliminate the need for mine operators to file petitions for modification to use these generators to power electrical equipment while maintaining the existing level of protection for miners.

On July 26, 2004, we published a notice in the **Federal Register**, (69 FR

44480), announcing the dates and locations of four public hearings. The hearings were scheduled to be held on the same days and in the same locations as the hearings for the HVCM proposed rule. The post-hearing comment period was scheduled to close on October 14, 2004.

##### III. Public Hearings

Since announcement of the public hearings for both rules, we have changed the dates and locations of the hearings. We will still hold four public hearings for both proposed rules; however, the hearings will be held in November, 2004 instead of September, 2004. The hearings addressing HVCM will begin at 9 a.m. local time each day; the hearings addressing Low- and Medium-Voltage Diesel Powered Electrical Generators will be held on the same days, beginning at 1 p.m. local time and will end after the last speaker testifies. The hearings will be held on the following dates at the locations indicated:

Date	Location	Telephone
November 4, 2004 .....	Little America Hotel, 500 S Main Street, Salt Lake City, Utah 84101 .....	(801) 363-6781
November 16, 2004 .....	Sheraton Birmingham, 2101 Richard Arrington Jr. Blvd. North, Birmingham, Alabama 35203.	(205) 324-5000
November 18, 2004 .....	Sheraton Suites Lexington, 2601 Richmond Road, Lexington, Kentucky 40509 .....	(859) 268-0060
November 30, 2004 .....	Radisson Hotel at Waterfront Place, 2 Waterfront Place, Morgantown, West Virginia 26501.	(304) 296-1700

If individuals or organizations wish to make an oral presentation, we ask that you submit your request at least 5 days prior to the hearing dates. You do not have to make a written request to speak; however, the speakers who make a request in advance will speak first. Any unallotted time will be made available for persons making same-day requests. These commenters will speak in the order they sign in.

The hearings will begin with an opening statement from MSHA, followed by an opportunity for members of the public to make oral presentations to a panel. At the discretion of the presiding official, the time allocated to speakers for their presentation may be limited. Speakers and other attendees may also present information to the MSHA panel for inclusion in the rulemaking record.

The hearings will be conducted in an informal manner. The hearing panel may ask questions of speakers. Although formal rules of evidence or cross examination will not apply, the presiding official may exercise discretion to ensure the orderly progress

of the hearing and may exclude irrelevant or unduly repetitious material and questions.

A verbatim transcript of the proceedings will be included in the rulemaking record. Copies of this transcript will be available to the public, and can be viewed at <http://www.msha.gov>.

##### IV. Close of Comment Periods

We will accept post-hearing written comments and other appropriate data for the record from any interested party, including those not presenting oral statements, prior to the close of the December 10, 2004 post-hearing comment periods.

Dated: August 17, 2004.

**Dave D. Lauriski,**

*Assistant Secretary for Mine Safety and Health.*

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#### DEPARTMENT OF HOMELAND SECURITY

##### Coast Guard

##### 33 CFR Part 165

[CGD01-04-099]

RIN 2115-AA00

##### Safety Zone; Wiscasset, ME, Demolition of Maine Yankee Former Containment Building

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a temporary safety zone around the former Maine Yankee Nuclear Power Plant during the demolition of the containment building. This safety zone is needed to protect persons, facilities, vessels and others in the maritime community from the safety hazards associated with the demolition of a large building by controlled implosion. Entry into this safety zone will be prohibited unless authorized by