

(Secs. 11, 14, 52 Stat. 1068; Sec. 11, 75 Stat. 74; Secs. 501, 602, 80 Stat. 843, 844 (29 U.S.C. 211, 214).)

Signed at Washington, D.C., this 17th day of March, 1978.

XAVIER M. VELA,
Administrator, Wage and Hour
Division, U.S. Department of
Labor.

[FR Doc. 78-7898 Filed 3-23-78; 8:45 am]

[4510-23]

Title 30—Mineral Resources

CHAPTER I—MINE SAFETY AND HEALTH ADMINISTRATION, DE- PARTMENT OF LABOR

FEDERAL MINE SAFETY AND HEALTH

Technical, Nonsubstantive Revisions and Miscellaneous Amendments

AGENCY: Mine Safety and Health
Administration, Department of Labor.

ACTION: Final rule.

SUMMARY: The Secretary of Labor is promulgating technical and nonsubstantive revisions and amendments to existing regulations to bring them into technical compliance with the Federal Mine Safety and Health Act of 1977 (Pub. L. 95-164) as amended by Pub. L. 95-164 (Act). The implementation of Departmental functions required by that Act requires changes in the nomenclature in certain regulations in effect on the effective date of the Act (March 9, 1978). These changes and revisions will accomplish the efficient implementation and enforcement of the Act.

EFFECTIVE DATE: March 24, 1978.

FOR FURTHER INFORMATION
CONTACT:

William E. Steadman, Special Assistant, Denver Technical Support, 4015 Wilson Boulevard, Arlington, Va. 22203, 703-235-1374.

SUPPLEMENTARY INFORMATION:

I. ANALYSIS

The Federal Mine Safety and Health Amendments Act of 1977 (Pub. L. 95-164, November 9, 1977) amended the Federal Coal Mine Health and Safety Act of 1969 (Pub. L. 91-173) and redesignated it the Federal Mine Safety and Health Act of 1977; repealed the Federal Metal and Nonmetallic Mine Safety Act (Pub. L. 89-577); transferred the functions of enforcing mine safety and health laws from the Secretary of the Interior to the Secretary of Labor except with respect to research functions assigned to the Secretary of the Interior under section 501 of the Federal Coal Mine Health and Safety Act of 1969, and except for those functions which are expressly transferred

to the Federal Mine Safety and Health Review Commission; established in the Department of Labor a Mine Safety and Health Administration to be headed by an Assistant Secretary of Labor for Mine Safety and Health; *Provided*, That the mandatory standards relating to mines issued by the Secretary of the Interior under the Federal Metal and Nonmetallic Mine Safety Act and regulations under the Federal Coal Mine Health and Safety Act of 1969, which are in effect on the date of enactment of the Federal Mine Safety and Health Amendments Act of 1977 shall remain in effect until the Secretary of Labor issues new or revised regulations; and authorized and directed the Secretary of Labor to carry out these functions through the Mine Safety and Health Administration, except as specifically provided otherwise.

In order to provide for necessary changes in names to conform to the provisions of the Federal Mine Safety and Health Act of 1977, Subchapters A through O of Chapter I, Title 30, Code of Federal Regulations (CFR) are revised and amended. Addresses and the names of organizational units have also been changed to those which are current on the date of this publication.

II. EFFECT ON EXISTING RULES

These amendments change the title of Chapter I, Title 30, CFR to reflect the transfer of functions to the Mine Safety and Health Administration in the Department of Labor. Names, addresses and telephone numbers are updated so that the rules will be current. Typographical errors in the regulations are also corrected. The amendments do not affect the substantive requirements of the regulations.

III. RULEMAKING PROCEDURE

These amendments involve nonsubstantive matters relating to management, personnel, agency organization and procedures. Therefore, these amendments are exempt from the notice and comment procedures of 5 U.S.C. section 553(a)(2) and (b)(3)(A). These rules will be effective on March 24, 1978.

IV. DRAFTING INFORMATION

The principal person responsible for the drafting of this final rule is:

William E. Steadman, Special Assistant, Denver Technical Support, 4015 Wilson Boulevard, Arlington, Va. 22203, 703-235-1374.

V. IMPACT STATEMENTS

It has been determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under

Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: March 20, 1978.

ROBERT B. LAGATHER,
Assistant Secretary of Labor for
Mine Safety and Health.

Title 30, Code of Federal Regulations is amended as follows:

The Title of Chapter I is revised to read as shown below:

CHAPTER I—MINE SAFETY AND HEALTH ADMINISTRATION, DE- PARTMENT OF LABOR

The Title of Part 1, Chapter I, is revised to read as shown below:

PART 1—MINE SAFETY AND HEALTH ADMINISTRATION: ESTABLISHMENT AND USE OF OFFICIAL EMBLEM

Part 1 of Title 30 of the Code of Federal Regulations is further amended as follows:

§§ 1.1, 1.2, 1.3 [Amended]

1. In §§ 1.1, 1.2, and 1.3, the words "Mining Enforcement and Safety Administration" are deleted whenever they appear and the words "Mine Safety and Health Administration" are substituted therefor.

2. In § 1.1, the emblem shown is deleted and is replaced by a new emblem as shown following:



3. In §§ 1.2 and 1.3, the acronym "MESA" is deleted whenever it appears and the acronym "MSHA" is substituted therefor.

4. In § 1.2, delete the words "The Interior" and substitute the word "Labor" therefor.

5. In § 1.3, delete the word "Administrator" and substitute the words "Assistant Secretary of Labor for Mine Safety and Health" therefor.

PART 11—RESPIRATORY PROTECTIVE DEVICES: TESTS FOR PERMISSIBILITY: FEES

Part 11 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 11.1, 11.3, 11.3(c), 11.3(jj), 11.4, 11.10(e), 11.22 (subtext), 11.30(a), 11.30(b), 11.30(c), 11.31(e), 11.32(a), 11.32(c), 11.33(a), 11.33(b), 11.33(c), 11.33(e), 11.33(f), 11.33(g), 11.34, 11.35(a), 11.40, 11.41(i), 11.42 (heading), 11.42(a), 11.42(b), 11.42(c), 11.43 (heading), 11.43(b), 11.43(c), 11.60(a), 11.60(b), 11.61(e), 11.63(c), 11.65 (heading), 11.65(a), 11.65(b), 11.65(c), 11.65(d), 11.65(e), 11.66(a), 11.79-1, 11.85-3(c) (footnote 1), 11.90(b) (note), 11.90(c), 11.124-7 (Table), 11.150 (note) [Amended]

1. In the sections specified below, the words "Mining Enforcement and Safety Administration" are deleted whenever they appear and the words "Mine Safety and Health Administration" are substituted therefor:

Sections 11.33(b) and 11.90(b)(note).

2. In the section specified below, the acronym "MESA" is deleted whenever it appears and the acronym "MSHA" is substituted therefor:

Sections 11.1, 11.3(c), 11.4, 11.22 (subtext), 11.30(a), 11.30(b), 11.30(c), 11.31(e), 11.32(a), 11.32(c), 11.33(a), 11.33(b), 11.33(c), 11.33(e), 11.33(f), 11.33(g), 11.34, 11.35(a), 11.40, 11.41(i), 11.42 (heading), 11.42(a), 11.42(b), 11.42(c), 11.43(heading), 11.43(b), 11.43(c), 11.60(a), 11.60(b), 11.61(e), 11.63(c), 11.65 (heading), 11.65(a), 11.65(b), 11.65(c), 11.65(d), 11.65(e), 11.66(a), 11.79-1, 11.85-3(c) (footnote 1), 11.90(c), 11.124-7 (Table 8), and 11.150 (note).

3. In § 11.3(jj), insert a new sentence after the period as follows: "predecessor organization to MSHA, prior to March 9, 1978."

4. In § 11.3, add a new definition (kk), after (jj), as follows: "'MSHA' means the U.S. Department of Labor, Mine Safety and Health Administration."

5. In §§ 11.4 and 11.10(e), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor, and change the address from "4800 Forbes Avenue, Pittsburgh, Pa." to "Box 201B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059."

PART 15—EXPLOSIVES AND RELATED ARTICLES

Part 15 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 15.2, 15.2(b), 15.2(i), 15.3, 15.4(a), 15.4(b)(1)(X), 15.5, 15.5(d), 15.6(a), 15.6(e), 15.8, 15.9, 15.11, 15.12(a), 15.13, 15.14(a), 15.14(b), 15.14(d), 15.15, 15.16, 15.17, 15.18(a), 15.18(b), 15.20, 15.22(b), 15.24(a), 15.24(b) [Amended]

1. In the sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 15.2(b), 15.3, 15.4(a), 15.4(b)(1)(x), 15.5, 15.5(d), 15.6(a), 15.6(e), 15.8, 15.9, 15.11, 15.12(a), 15.13, 15.14(a), 15.14(b), 15.14(d), 15.15, 15.16, 15.17,

15.18(a), 15.18(b), 15.20, 15.22(b), 15.24(a), and 15.24(b).

2. In § 15.2(i), insert a new sentence after the period as follows: "Predecessor organization to MSHA, prior to March 9, 1978."

3. In § 15.2, add a new definition (j), after (i), as follows: "'MSHA' means the U.S. Department of Labor, Mine Safety and Health Administration."

4. In §§ 15.3 and 15.8, delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor, and change the address from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to Box 201B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059".

5. In § 15.14(b), delete the words "the Interior" and substitute the word "Labor" therefor.

PART 16—STEMMING DEVICES

Part 16 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 16.1, 16.2(b), 16.2(c), 16.2(d), 16.2(f), 16.3, 16.4(c), 16.4(a) (Footnote), 16.5, 16.6, 16.7, 16.8, 16.9, 16.10(b)(1), 16.10(b)(2), 16.10(c), 16.11, 16.12, 16.13, 16.14(a), 16.14(b), 16.15, 16.16(c), 16.16(d), 16.17, 16.18 [Amended]

1. In the sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 16.1, 16.2(b), 16.2(c), 16.2(d), 16.3, 16.4(c), 16.4(a) (Footnote), 16.5, 16.6, 16.8, 16.9, 16.10(b)(1), 16.10(b)(2), 16.10(c), 16.11, 16.12, 16.13, 16.14(a), 16.14(b), 16.15, 16.16(c), 16.16(d), 16.17, and 16.18.

2. In § 16.2(f), insert a new sentence after the period as follows: "Predecessor organization to MSHA, prior to March 9, 1978."

3. In § 16.2, add a new definition (g), after (f), as follows: "'MSHA' means the U.S. Department of Labor, Mine Safety and Health Administration."

4. In §§ 16.3 and 16.8, delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor, and change the address from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to "Box 201B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059".

5. In § 16.14, delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

6. In § 16.7, delete the words "Bureau's Explosives Testing Station at Bruceton, Pa." and substitute the words "Approval and Certification Center" therefor.

PART 17—BLASTING DEVICES

Part 17 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 17.1, 17.2, 17.2(b), 17.2(c), 17.2(d), 17.2(e), 17.3, 17.4(d), 17.4(a) (footnote) (1), 17.6, 17.7, 17.8, 17.9, 17.10(g), 17.11(e), 17.11(f), 17.12, 17.13, 17.14, 17.15, 17.16(c), 17.16(j), 17.17, 17.18, 17.20 [Amended]

1. In the sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 17.1, 17.2(b), 17.2(c), 17.2(d), 17.3, 17.4(d), 17.4(a) (footnote) (1), 17.6, 17.7, 17.8, 17.9, 17.10(g), 17.11(e), 17.11(f), 17.12, 17.13, 17.14, 17.15, 17.16(c), 17.16(j), 17.17, 17.18, and 17.20.

2. In § 17.2(e), insert a new sentence after the period as follows: "Predecessor organization to MSHA, prior to March 9, 1978."

3. In § 17.2, add a new definition (f), after (e), as follows: "'MSHA' means the U.S. Department of Labor, Mine Safety and Health Administration."

4. In §§ 17.3 and 17.8, delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor, and change the address from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to "Industrial Park Road, Dallas Pike, Triadelphia, W. Va."

5. In § 17.7, delete the words "Explosives Testing Station at Bruceton, Pa." and substitute the words "Approval and Certification Center" therefor.

PART 18—ELECTRIC MOTOR-DRIVEN MINE EQUIPMENT AND ACCESSORIES

Part 18 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 18.1, 18.2, 18.3, 18.6(a), 18.6(e), 18.6(f), 18.6(g), 18.6(h), 18.6(k), 18.6(l), 18.7(m), 18.7 (note), 18.9(a), 18.9(b), 18.9(c), 18.10(a), 18.10(c), 18.11(a), 18.11(b), 18.12(a), 18.12(c), 18.13, 18.14, 18.15, 18.15(b), 18.16, 18.20(b), 18.21, 18.30(a), 18.31(a)(4), 18.32(a), 18.32(b), 18.32(h), 18.34(a)(2), 18.34(a)(3), 18.35(a)(5)(ii), 18.40, 18.47(d)(6), 18.61(a), 18.62(a), 18.62(c), 18.63, 18.64(e), 18.64(f), 18.65(f), 18.65(f)(1), 18.65(f)(2), 18.66(a), 18.67, 18.69, 18.80(c), 18.80(e), 18.80(f), 18.81(a), 18.81(c), 18.82(a), 18.82(c)(1)(ii), 18.82(c)(1)(iii), 18.82(c)(2), 18.82(d), 18.82(e), 18.82(f), 18.82(g), 18.82(g)(1), 18.82(h), 18. (Appendix II) (Figure 3—Caution 5), 18.90, 18.91(a), 18.92(b), 18.93(a)(1), 18.93(b), 18.93(c)(3), 18.97(b)(4)(iii), 18.99, 18.99(a), 18.99(b) [Amended]

In the sections below, the acronym "MESA" is deleted wherever it ap-

pears and the acronym "MSHA" is substituted therefor:

Sections 18.1, 18.6(a), 18.6(e), 18.6(f), 18.6(g), 18.6(h), 18.6(k), 18.6(l), 18.7(m), 18.7 (note), 18.9(a), 18.9(b), 18.9(c), 18.10(a), 18.10(c), 18.11(b), 18.12(a), 18.12(c), 18.13, 18.14, 18.15, 18.15(b), 18.16, 18.20(b), 18.21, 18.30(a), 18.31(a)(4), 18.32(a), 18.32(b), 18.32(h).

Sections 18.34(a)(2), 18.34(a)(3), 18.35(a)(5)(ii), 18.40, 18.47(d)(6), 18.61(a), 18.62(a), 18.62(c), 18.63, 18.64(e), 18.64(f), 18.65(f), 18.65(f)(2), 18.66(a), 18.67, 18.69, 18.80(c), 18.80(e), 18.81(c), 18.82(c)(1)(ii), 18.82(c)(1)(iii), 18.82(c)(2), 18.82(d), 18.82(g), 18.82(g)(1), 18. (Appendix II) (Figure 3—Caution 5), 18.90, 18.91(a), 18.92(b), 18.93(a)(1), 18.93(b), 18.97(b)(4)(iii), and 18.99.

2. Under 18.2, delete the definition "Administrator" means the Administrator, Mining Enforcement and Safety Administration" and substitute the definition "Assistant Secretary" means the Assistant Secretary of Labor for Mine Safety and Health" therefor, as the fifth listed definition; in the twenty-sixth listed definition, which begins with the word "MESA," add a new sentence, after the period, as follows: "Predecessor organization to MSHA, prior to March 9, 1978"; add a new definition after the twenty-seventh listed definition as follows: "MSHA" means the United States Department of Labor, Mine Safety and Health Administration"; in the twenty-eighth listed definition, which begins with the words "Permissible equipment," add a new clause, after the post-parenthesis and before the period, as follows: ", or, after March 9, 1978, by the Assistant Secretary under the Federal Mine Safety and Health Act of 1977 (Pub. L. 95-164, 30 U.S.C. 801)"; in the definition which begins with the word "Permit," delete the word "Administrator" and substitute the words "Assistant Secretary" therefor; in all other listed definitions, delete the acronym "MESA" whenever it appears and substitute the acronym "MSHA" therefor.

3. In the Sections specified below, the words "Approval and Testing, Pittsburgh Technical Support Center" are deleted wherever they appear and the words "Approval and Certification Center" are substituted therefor, and the address is changed from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to "Box 201B Industrial Park, Dallas Pike, Triadelphia, W. Va. 26049" wherever it appears.

Sections 18.3, 18.6(a), 18.80(f), 18.81(a), 18.82(a), and 18.82(d).

4. In §§ 18.6(a) and 18.11(a), delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

5. In §§ 18.14, 18.65(f)(1), and 18.65(f)(2), delete the capital letters

"USMESA" and substitute the capital letters "USMSHA" therefor.

6. In § 18.82(a), delete the words "Administrator of MESA, U.S. Department of the Interior, Washington D.C. 20240" and substitute the words "Assistant Secretary of Labor for Mine Safety and Health, 4015 Wilson Boulevard, Arlington, Va. 22203" therefor.

7. In §§ 18.82(e), 18.82(g), and 18.82(h), delete the words "Administrator of MESA" and substitute the words "Assistant Secretary" therefor.

8. In § 18.82(f), delete the word "Administrator" the second time it appears and substitute the words "Assistant Secretary" therefor.

9. In §§ 18.92(c)(3), 18.99(a), and 18.99(b), delete the words "Approval and Testing" and substitute the words "Approval and Certification Center" therefor.

PART 19—ELECTRIC CAP LAMPS

Part 19 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 19.1(b), 19.1(c), 19.2(o), 19.3, 19.4(a), 19.4(b), 19.4(d), 19.4(f), 19.4(g), 19.6(b), 19.7, 19.8, 19.9, 19.10 (heading), 19.10, 19.10(a), 19.10(b)(1), 19.10(b)(2), 19.11(a), 19.12(a), 19.12(b), 19.12(c), 19.12(d), 19.13, 19.13(a), 19.13(b), 19.13(c) [Amended]

In the Sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor.

Sections 19.1(b), 19.1(c), 19.2(o), 19.3, 19.4(b), 19.4(d), 19.4(f), 19.4(g), 19.6(b), 19.7, 19.8, 19.9, 19.10 (heading), 19.10, 19.10(a), 19.10(b)(1), 19.10(b)(2), 19.11(a), 19.12(b), 19.12(c), 19.12(d), 19.13, 19.13(b), and 19.13(c).

2. In the Sections specified below, the words "Approval and Testing, Pittsburgh Technical Support Center" are deleted wherever they appear and the words "Approval and Certification Center" are substituted therefor, and the address is changed from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to "Box 201B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059" wherever it appears.

Sections 19.2(o), 19.3, 19.3(g), 19.4(a), and 19.13(a).

3. In § 19.4(g), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor.

4. In §§ 19.3 and 19.12(a), delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

PART 20—ELECTRIC MINE LAMPS OTHER THAN STANDARD CAP LAMPS

Part 20 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 20.0, 20.1(c), 20.2(b), 20.2(d), 20.3, 20.4(j), 20.5(a), 20.5(b), 20.5(c), 20.5(e), 20.5(f), 20.8(a), 20.8(b), 20.9(e)(1), 20.9(e) (subtext), 20.11 (heading), 20.11, 20.11(a), 20.11(b)(1), 20.11(b)(2), 20.12(a), 20.13, 20.13(a), 20.13(b), 20.13(c), 12.14, 20.14(a), 20.14(b), 20.14(c) [Amended]

1. In the sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 20.0, 20.1(c), 20.2(b), 20.2(d), 20.3, 20.4(j), 20.5(b), 20.5(c), 20.5(e), 20.5(f), 20.8(a), 20.8(b), 20.9(e)(1), 20.9(e) (subtext), 20.11 (heading), 20.11, 20.11(a), 20.11(b)(1), 20.11(b)(2), 20.12(a), 20.13, 20.13(a), 20.13(b), 20.13(c), 20.14, 20.14(b), and 20.14(c).

2. In §§ 20.3 and 20.13, delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

3. In §§ 20.3, 20.4(j), and 20.5(a), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor, and change the address from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to Box 201 B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059.

4. In § 20.14(a), delete the words "Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa." and substitute the words "Approval and Certification Center, Box 201 B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059" therefor.

PART 21—FLAME SAFETY LAMPS

Part 21 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 21.0, 21.1(b), 21.2(a), 21.2(b), 21.3(j), 21.4, 21.5(a), 21.5(b), 21.5(c), 21.7 (heading), 21.7, 21.7(a), 21.7(b)(1), 21.7(b)(2), 21.8(a), 21.9, 21.9(a), 21.9(b), 21.9(c), 21.10, 21.10(a), 21.10(b) [Amended]

1. In the sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 21.0, 21.1(b), 21.2(a), 21.2(b), 21.3(j), 21.4, 21.5(b), 21.5(c), 21.7 (heading), 21.7, 21.7(a), 21.7(b)(1), 21.7(b)(2), 21.8(a), 21.9, 21.9(a), 21.9(b), 21.9(c), 21.10, and 21.10(b).

2. In §§ 21.3(j), 21.4, 21.5(a), and 21.10(a), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the

words "Approval and Certification Center" therefor, and change the address from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to "Box 201 B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059".

3. In §§ 21.4 and 21.9, delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

PART 22—PORTABLE METHANE DETECTORS

Part 22 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 22.0, 22.1(b), 22.2(c), 22.3(j), 22.4, 22.5(a), 22.5(b), 22.5(c), 22.7(c), 22.7(d), 22.8 (heading), 22.8, 22.8(a), 22.8(b), 22.9, 22.10(a)(1), 22.10(a)(2), 22.10(b), 22.10(c), 22.10(d), 22.11, 22.11(a), 22.11(b), 22.11(c) [Amended].

1. In the sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 22.0, 22.1(b), 22.2(c), 22.3(j), 22.4, 22.5(b), 22.5(c), 22.7(c), 22.7(d), 22.8 (heading), 22.8, 22.8(a), 22.8(b), 22.9, 22.10(a)(2), 22.10(b), 22.10(c), 22.10(d), 22.11, 22.11(b), and 22.11(c).

2. In §§ 22.3(j), 22.4, 22.5(a), and 22.11(a), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor, and change the address from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to "Box 201 B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059".

3. In §§ 22.4 and 22.10(a)(1), delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

PART 23—TELEPHONES AND SIGNALING DEVICES

Part 23 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 23.1(b), 23.2(a), 23.2(b), 23.2(d), 23.2(g), 23.3, 23.4(g), 23.5(a), 23.5(b), 23.5(c), 23.5(e), 23.5(f), 23.7(e), 23.9(e), 23.10 (heading), 23.10, 23.10(a), 23.10(b), 23.11, 23.12(a)(1), 23.12(a)(2), 23.12(b), 23.12(c), 23.13, 23.14, 23.14(a), 23.14(b), 23.14(c) [Amended].

1. In the sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 23.1(b), 23.2(a), 23.2(b), 23.2(d), 23.3, 23.4(g), 23.5(b), 23.5(c), 23.5(e), 23.5(f), 23.7(e), 23.9(e), 23.10 (heading), 23.10, 23.10(a), 23.10(b), 23.11, 23.12(a)(2), 23.12(b), 23.12(c), 23.13, 23.14, 23.14(b), and 23.14(c).

2. In § 23.2(g), add a new sentence, after the period, as follows: "Predecessor organization to MSHA, prior to March 9, 1978."

sor organization to MSHA, prior to March 9, 1978."

3. In § 23.1, add a new definition (h), after (g), as follows: "MSHA" means the U.S. Department of Labor, Mine Safety and Health Administration."

4. In §§ 23.3 and 23.12(a)(1), delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

5. In §§ 23.3, 23.4(g), 23.5(a), and 23.14(a), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor, and change the address from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to "Box 201B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059."

PART 24—SINGLE-SHOT BLASTING UNITS

Part 24 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 24.0(a), 24.0(c), 24.0(d), 24.0(e), 24.1(i), 24.2, 24.3(a), 24.3(b), 24.3(d), 24.3(f), 24.3(g), 24.5(heading), 24.5, 24.5(b), 24.6, 24.7(a), 24.7(b), 24.7(c), 24.8, 24.9, 24.9(a), 24.9(b), 24.9(c) [Amended].

1. In the Sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 24.0(a), 24.0(c), 24.0(d), 24.1(i), 24.2, 24.3(b), 24.3(d), 24.3(f), 24.3(g), 24.5(heading), 24.5, 24.5(b), 24.6, 24.7(a), 24.7(b), 24.7(c), 24.8, 24.9, 24.9(b), and 24.9(c).

2. In § 24.0(e), add a new sentence, after the period, as follows: "Predecessor organization to MSHA, prior to March 9, 1978."

3. In § 24.0, add a new definition (f), after (e), as follows: "MSHA" means the United States Department of Labor, Mine Safety and Health Administration."

4. In § 24.2, delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

5. In § 24.7, delete the words "Mining Enforcement and Safety Administration, United States Department of the Interior" and substitute the words "Mine Safety and Health Administration" therefor.

6. In §§ 24.1(i), 24.2, 24.3(a), 24.9(a), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor, and change the address from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to "Box 201B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059."

7. In § 24.0(a), delete all of the text following the parenthetical reference "(a)" and substitute the words "Investigations under this part are conducted under the authorization of the Federal Mine Safety and Health Act of 1977 (Pub. L. 95-173, as amended by Pub. L. 95-164)."

PART 25—MULTIPLE-SHOT BLASTING UNITS

Part 25 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 25.2(b), 25.2(f), 25.3, 25.4(j), 25.5, 25.6(a), 25.6(b), 25.7(a), 25.7(d), 25.7(l), 25.9(a), 25.10(a), 25.10(c), 25.11(a), 25.11(b), 25.12, 25.12(b), 25.13, 25.21(a), 25.26(a) [Amended].

1. In the sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 25.2(b), 25.3, 25.4(j), 25.5, 25.6(a), 25.6(b), 25.7(a), 25.7(d), 25.7(l), 25.9(a), 25.10(a), 25.10(c), 25.11(b), 25.12, 25.12(b), 25.13, 25.21(a), and 25.26(a).

2. In § 25.2(f), add a new sentence, after the period, as follows: "Predecessor organization to MSHA, prior to March 9, 1978."

3. In § 25.2, delete the parenthetical reference "(g)" which precedes the word "Applicant" and substitute the parenthetical reference "(h)" therefor, and add a new definition (g), after (f), as follows: "MSHA" means the United States Department of Labor, Mine Safety and Health Administration."

4. In §§ 25.6(a) and 25.11(a), delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

5. In §§ 25.3, 25.4(j) and 25.6(a), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor, and change the address from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to "Box 201 B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059."

PART 26—LIGHTING EQUIPMENT FOR ILLUMINATING UNDERGROUND WORKINGS

Part 26 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 26.2, 26.2(b), 26.2(c), 26.2(p), 26.3, 26.5, 26.6(k), 26.7, 26.8(a), 26.8(b), 26.9(a), 26.9(b), 26.14, 26.15(a), 26.15(b), 26.16(a), 26.16(b), 26.17(a), 26.17(b), 26.18(a), 26.19, 26.19(b), 26.20 [Amended].

1. In the sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

ever it appears and the acronym "MSHA" is substituted therefor:

Sections 26.2(b), 26.2(c), 26.3, 26.5, 26.6(k), 26.7, 26.8(a), 26.8(b), 26.9(a), 26.9(b), 26.14, 26.15(a), 26.15(b), 26.16(a), 26.16(b), 26.17(a), 26.17(b), 26.18(a), 26.19, 26.19(b), and 26.20.

2. In §§ 26.2(p), add a new sentence, after the period, as follows: "Predecessor organization to MSHA, prior to March 9, 1978."

3. In § 26.2, delete the parenthetical reference "(q)" which precedes the word "Applicant" and substitute the parenthetical reference "(r)" therefor, and add a new definition (q), after (p), as follows: "'MSHA' means the United States Department of Labor, Mine Safety and Health Administration."

4. In §§ 26.8(a) and 26.17(a), delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

5. In §§ 26.3, 26.6(k), and 26.8(a), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor, and change the address from "4800 Forbes Avenue, Pittsburgh, Pa." (Pa. in 26.6(k)) to "Box 201 B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059."

PART 27—METHANE—MONITORING SYSTEMS

Part 27 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 27.2(a), 27.2(h), 27.2(k), 27.2(n), 27.3, 27.4(a), 27.4(c), 27.4(d), 27.4(e), 27.5(a), 27.6, 27.7, 27.8(h), 27.8 (subtext), 27.10, 27.10(b), 27.10(c), 27.11, 27.11(b), 27.11(c), 27.12, 27.20(a), 27.20(f), 27.20 (note), 27.21(d), 27.21(e), 27.21(f), 27.22(c), 27.30, 27.31, 27.32(b), 27.33, 27.35, 27.36, 27.32 (footnote: 4), 27.38, 27.39(b) [Amended].

1. In the sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 27.2(h), 27.2(k), 27.2(n), 27.3, 27.4(a), 27.4(c), 27.4(d), 27.4(e), 27.5(a), 27.6, 27.7, 27.8(h), 27.10, 27.10(b), 27.10(c), 27.11, 27.11(b), 27.11(c), 27.12, 27.20(a), 27.20(f), 27.20 (note), 27.21(d), 27.21(e), 27.21(f), 27.22(c), 27.30, 27.31, 27.32(b), 27.33, 27.35, 27.36, 27.32 (footnote: 4), 27.38, and 27.39(b).

2. In § 27.2, after the parenthetical reference "(a)", delete the definition which begins with the word "MESA" and substitute the definition "'MSHA' means the United States Department of Labor, Mine Safety and Health Administration." therefor.

3. In §§ 27.4(a) and 27.4(d), delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

4. In §§ 27.3, 27.4(a), 27.8(h) and 27.8 (subtext), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor, and change the address from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to "Box 201B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059."

PART 28—FUSES FOR USE WITH DIRECT CURRENT IN PROVIDING SHORT-CIRCUIT PROTECTION FOR TRAILING CABLES IN COAL MINES

Part 28 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 28.4(b), 28.4(d), 28.10(c), 28.10(d), 28.10(e), 28.10(f), 28.10(g), 28.20(a), 28.20(b), 28.21(d), 28.22(a), 28.22(c), 28.23(a), 28.23(b), 28.23(c), 28.23(e), 28.23(g), 28.23(h), 28.24, 28.25(a), 28.25(c), 28.30, 28.31(b), 28.32 (heading), 28.32(a), 28.32(b), 28.32(c), 28.33 (heading), 28.33(a), 28.33(b), 28.40(a), 28.40(b), 28.40(d) [Amended].

1. In the sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 28.4(b), 28.10(d), 28.10(e), 28.10(f), 28.10(g), 28.20(a), 28.20(b), 28.21(d), 28.22(a), 28.22(c), 28.23(a), 28.23(b), 28.23(c), 28.23(e), 28.23(g), 28.23(h), 28.24, 28.25(a), 28.25(c), 28.30, 28.32 (heading), 28.32(a), 28.32(b), 28.32(c), 28.33 (heading), 28.33(a), 28.33(b), 28.40(a), 28.40(b), and 28.40(d).

2. In § 28.4(d), add a new sentence, after the period, as follows: "Predecessor organization to MSHA, prior to March 9, 1978."

3. In § 28.4, delete the parenthetical reference "(e)" which precedes the word "fuse" and substitute the parenthetical reference "(f)" therefor, and add a new definition (e), after (d), as follows: "'MSHA' means the United States Department of Labor, Mine Safety and Health Administration."

4. In §§ 28.10(d), and 28.23(a), delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

5. In §§ 28.10(c), 28.10(g), 28.31(b), and 28.40(d), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor.

6. In §§ 28.10(c), 28.31(b), and 28.40(d), change the address which follows the word "Center" from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to "Box 201B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059."

7. In § 28.24, delete the words "Section 109(e) of the Federal Coal Mine

Health and Safety Act of 1969 (30 U.S.C. 819(e))" and substitute the words "Section 110(h) of the Federal Mine Safety and Health Act of 1977" (Pub. L. 91-173 as amended by Pub. L. 95-164) therefor.

PART 29—PORTABLE COAL DUST/ROCK DUST ANALYZERS, AND CONTINUOUS DUTY, WARNING LIGHT, PORTABLE METHANE DETECTORS FOR USE IN COAL MINES

Part 29 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 29.4(b), 29.4(l), 29.10(a), 29.10(b), 29.10(c), 29.10(d), 29.12(a), 29.12(c), 29.12(d), 29.20, 29.20(b), 29.21(a), 29.21(b), 29.21(c), 29.21(d), 29.30(a), 29.30(b), 29.31(e), 29.32(a), 29.32(c), 29.33(a), 29.33(b), 29.33(c), 29.33(e), 29.33(f), 29.34, 29.35(a), 29.35(d), 29.35(e), 29.36, 29.40, 29.41(b), 29.41(i), 29.42 (heading), 29.42(a), 29.42(b), 29.42(c), 29.43 (heading), 29.43(b), 29.43(c), 29.50(a), 29.50(b), 29.51, 29.52(a), 29.53(a), 29.53(b), 29.53(c), 29.54(b), 29.54(c), 29.55 (heading), 29.55(a), 29.55(b), 29.55(c), 29.55(d), 29.55(e), 29.56(a), 29.56(b), 29.61(e), 29.61(f), 29.61 (Inspector's samples 1), 29.76(c), 29.76(d) [Amended].

1. In the sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 29.4(b), 29.10(a), 29.10(d), 29.12(c), 29.12(d), 29.20, 29.20(b), 29.21(a), 29.21(b), 29.21(c), 29.21(d), 29.30(a), 29.30(b), 29.31(e), 29.32(a), 29.32(c), 29.33(a), 29.33(b), 29.33(c), 29.33(e), 29.33(f), 29.34, 29.35(a), 29.35(d), 29.35(e), 29.40, 29.41(i), 29.42 (heading), 29.42(a), 29.42(b), 29.42(c), 29.43 (heading), 29.43(b), 29.43(c), 29.50(a), 29.50(b), 29.52(a), 29.53(a), 29.53(b), 29.53(c), 29.54(b), 29.54(c), 29.55 (heading), 29.55(a), 29.55(b), 29.55(c), 29.55(d), 29.55(e), 29.56(a), 29.56(b), 29.61(e), 29.61(f), 29.61 (Table B, Inspector's Samples), 29.76(c), and 29.76(d).

2. In § 29.4(l), add a new sentence, after the period, as follows: "Predecessor organization to MSHA, prior to March 9, 1978."

3. In § 29.4, add a new definition (m), after (l), as follows: "'MSHA' means the United States Department of Labor, Mine Safety and Health Administration."

4. In §§ 29.10(b) and 29.33(b), delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

5. In §§ 29.10(b), 29.10(c), 29.12(a), 29.36, and 29.41(b), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor, and change

the address from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to "Box 201 B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059."

6. In § 29.10(c), delete the words "or at the Bruceton, Pa. facility of the Technical Support Center."

7. In § 29.10(d), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor.

PART 31—DIESEL MINE LOCOMOTIVES

Part 31 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 31.2(a), 31.2(b), 31.2(d), 31.2(g), 31.2(j), 31.2(k), 31.3(a), 31.3(b), 31.3(c) (note), 31.3(d)(1), 31.3(d)(3), 31.3(e), 31.3(f), 31.3(g), 31.3(h), 31.3(j), 31.4(a), 31.4(i)(6)(i), 31.4(i)(7)(v), 31.5(a), 31.5(a)(4)(vi), 31.5(a)(5)(vii), 31.5(a)(6)(iii), 31.5(a)(6)(iv), 31.5(b)(2)(ii), 31.5(b)(3), 31.5(b)(4), 31.5(b)(5), 31.6(a)(i), 31.6(a)(2), 31.6(a)(4), 31.6(b)(1), 31.6(b)(2), 31.6(c)(1), 31.6(c)(2), 31.7, 31.8, 31.8(a), 31.8(b), 31.8(c), 31.9, 31.9(b)(2)(ii), 31.9(b)(2)(iv), 31.9(b)(3)(i), 31.9(b)(4)(i), 31.10 [Amended]

1. In the Sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 31.2(a), 31.2(b), 31.2(d), 31.2(g), 31.2(j), 31.3(b), 31.3(c)(Note), 31.3(d)(1), 31.3(d)(3), 31.3(e), 31.3(f), 31.3(g), 31.3(h), 31.3(j), 31.4(a), 31.4(i)(6)(i), 31.4(i)(7)(v), 31.5(a), 31.5(a)(4)(vi), 31.5(a)(5)(vii), 31.5(a)(6)(iii), 31.5(a)(6)(iv), 31.5(b)(2)(ii), 31.5(b)(3), 31.5(b)(4), 31.5(b)(5), 31.6(a)(i), 31.6(a)(2), 31.6(a)(4), 31.6(b)(1), 31.6(b)(2), 31.7, 31.8, 31.8(b), 31.8(c), 31.9, 31.9(b)(2)(ii), 31.9(b)(2)(iv), 31.9(b)(3)(i), 31.9(b)(4)(i), and 31.10.

2. In § 31.2(k), add a new sentence, after the period, as follows: "Predecessor organization to MSHA, prior to March 9, 1978."

3. In § 31.2, add a new definition (l), after (k), as follows: "'MSHA' means the United States Department of Labor, Mine Safety and Health Administration."

4. In § 31.3(a), delete the words and address "Central Experiment Station of The Bureau of Mines at 4800 Forbes Avenue, Pittsburgh, Pa. 15213" and substitute the words "Approval and Certification Center" therefor.

5. In §§ 31.3(b) and 31.6(b)(1), delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

6. In §§ 31.3(d), 31.6(b)(2) and 31.8(a), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Ap-

proval and Certification Center" therefor.

7. In §§ 31.3(b) and 31.6(b)(2), change the address shown from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" and "Pittsburgh, Pa. 15213" to "Box 201 B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059", respectively.

PART 32—MOBILE DIESEL-POWERED EQUIPMENT FOR NONCOAL MINES

Part 32 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 32.1(b), 32.2(g), 32.2(h), 32.2(i), 32.2(j), 32.2(k), 32.3(b), 32.3(c)(note), 32.3(d)(1), 32.3(d)(3), 32.3(e), 32.3(f), 32.3(g), 32.3(h), 32.3(j), 32.4(a), 32.4(h)(3)(ii), 32.5(a)(1), 32.5(b), 32.5(c), 32.6(a)(1), 32.6(a)(2), 32.6(a)(4), 32.6(b)(1), 32.6(b)(2), 32.6(c)(1), 32.6(c)(2), 32.7, 32.8, 32.8(a), 32.8(b), 32.8(c), 32.8(d), 32.8(e), 32.9(b)(2)(ii), 32.9(b)(2)(iv), 32.10 [Amended]

1. In the Sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 32.1(b), 32.2(g), 32.2(h), 32.2(i), 32.2(j), 32.3(b), 32.3(c)(note), 32.3(d)(1), 32.3(d)(3), 32.3(e), 32.3(f), 32.3(g), 32.3(h), 32.3(j), 32.4(a), 32.4(h)(3)(ii), 32.5(a)(1), 32.5(b), 32.5(c), 32.6(a)(1), 32.6(a)(2), 32.6(a)(4), 32.6(b)(1), 32.6(b)(2), 32.6(c)(1), 32.6(c)(2), 32.7, 32.8, 32.8(a), 32.8(b), 32.8(c), 32.8(d), 32.8(e), 32.9(b)(2)(ii), 32.9(b)(2)(iv), and 32.10.

2. In § 32.2(k), add a new sentence, after the period, as follows: "Predecessor organization to MSHA, prior to March 9, 1978."

3. In § 32.2, add a new definition (l), after (k), as follows: "'MSHA' means the United States Department of Labor, Mine Safety and Health Administration."

4. In §§ 32.3(a), 32.3(b), 32.3(d)(1), 32.6(b)(2), and 32.8(a), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor.

5. In §§ 32.3(a), 32.3(b), 32.6(b)(2), and 32.8(a), change the address shown from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to "Box 201 B Industrial Park Road, Dallas Pike Triadelphia, W. Va. 26059."

6. In §§ 32.3(b) and 32.6(b)(1), delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

PART 33—DUST COLLECTORS FOR USE IN CONNECTION WITH ROCK DRILLING IN COAL MINES

Part 33 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 33.2(c), 33.2(d), 33.2(i), 33.3, 33.5(a)(3) (Footnote 1), 33.5(e), 33.6(a), 33.6(c), 33.6(d)(1), 33.6(h), 33.6(i), 33.8(a), 33.8(b), 33.9, 33.10(a), 33.11(a), 33.11(c), 33.12, 33.12(b), 33.13, 33.20(a), 33.21, 33.30, 33.36, 33.37(d) [Amended]

1. In the sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 33.2(c), 33.2(d), 33.2(i), 33.5(a)(3) (Footnote 1), 33.6(a), 33.6(c), 33.6(d)(1), 33.6(h), 33.6(i), 33.8(a), 33.8(b), 33.9, 33.10(a), 33.11(a), 33.11(c), 33.12, 33.12(b), 33.13, 33.20(a), 33.21, 33.30, 33.36, and 33.37(d).

2. In § 33.2(i), delete the words "Department of the Interior, Mining Enforcement and Safety Administration" and substitute the words "Department of Labor, Mine Safety and Health Administration" therefor.

3. In §§ 33.6 and 33.11, delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

4. In §§ 33.3, 33.5(e), and 33.6(a), delete the words "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213" and substitute the words "Approval and Certification Center, Box 201 B Industrial Park Road, Dallas Pike, Triadelphia, West Virginia 26059" therefor.

PART 35—FIRE RESISTANT HYDRAULIC FLUIDS

Part 35 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 35.2(b), 35.3, 35.4, 35.5(b), 35.5(d)(4), 35.6(a), 35.6(f), 35.6(g), 35.8, 35.9(a), 35.9(b), 35.10(a), 35.10(e), 35.11, 35.12(b), 35.13 [Amended]

1. In the sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 35.2(b), 35.3, 35.4, 35.5(b), 35.5(d)(4), 35.6(a), 35.6(f), 35.6(g), 35.8, 35.9(a), 35.9(b), 35.10(a), 35.10(e), 35.11, 35.12(b), and 35.13.

2. In § 35.2, delete the words "Department of the Interior, Mining Enforcement and Safety Administration" and substitute the words "Department of Labor, Mine Safety and Health Administration" therefor.

3. In §§ 35.3, 35.6(a), 35.6(g), delete the words "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213" and substitute the words "Approval and Certification Center, Box 201 B Industrial Park Road, Dallas Pike, Triadelphia, West Virginia 26059" therefor.

4. In §§ 35.6 and 35.10(a), delete the words "Mining Enforcement and Safety Administration" and substitute

the words "Mine Safety and Health Administration" therefor.

PART 36—MOBILE DIESEL-POWERED TRANSPORTATION EQUIPMENT FOR GASSY NON-COAL MINES AND TUNNELS

Part 36 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 36.2(c), 36.2(d), 36.3, 36.5, 36.6(a), 36.6(b)(6), 36.6(c), 36.6(d), 36.6(f), 36.6(g), 36.7(a)(16), 36.7(b), 36.9(a), 36.9(b), 36.10(a), 36.11(a), 36.11(b), 36.12, 36.12(b), 36.13, 36.20(a), 36.21, 36.23(d), 36.24(a), 36.25(b)(3), 36.25(c)(1), 36.25(c)(2), 36.25(d)(1), 36.25(e), 36.25(f)(1), 36.26(a), 36.26(b), 36.26(c), 36.27(c), 36.29, 36.33(a), 36.33(b), 36.33(c), 36.40, 36.41, 36.43(a), 36.44(a), 36.45(b), 36.46(b), 36.46(c), 36.48(a), 36.48(b) (note), 36.49 [Amended]

1. In § 36.2(c), delete the definition "MESA" means the United States Department of the Interior, Mining Enforcement and Safety Administration" and substitute the definition "MSHA" means the United States Department of Labor, Mine Safety and Health Administration" therefor.

2. In the Sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 36.2(d), 36.3, 36.5, 36.6(a), 36.6(b)(6), 36.6(c), 36.6(d), 36.6(f), 36.6(g), 36.7(a)(16), 36.9(a), 36.9(b), 36.10(a), 36.11(b), 36.12, 36.12(b), 36.13, 36.20(a), 36.21, 36.23(d), 36.24(a), 36.25(b)(3), 36.25(c)(1), 36.25(c)(2), 36.25(d)(1), 36.25(e), 36.25(f)(1), 36.26(a), 36.26(b), 36.26(c), 36.27(c), 36.29, 36.33(a), 36.33(b), 36.33(c), 36.40, 36.41, 36.43(a), 36.44(a), 36.45(b), 36.46(b), 36.46(c), 36.48(a), 36.48(b) (note), and 36.49.

3. In §§ 36.3, 36.6(a), and 36.7(b), delete the words "Approval and Testing, Pittsburgh Technical Support Center" and substitute the words "Approval and Certification Center" therefor, and change the address from "4800 Forbes Avenue, Pittsburgh, Pa. 15213" to Box 201B Industrial Park Road, Dallas Pike, Triadelphia, West Virginia 26059."

4. In §§ 36.6(a) and 36.11(a), delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

5. In § 36.40, delete the words and commas "Bruceton, Pennsylvania,".

PART 50—NOTIFICATION, INVESTIGATION, REPORTS AND RECORDS OF ACCIDENTS, INJURIES, ILLNESSES, EMPLOYMENT, AND PRODUCTION IN MINES

NOTE.—Appears at 42 FR 65535-65540, December 30, 1977, FR Doc. 77-37-37344

Part 50 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 50.1, 50.2(a), 50.2(b), 50.10, 50.11(a), 50.11(b), 50.12, 50.20(a), 50.20-1 (heading), 50.20-1, 50.20-3(a), 50.20-4 (heading), 50.20-4(a), 50.20-4(b), 50.20-5 (heading), 50.20-5(a), 50.20-6 (heading), 50.20-7 (heading), 50.30 (heading), 50.30(a), 50.30-1 (heading), 50.30-1(a), 50.30-1(d), 50.40(b), 50.41 [Amended]

1. In the Sections specified below, the acronym "MESA" is deleted wherever it appears and the acronym "MSHA" is substituted therefor:

Sections 50.1, 50.10, 50.11(a), 50.11(b), 50.12, 50.20(a), 50.20-1 (heading), 50.20-1, 50.20-4 (heading), 50.20-4(a), 50.20-4(b), 50.20-5 (heading), 50.20-5(a), 50.20-6 (heading), 50.20-7 (heading), 50.30 (heading), 50.30(a), 50.30-1 (heading), 50.30-1(a), 50.30-1(d), 50.40(b), and 50.41.

2. In §§ 50.1 and 50.40(b), delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

3. In § 50.2(a), delete the entire definition and substitute a new definition as follows: "Mine" means (A) an area of land from which minerals are extracted in nonliquid form or, if in liquid form, are extracted with workers underground (B) private ways and roads appurtenant to such area, and (C) lands, excavations, underground passageways, shafts, slopes, tunnels and workings, structures, facilities, equipment, machines, tools, or other property including impoundments, retention dams, and tailings ponds, on the surface or underground, used in, or to be used in, or resulting from, the work of extracting such minerals from their natural deposits in nonliquid form, or if in liquid form, with workers underground, or used in, or to be used in, the milling of such minerals, or the work of preparing coal or other minerals, and includes custom coal preparation facilities.

4. In § 50.2(b), delete the word "sorting" and substitute the word "storing" therefor. (Typographical correction)

5. In § 50.10, change the telephone number which appears at the end of the last sentence from "800-737-2000" to "(202) 783-5582".

6. In § 50.20-3(a), delete the words "first degree scratches, burns" which appear on the next to the last sentence and substitute the words "scratches, first degree burns, and" therefor. (Typographical correction)

PART 55—HEALTH AND SAFETY STANDARDS—METAL AND NON-METALLIC OPEN PIT MINES

Part 55 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 55.2, 55.3-13, 55.4-4, 55.4-24(e), 55.5-1(a), 55.5-5(a), 55.5-5(b), 55.5-50(a), 55.6-94, 55.6-100, 55.9-88(e), 55.9-88(e)(4), 55.9-88(h), 55.12-47, 55.13-32, 55.26-1 [Amended]

1. In the sections specified below, delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor.

Sections 55.2, 55.3-13, 55.4-4, 55.4-24(e), 55.5-1(a), 55.5-5(a), 55.5-5(b), 55.5-50(a), 55.6-94, 55.6-100, 55.9-88(e)(4), 55.12-47, 55.13-32, and 55.26-1.

2. In §§ 55.9-88(e) and 55.9-88(h), delete the acronym "MESA" wherever it appears and substitute the acronym "MSHA" therefor.

3. In § 55.26-1, delete the words "of (sic) the State Agency if the mine is located in a state which has a State Plan Agreement in effect", and the words "or State Agency", in the first and second paragraphs, respectively.

4. In §§ 55.9-88(e) and 55.9-88(e)(4), delete the words "the Interior" and substitute the word "Labor" therefor.

PART 56—HEALTH AND SAFETY STANDARDS—SAND, GRAVEL, AND CRUSHED STONE OPERATIONS

Part 56 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 56.2, 56.3-13, 56.4-4, 56.4-24(e), 56.5-1(a), 56.5-5(a), 56.5-5(b), 56.5-50(a), 56.6-94, 56.6-100, 56.9-88(e), 56.9-88(e)(4), 56.9-88(h), 56.12-47, 56.13-32, 56.26-1 [Amended]

1. In the sections specified below, delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor:

Sections 56.2, 56.3-13, 56.4-4, 56.4-24(e), 56.5-1(a), 56.5-5(a), 56.5-5(b), 56.5-50(a), 56.6-94, 56.6-100, 56.9-88(e)(4), 56.12-47, 56.13-32, and 56.26-1.

2. In §§ 56.9-88(e) and 56.9-88(h), delete the acronym "MESA" wherever it appears and substitute the acronym "MSHA" therefor.

3. In § 56.26-1, delete the words "or the State Agency if the mine is located in a state which has a State Plan Agreement in effect", and the words "or State Agency" in the first and second paragraphs, respectively.

4. In §§ 56.9-88(e) and 56.9-88(e)(4), delete the words "the Interior" and substitute the word "Labor" therefor.

PART 57—HEALTH AND SAFETY STANDARDS—METAL AND NON-METALLIC UNDERGROUND MINES

Part 57 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 57.2, 57.3-13, 57.4-4, 57.4-24(e), 57.5-1(a), 57.5-5(a), 57.5-5(b), 57.5-47, 57.5-50(a), 57.6-94, 57.6-100, 57.9-88(e), 57.9-88(e)(4), 57.9-88(h), 57.12-47, 57.13-32, 57.15-30, 57.18-28(a), 57.18-28(b), 57.18-28(d), 57.18-28(e), 57.21-96, 57.21-100, 57.26-1 [Amended]

1. In the sections specified below, delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor:

Sections 57.2, 57.3-13, 57.4-4, 57.4-24(e), 57.5-1(a), 57.5-5(a), 57.5-5(b), 57.5-47, 57.5-50(a), 57.6-94, 57.6-100, 57.9-88(e)(4), 57.12-47, 57.13-32, 57.15-30, 57.18-28(a), 57.18-28(b), 57.18-28(d), 57.18-28(e), 57.21-96, 57.21-100, and 57.26-1.

2. In §§ 57.9-88(e), 57.9-88(h), 57.18-28(a) and 57.18-28(b), delete the acronym "MESA" wherever it appears and substitute the acronym "MSHA" therefor.

3. In § 57.26-1, delete the words "or the State Agency if the mine is located in a state which has a State Plan Agreement in effect", and the words "or State Agency" in the first and second paragraphs, respectively.

4. In §§ 57.9-88(e) and 57.9-88(e)(4), delete the words "the Interior" and substitute the word "Labor" therefor.

PART 70—MANDATORY HEALTH STANDARDS — UNDERGROUND COAL MINES

Part 70 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 70.1, 70.2(i), 70.2(k), 70.2(l), 70.223, 70.260(a), 70.261, 70.271, 70.272, 70.305-1, 70.400-1, 70.504, 70.504-1(a), 70.504-1(b), 70.504-1(c), 70.504-2, 70.505(a), 70.507(b), 70.508(a), 70.509(a), 70.509(c), 70.509(d), 70.510(b)(2), 70.510(b)(3) [Amended]

1. In the sections specified below, delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor:

Sections 70.223, 70.261, 70.271, 70.272, 70.305-1, 70.400-1, 70.504-1(a), 70.504-1(b), 70.504-1(c), 70.504-2, 70.505, 70.507(b), 70.508(a), 70.509(a), 70.509(c), 70.509(d), and 70.510(b)(2).

2. In §§ 70.1 and 70.2(l), delete the words "Federal Coal Mine Health and Safety Act of 1969" and substitute the words "Federal Mine Safety and Health Act of 1977" therefor.

3. In § 70.2, delete definition "(i)" in its entirety.

4. In § 70.2(k), delete the words "the Interior" and substitute the word "Labor" therefor.

5. In § 70.260(a), delete the words "Mining Enforcement and Safety Administration, Department of the Interior" and substitute the words "Mine Safety and Health Administration, Department of Labor" therefor.

rior" and substitute the words "Mine Safety and Health Administration, Department of Labor" therefor.

6. In § 70.504, delete the word "Administrator" and substitute the words "Assistant Secretary of Labor for Mine Safety and Health" therefor.

7. In § 70.510(b)(3), delete the words "Mining Enforcement and Safety Administration, Department of the Interior, Washington, D.C. 20240" and substitute the words "Mine Safety and Health Administration, Department of Labor, 4015 Wilson Boulevard, Arlington, Va. 22203" therefor.

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

Part 71 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 71.1, 71.2(a), 71.2(h), 71.111(a), 71.200(a), 71.302(b), 71.303(a), 71.304(a), 71.304(c), 71.305(b)(2), 71.402(b), 71.500(b), 71.500(c) [Amended]

1. In the sections specified below, delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor:

Sections 71.302(b), 71.303(a), 71.304(a), 71.304(c), 71.305(b)(2), and 71.500(b).

2. In §§ 71.1 and 71.2(a), delete the words "Federal Coal Mine Health and Safety Act of 1969" and substitute the words "Federal Mine Safety and Health Act of 1977" therefor.

3. In § 71.2(a), add the words and reference "as amended by Pub. L. 95-164" between the reference "91-173" and the post parenthesis.

4. In § 71.2(h), delete the words "Secretary of the Interior" and substitute the words "Secretary of Labor" therefor.

5. In § 71.111(a), delete the words "Mining Enforcement and Safety Administration, Department of the Interior" and substitute the words "Mine Safety and Health Administration, Department of Labor."

6. In §§ 71.200(a) and 71.402(b), delete the words "Mining Enforcement and Safety Administration, 18th and C Streets NW., Washington, D.C." and substitute the words "Mine Safety and Health Administration, Department of Labor, 4015 Wilson Boulevard, Arlington, Va. 22203" therefor.

7. In § 71.500(c), delete the words "Mining Enforcement and Safety Administration, U.S. Department of the Interior, Washington, D.C. 20240" and substitute the words "Mine Safety and Health Administration, Department of Labor, 4015 Wilson Boulevard, Arlington, Va. 22203" therefor.

PART 74—COAL MINE DUST PERSONAL SAMPLER UNITS

Part 74 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 74.4(b), 74.5, 74.6(a), 74.6(b), 74.6(d), 74.7(a), 74.7(b), 74.8(b), 74.9(a), 74.10(b), 74.11 [Amended]

1. In § 74.4(b), delete the words "Bureau of Mines, Department of the Interior" and substitute the words "Mine Safety and Health Administration, Department of Labor (MSHA)" therefor.

2. In the sections specified below, delete the words "The Bureau of Mines" and "The Bureau" wherever they appear and substitute the acronym "MSHA" therefor, respectively:

Sections 74.5, 74.6(b), 74.6(d), 74.7(a), 74.7(b), 74.8(b), 74.9(a), 74.10(b), and 74.11

3. In § 74.6(a), delete the words "The Bureau of Mines" the first two times they appear and substitute the acronym "MSHA" therefor; delete the words "U.S. Bureau of Mines" and substitute the words "U.S. Mine Safety and Health Administration" therefor; and delete the words and address "The Bureau of Mines, Department of the Interior, 4800 Forbes Avenue, Pittsburgh, Pa. 15213" and substitute the words and address "MSHA Approval and Certification Center, Box 201B, Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059."

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

Part 75 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 75.1, 75.2(m), 75.2(n), 75.100(c)(1), 75.150(b)(2), 75.151, 75.155(c), 75.301-7(c)(2), 75.301-8(b), 75.303-2(c), 75.503-1, 75.506(a), 75.517-2(d), 75.523-1(c), 75.1103-2(c)(1), 75.1107-17, 75.1703-1, 75.1710-1(f), 75.1712-6(b), 75.1712-6(c), 75.1714-1(b), 75.1719-1(f), 75.1719-2(c)(2), 75.1719-3(a), 75.1721(b)(1), 75.1800(b), 75.1801, 75.1802, 75.1803, 75.1804, 75.1805, 75.1806, 75.1807 [Amended]

1. In the sections specified below, delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor:

Sections 75.151, 75.301-7(c)(2), 75.301-8(c)(1), 75.503-1, 75.506(a), 75.517-2(d), 75.1103-2(b), 75.1107-17, 75.1703-1, 75.1712-6(b), 75.1714-1(b), 75.1721(b)(1), 75.1800(b), 75.1801, 75.1802, 75.1803, 75.1804, 75.1805, 75.1806, and 75.1807.

2. In §§ 75.1 and 75.2(n), delete the words "Federal Coal Mine Health and Safety Act of 1969" and substitute the words "Federal Mine Safety and Health Act of 1977" therefor.

3. In § 75.2(m), delete the words "the Interior" and substitute the word "Labor" therefor.

4. In §§ 75.100(c)(1), 75.150(b)(2), and 75.155(c), delete the words "Mining Enforcement and Safety Administration, Department of the Interior, 4800 Forbes Avenue, Pittsburgh, Pa. 15213" and substitute the words "Mine Safety and Health Administration, Certification and Qualification Center, P.O. Box 25367, Denver Federal Center, Denver, Colo. 80225" therefor.

5. In § 75.303-2(c), delete the words "Mining Enforcement and Safety Administration, Approval and Test, 4800 Forbes Avenue, Pittsburgh, Pa. 15213" and substitute the words "Mine Safety and Health Administration, Approval and Certification Center, Box 201B, Industrial Park Road, Dallas Pike, Philadelphia, W. Va. 26059" therefor.

6. In §§ 75.523-1(c), 75.1710-1(f), and 75.1712-6(c), delete the words "Mining Enforcement and Safety Administration, Department of the Interior, Washington, D.C. 20240" and substitute the words "Mine Safety and Health Administration, Department of Labor, 4015 Wilson Boulevard, Arlington, Va. 22203" therefor.

7. In §§ 75.1719(1)(f), 75.1719-2(c)(2), and 75.1719-3(a), delete the acronym "MESA" wherever it appears and substitute the acronym "MSHA" therefor.

PART 77—MANDATORY SAFETY STANDARDS, SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES

Part 77 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 77.1, 77.2(aa), 77.100(b)(2), 77.101(b)(2), 77.102, 77.105(b), 77.215-2(b)(1), 77.216-2(a)(1), 77.403(b), 77.413(d), 77.1000-1, 77.1303(m), 77.1902-1, 77.1914(c) [Amended].

1. In § 77.1, delete the words section 101(i) of "the Federal Coal Mine Health and Safety Act of 1969" and substitute the words "the Federal Mine Safety and Health Act of 1977" therefor.

2. In § 77.2(aa), delete the words "Secretary of the Interior" and substitute the words "Secretary of Labor" therefor.

3. In the sections specified below, delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor:

Sections 77.102, 77.403(b), 77.413(d), 77.1000-1, 77.1303(m), 77.1902-1, and 77.1914(c).

4. In § 77.100(b)(2), insert "or MSHA" between the words "Mining

Enforcement and Safety Administration" and "under Part 22 of this Chapter" which will thus read "Mining Enforcement and Safety Administration or MSHA under Part 22 of this chapter."

5. In §§ 77.100(b)(2), 77.101(b)(2), and 77.105(b), delete the words "Health and Safety Activity, Mining Enforcement and Safety Administration, Department of the Interior, 4800 Forbes Avenue, Pittsburgh, Pa. 15213" and substitute the words "Mine Safety and Health Administration, Certification and Qualification Center, P.O. Box 25367, Denver Federal Center, Denver, Colo. 80225" therefor.

6. In §§ 77.215-2(b)(1), 77.216-2(a)(1), and 77.403(b), delete the acronym "MESA" and substitute the acronym "MSHA" therefor.

PART 90—PROCEDURES FOR TRANSFER OF MINERS WITH EVIDENCE OF PNEUMOCONIOSIS

Part 90 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 90.1, 90.2(b), 90.2(g), 90.10 (heading), 90.10(a), 90.10(b), 90.20 (heading), 90.20, 90.30, 90.31(a), 90.32, 90.33(b), 90.40 (title), 90.40(b) (figure 1) [Amended].

1. In § 90.1, delete the words "the Interior" and substitute the word "Labor" therefor; delete the words "Administrator, Mining Enforcement and Safety Administration" both places that they appear and substitute the words "Assistant Secretary of Labor for Mine Safety and Health" and "Assistant Secretary" in the first and second instances therefor, respectively.

2. In § 90.2, delete definition "(g)" in its entirety.

3. In § 90.2(b), delete the words "Administrator, means the Administrator, Mining Enforcement and Safety Administration, U.S. Department of the Interior" and substitute the words "Assistant Secretary of Labor for Mine Safety and Health" therefor.

4. In § 90.10 (heading), delete the word "Director" and substitute the word "Assistant Secretary" therefor.

5. In the sections specified below, delete the word "Administrator" and substitute the words "Assistant Secretary" therefor:

Sections 90.10(a), 90.10(b), 90.20, 90.30, 90.31(a), and 90.32.

6. In the sections specified below, delete the words "Mining Enforcement and Safety Administration" and substitute the words "Mine Safety and Health Administration" therefor:

Sections 90.20 (heading), 90.20, 90.30, 90.33(b), 90.40 (title), and 90.40(b) (figure 1).

7. In §§ 90.20 and 90.40(b) (figure 1), delete the address "Department of the Interior, Washington, D.C. 20240" and substitute the address "Department of Labor, 4015 Wilson Boulevard, Arlington, Va. 22203" therefor.

8. In § 90.40(b) (figure 1), delete the words "Federal Coal Mine Health and Safety Act of 1969" and substitute the words "Federal Mine Safety and Health Act of 1977" therefor.

[FR Doc. 78-7775 Filed 3-23-78; 8:45 am]

[1410-03]

Title 37—Patents, Trademarks, and Copyrights

CHAPTER II—COPYRIGHT OFFICE, LIBRARY OF CONGRESS

[Docket RM 78-3]

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

Deposit Requirements; Motion Pictures

AGENCY: Library of Congress, Copyright Office.

ACTION: Interim regulations.

SUMMARY: This notice is issued to inform the public that the Copyright Office of the Library of Congress is adopting interim amendments to §§ 202.19 and 202.20 of our regulations. The effect of the amendments is to modify the deposit requirements for published motion pictures, in order to reflect the availability of a special agreement that (i) provides for the return of such works to depositors under certain conditions; and (ii) establishes certain rights and obligations of the Library of Congress with respect to such works. The amendments are issued on an interim basis in order to permit their immediate application while allowing full public comment.

DATES: The interim regulations are effective on March 24, 1978. Comments should be received on or before May 12, 1978.

ADDRESSES: Five copies of all written comments should be provided, if by hand, to: Office of the General Counsel, U.S. Copyright Office, Library of Congress, Crystal Mall Building No. 2, Room 519, Arlington, Va., or, if by mail to: Office of the General Counsel, U.S. Copyright Office, Library of Congress, Call No. 2999, Arlington, Va. 22202. Copies of all written comments will be available for public inspection and copying between the hours of 8 a.m. and 4 p.m. Monday through Friday, in the Public Information Office, Room 101, Crystal Mall, Building No. 2, 1921 Jefferson Davis Highway, Arlington, Va.

FOR FURTHER INFORMATION, CONTACT:

Jon Baumgarten, General Counsel,

U.S. Copyright Office, Library of Congress, Washington, D.C. 20559, 703-557-8731.

SUPPLEMENTARY INFORMATION: Under 17 U.S.C. 407 the owner of copyright, or of the exclusive right of publication, in a work published with notice of copyright in the United States is required to deposit two copies of the work in the Copyright Office for the use or disposition of the Library of Congress. 17 U.S.C. 408 also requires deposit of two copies in connection with applications for copyright registration. After establishing general rules governing the nature of the deposit, these sections authorize the Register of Copyrights to prescribe regulations to "permit the deposit of only one copy" where two would normally be required.

On January 4, 1978, we published in the *FEDERAL REGISTER* (43 FR 763, effective January 1, 1978) final regulations implementing the deposit requirements of sections 407 and 408. Those regulations did reduce the deposit requirements to one copy in the case of published motion pictures. Those regulations also eliminated the availability of the so-called "motion picture agreement" which, under the copyright law in effect before January 1, 1978, allowed return of deposit copies subject to later recall by the Library of Congress. Instead, the proposed and final deposit regulations provided that "unless selected by the Library of Congress for addition to its collections within thirty days from the date (of deposit or registration), all copies of motion pictures deposited * * * will be returned to the depositor by the Copyright Office, without right of recall."

A number of objections were raised by representatives of motion picture copyright owners to the elimination of the motion picture agreement. The Motion Picture Association of America, Inc. argued, for example, that the motion picture agreement had "minimized the financial burden on copyright owners" by giving them the use of valuable prints early in the life of a motion picture at a time when the demands of theatrical release are greatest * * *. Further, the 'motion picture agreement' has provided important safeguards to the film industry against unauthorized performance or reproduction by users of the motion picture

¹The MPAA specifically stated: "The cost of a print of a full-length feature film ranges between \$800-\$1,000. MPAA data shows that in 1976, a minimum of 250 new feature films were published in the U.S. Thus, if every copyright owner were required to deposit one print of each new film, without the right to use the print in distribution, the potential annual financial impact on the industry would, at a minimum, range from \$200,000 to \$250,000."

collection of the Library of Congress." Representatives of the Library of Congress, however, expressed concern over assuring the return of copies recalled under the agreement and the adequate archival quality of such copies.

In our Notice of Rulemaking (Docket RM 77-11, 43 FR 763, January 4, 1978) we noted the arguments made by motion picture copyright owners for retention of the motion picture agreement, and we stated:

This is, of course not basically a matter of copyright deposit but a matter of a negotiated contract between copyright owners and the Library of Congress. At the same time, however, the existence of the agreement affects the operation of the deposit system, and for this reason the Copyright Office agrees that the question of retaining the agreement should remain the subject of active consideration. Because of the urgent need to publish these deposit regulations, we are issuing them without providing for the possibility of a motion picture agreement. However, we emphasize that this is not intended to foreclose the possibility of negotiation of new agreements in the immediate future.

After further discussions among representatives of motion picture interests and the Library of Congress, the Library has agreed to make a new motion picture agreement available to depositors. The purpose of this proceeding is to amend the relevant Copyright Office regulations in order to reflect the availability of the new agreement and eliminate the requirement for selection by the Library within 30 days. The amendments are issued on an interim basis in order to permit immediate use of the agreement by interested members of the public. The agreement itself is set forth in an Appendix at the end of this Notice. Comments will be accepted until May 12, 1978 on both the amendments and the terms of the agreement.

INTERIM REGULATIONS

Part 202 of 37 CFR, Chapter II (as amended on January 1, 1978) is amended as follows: 1. In § 202.19, paragraph (d)(2)(ii) is revised to read as follows:

§ 202.19 Deposit of published copies or phonorecords for the Library of Congress.

(d) * * *
(2) * * *

(ii) *Motion pictures.* In the case of published motion pictures, the deposit of one complete copy will suffice in lieu of the two copies required by paragraph (d)(1) of this section. Any deposit for a published motion picture must be accompanied by a separate description of its contents, such as a continuity, pressbook, or synopsis. The Library of Congress may, at its sole dis-

cretion, enter into an agreement permitting the return of copies of published motion pictures to the depositor under certain conditions and establishing certain rights and obligations of the Library with respect to such copies. In the event of termination of such an agreement by the Library it shall not be subject to reinstatement, nor shall the depositor or any successor in interest of the depositor be entitled to any similar or subsequent agreement with the Library, unless at the sole discretion of the Library it would be in the best interests of the Library to reinstate the agreement or enter into a new agreement.

2. In § 202.20, paragraph (c)(2)(ii) is revised to read as follows:

§ 202.20 Deposit of copies and phonorecords for copyright registration.

(c) * * *
(2) * * *

(ii) *Motion pictures.* In the case of published motion pictures, the deposit of one complete copy will suffice in lieu of two copies. The deposit of a copy or copies for any published or unpublished motion picture must be accompanied by a separate description of its contents, such as a continuity, pressbook, or synopsis. The Library of Congress may, at its sole discretion, enter into an agreement permitting the return of copies of published motion pictures to the depositor under certain conditions and establishing certain rights and obligations of the Library of Congress with respect to such copies. In the event of termination of such an agreement by the Library, it shall not be subject to reinstatement, nor shall the depositor or any successor in interest of the depositor be entitled to any similar or subsequent agreement with the Library, unless at the sole discretion of the Library it would be in the best interests of the Library to reinstate the agreement or enter into a new agreement. In the case of unpublished motion pictures (including television transmission programs that have been fixed and transmitted to the public but have not been published), the deposit of identifying material in compliance with § 202.21 of these regulations will suffice in lieu of an actual copy.

(17 U.S.C. 407, 702.)

Dated: March 16, 1978.

BARBARA RINGER,
Register of Copyrights.

Approved:

DANIEL J. BOORSTIN,
Librarian of Congress.

APPENDIX

MOTION PICTURE AGREEMENT

Agreement made on _____
 (Month) (Day) (Year)
 between the United States of America,
 acting through the Librarian of Congress
 (herein called the Librarian), and
 Name _____
 Address _____
 (herein called the Depositor).

Whereas: (a) The undersigned Depositor expects to deposit in the Copyright Office, from time to time, copies of various published motion pictures in satisfaction of the mandatory deposit requirements of section 407 of title 17 of the United States Code (herein called "section 407") or the registration provisions of section 408 of said title (herein referred to as "section 408"), or both; and

(b) Under the provisions of section 704 of said title, such copies become the property of the United States Government upon their deposit under either section 407 or 408, and the Librarian is authorized, under said section 704, to select any such copies of published motion pictures for the collections of the Library of Congress (herein called "the Library") or for exchange or transfer to any other library; and

(c) Although for purposes of mandatory deposit or registration sections 407 and 408 generally require the deposit of two copies of a published work, both sections authorize the Register of Copyrights to issue regulations allowing the deposit of only one copy where two would normally be required, and the Register has issued such regulations with respect to published motion pictures (Title 37 of the Code of Federal Regulations); and

(d) Because of the special nature of motion pictures, their varying forms and modes of reproduction, distribution and exhibition, it is to the advantage of both the Depositor and the Library to establish a flexible system for the deposit and retention, or return and recall of deposit copies of motion pictures. The aims of the system are to facilitate the satisfaction of copyright deposit and registration requirements without imposing unnecessary procedural or financial burdens on the Depositor, or the Library, while assuring to the Library copies of those works it wishes to acquire for its collections in the form and physical condition most suitable for preservation.

Now therefore, in consideration of the mutual promises set forth below, the parties agree as follows:

1. The Depositor shall henceforth, as required by section 407 and in accordance with the provisions of section 408 (if applicable) and with all relevant Copyright Office regulations including those concerning the "best edition" of motion pictures, deposit in the Copyright Office one complete copy of the "best edition" of every motion picture published with a copyright notice in the United States of which it is either (a) the owner of copyright or (b) the owner of the exclusive right of publication (including the exclusive right of distribution in the United States). Nothing herein shall require the deposit of more than one copy of a motion picture of archival quality as defined in paragraph 4.

2. The Librarian shall, if requested to do so in writing at the time of deposit, by the Depositor (or by an agent designated by the Depositor) promptly return the copy to the Depositor (or to an agent designated by the

Depositor in writing, in the application for copyright registration or otherwise), subject to demand by the Librarian as specified in paragraph 5.

3. In every case where the Librarian has returned a copy under paragraph 2, the Depositor shall, during the period of two years after the date of deposit for a particular motion picture, or until one copy is delivered to the Library in compliance with the written demand of the Librarian under paragraph 5, maintain in its custody or control one copy of archival quality, as defined in paragraph 4, of such motion picture, or a negative or master print from which such a copy of archival quality can be reproduced. Failure to maintain one copy of archival quality or said negative or master print shall constitute grounds for action by the Librarian under paragraphs 6, 7, and 10.

4. The "copy of archival quality" referred to in paragraphs 1 and 3 shall in all cases be:

(a) A complete copy identical in content and sequence with the copy of the "best edition" deposited in accordance with paragraph 1; and

(b) Either: (i) A copy that has never been used for performance and that fully meets all of the technical guidelines set out in Appendix A (which is hereby incorporated into this Agreement and made a part hereof); or (ii) a copy that has been used for performance with sufficient care that it fully meets all of such technical guidelines.

While as a general rule, the "copy of archival quality" shall be the same in size, format, and process of reproduction as the copy previously deposited in accordance with paragraph 1, the Librarian shall have discretion to accept as the "copy of archival quality" a copy different in size, format, or process of reproduction from that deposited.

5. Upon written demand made by the Librarian, or one to whom he or she has delegated this authority, the Depositor shall deliver to the Library, at the Depositor's expense, one (1) copy of archival quality of the motion picture, as defined in paragraph 4. Delivery by the Depositor shall be completed within six (6) months after the date the demand is made by the Librarian, or within such additional period of time as the Librarian may stipulate in writing. Said demand shall be made by the Librarian:

(a) When the Depositor, at any time within the two-year period provided by paragraph 3, submits a written request to the Librarian asking that the Library promptly exercise its right to demand delivery of one copy of archival quality of the motion picture; in such case, the Librarian shall make said demand not later than ninety (90) days after the receipt of said request; or

(b) Within the two-year period provided by paragraph 3, when no request by the Depositor has been received by the Library.

6. It shall be within the sole discretion of the Librarian of Congress to determine whether or not a particular copy is a "copy of archival quality" within the meaning of paragraph 4. If, upon delivery of a copy in response to a demand under paragraph 5, the Librarian determines that it is not a "copy of archival quality" as defined by paragraph 4, he or she shall, within ninety (90) days of said delivery, make an additional written demand for the delivery of one copy of archival quality in substitution for the delivered copy, and the Depositor shall have ninety (90) days, or such additional period of time as the Librarian may stipu-

late in writing, in which to deliver said substituted copy. If a substituted copy is received and accepted, the copy delivered earlier will be returned to the Depositor.

7. If the Depositor fails to deliver the copy of archival quality of a motion picture within the periods provided by or stipulated under paragraphs 5 and 6, the Depositor shall be considered to have breached this Agreement, and the Librarian shall have the right to acquire one copy of archival quality, or the right to reproduce one copy of archival quality, and the Depositor shall be liable to pay into a special fund for use of the Library of Congress an amount representing the full and complete costs to, or incurred on behalf of, the Library for such acquisition or reproduction. Such breach shall constitute good cause, under paragraph 10, for the immediate cancellation of this Agreement by the Librarian.

8. In cases where the Librarian has made no demand within the periods of time provided by paragraphs 5 or 6, the Depositor shall cease to have any obligation under this Agreement with respect to the particular motion picture at the end of such periods.

9. As part of his or her obligations under this Agreement, and notwithstanding any provisions of title 17 of the United States Code that would otherwise authorize such use, the Librarian shall not cause, authorize, or permit, without the prior written consent of the copyright owner:

(a) Any public performance of any copyrighted motion picture covered by this Agreement, or any private performance of such motion pictures other than for research or study purposes, or any use or performance outside the premises of the Library, with the use of prints or fixations of any such motion picture; or

(b) Any exchange, transfer, sale, loan, or gift of a print or fixation of all or any part of a copyrighted motion picture covered by this Agreement, to another library or any other recipient; or

(c) Reproduction of all or any substantial part of a copyrighted motion picture covered by this Agreement, except that (i) to avoid the danger of damaging the copy of archival quality in its collections, the Librarian may make a single reproduction solely for purposes of research or study within the premises of the Library; and (ii) in any case the Librarian may make a copy of such a motion picture if any copy in the collections of the Library, including any copy made under paragraph 9(c)(i), or earlier made under this paragraph 9(c)(ii), or deposited under paragraph 1, is, in the judgment of the Librarian, damaged or deteriorating.

10. Either party may terminate this Agreement for good cause upon thirty (30) days written notice to the other party. Such good cause shall include, but shall not be limited to single or repeated instances of breach of this Agreement. Such termination shall apply only to motion pictures of which copies are thereafter deposited by the Depositor, and shall not affect the rights of the Librarian or the obligations of either party with respect to any motion pictures of which copies have been returned under paragraph 2, or have been deposited or reproduced pursuant to paragraphs 5, 6, or 7. In the event this Agreement has been terminated by the Librarian it shall not be subject to reinstatement, nor shall Depositor or any successor in interest of the Depositor be entitled to any similar or subsequent agreement with the Library, unless at the sole

discretion of the Librarian it would be in the best interests of the Library to reinstate the Agreement or to enter into a new Agreement. Reinstatement may be on such additional conditions as the Librarian may determine, including but not limited to reasonable provisions for return of the previously requested copy. In no case shall the failure of the Librarian to exercise or enforce his or her rights, including the right of termination, under this Agreement with respect to any particular breach or breaches or any particular motion picture or motion pictures be deemed a waiver of such rights with respect to other breaches or motion pictures.

11. The Depositor may assign this Agreement insofar as it applies to copies of motion pictures deposited under sections 407 and 408 after written notice of the assignment to the Librarian. Such notice shall be accompanied by a copy or duplicate original of the assignment.

12. No assignment of this Agreement shall, without the written consent of the other party, relieve either party of the rights and obligations previously assumed and subsisting with respect to copies of motion pictures deposited before receipt by the Librarian of the written notice specified by paragraph 11. However, all rights and obligations under this Agreement whether previously assumed and subsisting or arising in the future, shall bind and inure to the benefit of the executors, administrators, legal representatives, heirs, or distributees of the Depositor in cases where title to such rights and obligations has been transferred by operation of law.

13. All notices required hereunder shall be written and shall be directed to the respective parties at the addresses set forth above except as the same may from time to time be changed in writing. In the event that the undersigned Depositor changes the address of its place of business, or the address to which notices under this Agreement are to be delivered, it shall promptly notify the Head, Acquisitions and Deposit Section, Acquisitions and Processing Division, Copyright Office, Library of Congress, of such change in address.

14. This agreement applies only to motion pictures published in the United States of America, and nothing contained herein is intended to, or shall be interpreted to, alter or supersede any legal requirements affecting the deposit or registration of unpublished motion pictures under sections 407 or 408, or any regulations issued under said sections.

15. Regardless of the place of its physical execution, this Agreement shall be interpreted according to the laws and statutes of the United States of America, and of the District of Columbia.

16. In the case of any motion picture having two or more copyright owners and/or owners of the exclusive right of publication (including the exclusive right of distribution in the United States), this Agreement shall be binding if any one of such owners is a signatory to this or another copy of the present Agreement, and such signatory and/or signatories shall be responsible, jointly or severally, with respect to the delivery of a copy of archival quality of that motion picture.

17. This Agreement constitutes the complete understanding of the parties. No modification or waiver of any provision hereof shall be valid unless in writing and signed by both parties.

In witness whereof the parties have duly executed this agreement.

The United States of America

by _____

Librarian of Congress

Depositor

by _____

Officer of Corporation and Date

(Specify Office Held)

or

by _____

Attorney-in-fact for Depositor and Date

Address

Depositor

by _____

Officer of Corporation and Date

(Specify Office Held)

by _____

Attorney-in-fact for Depositor and Date

Address

Executed _____ 19 _____

MOTION PICTURE AGREEMENT: APPENDIX A, "COPY OF ARCHIVAL QUALITY": TECHNICAL GUIDELINES

To be considered a "copy of archival quality" within the meaning of paragraph 4 of this Agreement, a copy shall conform to all of the technical guidelines set out in this Appendix. Without in any way prejudicing or limiting his or her sole discretion under paragraph 8 of this Agreement to determine whether or not a particular copy is a "copy of archival quality," the Librarian agrees that, in making such determination, the guidelines set out in this Appendix will be taken into account to the extent applicable.

A. *Physical Condition.* All portions of the copy that reproduce the motion picture (as distinguished from portions, such as "leaders" and their equivalents, which are physically attached to the beginning or end of the motion picture but do not reproduce any part of its contents) must be:

1. *Clean:* Free from dirt, marks, spots, fungus, or other smudges, blotches, blemishes, or distortions;

2. *Undamaged:* Free from burns, blisters, tears, cuts, scratches, breaks, erasures, or other physical damage.

a. In the case of motion picture film, the copy must be free from:

'Any person signing this Agreement as Attorney-in-Fact for the Depositor must execute the attached Bond, and, unless such bond is validly executed, such person's signature of this Agreement shall be invalid and this Agreement shall not be binding upon the Librarian of Congress.

(i) Any heavy scratch, including any scratch penetrating through the emulsion into the base or through the emulsion layer of color film. Some very light surface ("rain") scratches may be accepted if they do not persist for more than 50 frames and appear no more than once in a single reel;

(ii) Any physical damage that would interfere with the performance of the film, including embossing or cinch marks and any fractured perforations (torn sprockets); however, minor wear to perforations may be accepted;

(iii) Any damage causing audible defects or distortions in the sound track.

b. In the case of video tape and other form of reproductions of motion pictures, the copies must be free from:

(i) Any damage that interferes with performance from the tape or other reproduction, including physical damage resulting from earlier mechanical difficulties such as cassette jamming, breaks, tangles, or tape overflow; and

(ii) Any erasures, damage causing visual or audible defects or distortions or any material remaining from incomplete erasures of previously recorded works.

3. *Unspliced:* Free from splices in any part of the copy reproducing the motion picture, regardless of whether the splice involves the addition or deletion of material or is intended to repair a break or cut.

4. *Undeteriorated:* Free from any visual or aural deterioration resulting from aging or exposure to climatic, atmospheric, or other chemical or physical conditions, including heat, cold, humidity, electromagnetic fields, or radiation.

a. In the case of motion picture film, the copy shall be free from curl, buckle, edge wave, twist and excessive brittleness.

b. In the case of video tape and other forms of reproductions of motion pictures, the copy shall be free from excessive brittleness or stretching, from any visible flaking of oxide from the tape base or other medium, and from other visible signs of physical deterioration or excessive wear.

B. *Physical Appurtenances of Deposit Copy.*

1. *Physical Housing of Copy*

a. *Motion Picture Film*

(i) In the case of film reproduced for reel-to-reel projection, the deposit copy shall preferably consist of rolls of uniform size mounted on cores (the last roll may be shorter). Alternatively, the deposit copies shall consist of reels of uniform size (the last reel may be shorter). The length of the roll or reel will depend on the size of the film except that 35 mm feature films must be on 2,000 foot rolls or reels.

(ii) In the case of film reproduced for cassette, cartridge, or similar projection, the film drive mechanism shall be fully operable and free from any mechanical defects.

b. *Video Tape*

(i) In the case of video tape reproduced for reel-to-reel performance, the deposit copy shall consist of reels of uniform size and length. The length of the reels will depend on both the size of the tape and its running time (the last reel may be shorter).

(ii) In the case of video tape reproduced for cassette, cartridge, or similar performance, the tape drive mechanism shall be fully operable and free from any mechanical defects.

2. *"Leader" or Equivalent*

a. *Motion Picture Film:* The copy shall have an "Academy leader" or its equivalent at both the head and the tail of the film.

b. *Video Tape:* The copy, whether housed in reels, cassettes, or cartridges, shall have a leader segment both preceding the beginning and following the end of the motion picture recording.

3. *Physical Preparation:* In the case of motion picture film, the copy shall have been waxed or otherwise treated for projection throughout the length of each reel.

C. Visual and Aural Quality of Copy.

1. Visual Quality

a. In the case of motion picture film, the copy must meet industry standards of clarity, density, contrast, and (where applicable) color balance that are fully acceptable for theatrical screening (or, where the film was made for broadcast, that are fully acceptable for television screening).

b. In the case of video tape and other forms of reproduction of motion pictures, the copy should be equivalent to an evaluated first generation copy from an edited master tape and must reproduce a flawless and consistent electronic signal that meets industry standards for television screening.

2. Aural Quality

a. In the case of motion picture film, the soundtrack must be perfectly synchronized and free from any audible defects.

b. In the case of video tape and other forms of reproduction of motion pictures, the sound channels or other portions must reproduce a flawless and consistent electronic signal without any audible defects.

BOND TO BE SIGNED BY ATTORNEY-IN-FACT

Know All Men by these Presents that I, _____ of _____, address, _____, having signed, as attorney-in-fact for Depositor, the Motion Picture Agreement between the United States of America, acting through the Librarian of Congress, and _____, depositor, executed on _____, date, am held and firmly bound unto the United States of America as follows:

The condition of this obligation is such that, if the Depositor named above, or its executors, administrators, legal representatives, heirs or assigns shall in all things well and truly perform and observe all the covenants, agreements, and conditions on its or their part to be performed and observed with respect to a given motion picture which are contained in the Agreement made and bearing even date herewith, then this obligation shall be void with respect to that motion picture. Otherwise this obligation shall remain in full force.

I agree to be fully bound by any and all liability imposed upon the Depositor under paragraph 7 of the Agreement. In addition, I am bound in a penal sum representing the full cost to the Copyright Office of acquiring or of reproducing one copy of archival quality of any motion picture under the terms of the above Agreement, but in no case shall this sum be less than five hundred dollars (\$500.00) per motion picture.

By _____
Attorney-in-fact

Date _____

SUPPLEMENTAL PROPERTY AGREEMENT FOR USE WITH MOTION PICTURE AGREEMENT

Whereas the undersigned Depositor has entered into a Motion Picture Agreement with the United States of America, acting through the Librarian of Congress, executed on month _____, day _____, year _____; and whereas the Depositor has deposited for copyright registration one copy of the motion picture described as follows:

Title: _____
Description of copies deposited: _____
and whereas said copy, although otherwise satisfying the deposit requirements of the law, does not represent the form of the copy of the work that the Library of Congress ultimately wishes to retain for its collections;
Now therefore, in consideration of the approval by the Librarian of Congress of acceptance for copyright registration of the copies deposited, the Depositor agrees that the "copy of archival quality" it is obligated to deliver on demand under said Motion Picture Agreement shall comply with the following description:

Depositor _____
By _____
Officer of Corporation and Date _____
(Specify Office Held) _____
Approved: Librarian of Congress _____
By _____
Date _____
Head, Acquisitions and Deposit Section,
Copyright Office, Acquisitions and Processing Division

[FR Doc. 78-7865 Filed 3-23-78; 8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 866-4]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Massachusetts Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This revision to the Massachusetts State Implementation Plan (SIP) changes Regulation 5.1, "Sulfur Content of Fuels and Control Thereof," to allow fuel burning sources in the Berkshire Air Pollution Control District to burn 2.2 percent sulfur content residual fuel oil with the exception of two sources; Crane and Company, Inc., Dalton, and Schweitzer Division, Kimberly-Clark Corp., Columbia Mill, Lee. Regulation 5.1 of the present SIP allows the use of fuel oil having a sulfur content not greater than 1.0 percent. Under existing regulations, changes in SIP's must be approved by the EPA Administrator after determination that they are consistent with the provisions of the Clean Air Act.

EFFECTIVE DATE: April 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. David Stonefield, Air Branch, EPA, Region I, Room 2113, JFK Federal Building, Boston, Mass. 02203, 617-223-5609.

SUPPLEMENTARY INFORMATION:
On April 14, 1977, the Commissioner of the Massachusetts Department of Environmental Quality Engineering (the Massachusetts Department) submitted a revision to the State Implementation Plan (SIP) which would increase the allowable sulfur content of fossil fuel burned in the Berkshire Air Pollution Control District (BAPCD). Regulation 5.1 of the present SIP, "Sulfur Content of Fuels and Control Thereof," permits fossil fuel utilization facilities in the BAPCD to burn fossil fuel with a sulfur content not in excess of 0.55 pounds per million Btu heat release potential (approximately equivalent to 1.0 percent sulfur content residual fuel oil by weight). The proposed SIP revision would change Regulation 5.1 to allow the burning of fossil fuel with a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2 percent sulfur content residual fuel oil by weight). Approval of the revision to Regulation 5.1 would eliminate the conflict between the SIP and a State law, Chapter 353 of the Acts of 1974, which permits the burning of 2.2 percent sulfur content residual fuel oil in the BAPCD. The revision also would require that the use of the higher sulfur fuel by each source be approved, and a permit be granted by the Massachusetts Department prior to such use. The Massachusetts Department may incorporate certain conditions in the permits such as monitoring and emission testing to insure that the NAAQS will not be violated.

On August 3, 1977, EPA published a notice in the FEDERAL REGISTER which proposed approval of the use of the higher sulfur content fuel for all residual fuel users in the BAPCD except the following sources:

1. Sprague Electric Co., North Adams.
2. Crane and Company, Inc., Dalton.
3. Schweitzer Division, Kimberly-Clark Corporation, Columbia Mill, Lee.

During the comment period, comments were received from these three companies, as well as the director of the BAPCD.

All three companies commented on the air quality modeling upon which the proposed rulemaking was based. In particular, the sources questioned the use of the Valley Model which had not been validated or officially released by EPA. Since the date of the original modeling study of the BAPCD in August, 1976, the Valley Model has undergone limited validation. In addition, EPA has published a user's manual for the model ("Valley Model User's Guide" by Edward W. Burt, OAQPS, EPA-450/2-77-018, September, 1977), and has referenced the model in interim modeling guidelines for use throughout the country. Use of the Valley Model for the evaluation