

§§ 178.40(b)(7) and 178.40a(b)(3), i.e., on-site physical protection, on-site or off-site training, or off-site transportation of nuclear materials.

(3) A written statement from a supervisor of the purchasing employee or contractor, on agency or company letterhead, under penalty of perjury, stating that the purchasing employee or contractor is acquiring the weapon or device for use in official duties, and that the weapon or device is not being acquired for personal use or for purposes of transfer or resale.

(Approved by the Office of Management and Budget under control number 1512-0526)

PART 179—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

Par. 5. authority citation for 27 CFR Part 179 continues to read as follows:

Authority: 26 U.S.C. 7805.

Par. 6. Section 179.11 is amended by revising the third sentence in the definition of "Firearm" to read as follows:

§ 179.11 Meaning of terms.

* * * * *

Firearm. * * * For purposes of this definition, the length of the barrel having an integral chamber(s) on a shotgun or rifle shall be determined by measuring the distance between the muzzle and the face of the bolt, breech, or breech block when closed and when the shotgun or rifle is cocked. * * *

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Signed: July 25, 1997.

John W. Magaw,
Director.

Approved: August 11, 1997.

John P. Simpson,
Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement)

Editorial note: This document was received at the Office of the Federal Register on March 10, 1998.

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 7, 31, 32, 36, 70, and 75
RIN 1219-AA27

Approval, Exhaust Gas Monitoring, and Safety Requirements for the Use of Diesel-Powered Equipment in Underground Coal Mines

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

ACTION: Final rule; corrections.

SUMMARY: This document corrects errors in MSHA's regulations for the approval, exhaust gas monitoring, and safety requirements for the use of diesel-powered equipment in underground coal mines.

EFFECTIVE DATE: March 16, 1998.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances; 703-235-1910.

SUPPLEMENTARY INFORMATION:

On October 25, 1996, MSHA published a final rule that established approval, exhaust gas monitoring, and safety requirements for the use of diesel-powered equipment in underground coal mines (61 FR 55412). This notice corrects an editorial error in that final rule for § 75.1906(g) and the corresponding preamble language.

The preamble to the final rule, on page 55454, third column, first sentence, currently reads:

Paragraph (g) requires non-self-propelled diesel fuel transportation units equipped with electric components for dispensing fuel that are connected to a source of electrical power be provided with a fire suppression device that meets the requirements of existing §§ 75.1107-3 through 75.1107-6, §§ 75.1107-8, and § 75.1107-16. * * *

[emphasis added]

This section should read:

Paragraph (g) requires non-self-propelled diesel fuel transportation units equipped with electric components for dispensing fuel that are connected to a source of electrical power be provided with a fire suppression device that meets the requirements of existing §§ 75.1107-3 through 75.1107-6, and §§ 75.1107-8 through 75.1107-16. * * *

[emphasis added]

Section 75.1107, as a whole, specifies requirements for fire suppression devices for both attended and unattended equipment used in underground coal mines. The various subsections in § 75.1107 address different types of fire suppression devices so as to allow flexibility in the choice of a fire suppression system. This flexibility enables the mine operator to choose a fire suppression device that is appropriate for the type of equipment or installation where it will be used.

When this existing regulation was incorporated by reference in the final rule for the use of diesel-powered equipment in underground coal mines, MSHA's intent was to reference all sections of the existing fire suppression requirements that would provide effective fire suppression capability for the combined hazards presented by the storage of diesel fuel in conjunction

with electrical components. Because water can spread, rather than suppress, a diesel fuel fire, water deluge type devices are inappropriate for fighting diesel fuel fires at electrical installations. MSHA's intent was to exclude only the use of water deluge type devices, described by § 75.1107-7, when fighting diesel fuel fires, and to allow the use of all other types of fire suppression devices addressed in the other subsections of § 75.1107. An appropriate fire suppression device for non-self-propelled diesel fuel transportation units, therefore, must meet the requirements for underground equipment with the exception of those that use water.

This notice corrects the final rule and corresponding preamble language for § 75.1906(g) by replacing "and" with "through" to reflect that non-self-propelled diesel fuel transportation units that are connected to a source of electrical power require fire suppression devices that are effective for the hazard.

List of Subjects in 30 CFR Part 75

Diesel-powered equipment, Mine safety and health, Underground coal mines. Reporting and recordkeeping requirements.

Dated: March 9, 1998.

J. Davitt McAteer,
Assistant Secretary for Mine Safety and Health.

Accordingly, chapter I of title 30, Code of Federal Regulations is amended as follows:

PART 75—[AMENDED]

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

Authority: 30 U.S.C. 811.

2. Section 75.1906(g), is corrected to read as follows:

§ 75.1906 Transport of diesel fuel.

* * * * *

(g) Non-self-propelled diesel fuel transportation units with electrical components for dispensing fuel that are connected to a source of electrical power must be protected by a fire suppression device that meets the requirements of §§ 75.1107-3 through 75.1107-6, and §§ 75.1107-8 through 75.1107-16.

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