

review of the amount which the responsible party agrees to reimburse the retailer or distributor for corrections.

(c) Upon a final determination by the Secretary or a State Administrative Agency under § 3282.409, or upon a determination by a court of competent jurisdiction that a manufactured home fails to conform to the standard after such manufactured home is sold or otherwise released by a manufacturer to a distributor or retailer and prior to the sale of such manufactured home by such distributor or retailer to a purchaser, the responsible party shall have the option to either:

(1) Immediately furnish, at the responsible party's expense, to the purchasing distributor or retailer the required conforming part or parts or equipment for installation by the distributor or retailer on or in such manufactured home, and the responsible party shall reimburse such distributor or retailer for the reasonable value of such installation plus a reasonable reimbursement of not less than one per centum per month of the manufacturer's or distributor's selling price, prorated from the date of receipt by certified mail of notice of non-compliance to the date such manufactured home is brought into compliance with the standards, so long as the distributor or retailer proceeds with reasonable diligence with the installation after the part or component is received; or

(2) Immediately repurchase, at the responsible party's expense, such manufactured home from such distributor or retailer at the price paid by such distributor or retailer, plus all transportation charges involved and a reasonable reimbursement of not less than one per centum per month of such price paid prorated from the date of receipt by certified mail of notice of the imminent safety hazard, serious defect, defect or non-compliance to the distributor. The value of such reasonable reimbursements as specified in this paragraph shall be fixed by mutual agreement of the parties or by a court in an action brought under Section 613(b) of the Act.

(d) This section shall not apply to any manufactured home purchased by a retailer or distributor, which has been leased by such retailer or distributor to a tenant for purposes other than resale. In that instance the retailer or distributor has the remedies available to a purchaser under this subpart.

§ 3282.413 Notices, bulletins and other communications.

Each responsible party shall, at the time of dispatch, furnish to the SAA or

the Secretary a true or representative copy of all notices, bulletins, and other written communications to the retailers or distributors of such responsible party or purchasers or owners of manufactured homes of such responsible parties regarding any serious defect or imminent safety hazard which may exist in any such manufactured homes produced by such manufacturer. Manufacturers shall keep complete records of all communications regarding imminent safety hazards, serious defects, defects, and noncompliances.

§ 3282.414 Supervision of notification and correction actions.

(a) The SAA shall be responsible for assuring that notifications are sent to all owners, purchasers, retailers, or distributors of whom the responsible party has knowledge under § 3282.211 or otherwise as required by these regulations, and the SAA shall be responsible for assuring that the required corrections are carried out by auditing the records required by § 3282.410.

(b) The SAA or Secretary to which the report required by § 3282.410(c) is sent shall be responsible for assuring through oversight that remedial actions described in the report have been carried out as described in the report.

(c) The SAA of the state in which an affected manufactured home is located may inspect that manufactured home to determine whether any required correction is carried out to the approved plan or, if there is no plan, to the standards or other approval obtained by the responsible party.

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

30 CFR Part 72

RIN 1219-AB18

Determination of Concentration of Respirable Coal Mine Dust

AGENCIES: Mine Safety and Health Administration (MSHA), Department of Labor, National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control

and Prevention, Department of Health and Human Services.

ACTION: Proposed rule; reopening of the rulemaking record; extension of comment period.

SUMMARY: This document reopens the rulemaking record and extends the comment period for the proposed rule addressing Determination of Concentration of Respirable Coal Mine Dust, (Single Sample) published in the **Federal Register** on July 7, 2000 and reopened for public comment on March 6, 2003.

The Agencies have decided to reopen the rulemaking record and further extend the comment period in order to obtain further information on Personal Dust Monitors (PDMs), a new technology which is currently being tested by NIOSH.

The rulemaking record and comment period will remain open until further notice is published in the **Federal Register**. All comments received will be entered into the rulemaking record.

DATES: The rulemaking record for the proposed rule, published on July 7, 2000 and reopened for comment on March 6, 2003, will remain open until further notice is published in the **Federal Register**.

ADDRESSES: You may use mail, facsimile (fax), or electronic mail to send us your comments. Clearly identify them as comments and send them (1) by mail to MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Room 2313, Arlington, Virginia 22209-3939; (2) by fax to (202) 693-9441; or (3) by electronic mail to: comments@msha.gov.

FOR FURTHER INFORMATION CONTACT: Marvin W. Nichols, Jr., Director, Office of Standards, Regulations and Variances, MSHA; phone: (202) 693-9440; facsimile: (202) 693-9441; e-mail: nichols-marvin@msha.gov.

You can request a copy of this reopening and extension of comment period notice in an alternate format, such as a large print version, an electronic file or a file on a disk. This reopening and extension of comment period notice is available on MSHA's Internet site, <http://www.msha.gov>, at the "Statutory and Regulatory Information" icon.

SUPPLEMENTARY INFORMATION:

I. Rulemaking Background

In 1972, the Secretary of Interior and the Secretary of Health, Education, and Welfare issued a joint finding under the Federal Coal Mine Safety and Health Act of 1969. The finding concluded that a single, full-shift measurement of