

fairs, has instituted an investigation, as provided in 29 CFR 90.11. The investigation relates, as above indicated, to the determination of whether any of the group of workers covered by the request should be certified as eligible to apply for adjustment assistance, including the determinations of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart C of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects in investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210, on or before April 10, 1972.

Signed at Washington, D.C. this 20th day of March 1972.

EDGAR I. EATON,
Director, Office of
Foreign Economic Policy.

[FR Doc.72-4588 Filed 3-27-72; 8:45 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

MARCH 23, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 103926 Sub 20, W. T. Mayfield Sons Trucking Co., now being assigned hearing May 22, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 113678 Sub 285, Curtis, Inc., now being assigned further hearing May 15, 1972, at Denver, Colo., in a hearing room to be later designated.

MC 99680 Sub 2, North Shore & Central Illinois Freight, now being assigned hearing May 8, 1972, at Chicago, Ill., in a hearing room to be designated later.

MC 95084 Sub 82, Hove Truck Line, now being assigned for hearing June 13, 1972, at Kansas City, Mo., in a hearing room to be later designated.

MC 117815 Sub 180, Pulley Freight Lines, Inc., now being assigned for hearing June 12, 1972, at Kansas City, Mo., in a hearing room to be later designated. MC 119493 Sub 80, Monken Co., Inc., is set with this case.

MC 134966 Sub 1, Clear Water Truck Co., Inc., now being assigned for hearing June 15, 1972, at Kansas City, Mo., in a hearing room to be later designated.

MC 26739 Sub 68, Crouch Bros., Inc., now being assigned hearing June 19, 1972, at Kansas City, Mo., in a hearing room to be later designated.

MC 111 Sub 10, Vigeant Motor Freight, now being assigned hearing June 19, 1972, at Chicago, Ill., in a hearing room to be designated later.

MC 30844 Sub 376, Kroblin Refrigerated Xpress, now being assigned hearing June 20, 1972, at Chicago, Ill., in a hearing room to be designated later.

MC 35358 Sub 26, Berger Transfer & Storage, now being assigned hearing June 21, 1972, at Chicago, Ill., in a hearing room to be designated later.

MC 114274 Sub 17, Vitalis Truck Lines, now being assigned hearing June 22, 1972, at Chicago, Ill., in a hearing room to be designated later.

MC 119669 Sub 26, Tempco Transportation, now being assigned hearing June 23, 1972, at Chicago, Ill., in a hearing room to be designated later.

MC 124211 Sub 198, Hilt Truck Line, now being assigned hearing June 14, 1972, at Omaha, Neb., in a hearing room to be later designated.

MC 124211 Sub 194, Hilt Truck Line, now being assigned hearing June 12, 1972, at Omaha, Neb., in a hearing room to be designated later.

MC-F-11316, Yellow Freight System, Inc.—Purchase—Elgin-Chicago Express Co., and MC 112713 Sub 134, Yellow Freight System, Inc., now being assigned hearing June 19, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 107496 Sub 826, Ruan Transport Corp., now being assigned hearing June 14, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 117815 Sub 181, Pulley Freight Lines, Inc., now being assigned hearing June 12, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 113678 Sub 442, Curtis, Inc., MC 115841 Sub 412, Colonial Refrigerated Transportation, Inc., MC 119619 Sub 44, Distributors Service Co., MC 117883 Sub 158, Bubler Transfer, Inc., now being assigned hearing May 8, 1972, at New York City, N.Y., in a hearing room to be designated later.

MC-F-11308, International Transport, Inc.—Purchase—Dawes Transfer, Inc., now being assigned hearing June 5, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC-F-11358, Cedar Rapids Steel Transportation, Inc.—Purchase (Portion)—Lee Bros., Inc., now being assigned hearing May 31, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC-F-11346, Barber Transportation Co.—Purchase (Portion)—United Buckingham Freight Lines, Inc., and MC 97699 Sub 33, Barber Transportation Co., now being assigned hearing June 15, 1972, at Billings, Mont., in a hearing room to be later designated.

MC-F-11393, E. L. Murphy Trucking Co.—Control & Merge—Dyer Transport Inc., now being assigned hearing June 12, 1972, at Billings, Mont., in a hearing room to be later designated.

MC-F-11411, Transcon Lines—Purchase (Portion)—United-Buckingham Freight Lines, Inc., now being assigned hearing June 19, 1972, at Billings, Mont., in a hearing room to be later designated.

MC 107515 Sub 784, Refrigerated Transport, now assigned April 24, 1972, at Tallahassee, Fla., canceled and reassigned to April 24, 1972, in the Florida Public Service Commission District Office, 660 South Orlando Avenue, Winter Park, FL.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-4707 Filed 3-27-72; 8:53 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 23, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42381—*Brewers grits from St. Joseph, Mo.* Filed by Southwestern Freight Bureau, agent (No. B-310), for interested rail carriers. Rates on brewers grits (dried), in bulk or in bags, in carloads, as described in the application, from St. Joseph, Mo., to Memphis, Tenn.

Grounds for relief—Carrier competition.

Tariff—Supplement 33 to Southwestern Freight Bureau, agent, tariff ICC 4971. Rates are published to become effective on April 22, 1972.

FSA No. 42382—*Chlorine from Memphis, Tenn.* Filed by M. B. Hart, Jr., agent (No. A6302), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Memphis, Tenn., and group points, to Naheola, Ala.

Grounds for relief—Rate relationship.

Tariff—Supplement 344 to Southern Freight Association, agent, tariff ICC S-484. Rates are published to become effective on April 27, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-4708 Filed 3-27-72; 8:53 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 72-88]

TOMATO PRODUCERS FROM GREECE Countervailing Duties

Notice of countervailing duties to be imposed under section 303, Tariff Act of 1930, by reason of the payment or bestowal of a bounty or grant on exportation of tomato products from Greece.

In the FEDERAL REGISTER of August 26, 1970 (35 F.R. 13586), the Commissioner of Customs announced that information had been received in proper form pursuant to § 16.24(b) of the Customs Regulations (19 CFR 16.24(b)) which appeared to indicate that certain payments made by the Government of Greece on the exportation from Greece of tomato products constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) upon the manufacture, production, or exportation of the merchandise to which the payments apply. The notice provided interested parties 30 days from

the date of publication to submit data, views, or arguments with regard to the existence or nonexistence and the net amount of a bounty or grant.

An investigation was conducted pursuant to § 16.24(d) of the Customs Regulations (19 CFR 16.24(d)).

After consideration of all information received, the Bureau is satisfied that exports of tomato products from Greece are subject to bounties or grants within the meaning of section 303.

Accordingly, notice is hereby given that tomato products imported directly or indirectly from Greece, if entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after publication of this notice in the Customs Bulletin, will be subject to the payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303, the net amounts of the bounties or grants under the information presently available have been ascertained and determined or estimated to be (1) from 750 drachmas to 2,000 drachmas per metric ton, depending on the concentration and packing, for tomato paste, (2) 330 drachmas per metric ton for peeled tomatoes, and (3) 330 drachmas per metric ton for tomato juice. Because information regarding the exact amount of the bounties or grants is incomplete, declarations of the net amount of the bounties or grants ascertained and determined or estimated to have been paid upon the exportation of tomato products from Greece will be published in subsequent issues of the Customs Bulletin.

Effective on the 31st day after the date of publication of the notice in the Customs Bulletin and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable tomato products imported directly or indirectly from Greece which benefit from such bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declarations.

The liquidation of all entries for consumption or withdrawals from warehouse for consumption of such dutiable tomato products imported directly or indirectly from Greece which benefit from such bounties or grants and are subject to the order shall be suspended pending declarations of the net amounts of the bounties or grants paid. A deposit of the estimated countervailing duty, in the appropriate amount, shall be required at the time of entry for consumption or withdrawal from warehouse for consumption.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be paid or credited, directly or indirectly, upon the manufacture, production, or exportation of such tomato products.

The table in § 16.24(f) of the Customs Regulations (19 CFR 16.24(f)) is

amended by inserting the word "Greece" in the column headed "Country," the words "Tomato products" in the column headed "Commodity," the number of this Treasury Decision in the column headed "Treasury Decision," and the words "Bounty Declared—Rate" in the column headed "Action."

(R.S. 251, secs. 303, 624; 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: March 21, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

[FR Doc. 72-4819 Filed 3-27-72; 9:40 am]

Internal Revenue Service

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding 1 year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public safety.

Anderson, Charlie Loy, 3860 Route 1, Shallowford Road, Marietta, GA, convicted on June 16, 1969, in the Superior Court, Cobb County, GA.

Bell, Huntley R., 622 West Kings Highway, San Antonio, TX, convicted on May 14, 1945, in the U.S. District Court, Western District of Texas, San Antonio Division.

Bell, Rex Alman, Route 3, Michigan Lake, Ind., convicted on June 25, 1956, in the U.S. District Court, Southern District of Illinois.

Blke, Lawrence Donald, 126 East Burnett, Beaver Dam, WI, convicted on April 21, 1969, in the Dodge County Court, Branch II, Juneau, Wis.

Bourquin, John Howard, 4944 Yukon Street NW., Canton, OH, convicted on July 21, 1961, and October 29, 1969, in the Court of Common Pleas, Stark County, Ohio; and on February 1, 1963, in the U.S. District Court for the Northern District of Ohio.

Briand, Edmond Napoleon, 37 Arlington Street, Nashua, NH, convicted on March 12, 1945, in the Hillsborough County Superior Court, Manchester, N.H.

Bruno, Leo A., 238 Avenue U, Brooklyn, NY, convicted on March 8, 1957, in the U.S. District Court, Eastern Judicial District of New York.

Butler, Charles E., 1407½ West 34th Street, Houston, TX, convicted on May 31, 1927, in the District Court of Franklin County, Kans.; and on October 7, 1952, in the District Court of Potter County, Tex.

Chang, David Y. H., 358-A Kalua Drive, Wailuku, Maui, HI, convicted on September 12, 1966, in the Circuit Court of the Second Circuit, State of Hawaii.

Coons, Arthur Robert, 2909 Franklin Avenue, Des Moines, IA, convicted on July 30, 1964, in the Polk County District Court, Des Moines, Iowa.

Cox, Ronald Howard, South English, Iowa, convicted on March 22, 1963, in the Keokuk County District Court, Keokuk, Iowa.

DeLisle, Jean Edward, Jr., 26 Weaver Street, Torrington, CT, convicted on May 26, 1959, in the City Court of Torrington, Conn.

Dennis, Dean LaMont, 2928 43d Avenue South, Minneapolis, MN, convicted on September 13, 1954, in the Fourth Judicial District Court, Hennepin County, Minn.

Doherty, William Joseph, 16 Burns Road, Ashbourne Hills, Claymont, DE, convicted on September 13, 1955, in the Family Court in and for New Castle County, Wilmington, Del.

Dullaghan, Ronald James, 7436 Beatty Avenue, Port Wayne, IN, convicted on September 25, 1969, in the U.S. District Court for the Southern District of Indiana.

Ebert, Lloyd M., Rural Route 3, Box 221, West Bend, WI, convicted on December 9, 1963, in the Washington County Court, West Bend, Wis.

Echols, Kenneth Richard, 40 East Columbia Avenue, Salt Lake City, UT, convicted on January 14, 1963, in the District Court of the Third Judicial District of the State of Utah in and for the County of Tooele.

Elem, Donald Kent, 3926 Arlington Square, Houston, TX, convicted on February 12, 1960, in the Dallas County Criminal District Court No. 3, Dallas County, Tex.

Farrier, Donald Dale, 1854 U Street, Sweet Home, OR, convicted on December 5, 1944, by general court-martial convened by the Headquarters, 13th Naval District, Seattle, Wash.; and on February 24, 1948, and on March 11, 1948, in the Circuit Court of Lane County, Oreg.

Fastiggi, James R., 94 Woodcrest Terrace, Amawalk, NY, convicted on January 28, 1963, in the Westchester County, N.Y., Court; on March 19, 1963, in the Superior Court, Bridgeport, Conn.; and on August 2, 1963, in the Dutchess County, N.Y., Court.

Fewell, George Hamilton, 5811 Belt Line Road, Dallas, TX, convicted on March 17, 1966, in the U.S. District Court for the Western District of Tennessee.

Fox, Abe Morris, 750 Bowhill Road, Hillsborough, CA, convicted on August 22, 1936, in the U.S. District Court, San Francisco, Calif.; and on February 2, 1953, in the Superior Court of the State of California, San Francisco, Calif.

Gunter, John Albert, 4904 South Karen, Oklahoma City, OK, convicted on January 30, 1962, in the District Court of Comanche County, Okla.; and on September 26, 1963, in the District Court of Creek County, Okla.

Hamner, Merle Eugene, 23231 Columbus Street, Warren, MI, convicted on January 12, 1948, in the Oakland County, Mich. Circuit Court; and on April 23, 1962, in the Oakland County, Mich., Circuit Court.

Hubbard, Arthur, Jr., 473 Chapel Street SW., Atlanta, GA, convicted on December 8, 1969, in the U.S. District Court, Northern District of Georgia.

Hughes, Vernon Edward, 395 Hanlon Way, Space 1, Pittsburg, CA, convicted on August 31, 1959, in the Superior Court of the State of California, in and for the County of Contra Costa.

Jaime, Angel, 41720 Eight Mile Road, Northville, MI, convicted on September 21, 1959, in the Circuit Court for Oakland County, Mich.

- Jordan, David Hodge, 12585 Jane, Detroit, MI, convicted on February 5, 1963, in the Recorder's Court, Detroit, Mich.
- Lewis, William Allen, 1512 Harlem Avenue, Altoona, WI, convicted on December 12, 1965, in the Eau Claire County Court, Eau Claire, Wis.
- Liacos, Charles A., Box 44, Tilton, NH, convicted on June 10, 1931, in the Middlesex Superior Court, Cambridge, Mass.
- Logwood, James Burton, Route 4, Gretna, Va., convicted on March 16, 1966, in the Campbell County Circuit Court, Rustburg, Va.; and on September 7, 1966, in the Court of General Sessions, Anderson County, S.C.
- Miller, Shellace Neal, Chesapeake Mobil Home Court, Lot 119, Ridge Chapel Road, Hanover, Md., convicted on May 9, 1949, June 22, 1949, and April 9, 1952, in the Baltimore City Criminal Court; and on November 27, 1950, in the Frederick County, Md., Criminal Court.
- Moore, Larry Edward, 4214 Mount Vernon, Houston, TX., convicted on January 6, 1967, in the Criminal District Court No. 4 of Harris County, Tex.
- Morasco, Eugene, Sr., 2113 Helen Street, Detroit, MI, convicted on April 25, 1933, and on April 25, 1961, in the U.S. District Court for the Eastern District of Michigan.
- Nicewande, James Kelly, 7890 Base Lake Drive, Dexter, MI, convicted on July 8, 1946, and on August 23, 1946, in the Recorder's Court for the city of Detroit, Mich.
- Norholm, Kristian, Jr., 1005 27th Avenue NE., Minneapolis, MN, convicted on June 10, 1968, in the 10th Judicial District Court, in and for Anoka County, Minn.
- Northcutt, Richard Robert, 514 South Third Avenue E, Apartment 3, Newton, IA, convicted on November 17, 1969, in the Jasper County District Court, Newton, Iowa.
- Osborn, Samuel Cade, 1832 West Grand Boulevard, Apartment 26, Detroit, MI, convicted on August 10, 1942, March 3, 1944, October 28, 1950, and July 13, 1961, in the Detroit Recorder's Court, Mich.
- Padula, Joseph, 704 West Walnut, Stockton, CA, convicted on March 16, 1956, in the Superior Court of the State of California, San Joaquin County.
- Paulsen, Robert Andrew, Apartment No. 6, Bel Aire Villa, Tiffin, Iowa, convicted on April 1, 1966, in the Polk County District Court, Des Moines, Iowa.
- Peacock, Richard Gary, 5316 West Glenn Drive, Glendale, AZ, convicted on November 15, 1965, in the Superior Court, Maricopa County, Ariz.
- Penn, Silas, 5316 Sheridan Street, Detroit, MI, convicted on March 23, 1949, and on January 23, 1961, in the Recorder's Court for the city of Detroit, Mich.
- Perrella, Peter G., Box 474 Keewatin, MN, convicted on March 19, 1959, in the Ninth Judicial District Court, Grand Rapids, Mich.
- Rivard, Alsid Leon, County Road 502, Box 160-E, Negaunee, MI, convicted on March 16, 1956, in the Marquette County Circuit Court, Marquette, Mich.
- Schooley, Loren Walter, 1716 North Fourth Street, Yakima, WA, convicted on January 5, 1959, in the Yakima County, Wash. Superior Court.
- Serafini, Anthony, 801 North Street, Endicott, NY, convicted on March 13, 1952, in the U.S. District Court, Northern District of New York.
- Shurden, Archie L., 530 Third Avenue, Selma, AL, convicted on October 7, 1966, in the U.S. District Court for the Northern District of Mississippi.
- Smith, Everette E., 9 Potomac Drive, Caseyville, IL, convicted on October 30, 1956, in the U.S. District Court for the Eastern District of Illinois.
- Snellings, Joseph Lee, Jr., 932 Shadeland Avenue, Roanoke, VA, convicted on November 12, 1963, in the Hastings Court, Roanoke, Va.
- Snyder, George A., 2716 Burchill Road South, Fort Worth, TX, convicted on January 21, 1949, in the Elkhart County, Ind., Superior Court.
- Sopher, Raymond O., Rural Route No. 2, Friendship, Wis., convicted on October 2, 1964, in the U.S. District Court, Chicago, Ill.
- Steen, Anthon J., 16011 Southeast 16th Street, Bellevue, WA., convicted on February 10, 1966, in the King County Superior Court, Seattle, Wash., and on February 15, 1967, in the U.S. District Court for the Western District of Washington.
- Ulry, Glen O., 2590 Early Drive, Eau Claire, WI, convicted on March 14, 1934, and March 10, 1932, in the Eau Claire County Court, Eau Claire, Wis.; and on June 8, 1934, in the Chippewa County Court, Chippewa Falls, Wis.
- Underwood, Vernon F., 975 Main Street, Shrewsbury, MA, convicted on November 7, 1951, in the Worcester County, Mass., Superior Court.
- Vartabedian, Jack, 750 Wheeler Road, Dracut, MA, convicted on October 7, 1953, in the Lawrence, Mass., District Court; on October 13, 1953, in the Haverhill, Mass., District Court; on June 9, 1954, in the Rockingham, N.H., Superior Court; and on August 15, 1955, in the Pittsfield, Mass., District Court.
- Vinson, Virgil J., Box 67, St. Marys, MO, convicted on April 17, 1964, in the U.S. District Court for the District of Kansas.
- Wells, Paul Kelly, 527½ Washington Street, Owosso, MI, convicted on April 25, 1966, in the Circuit Court for Shiawassee County, Mich.
- White, Vesper Dale, 2889 Highland Drive, Smyrna, GA, convicted on May 4, 1933, in the Circuit Court of Gibson County, Ind.
- Wojtewicz, George, 29021 Bock Street, Garden City, MI, convicted on March 16, 1961, in the Circuit Court for Washtenaw County, Mich.
- Wymer, Daniel David, 2114 Shorb Avenue NW., Canton, OH, convicted on October 22, 1969, in the U.S. District Court for the District of Wyoming.

Signed at Washington, D.C., this 17th day of March 1972.

[SEAL]

REX D. DAVIS,
Director, Alcohol, Tobacco
and Firearms Division.

[FR Doc.72-4702 Filed 3-27-72; 8:53 am]

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PART II



DEPARTMENT OF
THE INTERIOR
BUREAU OF MINES

■

UNDERGROUND AND
SURFACE COAL MINES

Surface Work Area
Mandatory Health Standards

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

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

Pursuant to the authority vested in the Secretary of the Interior under section 101 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 811), to promulgate mandatory health standards transmitted to him by the Secretary of Health, Education, and Welfare, there was published in the FEDERAL REGISTER for January 7, 1971 (36 F.R. 252), proposed mandatory health standards applicable to surface coal mines and to surface work areas of underground coal mines.

Interested persons were afforded a period of 45 days within which to submit written comments, suggestions, or objections to the proposed standards. A number of comments were received by the Bureau of Mines and transmitted to the Department of Health, Education, and Welfare. In addition to these comments, a request for a public hearing was filed with the Secretary of the Interior, stating objections to certain of the proposed standards and the grounds therefor. On June 29, 1971, in accordance with section 101(f) of the Act, the Secretary of the Interior published a notice (36 F.R. 12245) specifying the proposed mandatory health standards to which objections had been filed and a hearing requested. On July 15, 1971, the Department of Health, Education, and Welfare published a Notice of Public Hearing (36 F.R. 13172) affording interested persons an opportunity to be heard at a hearing which was conducted by the National Institute for Occupational Safety and Health at that Department on August 17, 1971.

On the basis of the evidence presented at the hearing and on other information available to the Department of Health, Education, and Welfare concerning the surface health standards, findings of fact were made public in accordance with section 101(g) of the Act on October 15, 1971 (36 F.R. 20126).

Section 101(g) of the Act also provides where a public hearing has been held that, in the event the Secretary of the Interior or the Secretary of Health, Education, and Welfare, as the case may be, determines that a proposed mandatory health or safety standard should not be promulgated or should be modified, he shall publish, within a reasonable time, his reasons for his determination. In his letter transmitting Part 71 for publication, the Secretary of Health, Education, and Welfare has requested that his reasons for modifying the proposed health standards be set forth as part of this document. Accordingly, the Secretary's statement is set out as follows:

As proposed on January 7, 1971, each of the standards—dust, airborne contaminants, noise, surface facilities, sanitary toilet facilities, and drinking water—was to have been effective on June 30, 1971, to give operators an opportunity to establish procedures, train personnel and construct facilities to comply with the standards. Because of the public hearing and publication of the findings of fact, final promulgation of the standards has been delayed. However, the rationale for a delay in effective date still exists. Accordingly, the regulations provide for a 90-day delay in effective date.

In addition, with respect to compliance with the respirable dust standards, an operator may, upon application to the Bureau of Mines, be granted an extension of time not to exceed 90 days from the effective date of such standards if it is demonstrated that the operator has made a good faith effort to achieve compliance and that circumstances beyond his control have prevented the application of dust control measures (see item 2, below). It is intended that these extensions be granted sparingly, rather than as a matter of course, where, for example, control equipment has been ordered but delivery delayed.

The proposed regulation provided that where a notice of violation of the dust standard was received, the operator was required to take continuous samples as provided in section 104(l) of the Act until notified that the area in violation was in compliance. Since section 104(l) of the Act, which requires continuous shift sampling upon the issuance of a notice of violation, applies only to sampling pursuant to section 202(a) of the Act, i.e., to active workings in underground mines, continuous sampling under these circumstances is not required by the Act in surface coal mines and surface work areas of underground mines. Since the sampling requirement of § 71.106(d) of the regulations is imposed to ascertain whether appropriate action has been taken to bring surface areas into compliance with the dust standard after a notice of violation has been received, not less than 15 samples in surface mines and surface work areas of underground mines taken from the environment of the working position in question provides a reasonable basis for the necessary determination of whether compliance has been achieved. The provisions of § 71.106 have been modified accordingly.

Since persons exposed over a period of years to concentrations of respirable coal dust of 2.0 mg/m³ or less are not expected to develop pneumoconiosis, the use of 0.5 mg/m³, rather than 1.0 mg/m³, as the breakpoint for annual sampling pursuant to §§ 71.108 and 71.109 and semiannual sampling pursuant to §§ 71.107 and 71.109 does not afford an appreciable increase in health protection to the miner. Moreover, due to imprecisions in weighing and measuring dust, use of 0.5 mg/m³ as the breakpoint is inadvisable; under the circumstances, 1.0 mg/m³ has been substituted as the breakpoint for annual and semiannual sampling.

While there is no change from the proposal for the standards for airborne contaminants, the language in subpart C has been revised to clarify that the threshold limit values (TLV's) adopted by American Conference of Governmental Hygienists (ACGIH) in Threshold Limit Values of Airborne Contaminants (1970) are mandatory health standards.

Where the ACGIH permits a time weighted average to be used to determine compliance with a specific TLV, a time weighted average will also be used to determine compliance under subpart C. Similarly, excursions above the listed TLV, other than those substances given a "C" designation, must not

be of greater magnitude than is characterized as permissible by the ACGIH document. Any substance with a "C" designation is not subject to the excursion factor, and concentrations of such a substance shall not exceed its listed ceiling limit.

The applicability of Subpart E which concerns surface bathing facilities, change rooms, and sanitary flush toilet facilities, has been modified and now applies only to surface coal mines. Sanitary facilities—bathing facilities, change rooms and toilet facilities—at surface work areas of underground mines are subject to the provisions of 30 CFR Part 75. 1712 et seq. Subpart F similarly has been made applicable to sanitary toilet facilities at surface work sites of surface mines only. This subpart now provides for the installation of additional toilets at sites where more than 10 miners work.

A number of modifications to the waiver provisions of Subpart E are designed to assure the maximum possible compliance with the requirements of that subpart. Operators may obtain waivers if they are providing or making available under arrangements with a third person, facilities which are at least equivalent to those required by the standards. Because of changing conditions, a waiver is not permanent. A time limit of 1 year has been imposed on any waiver granted although extensions of the waiver may be granted. Finally, the Coal Mine Health and Safety District Manager must consult with the appropriate Regional Program Director of the National Institute for Occupational Safety and Health prior to issuing any waiver.

In view of the insufficiency of the evidence concerning the requisite quantity of safe drinking water and distance of sanitary toilet facilities from surface work sites to protect the health of miners, these requirements have for the present been deleted from Subparts G and F respectively. As stated in the findings of October 15, 1971 (36 F.R. 20126), the National Institute for Occupational Safety and Health, after its study of the question, will report thereon, together with recommendations for mandatory health standards on these matters, not later than December 31, 1972.

Effective date: These regulations shall become effective 90 days after the date of publication in the FEDERAL REGISTER.

Dated: March 22, 1972.

ROGERS C. B. MORTON,
Secretary of the Interior.

1. Part 71, as set forth below, is hereby adopted, effective 90 days after the date of its publication in the FEDERAL REGISTER.

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- 71.500 Sanitary toilet facilities at surface worksites; approved sanitary toilets; installation requirements.
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Subpart G—Drinking Water

- 71.600 Drinking water; general.
71.601 Drinking water; quality.
71.602 Drinking water; distribution.
71.603 Drinking water; dispensing requirements.

AUTHORITY: The provisions of this Part 71 issued under sec. 101, 83 Stat. 745; 30 U.S.C. 811.

Subpart A—General

§ 71.1 Scope.

This Part 71 sets forth mandatory health standards for surface work areas of each underground coal mine and at each surface coal mine, as specified herein, subject to the Federal Coal Mine Health and Safety Act of 1969. This part also sets forth certain actions, conditions, and requirements which must be met by each coal mine operator in carrying out the mandatory health standards.

§ 71.2 Definitions.

Any term defined in the Act and not defined below has the meaning given it in the Act. As used in this part—

(a) "Act" means the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173);

(b) "Average concentration" means a determination which accurately represents the atmospheric conditions with regard to respirable dust to which each miner in the active workings of a mine is exposed as measured over a number of continuous production shifts as determined by the Secretary and the Secretary of Health, Education, and Welfare;

(c) "Concentrations of respirable dust" means the average concentrations of respirable dust as measured with an MRE instrument or equivalent concentrations measured with another device approved by the Secretary and the Secretary of Health, Education, and Welfare;

(d) "Miner" means any individual working in a coal mine;

(e) "MRE instrument" means the gravimetric dust sampler with four channel horizontal elutriator developed by the Mining Research Establishment of the National Coal Board, London, England;

(f) "Qualified person" means an individual deemed qualified by the Secretary and designated by the operator to make tests and examinations required by this part;

(g) "Respirable dust sample" means a sample collected with an approved coal mine dust sampler unit attached to the miner, carried by him, or so positioned as to measure the concentration of respirable dust to which he is exposed, and operated continuously over an entire work shift of such miner;

(h) "Secretary" means the Secretary of the Interior;

(i) "Surface coal mine" means a surface area of land and all structures, facilities, machinery, tools, equipment, excavations, and other property, real or personal, placed upon or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities;

(j) "Surface installation" means any structure in which miners work in the surface work areas of an underground coal mine or at a surface coal mine;

(k) "Surface work areas of an underground coal mine" means the surface areas of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, excavations, and other property, real or personal, placed upon or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting bituminous coal, lignite, or anthracite from its natural deposits underground by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities;

(l) "Surface worksite" means any area at which miners work in the surface work areas of an underground coal mine or in any area of a surface coal mine; and

(m) "Work of preparing the coal" means the breaking, crushing, sizing, cleaning, washing, drying, mixing, storing, and loading of bituminous coal, lignite, or anthracite, and such other work of preparing such coal as is usually done by the operator of the coal mine.

Subpart B—Dust Standards

§ 71.100 Dust standards; respirable dust; quartz.

Each operator of an underground coal mine and each operator of a surface coal mine shall continuously maintain the

average concentration of respirable dust in the atmosphere of each surface installation and at each surface worksite during each shift to which each miner in the mine is exposed at or below 2 milligrams of respirable dust per cubic meter of air; and whenever the average concentration of respirable dust in samples taken in a surface installation or at a surface worksite under this Subpart B contains more than 5 per centum quartz, the operator shall continuously maintain an average concentration of respirable dust in that installation or at that worksite at or below a level, expressed in milligrams per cubic meter of air, which shall be determined by dividing the per centum of quartz present in such concentration into the number 10.

§ 71.101 Sampling; general requirements.

(a) Each operator of an underground coal mine and each operator of a surface coal mine shall take, as prescribed in this subpart, accurate samples of the amount of respirable dust in the atmosphere to which each miner employed in a surface installation or at a surface worksite is exposed.

(b) The samples shall be collected with an approved coal mine dust sampler unit attached to the miner, carried by him, or so positioned as to measure the concentration of respirable dust to which he is exposed, and the unit shall be operated continuously over an entire work shift of such miner.

§ 71.102 Sampling; by whom done.

The dust sampling required by this subpart shall be done by, or as directed by, a person—

(a) Who has had practical experience in a coal mine;

(b) Who has a working knowledge of the mining equipment employed in the mine in which samples are taken;

(c) Who has a working knowledge of the operation and care of the sampling devices required by § 71.103 and the filters employed in such devices; and

(d) Who has satisfactorily completed a course approved by the Secretary in the sampling and evaluation of respirable coal mine dust concentrations with the sampling devices required by § 71.103.

§ 71.103 Approved sampling devices.

The samples which this subpart requires to be taken shall be taken only with a coal mine dust sampler unit approved under Part 74 of this chapter or with an MRE instrument.

§ 71.104 Approved sampling devices; operation; rates of flow.

An approved coal mine dust sampler unit shall be operated at the flow rate for which such instrument is approved. An MRE instrument shall be operated at a flow rate of 2.5 liters of air per minute.

§ 71.105 Approved sampling devices; equivalent concentrations.

The concentration of respirable dust expressed in milligrams per cubic meter of air shall be determined by dividing the weight of dust in milligrams collected on the filter by the volume of air in cubic

meters passing through the filter. To convert a concentration of respirable dust as measured with an approved coal mine dust sampler unit to an equivalent concentration of respirable dust as measured with an MRE instrument, the concentration of respirable dust measured with an approved coal mine dust sampler unit shall be multiplied by the constant factor prescribed by the Secretary and the Secretary of Health, Education, and Welfare for the approved instrument used, and the product shall be the equivalent concentration as measured with an MRE instrument.

§ 71.106 Initial sampling cycle; establishment of basic sample; notice of violation.

(a) Prior to July 1, 1972, one respirable dust sample shall be taken with respect to each miner employed in a surface installation and with respect to each miner employed at a surface worksite.

(b) If the data recorded pursuant to § 71.112 for such initial sample establish a concentration of respirable dust in excess of 2 milligrams per cubic meter of air in the work position sampled, the Secretary shall advise the operator that additional samples will be required to determine compliance with the respirable dust standard set forth in this subpart.

(c) Upon receipt of advice pursuant to paragraph (b) of this section, the operator shall take samples of respirable dust in such work position on 10 consecutive shifts, each of which is worked on a separate calendar day beginning with the first shift worked following receipt of such advice, and corresponding to the shift on which the initial sample was taken. This series of 10 samples shall constitute the basic sample with respect to that miner.

(d) If the data recorded for any one or more of the samples constituting the basic sample establish a cumulative sum of respirable dust concentrations, expressed in milligrams per cubic meter of air, in excess of 20 in the work position of the miner initially sampled, the Secretary will issue a notice that the operator is in violation of the respirable dust standard set forth in this subpart. Upon receipt of a notice of violation, the operator shall take samples during each shift with respect to the work position sampled until at least 15 samples have been taken and transmitted in accordance with this subpart.

§ 71.107 Initial sampling cycle; basic sampling cycle; semiannual sampling requirements.

Where the data recorded pursuant to § 71.112 for an initial sample, or a basic sample establish a concentration of respirable dust which falls within a range of more than 1 milligram per cubic meter of air and no more than 2 milligrams per cubic meter of air with respect to the miner sampled, the operator shall, during each succeeding 6-month period, take one sample of the mine atmosphere to which each such miner sampled is exposed.

§ 71.108 Initial sampling cycle; basic sampling cycle; annual sampling requirements.

Where the data recorded pursuant to § 71.112 for an initial sample or basic sample establish a concentration of respirable dust which is 1 milligram or less per cubic meter of air, the operator shall, during each succeeding 12-month period, take one respirable dust sample of the mine atmosphere to which each such miner sampled is exposed.

§ 71.109 Semiannual and annual samples; establishment of basic sample.

(a) Where the data recorded pursuant to § 71.112 for any semiannual sample or for any annual sample establish a concentration of respirable dust in excess of 2 milligrams per cubic meter of air, the Secretary will advise the operator pursuant to paragraph (b) of § 71.106 and the operator shall be required to establish a basic sample with respect to the miner sampled in accordance with the provisions of paragraph (c) of § 71.106.

(b) Where the data recorded pursuant to § 71.112 for any semiannual sample or for any annual sample taken establish a concentration of respirable dust of 1 milligram or less per cubic meter of air, the operator shall, during each succeeding 12-month period, take one sample of the mine atmosphere to which each such miner sampled is exposed.

(c) Where the data recorded pursuant to § 71.112 for any semiannual sample or for any annual sample establish a concentration of respirable dust which falls within a range of more than 1 milligram per cubic meter of air and no more than 2 milligrams per cubic meter of air with respect to the miner sampled, the operator shall, during each succeeding 6-month period, take one sample of the mine atmosphere to which each such miner sampled is exposed.

§ 71.110 Partial sampling; initial samples; basic samples; additional samples required.

(a) If the Secretary fails to receive the number of samples required under the provisions of § 71.106 or if samples have been rejected by the Secretary as invalid samples, the Secretary will, in accordance with the provisions of § 71.112 analyze the valid samples received to determine whether the concentration of respirable dust is in compliance with the respirable dust limit.

(b) If the Secretary receives less than the required number of samples or rejects samples as invalid samples, and has determined in accordance with the provisions of paragraph (a) of this section that the cumulative concentration of respirable dust does not exceed the limit set forth in this subpart, the Secretary will advise the operator to take a specified number of additional samples. Upon receipt of advice that additional sampling is required, the operator shall commence such sampling on the first day on which the miner is employed in his regular duties following the day

upon which the operator receives such advice from the Secretary or on the first work shift in the work position being sampled, as applicable.

(c) Where additional sampling is required under the provisions of paragraph (b) of this section to establish a basic sample and the Secretary receives more than the number of samples required, such additional samples shall be combined with the samples previously received and the most recent valid sample or most recent valid 10 samples shall, where appropriate, constitute the initial sample or the basic sample respectively.

(d) Where additional samples are received by the Secretary in accordance with paragraph (b) of this section and combined with the valid samples already received pursuant to § 71.106(c), a daily determination of compliance or noncompliance shall be made with respect to the miner sampled. If the data recorded pursuant to § 71.112 with respect to the miner sampled establish a cumulative sum of respirable dust concentrations in excess of 20 milligrams, the Secretary will issue a notice to the operator that he is in violation of the respirable dust limit.

§ 71.111 Respirable dust samples; transmission.

(a) At the conclusion of each production shift, the operator shall promptly collect and transmit all samples in a container provided by the manufacturer of the cassette to:

Pittsburgh Field Health Group, Bureau of Mines, Department of the Interior, Pittsburgh, Pa. 15213.

(b) Each sample shall be accompanied by a completed 3 x 5 inch white data card provided for this purpose by the cassette manufacturer. The card shall have an identification number identical to that on the cassette used to take the sample and shall contain the following additional information: The mine identification number, sampling time (minutes), date of sample, the social security number and occupation of the miner whose environment was sampled, tons of coal produced during the shift, and method of mining. The data card shall be signed or initialed by the miner whose environment was sampled and the representative of the company responsible for the dust sampling program. If the miner declines to initial or sign the card, the representative of the company shall so note on the card.

§ 71.112 Respirable dust samples; analysis by the Secretary; report to the operator.

Upon receipt by the Secretary of respirable dust samples taken with respect to a miner, each sample is analyzed and the following data is recorded:

(a) The mine identification number;
(b) The surface installation or surface work site within the mine where the sample was taken;

(c) The dust concentration, expressed in milligrams per cubic meter of air, for each sample;

(d) The cumulative total of respirable dust for all valid samples with respect to

the miner sampled, expressed in milligrams per cubic meter of air; and

(e) The social security number of the individual miner whose atmosphere was sampled.

§ 71.113 Report of data.

The Secretary will provide the operator with a report of the data recorded pursuant to § 71.112 as soon as practicable.

Subpart C—Airborne Contaminants

§ 71.200 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 work site to be exposed to airborne contaminants (other than respirable coal dust and respirable dust containing quartz) 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" (1970) which is hereby incorporated by reference and made a part hereof. Excursions above the listed threshold limit values shall not be of a 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 the Bureau of Mines, 18th and C Streets NW., Washington, D.C.; at every Coal Mine Health and Safety District and Subdistrict Office; at the National Institute for Occupational Safety and Health, 5600 Fishers Lane, Rockville, Md.; and at the Public Health Service Information Centers as listed in 45 CFR 5.31. Copies of the document may be purchased for \$0.50 from the Secretary-Treasurer, American Conference of Governmental Industrial Hygienists, Post Office Box 1937, Cincinnati, OH 45202. An official historic file of Threshold Limit Values of Airborne Contaminants (1970) will be maintained at the National Institute for Occupational Safety and Health, 5600 Fishers Lane, Rockville, Md.

(b) All persons, including employees, shall be withdrawn from any area in which there is a concentration of an airborne contaminant given a "C" designation by the Conference which exceeds the threshold limit value (ceiling "C" limit) listed for that contaminant.

§ 71.201 Sampling; general requirements.

(a) Air samples will be taken by the Secretary and will be analyzed to determine the concentrations of noxious or poisonous gases, dusts, fumes, mists, and vapors in surface installations and at surface worksites.

(b) Upon written notification by the Secretary to the operator of an underground coal mine or of a surface coal mine, the operator shall conduct any additional air sampling tests and analyses as the Secretary may from time to

time require in order to ensure compliance with the standards set forth in § 71.200 in each surface installation and at each surface worksite.

(c) Where concentrations of airborne contaminants in excess of the applicable threshold limit values and permissible excursions are known by the operator to exist in a surface installation or at a surface worksite, he shall immediately provide necessary control measures to assure compliance with § 71.200.

(d) Where the operator has reasonable grounds to believe that concentrations of airborne contaminants in excess of the applicable threshold limit values and permissible excursions exist, or are likely to exist, he shall promptly conduct appropriate air sampling tests to determine the concentration of any airborne contaminant which may be present and immediately provide the necessary control measures to assure compliance with § 71.200.

Subpart D—Noise Standard

§ 71.300 Noise standard; general requirements.

Each operator of an underground coal mine and each operator of a surface coal mine shall, during each shift, maintain the noise level to which each miner in each surface installation and at each surface worksite is exposed at or below the maximum noise exposure level prescribed in Subpart F, Part 70 of this Subchapter O.

§ 71.301 Measurement of noise levels.

Each operator shall measure the noise level to which each miner is exposed in each surface installation and at each surface worksite in the manner prescribed in Subpart F, Part 70, of this Subchapter O.

Subpart E—Surface Bathing Facilities, Change Rooms, and Sanitary Flush Toilet Facilities at Surface Coal Mines

§ 71.400 Bathing facilities; change rooms; sanitary flush toilet facilities.

Each operator of a surface coal mine shall provide bathing facilities, clothing change rooms, and sanitary flush toilet facilities, as hereinafter prescribed, for the use of miners employed in the surface installations and at the surface worksites of such mine. (NOTE: Sanitary facilities at surface work areas of underground mines are subject to the provisions of § 75.1712 of this chapter et seq.)

§ 71.401 Location of facilities.

Bathhouses, change rooms, and sanitary flush toilet facilities shall be in a location convenient for the use of the miners. Where these facilities are designed to serve more than one mine, they shall be centrally located so as to be convenient for the use of all miners served by the facilities.

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

(a) All bathing facilities, change rooms, and sanitary flush toilet facilities shall be provided with adequate light,

heat, and ventilation so as to maintain a comfortable air temperature and to minimize the accumulation of moisture and odors, and the facilities shall be maintained in a clean and sanitary condition.

(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 the Bureau of Mines, 18th and C Streets NW., Washington, D.C.; at every Coal Mine Health and Safety District and Subdistrict Office; at the National Institute for Occupational Safety and Health, 5600 Fishers Lane, Rockville, Md.; and at the Public Health Service Information Centers as listed in 45 CFR 5.31. Copies of the National Building Code (1967 edition) may be purchased from the American Insurance Association, 85 John Street, New York, NY 10038, for \$2.50 per copy and copies of the National Plumbing Code (ASA A40.8—1955) may be purchased from the American National Standards Institute, Inc., 1430 Broadway, New York, N.Y. 10018, for \$6 per copy. An official historic file of the National Building Code (1967 edition) and of the National Plumbing Code (ASA A40.8—1955) will be maintained at the National Institute for Occupational Safety and Health, 5600 Fishers Lane, Rockville, Md.

(c) In addition to the minimum requirements specified in paragraphs (a) and (b) of this § 71.402, facilities maintained in accordance with § 71.400 shall include the following:

(1) *Bathing facilities.* (i) Showers shall be provided with both hot and cold water.

(ii) At least one shower head shall be provided where five or less miners use such showers.

(iii) Where five or more miners use such showers, sufficient showers shall be furnished to provide approximately one shower head for each five miners.

(iv) A suitable nonirritating cleansing agent shall be provided for use at each shower.

(2) *Sanitary flush toilet facilities.* (i) At least one sanitary flush toilet shall be provided where 10 or less miners use such toilet facilities.

(ii) Where 10 or more miners use such toilet facilities, sufficient flush toilets shall be furnished to provide approximately one sanitary flush toilet for each 10 miners.

(iii) Where 30 or more miners use toilet facilities, one urinal may be substituted for one flush toilet, however, where such substitutions are made they shall not reduce the number of toilets

below a ratio of two flush toilets to one urinal.

(iv) An adequate supply of toilet paper shall be provided with each toilet.

(v) Adequate handwashing facilities or hand lavatories shall be provided in or adjacent to each toilet facility.

(3) **Change rooms.** (i) Individual clothes storage containers or lockers shall be provided for storage of miners' clothing and other incidental personal belongings during and between shifts.

(ii) Change rooms shall be provided with ample space to permit the use of such facilities by all miners changing clothes prior to and after each shift.

§ 71.403 Waiver of surface facilities requirements; posting of waiver.

(a) The Coal Mine Health and Safety District Manager for the district in which the mine is located, after consultation with the appropriate Regional Program Director, National Institute for Occupational Safety and Health, may, upon written application by the operator, and after consideration of any comments filed within 30 days after receipt of the application, waive any or all of the requirements for §§ 71.400 through 71.402 for a period not to exceed 1 year if he determines that—

(1) The operator is providing or making available, under arrangements with one or more third parties, facilities which are at least equivalent to those required by the standards, or

(2) It is impractical for the operator to meet the requirement(s) or provide the facility (facilities) for which the waiver is sought.

(b) The waiver shall be in writing and shall set forth the requirement(s) which the operator will not be required to meet or the facilities which the operator will not be required to provide and the specific reason or reasons for such waiver.

(c) Upon receipt of any waiver, the operator shall post a copy of the waiver for at least 30 days on the mine bulletin board required by section 107(a) of the Act.

(d) An extension of the waiver at the end of 1 year may be sought by the operator by filing an application pursuant to § 71.404 no later than 30 days nor more than 60 days prior to the expiration date of the waiver.

§ 71.404 Application for waiver of surface facilities requirements.

(a) Application for waivers of any requirements of §§ 71.400 through 71.402 shall be in writing, filed with the appropriate Coal Mine Health and Safety District Manager, and shall contain the following information:

(1) The name and address of the mine operator,

(2) The name and location of the mine, and

(3) A detailed statement of the grounds upon which the waiver is requested and the period of time for which it is requested.

(b) At the same time the application is sent to the District Manager, a copy of the application shall be forwarded to the appropriate Regional Program Di-

rector, National Institute for Occupational Safety and Health by the operator, and a copy showing the addresses of the appropriate District Manager and Regional Program Director shall be posted by the operator for at least 30 days on the mine bulletin board required by section 107(a) of the Act.

Subpart F—Sanitary Toilet Facilities at Surface Worksites of Surface Coal Mines

§ 71.500 Sanitary toilet facilities at surface worksites; approved sanitary toilets; installation requirements.

(a) Each operator of a surface coal mine shall provide and install at least one approved sanitary toilet, together with an adequate supply of toilet tissue, in a location convenient to each surface work site. A single approved sanitary toilet may serve two or more surface worksites in the same surface mine where the sanitary toilet is convenient to each such worksite. Where 10 or more miners use such toilet facilities, sufficient toilets shall be furnished to provide approximately one sanitary toilet for each 10 miners. (NOTE: Sanitary toilet facilities for surface work areas of underground mines are subject to the provisions of § 75.1712-3 of this chapter.)

(b) Only sanitary toilets approved by the Health Division, Coal Mine Health and Safety, Bureau of Mines, jointly with the National Institute for Occupational Safety and Health shall meet the requirements of this section.

(c) Applications for approval of sanitary toilets shall be submitted to: Health Division, Coal Mine Health and Safety, Bureau of Mines, U.S. Department of the Interior, Washington, D.C. 20240.

§ 71.501 Sanitary toilet facilities; maintenance.

Sanitary toilets provided in accordance with the provisions of § 71.500 shall be regularly maintained in a clean and sanitary condition. Holding tanks shall be serviced and cleaned when full and in no case less than once each week when in use by draining or pumping or by removing them for cleaning and recharging. Transfer tanks and transfer equipment, if used, shall be equipped with suitable fittings to permit complete draining without spillage and allow for the sanitary transportation of wastes. Waste shall be disposed of in accordance with State and local laws and regulations.

Subpart G—Drinking Water

§ 71.600 Drinking water; general.

An adequate supply of potable water shall be provided for drinking purposes in each surface installation and at each surface worksite of the mine.

§ 71.601 Drinking water; quality.

(a) Potable water provided in accordance with the provisions of § 71.600 shall meet the applicable minimum health requirements for drinking water established by the State or community in which the mine is located.

(b) Where no such requirements are applicable, the drinking water provided shall conform to the Public Health Service Drinking Water Standards, 42 CFR Part 72, Subpart J.

§ 71.602 Drinking water; distribution.

(a) Water shall be piped or transported in sanitary containers. Water systems and appurtenances thereto shall be constructed and maintained in accordance with State and local requirements. Where no such requirements are applicable, water systems and appurtenances shall be constructed and maintained in accordance with the National Plumbing Code (ASA A40.8—1955) which is hereby incorporated by reference and made a part hereof. (For information as to the availability of this code, see § 71.402(b).)

(b) Water transported to the site shall be carried, stored and otherwise protected in sanitary containers constructed of smooth, impervious, heavy gauge, corrosion resistant materials. The containers shall be marked with the words "Drinking Water."

§ 71.603 Drinking water; dispensing requirements.

(a) Water shall be dispensed through a drinking fountain or from a water storage container with an adequate supply of single service cups stored in a clean, sanitary manner. Water shall not be dipped from inside water storage containers. Use of a common drinking cup is prohibited.

(b) Water containers shall remain sealed at all times during use and shall not be refilled with water for reuse without first being cleaned and disinfected with the use of heat or sanitizers.

(c) Drinking fountains from which water is dispensed shall be thoroughly cleaned once each week.

(d) Ice used for cooling drinking water shall not be immersed or in direct contact with the water to be cooled, unless it has been handled in a sanitary manner and unless the ice is made from the same source as the drinking water or from water of a quality equal to the source of the drinking water.

2. An operator may be granted an extension of time not to exceed 90 days from the effective date of Part 71 for compliance with § 71.100 upon a written application to the Coal Mine Health and Safety District Manager which demonstrates to the satisfaction of the Manager that the operator has made a good faith effort to achieve such compliance and that circumstances beyond his control have prevented the application of adequate dust control measures. A copy of the application shall be posted for at least 30 days on the bulletin board required by section 107 of the Act not later than the date such application is filed.

NOTE: The incorporation by reference provisions in this document were approved by the Director of the Federal Register on November 10, 1971.

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