

sector of more than \$100 million. MSHA is not aware of any State, local, or tribal government that either owns or operates underground coal mines.

**B. Executive Order 12630**  
(*Governmental Actions and Interference With Constitutionally Protected Property Rights*)

The final rule is not subject to Executive Order 12630 because it does not involve implementation of a policy with takings implications.

**C. Executive Order 12988 (Civil Justice Reform)**

MSHA has reviewed Executive Order 12988 and determined that the final rule will not unduly burden the Federal court system. The Agency wrote the final rule to provide a clear legal standard for affected conduct and has reviewed it carefully to eliminate drafting errors and ambiguities.

**D. Executive Order 13045 (Health and Safety Effect on Children)**

In accordance with Executive Order 13045, MSHA has evaluated the environmental health and safety effects of the final rule on children and has determined that it will have no adverse effects on children.

**E. Executive Order 13132 (Federalism)**

MSHA has reviewed the final rule in accordance with Executive Order 13132 regarding federalism and has determined that it will not have federalism implications.

**F. Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments)**

MSHA certifies that the final rule will not impose substantial direct compliance costs on Indian tribal governments.

**G. Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use)**

In accordance with Executive Order 13211, MSHA has reviewed the final rule and has determined that it will have no adverse effect on the production or price of coal. Consequently, it will have no significant adverse effect on the supply, distribution, or use of energy, and no reasonable alternatives to this action are necessary.

**H. Executive Order 13272 (Proper Consideration of Small Entities in Agency Rulemaking)**

In accordance with Executive Order 13272, MSHA has thoroughly reviewed

the final rule to assess and take appropriate account of its potential impact on small businesses, small governmental jurisdictions, and small organizations. As discussed in section V in this preamble, MSHA has determined that the final rule will not have a significant economic impact on a substantial number of small entities.

**List of Subjects in 30 CFR Part 18**

Mine Safety and Health, Underground mining.

Dated: June 13, 2003.

**John R. Caylor,**

*Deputy Assistant Secretary for Mine Safety and Health.*

■ For the reasons set out in the preamble, and under the authority of the Federal Mine Safety and Health Act of 1977, we are amending chapter I, subpart B, part 18 of title 30 of the Code of Federal Regulations as follows:

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

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

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

**Subpart B—[AMENDED]**

■ 2. Paragraph (f) of § 18.41 is revised to read as follows:

**§ 18.41 Plug and receptacle-type connectors.**

\* \* \* \* \*

(f) For a mobile battery-powered machine, a plug and receptacle-type connector will be acceptable in lieu of an interlock provided:

(1) The plug is padlocked to the receptacle and is held in place by a threaded ring or equivalent mechanical fastening in addition to a padlock. A connector within a padlocked enclosure will be acceptable; or,

(2) The plug is held in place by a threaded ring or equivalent mechanical fastening, in addition to the use of a device that is captive and requires a special tool to disengage and allow for the separation of the connector. All connectors using this means of compliance shall have a clearly visible warning tag that states: "DO NOT DISENGAGE UNDER LOAD," or an equivalent statement; or,

(3) The plug is held in place by a spring-loaded or other locking device, that maintains constant pressure against a threaded ring or equivalent mechanical fastening, to secure the plug from accidental separation. All connectors using this means of compliance shall have a clearly visible

warning tag that states: "DO NOT DISENGAGE UNDER LOAD," or an equivalent statement.

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**DEPARTMENT OF LABOR**

**Mine Safety and Health Administration**

**30 CFR Parts 71 and 75**

**RIN 1219-AA98 (Phase 9)**

**Standards for Sanitary Toilets in Coal Mines**

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

**ACTION:** Final rule.

**SUMMARY:** This final rule removes the application requirement and associated paperwork burden for approval of sanitary toilets in underground and surface coal mines. The final rule provides notice to miners, miners' representatives, mine operators, MSHA compliance specialists, and manufacturers of which sanitary toilets are approved without requiring applications for approval. The rule has no substantive effect on the sanitation standards. The types of approved toilets are drawn from the American National Standards Institute (ANSI) *American National Standard for Sanitation—Nonsewered Waste-Disposal Systems—Minimum Requirements* upon which MSHA and the National Institute for Occupational Safety and Health (NIOSH) previously based approval of applications.

**DATES:** This final rule is effective July 23, 2003.

**FOR FURTHER INFORMATION CONTACT:** Marvin W. Nichols, Director; Office of Standards, Regulations, and Variances, MSHA; Phone: 202-693-9440; FAX: 202-693-9441; E-mail: [nichols-marvin@msha.gov](mailto:nichols-marvin@msha.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Purpose and Scope of Rulemaking**

The Office of Management and Budget's (OMB's) current approval for §§ 71.500 and 75.1712-6 under control number 1219-0101 expires on November 30, 2003. OMB approval was contingent upon MSHA initiating rulemaking "to update and simplify this standard with the goal of eliminating unnecessary requirements and reducing the unnecessary burdens." In response to OMB concerns, MSHA published a direct final rule (68 FR 19347) and a companion proposed rule (68 FR 19477) on April 21, 2003 to eliminate the