

## The Final Rule

Accordingly, the U.S. Parole Commission adopts the following amendments to 28 CFR part 2.

### PART 2—[AMENDED]

■ 1. The authority citation for 28 CFR part 2 continues to read as follows:

**Authority:** 18 U.S.C. 4203(a)(1) and 4204(a)(6).

■ 2. In § 2.66, add paragraph (d) to read as follows:

#### § 2.66 Revocation decision without hearing.

(d) *Special procedures for swift and short-term sanctions for administrative violations of supervision.* (1) An alleged violator may, at the time of the probable cause hearing or preliminary interview, waive the right to a revocation hearing and apply in writing for an immediate prison sanction of no more than 8 months. Notwithstanding the reparole guidelines at § 2.21, the Commission will consider such a sanction if—

(i) The releasee has not already postponed the initial probable cause hearing/preliminary interview by more than 30 days;

(ii) The charges alleged by the Commission do not include a violation of the law;

(iii) The releasee has accepted responsibility for the violations;

(iv) The releasee has agreed to modify the non-compliant behavior to successfully complete any remaining period of supervision; and

(v) The releasee has not already been sanctioned pursuant to this paragraph (d)(1).

(2) A sanction imposed pursuant to paragraph (d)(1) of this section may include any other action authorized by § 2.52, § 2.105, or § 2.218.

(3) Any case not approved by the Commission for a revocation sanction pursuant to paragraph (d)(1) of this section shall receive the normal revocation hearing procedures including the application of the guidelines at § 2.21.

Note to paragraph (d). For purpose of paragraph (d)(1) of this section only, the Commission will consider the sanctioning of the following crimes as administrative violations if they have been charged only as misdemeanors:

1. Public Intoxication
2. Possession of an Open Container of Alcohol
3. Urinating in Public
4. Traffic Violations
5. Disorderly Conduct/Breach of Peace
6. Driving without a License or with a revoked/suspended license

7. Providing False Information to a Police Officer
8. Loitering
9. Failure to Pay court ordered support (i.e. child support/alimony)
10. Solicitation/Prostitution
11. Resisting Arrest
12. Reckless Driving
13. Gambling
14. Failure to Obey a Police Officer
15. Leaving the Scene of an Accident (only if no injury occurred)-
16. Hitchhiking
17. Vending without a License
18. Possession of Drug Paraphernalia (indicating purpose of personal use only)
19. Possession of a Controlled Substance (for personal use only)

Dated: August 17, 2015.

**J. Patricia Wilson Smoot,**

*Chairman, United States Parole Commission.*

[FR Doc. 2015–21094 Filed 9–1–15; 8:45 am]

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## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### 30 CFR Parts 7, 18, 44, 46, 48, 49, 56, 57, 70, 71, 72, 74, 75, and 90

#### MSHA Headquarters, Pittsburgh Safety and Health Technology Center, and Respirable Dust Processing Laboratory Address Changes

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The Mine Safety and Health Administration (MSHA) is amending its published regulations that include the Agency's addresses. MSHA relocated its Headquarters offices and also will discontinue renting the Post Office boxes it uses for mail delivery to the Pittsburgh Safety and Health Technology Center and Respirable Dust Processing Laboratory. In addition, MSHA is amending the incorporation by reference language in some of its regulations to include current addresses, telephone numbers, and internet addresses.

**DATES:** *Effective Date:* September 2, 2015.

#### FOR FURTHER INFORMATION CONTACT:

Sheila A. McConnell, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at [mcconnell.sheila.a@dol.gov](mailto:mcconnell.sheila.a@dol.gov) (email); 202–693–9440 (voice); or 202–693–9441 (facsimile). These are not toll-free numbers.

**SUPPLEMENTARY INFORMATION:** On June 15, 2015, MSHA moved its Headquarters offices from 1100 Wilson Boulevard, Arlington, VA 22209–3939 to 201 12th Street South, Arlington, VA 22202–5452. MSHA is amending its regulations to include MSHA's new address.

MSHA is also amending its regulations to update the mailing address of MSHA's Office of Technical Support, Pittsburgh Safety and Health Technology Center. MSHA will discontinue renting the Post Office boxes it uses for mail delivery. The mailing address for the Pittsburgh Safety and Health Technology Center's Respirable Dust Processing Laboratory is 626 Cochran's Mill Road, Building 38, Pittsburgh, PA 15236–3611. The mailing address to submit seal design applications for approval by the Pittsburgh Safety and Health Technology Center is 626 Cochran's Mill Road, Building 151, Pittsburgh, PA 15236–3611.

In addition, MSHA made other non-substantive changes to correct inaccurate names: §§ 48.3, 48.23, and 48.32 contain a non-substantive change to the name of the Administrator for Metal and Nonmetal Mine Safety and Health; §§ 7.505, 56.2, 57.2, and 75.301 contain a non-substantive change to the name of the Office of Standards, Regulations, and Variances; and §§ 49.3, 49.4, and 49.8 contain a non-substantive change to remove an obsolete or inapplicable name.

MSHA is also amending previously approved incorporation by reference (IBR) language in some MSHA regulations. The amendments conform to current Office of the Federal Register (OFR) format requirements for an IBR regarding publisher addresses, telephone numbers, and internet addresses, and include contact information for the National Archives and Records Administration (NARA).

This technical amendment is a procedural “rule” under 5 U.S.C. 551(4), and is not subject to the notice-and-comment rulemaking requirements in 5 U.S.C. 553. This action also does not constitute a “regulatory action” subject to Executive Order 12866. Accordingly, the regulations in 30 CFR parts 7, 18, 44, 46, 48, 49, 56, 57, 70, 71, 72, 74, 75, and 90 are amended to include updated information.

#### List of Subjects

##### 30 CFR Part 7

Explosives, Incorporation by reference, Mine safety and health, Reporting and recordkeeping requirements, Research.

**30 CFR Part 18**

Mine safety and health, Reporting and recordkeeping requirements.

**30 CFR Part 44**

Administrative practice and procedure, Mine safety and health, Reporting and recordkeeping requirements.

**30 CFR Part 46**

Education, Mine safety and health, Reporting and recordkeeping requirements.

**30 CFR Part 48**

Education, Mine safety and health, Reporting and recordkeeping requirements.

**30 CFR Part 49**

Education, Mine safety and health, Reporting and recordkeeping requirements.

**30 CFR Part 56**

Chemicals, Electric power, Explosives, Fire prevention, Hazardous substances, Incorporation by reference, Metals, Mine safety and health, Reporting and recordkeeping requirements.

**30 CFR Part 57**

Chemicals, Electric power, Explosives, Fire prevention, Gases, Hazardous substances, Incorporation by reference, Metals, Mine safety and health, Radiation protection, Reporting and recordkeeping requirements.

**30 CFR Part 70**

Incorporation by reference, Mine safety and health, Reporting and recordkeeping requirements.

**30 CFR Part 71**

Hazardous substances, Incorporation by reference, Mine safety and health, Reporting and recordkeeping requirements, Water supply.

**30 CFR Part 72**

Coal, Incorporation by reference, Mine safety and health.

**30 CFR Part 74**

Incorporation by reference, Mine safety and health, Occupational safety and health.

**30 CFR Part 75**

Communications equipment, Electric power, Emergency medical services, Explosives, Fire prevention, Incorporation by reference, Mine safety and health, Reporting and recordkeeping requirements.

**30 CFR Part 90**

Black lung benefits, Incorporation by reference, Mine safety and health, Reporting and recordkeeping requirements.

Dated: August 19, 2015.

**Joseph A. Main,**

*Assistant Secretary of Labor for Mine Safety and Health.*

For the reasons set out in the preamble, and under the authority of the Federal Mine Safety and Health Act of 1977, as amended, MSHA is amending chapter I of title 30 of the Code of Federal Regulations as follows:

**PART 7—TESTING BY APPLICANT OR THIRD PARTY**

■ 1. The authority citation for part 7 continues to read as follows:

**Authority:** 30 U.S.C. 957.

■ 2. Section 7.505 is amended by revising paragraph (b)(6) to read as follows:

**§ 7.505 Structural components.**

\* \* \* \* \*

(b) \* \* \*

(6) A test shall be conducted to demonstrate that each structure resists puncture and tearing when tested in accordance with ASTM D2582–07 “Standard Test Method for Puncture-Propagation Tear Resistance of Plastic Film and Thin Sheeting.” This publication is incorporated by reference. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy may be obtained from the American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959; 610–832–9500; <http://www.astm.org>. A copy may be inspected at any MSHA Coal Mine Safety and Health District Office; or at MSHA’s Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202–5452; 202–693–9440; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

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**PART 18—ELECTRIC MOTOR-DRIVEN MINE EQUIPMENT AND ACCESSORIES**

■ 3. The authority citation for part 18 continues to read as follows:

**Authority:** 30 U.S.C. 957, 961.

■ 4. Section 18.82 is amended by revising the second sentence of paragraph (a) to read as follows:

**§ 18.82 Permit to use experimental electric face equipment in a gassy mine or tunnel.**

(a) \* \* \* The user shall submit a written application to the Assistant Secretary of Labor for Mine Safety and Health, 201 12th Street South, Arlington, VA 22202–5452, and send a copy to the U.S. Department of Labor, Mine Safety and Health Administration, Approval and Certification Center, 765 Technology Drive, Triadelphia, WV 26059.

\* \* \* \* \*

**PART 44—RULES OF PRACTICE FOR PETITIONS FOR MODIFICATION OF MANDATORY SAFETY STANDARDS**

■ 5. The authority citation for part 44 continues to read as follows:

**Authority:** 30 U.S.C. 957.

■ 6. In § 44.10, revise the second sentence to read as follows:

**§ 44.10 Filing of petition; service.**

\* \* \* All petitions must be in writing and must be filed with the Director, Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 201 12th Street South, Arlington, VA 22202–5452. \* \* \*

■ 7. Section 44.21 is amended by revising the third sentence in paragraph (a) to read as follows:

**§ 44.21 Filing and form of documents.**

(a) \* \* \* While the petition is before the Assistant Secretary at any stage of the proceeding, all documents should be filed with the Assistant Secretary of Labor for Mine Safety and Health, 201 12th Street South, Arlington, VA 22202–5452.

\* \* \* \* \*

**PART 46—TRAINING AND RETRAINING OF MINERS ENGAGED IN SHELL DREDGING OR EMPLOYED AT SAND, GRAVEL, SURFACE STONE, SURFACE CLAY, COLLOIDAL PHOSPHATE, OR SURFACE LIMESTONE MINES**

■ 8. The authority citation for part 46 continues to read as follows:

**Authority:** 30 U.S.C. 811, 825.

■ 9. Section 46.2 is amended by revising paragraph (d)(1)(iii) to read as follows:

**§ 46.2 Definitions.**

\* \* \* \* \*

(d)(1) \* \* \*

(iii) A person who began employment as a miner after April 14, 1999, but before October 2, 2000, and who has

received new miner training under § 48.25 of this chapter or under proposed requirements published April 14, 1999, which are available from the Office of Standards, Regulations, and Variances, MSHA, 201 12th Street South, Arlington, VA 22202-5452; or,

- 10. Section 46.3 is amended by revising the first sentence in paragraph (h) to read as follows:

**§ 46.3 Training plans.**

(h) If you, miners, or miners' representatives wish to appeal a decision of the Regional Manager, you must send the appeal, in writing, to the Director for Educational Policy and Development, MSHA, 201 12th Street South, Arlington, VA 22202-5452, within 30 calendar days after notification of the Regional Manager's decision.

**PART 48—TRAINING AND RETRAINING OF MINERS**

- 11. The authority citation for part 48 continues to read as follows:

**Authority:** 30 U.S.C. 811, 825.

- 12. Section 48.3 is amended by revising the third sentence in paragraph (i) to read as follows:

**§ 48.3 Training plans; time of submission; where filed; information required; time for approval; method for disapproval; commencement of training; approval of instructors.**

(i) \* \* \* A decision by the District Manager to revoke an instructor's approval may be appealed by the instructor to the Administrator for Coal Mine Safety and Health or Administrator for Metal and Nonmetal Mine Safety and Health, as appropriate, MSHA, 201 12th Street South, Arlington, VA 22202-5452.

- 13. Section 48.12 is amended by revising paragraph (a) to read as follows:

**§ 48.12 Appeals procedures.**

(a) In the event an operator, miner, or miners' representative decides to appeal a decision by a District Manager, such an appeal shall be submitted, in writing, to the Administrator for Coal Mine Safety and Health or the Administrator for Metal and Nonmetal Mine Safety and Health, as appropriate, MSHA, 201 12th Street South, Arlington, VA 22202-

5452, within 30 days of notification of the District Manager's decision.

- 14. Section 48.23 is amended by revising the third sentence in paragraph (i) to read as follows:

**§ 48.23 Training plans; time of submission; where filed; information required; time for approval; method for disapproval; commencement of training; approval of instructors.**

(i) \* \* \* A decision by the District Manager to revoke an instructor's approval may be appealed by the instructor to the Administrator for Coal Mine Safety and Health or the Administrator for Metal and Nonmetal Mine Safety and Health, as appropriate, MSHA, 201 12th Street South, Arlington, VA 22202-5452.

- 15. Section 48.32 is amended by revising paragraph (a) to read as follows:

**§ 48.32 Appeals procedures.**

(a) In the event an operator, miner, or miners' representative decides to appeal a decision by the District Manager, such an appeal shall be submitted, in writing, to the Administrator for Coal Mine Safety and Health or the Administrator for Metal and Nonmetal Mine Safety and Health, as appropriate, MSHA, 201 12th Street South, Arlington, VA 22202-5452, within 30 days of notification of the District Manager's decision.

**PART 49—MINE RESCUE TEAMS**

- 16. The authority citation for part 49 continues to read as follows:

**Authority:** 30 U.S.C. 811, 825(e).

- 17. Section 49.3 is amended by revising the second sentence of paragraph (h)(2) to read as follows:

**§ 49.3 Alternative mine rescue capability for small and remote mines.**

(h) \* \* \*  
(2) \* \* \* The operator may appeal this decision in writing to the Administrator for Metal and Nonmetal Mine Safety and Health, 201 12th Street South, Arlington, VA 22202-5452.

- 18. Section 49.4 is amended by revising the second sentence of paragraph (i)(2) to read as follows:

**§ 49.4 Alternative mine rescue capability for special mining conditions.**

(i) \* \* \*  
(2) \* \* \* The operator may appeal this decision in writing to the Administrator for Metal and Nonmetal

Mine Safety and Health, 201 12th Street South, Arlington, VA 22202-5452.

- 19. Section 49.8 is amended by revising the third sentence of paragraph (e) to read as follows:

**§ 49.8 Training for mine rescue teams.**

(e) \* \* \* The affected instructor may appeal the decision of the District Manager by writing to the Administrator for Metal and Nonmetal Mine Safety and Health, MSHA, 201 12th Street South, Arlington, VA 22202-5452.

**PART 56—SAFETY AND HEALTH STANDARDS—SURFACE METAL AND NONMETAL MINES**

- 20. The authority citation for part 56 continues to read as follows:

**Authority:** 30 U.S.C. 811.

- 21. In § 56.2, revise the definition for "Laminated partition" to read as follows:

**§ 56.2 Definitions.**

*Laminated partition* means a partition composed of the following material and minimum nominal dimensions: 1/2-inch-thick plywood, 1/2-inch-thick gypsum wallboard, 1/8-inch-thick low carbon steel, and 1/4-inch-thick plywood, bonded together in that order (IME-22 Box). A laminated partition also includes alternative construction materials described in the Institute of Makers of Explosives (IME) Safety Library Publication No. 22, "Recommendations for the Safe Transportation of Detonators in a Vehicle with Other Explosive Materials" (May 1993), and the "Generic Loading Guide for the IME-22 Container" (October 1993). The IME is located at 1120 19th Street NW., Suite 310, Washington, DC 20036-3605; 202-429-9280; <https://www.ime.org>. This incorporation by reference has been approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available at MSHA's Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202-5452; 202-693-9440; and at all Metal and Nonmetal Mine Safety and Health District Offices, or available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/>

*federal\_register/code\_of\_federal\_regulations/ibr\_locations.html.*

\* \* \* \* \*

■ 22. Section 56.6133 is amended by revising paragraph (b) to read as follows:

**§ 56.6133 Powder chests.**

\* \* \* \* \*

(b) Detonators shall be kept in chests separate from explosives or blasting agents, unless separated by 4 inches of hardwood or equivalent, or a laminated partition. When a laminated partition is used, operators must follow the provisions of the Institute of Makers of Explosives (IME) Safety Library Publication No. 22, "Recommendations for the Safe Transportation of Detonators in a Vehicle with Other Explosive Materials" (May 1993), and the "Generic Loading Guide for the IME-22 Container" (October 1993). The IME is located at 1120 19th Street NW., Suite 310, Washington, DC 20036-3605; 202-429-9280; <https://www.ime.org>. This incorporation by reference has been approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available at MSHA's Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202-5452; 202-693-9440; and at all Metal and Nonmetal Mine Safety and Health District Offices, or available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

■ 23. Section 56.6201 is amended by revising paragraphs (a)(2) and (b)(2) to read as follows:

**§ 56.6201 Separation of transported explosive material.**

\* \* \* \* \*

(a) \* \* \*

(2) Separated from explosives or blasting agents by 4 inches of hardwood or equivalent, or a laminated partition. The hardwood or equivalent shall be fastened to the vehicle or conveyance. When a laminated partition is used, operators must follow the provisions of the Institute of Makers of Explosives (IME) Safety Library Publication No. 22, "Recommendations for the Safe Transportation of Detonators in a Vehicle with Other Explosive Materials" (May 1993), and the "Generic Loading Guide for the IME-22 Container" (October 1993). The IME is located at 1120 19th Street NW., Suite 310, Washington, DC 20036-3605; 202-429-9280; <https://www.ime.org>. This incorporation by reference has been

approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available at MSHA's Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202-5452; 202-693-9440; and at all Metal and Nonmetal Mine Safety and Health District Offices, or available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(b) \* \* \*

(2) Separated from explosives or blasting agents by 4 inches of hardwood or equivalent, or a laminated partition. The hardwood or equivalent shall be fastened to the vehicle or conveyance. When a laminated partition is used, operators must follow the provisions of IME Safety Library Publication No. 22, "Recommendations for the Safe Transportation of Detonators in a Vehicle with Other Explosive Materials" (May 1993), and the "Generic Loading Guide for the IME-22 Container" (October 1993). The IME is located at 1120 19th Street NW., Suite 310, Washington, DC 20036-3605; 202-429-9280; <https://www.ime.org>. This incorporation by reference has been approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available at MSHA's Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202-5452; 202-693-9440; and at all Metal and Nonmetal Mine Safety and Health District Offices, or available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

■ 24. Section 56.14130 is amended by revising paragraph (j) to read as follows:

**§ 56.14130 Roll-over protective structures (ROPS) and seat belts.**

\* \* \* \* \*

(j) *Publications.* The incorporation by reference of these publications is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of these publications may be examined at any Metal and Nonmetal Mine Safety and Health District Office; at MSHA's Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202-5452; 202-693-9440; or at the National Archives and

Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). Copies may be purchased from the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, PA 15096-0001; 724-776-4841; <http://www.sae.org>.

■ 25. Section 56.14131 is amended by revising paragraph (d) to read as follows:

**§ 56.14131 Seat belts for haulage trucks.**

\* \* \* \* \*

(d) The incorporation by reference of these publications is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of these publications may be examined at any Metal and Nonmetal Mine Safety and Health District Office; at MSHA's Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202-5452; 202-693-9440; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). Copies may be purchased from the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, PA 15096-0001; 724-776-4841; <http://www.sae.org>.

**PART 57—SAFETY AND HEALTH STANDARDS—UNDERGROUND METAL AND NONMETAL MINES**

■ 26. The authority citation for part 57 continues to read as follows:

*Authority:* 30 U.S.C. 811.

■ 27. In § 57.2, revise the definition for "Laminated partition" to read as follows:

**§ 57.2 Definitions.**

\* \* \* \* \*

*Laminated partition* means a partition composed of the following material and minimum nominal dimensions: 1/2-inch-thick plywood, 1/2-inch-thick gypsum wallboard, 1/8-inch-thick low carbon steel, and 1/4-inch-thick plywood, bonded together in that order (IME-22 Box). A laminated partition also includes alternative construction materials described in the Institute of Makers of Explosives (IME) Safety Library Publication No. 22, "Recommendations for the Safe Transportation of Detonators in a Vehicle with Other Explosive Materials"

(May 1993), and the “Generic Loading Guide for the IME–22 Container” (October 1993). The IME is located at 1120 19th Street NW., Suite 310, Washington, DC 20036–3605; 202–429–9280; <https://www.ime.org>. This incorporation by reference has been approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available at MSHA’s Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202–5452; 202–693–9440; and at all Metal and Nonmetal Mine Safety and Health District Offices, or available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

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■ 28. Section 57.6133 is amended by revising paragraph (b) to read as follows:

**§ 57.6133 Powder chests.**

\* \* \* \* \*

(b) Detonators shall be kept in chests separate from explosives or blasting agents, unless separated by 4 inches of hardwood or equivalent, or a laminated partition. When a laminated partition is used, operators must follow the provisions of the Institute of Makers of Explosives (IME) Safety Library Publication No. 22, “Recommendations for the Safe Transportation of Detonators in a Vehicle with Other Explosive Materials” (May 1993), and the “Generic Loading Guide for the IME–22 Container” (October 1993). The IME is located at 1120 19th Street NW., Suite 310, Washington, DC 20036–3605; 202–429–9280; <https://www.ime.org>. This incorporation by reference has been approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available at MSHA’s Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202–5452; 202–693–9440; and at all Metal and Nonmetal Mine Safety and Health District Offices, or available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

■ 29. Section 57.6201 is amended by revising paragraphs (a)(2) and (b)(2) to read as follows:

**§ 57.6201 Separation of transported explosive material.**

\* \* \* \* \*

(a) \* \* \*

(2) Separated from explosives or blasting agents by 4 inches of hardwood or equivalent, or a laminated partition. The hardwood or equivalent shall be fastened to the vehicle or conveyance. When a laminated partition is used, operators must follow the provisions of the Institute of Makers of Explosives (IME) Safety Library Publication No. 22, “Recommendations for the Safe Transportation of Detonators in a Vehicle with Other Explosive Materials” (May 1993), and the “Generic Loading Guide for the IME–22 Container” (October 1993). The IME is located at 1120 19th Street NW., Suite 310, Washington, DC 20036–3605; 202–429–9280; <https://www.ime.org>. This incorporation by reference has been approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available at MSHA’s Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202–5452; 202–693–9440; and at all Metal and Nonmetal Mine Safety and Health District Offices, or available for examination at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(b) \* \* \*

(2) Separated from explosives or blasting agents by 4 inches of hardwood or equivalent, or a laminated partition. The hardwood or equivalent shall be fastened to the vehicle or conveyance. When a laminated partition is used, operators must follow the provisions of IME Safety Library Publication No. 22, “Recommendations for the Safe Transportation of Detonators in a Vehicle with Other Explosive Materials” (May 1993), and the “Generic Loading Guide for the IME–22 Container” (October 1993). The IME is located at 1120 19th Street NW., Suite 310, Washington, DC 20036–3605; 202–429–9280; <https://www.ime.org>. This incorporation by reference has been approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available at MSHA’s Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202–5452; 202–693–9440; and at all Metal and Nonmetal Mine Safety and Health District Offices, or available for examination at the National Archives and Records Administration (NARA).

For information on the availability of this material at NARA, call 202–741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

■ 30. Section 57.14130 is amended by revising paragraph (j) to read as follows:

**§ 57.14130 Roll-over protective structures (ROPS) and seat belts for surface equipment.**

\* \* \* \* \*

(j) *Publications.* The incorporation by reference of these publications is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of these publications may be examined at any Metal and Nonmetal Mine Safety and Health District Office; at MSHA’s Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202–5452; 202–693–9440; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). Copies may be purchased from the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, PA 15096–0001; 724–776–4841; <http://www.sae.org>.

■ 31. Section 57.14131 is amended by revising paragraph (d) to read as follows:

**§ 57.14131 Seat belts for surface haulage trucks.**

\* \* \* \* \*

(d) The incorporation by reference of these publications is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of these publications may be examined at any Metal and Nonmetal Mine Safety and Health District Office; at MSHA’s Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202–5452; 202–693–9440; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). Copies may be purchased from the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, PA 15096–0001; 724–776–4841; <http://www.sae.org>.

■ 32. Section 57.22005 is amended by revising the first sentence in paragraph (b) to read as follows:

**§ 57.22005 Notice and appeal of placement or change in placement.**

\* \* \* \* \*

(b) The mine operator or representative of miners may obtain review of the Administrator's determination by filing a request for a hearing with the Assistant Secretary of Labor for Mine Safety and Health, Mine Safety and Health Administration, 201 12th Street South, Arlington, VA 22202-5452 within 30 days of the Administrator's determination. \* \* \*

\* \* \* \* \*

**PART 70—MANDATORY HEALTH STANDARDS—UNDERGROUND COAL MINES**

■ 33. The authority citation for part 70 continues to read as follows:

Authority: 30 U.S.C. 811, 813(h), 957.

■ 34. Section 70.204 is amended by revising paragraph (e) to read as follows:

**§ 70.204 Approved sampling devices; maintenance and calibration.**

\* \* \* \* \*

(e) You must proceed in accordance with "Calibration and Maintenance Procedures for Coal Mine Respirable Dust Samplers," MSHA Informational Report IR 1240 (1996), referenced in paragraph (a) of this section. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from the MSHA Web site at <http://www.msha.gov> and you may inspect or obtain a copy at MSHA, Coal Mine Safety and Health, 201 12th Street South, Arlington, VA 22202-5452; 202-693-9500; and at each MSHA Coal Mine Safety and Health District Office, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

■ 35. Section 70.210 is amended by revising paragraph (a) to read as follows:

**§ 70.210 Respirable dust samples; transmission by operator.**

(a) If using a CMDPSU, the operator shall transmit within 24 hours after the end of the sampling shift all samples collected to fulfill the requirements of this part, including control filters, in containers provided by the manufacturer of the filter cassette to: Respirable Dust Processing Laboratory, Pittsburgh Safety and Health Technology Center, 626 Cochran's Mill Road, Building 38, Pittsburgh, PA

15236-3611, or to any other address designated by the District Manager.

\* \* \* \* \*

■ 36. Section 70.1900 is amended by revising paragraph (c) to read as follows:

**§ 70.1900 Exhaust Gas Monitoring.**

\* \* \* \* \*

(c) Except as provided in § 75.325(j) of this chapter, when sampling results indicate a concentration of CO and/or NO<sub>2</sub> exceeding an action level of 50 percent of the threshold limit values (TLV®) adopted by the American Conference of Governmental Industrial Hygienists, the mine operator shall immediately take appropriate corrective action to reduce the concentrations of CO and/or NO<sub>2</sub> to below the applicable action level. The publication, "Threshold Limit Values for Substance in Workroom Air" (1972) is incorporated by reference and may be inspected at MSHA's Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202-5452; 202-693-9440; at any MSHA Coal Mine Safety and Health District Office; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. In addition, copies of the document may be purchased from the American Conference of Governmental Industrial Hygienists, 1330 Kemper Meadow Drive, Attn: Customer Service, Cincinnati, OH 45240; 513-742-2020; <http://www.acgih.org>.

\* \* \* \* \*

**PART 71—MANDATORY HEALTH STANDARDS—SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES**

■ 37. The authority citation for part 71 continues to read as follows:

Authority: 30 U.S.C. 811, 813(h), 957.

■ 38. Section 71.204 is amended by revising paragraph (e) to read as follows:

**§ 71.204 Approved sampling devices; maintenance and calibration.**

\* \* \* \* \*

(e) You must proceed in accordance with "Calibration and Maintenance Procedures for Coal Mine Respirable Dust Samplers," MSHA Informational Report IR 1240 (1996), referenced in paragraph (a) of this section. The

Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from the MSHA Web site at <http://www.msha.gov> and you may inspect or obtain a copy at MSHA, Coal Mine Safety and Health, 201 12th Street South, Arlington, VA 22202-5452; 202-693-9500; and at each MSHA Coal Mine Safety and Health District Office, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

■ 39. Section 71.207 is amended by revising paragraph (a) to read as follows:

**§ 71.207 Respirable dust samples; transmission by operator.**

(a) If using a CMDPSU, the operator shall transmit within 24 hours after the end of the sampling shift all samples collected to fulfill the requirements of this part, including control filters, in containers provided by the manufacturer of the filter cassette to: Respirable Dust Processing Laboratory, Pittsburgh Safety and Health Technology Center, 626 Cochran's Mill Road, Building 38, Pittsburgh, PA 15236-3611, or to any other address designated by the District Manager.

\* \* \* \* \*

■ 40. Section 71.402 is amended by revising paragraph (b) to read as follows:

**§ 71.402 Minimum requirements for bathing facilities, change rooms, and sanitary flush toilet facilities.**

\* \* \* \* \*

(b) Bathing facilities, change rooms, and sanitary flush toilet facilities shall be constructed and equipped so as to comply with applicable State and local building codes. However, where no State or local building codes apply to these facilities, or where no State or local building codes exist, the facilities shall be constructed and equipped so as to meet the minimum construction requirements in the National Building Code (1967 edition) and the plumbing requirements in the National Plumbing Code (ASA A40.8-1955), which documents are hereby incorporated by reference and made a part hereof. These documents are available for examination at MSHA's Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202-5452; 202-693-9440; and at every MSHA Coal Mine Safety and Health District Office. Copies of the National Plumbing Code (ASA A40.8-1955) may be purchased from the American

National Standards Institute, Inc., 25 W. 43rd Street, 4th Floor, New York, NY 10036; <http://www.ansi.org>.

- 41. Section 71.700 is amended by revising paragraph (a) to read as follows:

**§ 71.700 Inhalation hazards; threshold limit values for gases, dust, fumes, mists, and vapors.**

(a) No operator of an underground coal mine and no operator of a surface coal mine may permit any person working at a surface installation or surface worksite to be exposed to airborne contaminants (other than respirable coal mine dust, respirable dust containing quartz, and asbestos dust) in excess of, on the basis of a time-weighted average, the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists in "Threshold Limit Values of Airborne Contaminants" (1972), which is hereby incorporated by reference and made a part hereof. Excursions above the listed threshold limit values shall not be of greater magnitude than is characterized as permissible by the conference. This paragraph does not apply to airborne contaminants given a "C" designation by the conference in the document. This document is available for examination at MSHA's Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202-5452; 202-693-9440; and at every MSHA Coal Mine Safety and Health District Office. Copies of the document may be purchased from the American Conference of Governmental Industrial Hygienists, 1330 Kemper Meadow Drive, Attn: Customer Service, Cincinnati, OH 45240; 513-742-2020; <http://www.acgih.org>.

**PART 72—HEALTH STANDARDS FOR COAL MINES**

- 42. The authority citation for part 72 continues to read as follows:

**Authority** 30 U.S.C. 811, 813(h), 957.

- 43. Revise § 72.710 to read as follows:

**§ 72.710 Selection, fit, use, and maintenance of approved respirators.**

In order to ensure the maximum amount of respiratory protection, approved respirators shall be selected, fitted, used, and maintained in accordance with the provisions of the American National Standards Institute's "Practices for Respiratory Protection ANSI Z88.2-1969," which is hereby incorporated by reference. This publication may be obtained from the

American National Standards Institute, Inc., 25 W. 43rd Street, 4th Floor, New York, NY 10036; <http://www.ansi.org>, and may be inspected at any MSHA Coal Mine Safety and Health District Office, or at MSHA's Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202-5452; 202-693-9440; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

**PART 74—COAL MINE DUST SAMPLING DEVICES**

- 44. The authority citation for part 74 continues to read as follows:

**Authority:** 30 U.S.C. 957.

- 45. Section 74.7 is amended by revising paragraphs (f)(1)(ii), (f)(2)(ii), and (g)(2) to read as follows:

**§ 74.7 Design and construction requirements.**

(f) \* \* \*

(1) \* \* \*

(ii) Persons may inspect a copy at MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202-5452, 202-693-9440, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(2) \* \* \*

(ii) Persons may inspect a copy at MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202-5452, 202-693-9440, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(g) \* \* \*

(2) Persons may inspect a copy at MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202-5452; 202-693-9440; or at the National Archives and Records Administration (NARA). For information on the

availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

- 46. Section 74.8 is amended by revising paragraph (f)(2) to read as follows:

**§ 74.8 Measurement, accuracy, and reliability requirements.**

(f) \* \* \*

(2) Persons may inspect a copy at MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202-5452; 202-693-9440; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

- 47. Section 74.9 is amended by revising paragraph (a)(3) to read as follows:

**§ 74.9 Quality assurance.**

(a) \* \* \*

(3) Persons may inspect a copy at MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202-5452; 202-693-9440; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

**PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES**

- 48. The authority citation for part 75 continues to read as follows:

**Authority:** 30 U.S.C. 811, 813(h), 957.

- 49. In § 75.301, the definitions of "Noncombustible structure or area" and "Noncombustible material" are revised to read as follows:

**§ 75.301 Definitions.**

*Noncombustible structure or area.*  
Describes a structure or area that will continue to provide protection against flame spread for at least 1 hour when subjected to a fire test incorporating an ASTM E119-88 time/temperature heat input, or equivalent. The publication ASTM E119-88 "Standard Test



Methods for Fire Tests of Building Construction and Materials” is incorporated by reference and may be inspected at any MSHA Coal Mine Safety and Health District Office, or at MSHA’s Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202–5452; 202–693–9440; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). In addition, copies of the document can be purchased from the American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959; 610–832–9500; <http://www.astm.org>. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

**Noncombustible material.** Describes a material that, when used to construct a ventilation control, results in a control that will continue to serve its intended function for 1 hour when subjected to a fire test incorporating an ASTM E119–88 time/temperature heat input, or equivalent. The publication ASTM E119–88 “Standard Test Methods for Fire Tests of Building Construction and Materials” is incorporated by reference and may be inspected at any Coal Mine Safety and Health District Office, or at MSHA’s Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202–5452; 202–693–9440; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). In addition, copies of the document can be purchased from the American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959; 610–832–9500; <http://www.astm.org>. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

\* \* \* \* \*

■ 50. Revise § 75.322 to read as follows:

**§ 75.322 Harmful quantities of noxious gases.**

Concentrations of noxious or poisonous gases, other than carbon dioxide, shall not exceed the threshold limit values (TLV) as specified and

applied by the American Conference of Governmental Industrial Hygienists in “Threshold Limit Values for Substance in Workroom Air” (1972). Detectors or laboratory analysis of mine air samples shall be used to determine the concentrations of harmful, noxious, or poisonous gases. This incorporation by reference has been approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from MSHA’s Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202–5452; 202–693–9440; and at every MSHA Coal Mine Safety and Health District Office. The material is available for examination at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

■ 51. Section 75.333 is amended by revising paragraphs (d)(1), (e)(1)(i), (e)(3), and (f) to read as follows:

**§ 75.333 Ventilation controls.**

\* \* \* \* \*

(d) \* \* \*

(1) Made of noncombustible material or coated on all accessible surfaces with flame-retardant materials having a flame-spread index of 25 or less, as tested under ASTM E162–87, “Standard Test Method for Surface Flammability of Materials Using a Radiant Heat Energy Source.” This publication is incorporated by reference and may be inspected at any MSHA Coal Mine Safety and Health District Office, or at MSHA’s Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202–5452; 202–693–9440; and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). In addition, copies of the document can be purchased from the American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959; 610–832–9500; <http://www.astm.org>. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

\* \* \* \* \*

(e)(1)(i) Except as provided in paragraphs (e)(2), (3), and (4) of this

section, all overcasts, undercasts, shaft partitions, permanent stoppings, and regulators, installed after June 10, 1996, shall be constructed in a traditionally accepted method and of materials that have been demonstrated to perform adequately or in a method and of materials that have been tested and shown to have a minimum strength equal to or greater than the traditionally accepted in-mine controls. Tests may be performed under ASTM E72–80, “Standard Methods of Conducting Strength Tests of Panels for Building Construction” (Section 12–Transverse Load–Specimen Vertical, load, only), or the operator may conduct comparative in-mine tests. In-mine tests shall be designed to demonstrate the comparative strength of the proposed construction and a traditionally accepted in-mine control. The publication ASTM E72–80, “Standard Methods of Conducting Strength Tests of Panels for Building Construction,” is incorporated by reference and may be inspected at any MSHA Coal Mine Safety and Health District Office, or at MSHA’s Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202–5452; 202–693–9440; and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). In addition, copies of the document can be purchased from the American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959; 610–832–9500; <http://www.astm.org>. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

\* \* \* \* \*

(3) When timbers are used to create permanent stoppings in heaving or caving areas, the stoppings shall be coated on all accessible surfaces with a flame-retardant material having a flame-spread index of 25 or less, as tested under ASTM E162–87, “Standard Test Method for Surface Flammability of Materials Using a Radiant Heat Energy Source.” This publication is incorporated by reference and may be inspected at any MSHA Coal Mine Safety and Health District Office, or at MSHA’s Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202–5452; 202–693–9440; and at the National Archives and Records



Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal-register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal-register/code_of_federal_regulations/ibr_locations.html). In addition, copies of the document can be purchased from the American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959; 610-832-9500; <http://www.astm.org>. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

\* \* \* \* \*

(f) When sealants are applied to ventilation controls, the sealant shall have a flame-spread index of 25 or less under ASTM E162-87, "Standard Test Method for Surface Flammability of Materials Using a Radiant Heat Energy Source." This publication is incorporated by reference and may be inspected at any MSHA Coal Mine Safety and Health District Office, or at MSHA's Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202-5452; 202-693-9440; and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal-register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal-register/code_of_federal_regulations/ibr_locations.html). In addition, copies of the document can be purchased from the American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959; 610-832-9500; <http://www.astm.org>. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

\* \* \* \* \*

■ 52. Section 75.335 is amended by revising the introductory text to paragraph (b) to read as follows:

**§ 75.335 Seal strengths, design applications, and installation.**

\* \* \* \* \*

(b) *Seal design applications.* Seal design applications from seal manufacturers or mine operators shall be in accordance with paragraph (b)(1) or (2) of this section and submitted for approval to MSHA's Office of Technical Support, Pittsburgh Safety and Health Technology Center, 626 Cochrans Mill Road, Building 151, Pittsburgh, PA 15236-3611.

\* \* \* \* \*

■ 53. Section 75.523-1 is amended by revising the first sentence in paragraph (c) to read as follows:

**§ 75.523-1 Deenergization of self-propelled electric face equipment installation requirements.**

\* \* \* \* \*

(c) An operator may apply to the Director of Technical Support, Mine Safety and Health Administration, Department of Labor, 201 12th Street South, Arlington, VA 22202-5452; 202-693-9440; for approval of the installation of devices to be used in lieu of devices that will quickly deenergize the tramping motors of self-propelled electric face equipment in the event of an emergency. \* \* \*

■ 54. Section 75.818 is amended by revising paragraph (b)(4) to read as follows:

**§ 75.818 Use of insulated cable handling equipment.**

\* \* \* \* \*

(b) \* \* \*

(4) Be electrically tested every 6 months in accordance with publication ASTM F496-97. ASTM F496-97 (Standard Specification for In-Service Care of Insulating Gloves and Sleeves, 1997) is incorporated by reference and may be inspected at any MSHA Coal Mine Safety and Health District Office, or at MSHA's Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202-5452; 202-693-9440; and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal-register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal-register/code_of_federal_regulations/ibr_locations.html). In addition, copies of the document can be purchased from the American Society for Testing and Materials, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959; 610-832-9500; <http://www.astm.org>. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

■ 55. Section 75.833 is amended by revising paragraph (c)(1) to read as follows:

**§ 75.833 Handling high-voltage trailing cables.**

\* \* \* \* \*

(c) \* \* \*

(1) The rubber gloves must be designed and maintained to have a voltage rating of at least Class 1 (7,500 volts) and tested every 30 days in accordance with publication ASTM

F496-02a, "Standard Specification for In-Service Care of Insulating Gloves and Sleeves" (2002). The Director of the Federal Register approved this incorporation by reference in accordance with 5 U.S.C. 522(a) and 1 CFR part 51. ASTM F496-02a may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, call 610-832-9500 or go to <http://www.astm.org>. ASTM F496-02a is available for inspection at any MSHA Coal Mine Safety and Health District Office, at the MSHA Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202-5452; 202-693-9440; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal-register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal-register/code_of_federal_regulations/ibr_locations.html).

\* \* \* \* \*

■ 56. Section 75.1710-1 is amended by revising the first sentence in paragraph (f) to read as follows:

**§ 75.1710-1 Canopies or cabs; self-propelled diesel-powered and electric face equipment; installation requirements.**

\* \* \* \* \*

(f) An operator may apply to the Director of Technical Support, Mine Safety and Health Administration, Department of Labor, 201 12th Street South, Arlington, VA 22202-5452, for approval of the installation of devices to be used in lieu of substantially constructed canopies or cabs on self-propelled diesel-powered and electric face equipment. \* \* \*

■ 57. In § 75.1900, the definition of "Noncombustible material" is revised to read as follows:

**§ 75.1900 Definitions.**

\* \* \* \* \*

*Noncombustible material.* A material that will continue to serve its intended function for 1 hour when subjected to a fire test incorporating an ASTM E119-88 time/temperature heat input, or equivalent. The publication ASTM E119-88 "Standard Test Methods for Fire Tests of Building Construction and Materials" is incorporated by reference and may be inspected at any MSHA Coal Mine Safety and Health District Office; at MSHA's Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, VA 22202-5452; 202-693-9440; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA,

call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. In addition, copies of the document may be purchased from the American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA, 19428-2959; 610-832-9500; <http://www.astm.org>.

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## **PART 90—MANDATORY HEALTH STANDARDS—COAL MINERS WHO HAVE EVIDENCE OF PNEUMOCONIOSIS**

■ 58. The authority citation for part 90 continues to read as follows:

**Authority:** 30 U.S.C. 811, 813(h), 957.

■ 59. Section 90.3 is amended by revising paragraph (d) and the first sentence in paragraph (e) to read as follows:

### **§ 90.3 Part 90 option; notice of eligibility; exercise of option.**

\* \* \* \* \*

(d) The option to work in a low dust area of the mine may be exercised for the first time by any miner employed at a coal mine who was eligible for the option under the old section 203(b) program (<http://www.msha.gov/REGSTECHAMEND.htm>), or is eligible for the option under this part by sending a written request to the Chief, Division of Health, Coal Mine Safety and Health, MSHA, 201 12th Street South, Arlington, VA 22202-5452.

(e) The option to work in a low dust area of the mine may be re-exercised by any miner employed at a coal mine who exercised the option under the old section 203(b) program (<http://www.msha.gov/REGSTECHAMEND.htm>) or exercised the option under this part by sending a written request to the Chief, Division of Health, Coal Mine Safety and Health, MSHA, 201 12th Street South, Arlington, VA 22202-5452. \* \* \*

\* \* \* \* \*

■ 61. Section 90.204 is amended by revising paragraph (e) to read as follows:

### **§ 90.204 Approved sampling devices; maintenance and calibration.**

\* \* \* \* \*

(e) You must proceed in accordance with "Calibration and Maintenance Procedures for Coal Mine Respirable Dust Samplers," MSHA Informational Report IR 1240 (1996), referenced in

paragraph (a) of this section. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from the MSHA Web site at <http://www.msha.gov> and you may inspect or obtain a copy at MSHA, Coal Mine Safety and Health, 201 12th Street South, Arlington, VA 22202-5452; 202-693-9500; and at each MSHA Coal Mine Safety and Health District Office, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

■ 62. Section 90.208 is amended by revising paragraph (a) to read as follows:

### **§ 90.208 Respirable dust samples; transmission by operator.**

(a) If using a CMDPSU, the operator shall transmit within 24 hours after the end of the sampling shift all samples collected to fulfill the requirements of this part, including control filters, in containers provided by the manufacturer of the filter cassette to: Respirable Dust Processing Laboratory, Pittsburgh Safety and Health Technology Center, 626 Cochran Mill Road, Building 38, Pittsburgh, PA 15236-3611, or to any other address designated by the District Manager.

\* \* \* \* \*  
[FR Doc. 2015-21054 Filed 9-1-15; 8:45 am]

**BILLING CODE 4510-43-P**

## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

### **33 CFR Part 100**

[Docket No. USCG-2015-0738]

RIN 1625-AA08

### **Special Local Regulation; Southern California Annual Marine Events for the San Diego Captain of the Port Zone; San Diego Bay, San Diego, CA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary interim rule.

**SUMMARY:** The Coast Guard is temporarily changing the enforcement date of the special local regulation on the navigable waters of San Diego Bay, San Diego, California in support of the annual TriRock San Diego Triathlon. This temporary interim rule adjusts the date for the established special local regulations listed in 33 CFR 100.1101

(table 1, item 11). This temporary interim rule provides public notice and is necessary to ensure the safety of participants, crew, spectators, participating vessels, and other vessels and users of the waterway.

Unauthorized persons and vessels are prohibited from entering into, transiting through, or anchoring within the regulated area unless authorized by the Captain of the Port (COTP), or his designated representative. The Coast Guard requests public comments on the temporary interim rule.

**DATES:** This rule is effective from 6:30 a.m. through 10:30 a.m. on September 20, 2015. Public comments must be received by September 19, 2015.

**ADDRESSES:** Submit comments using one of the listed methods, and see **SUPPLEMENTARY INFORMATION** for more information on public comments.

• **Online**—<http://www.regulations.gov> following Web site instructions.

• **Fax**—202-493-2251.

• **Mail or hand deliver**—Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001. Hand delivery hours: 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays (telephone 202-366-9329).

Documents mentioned in this preamble are part of docket [USCG-2015-0738]. To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Petty Officer Randolph Pahilanga, Waterways Management, U.S. Coast Guard Sector San Diego, Coast Guard; telephone 619-278-7656, email [D11MarineEventsSD@uscg.mil](mailto:D11MarineEventsSD@uscg.mil). If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366-9826.

### **SUPPLEMENTARY INFORMATION:**

#### **Table of Acronyms**

DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of Proposed Rulemaking