

a reasonable cost without compromising safety or comfort to the user," according to the comments.

In summary, NIOSH did not believe the proposed rule change was "economically significant" within the definition of E.O. 12866 based on the cost projections attributable to the proposal that were provided to NIOSH and those modifications incorporated into the final rule.

Notwithstanding these general conclusions, there may be some manufacturers that will find it financially difficult, or a poor investment, to meet the new standards. NIOSH expects such problems to result from free market competition rather than the specific standards of these final regulations. That is, most knowledgeable employers would purchase more cost-effective respirators voluntarily and force major changes in the market if the present regulatory barriers were removed.

List of Subjects in 42 CFR Part 84

Administrative practice and procedure, Incorporation by reference, Labeling, Mine safety and health, Occupational safety and health, Personal protective equipment, Reporting and recordkeeping requirements, Respirators.

Dated: April 14, 1995.

Philip R. Lee,
Assistant Secretary for Health.

Dated: April 14, 1995.

Donna E. Shalala,
Secretary.

For the reasons set out in the preamble, 42 CFR part 84 is added to read as follows:

PART 84—APPROVAL OF RESPIRATORY PROTECTIVE DEVICES

Subpart A—General Provisions

Sec.

- 84.1 Purpose.
- 84.2 Definitions.
- 84.3 Respirators for mine rescue or other emergency use in mines.

Subpart B—Application for Approval

- 84.10 Application procedures.
- 84.11 Contents of application.
- 84.12 Delivery of respirators and components by applicant; requirements.

Subpart C—Fees

- 84.20 Examination, inspection, and testing of complete respirator assemblies; fees.
- 84.21 Examination, inspection, and testing of respirator components or subassemblies; fees.
- 84.22 Unlisted fees; additional fees; payment by applicant prior to approval.

Subpart D—Approval and Disapproval

- 84.30 Certificates of approval; scope of approval.
- 84.31 Certificates of approval; contents.
- 84.32 Notice of disapproval.
- 84.33 Approval labels and markings; approval of contents; use.
- 84.34 Revocation of certificates of approval.
- 84.35 Changes or modifications of approved respirators; issuance of modification of certificate of approval.
- 84.36 Delivery of changed or modified approved respirator.

Subpart E—Quality Control

- 84.40 Quality control plans; filing requirements.
- 84.41 Quality control plans; contents.
- 84.42 Proposed quality control plans; approval by the Institute.
- 84.43 Quality control records; review by the Institute; revocation of approval.

Subpart F—Classification of Approved Respirators; Scope of Approval; Atmospheric Hazards; Service Time

- 84.50 Types of respirators to be approved; scope of approval.
- 84.51 Entry and escape, or escape only; classification.
- 84.52 Respiratory hazards; classification.
- 84.53 Service time; classification.

Subpart G—General Construction and Performance Requirements

- 84.60 Construction and performance requirements; general.
- 84.61 General construction requirements.
- 84.62 Component parts; minimum requirements.
- 84.63 Test requirements; general.
- 84.64 Pretesting by applicant; approval of test methods.
- 84.65 Conduct of examinations, inspections, and tests by the Institute; assistance by applicant; observers; recorded data; public demonstrations.
- 84.66 Withdrawal of applications; refund of fees.

Subpart H—Self-Contained Breathing Apparatus

- 84.70 Self-contained breathing apparatus; description.
- 84.71 Self-contained breathing apparatus; required components.
- 84.72 Breathing tubes; minimum requirements.
- 84.73 Harnesses; installation and construction; minimum requirements.
- 84.74 Apparatus containers; minimum requirements.
- 84.75 Half-mask facepieces, full facepieces, mouthpieces; fit; minimum requirements.
- 84.76 Facepieces; eyepieces; minimum requirements.
- 84.77 Inhalation and exhalation valves; minimum requirements.
- 84.78 Head harnesses; minimum requirements.
- 84.79 Breathing gas; minimum requirements.
- 84.80 Interchangeability of oxygen and air prohibited.

- 84.81 Compressed breathing gas and liquefied breathing gas containers; minimum requirements.
- 84.82 Gas pressure gages; minimum requirements.
- 84.83 Timers; elapsed time indicators; remaining service life indicators; minimum requirements.
- 84.84 Hand-operated valves; minimum requirements.
- 84.85 Breathing bags; minimum requirements.
- 84.86 Component parts exposed to oxygen pressures; minimum requirements.
- 84.87 Compressed gas filters; minimum requirements.
- 84.88 Breathing-bag test.
- 84.89 Weight requirement.
- 84.90 Breathing resistance test; inhalation.
- 84.91 Breathing resistance test; exhalation.
- 84.92 Exhalation valve leakage test.
- 84.93 Gas flow test; open circuit apparatus.
- 84.94 Gas flow test; closed circuit apparatus.
- 84.95 Service-time test; open circuit apparatus.
- 84.96 Service-time test; closed circuit apparatus.
- 84.97 Test for carbon dioxide in inspired gas; open- and closed-circuit apparatus; maximum allowable limits.
- 84.98 Tests during low temperature operation.
- 84.99 Man tests; testing conditions; general requirements.
- 84.100 Man tests 1, 2, 3, and 4; requirements.
- 84.101 Man test 5; requirements.
- 84.102 Man test 6; requirements.
- 84.103 Man tests; performance requirements.
- 84.104 Gas tightness test; minimum requirements.

Tables to Subpart H of Part 84

Subpart I—Gas Masks

- 84.110 Gas masks; description.
- 84.111 Gas masks; required components.
- 84.112 Canisters and cartridges in parallel; resistance requirements.
- 84.113 Canisters and cartridges; color and markings; requirements.
- 84.114 Filters used with canisters and cartridges; location; replacement.
- 84.115 Breathing tubes; minimum requirements.
- 84.116 Harnesses; installation and construction; minimum requirements.
- 84.117 Gas mask containers; minimum requirements.
- 84.118 Half-mask facepieces, full facepieces, and mouthpieces; fit; minimum requirements.
- 84.119 Facepieces; eyepieces; minimum requirements.
- 84.120 Inhalation and exhalation valves; minimum requirements.
- 84.121 Head harnesses; minimum requirements.
- 84.122 Breathing resistance test; minimum requirements.
- 84.123 Exhalation valve leakage test.
- 84.124 Facepiece tests; minimum requirements.