

as found in 30 CFR 955.11(a). As a result, we are approving the change.

Former sections 210.2(b) and (c) provide the different types of blasting categories for which blasters will be examined and provide that each category requires an examination. New sections 210.17(a) and (b) slightly modified these requirements. These new sections describe the classifications for which a blaster's license is issued and allows people to amend the classifications if they meet the requirements of section 210.14. There is no direct Federal counterpart to this section, but we find that it does not make the Pennsylvania program inconsistent with the Federal regulations and we are approving it.

Former section 210.3(a) provides the procedures for the annual renewal of blaster's licenses. This section was recodified as section 210.17(e). Subsection (e) changes the term for renewal from one year to three years and the application fee was increased from \$3.50 to \$30.00. Former section 210.3(a) also provided that the renewal may be refused for due cause after notification to the applicant and a hearing. This provision was dropped from the recodified section 210.17. However, section 210.19 provides that Pennsylvania may issue orders suspending, modifying or revoking a blaster's license. This section gives Pennsylvania the authority to take action regarding the license at any time, which makes it more effective than the provision of former section 210.13(a) that provides for refusal to renew a license application. As stated earlier, we found section 210.19 to be no less effective than the Federal regulations. There is no Federal counterpart to section 210.17 and the changes do not make this less effective than the Federal regulations.

Former section 210.5(c) provides that use of explosives must be in accordance with all rules and regulations for storage, handling and use of explosives. Portions of this provision are now found in current section 211.102(a). Section 211.102(a) provides that Chapter 211 applies to persons engaging in blasting activities. However, it also exempts persons using and storing explosives at underground mines from the requirements of the chapter. The Federal regulation at 30 CFR 817.61(a) states that the performance standards of 817.61 through 817.68 apply to surface blasting activities incident to underground coal mining. We asked the Chief of the Explosives and Safety Section of PADEP if this section exempts blasting activities incident to underground mining. In an e-mail dated

June 17, 2003 (Administrative Record No. PA 878.09), he replied that this section pertains to blasting or storage within the underground mine not blasting incident to underground mining. He further replied that blasting incident to underground mining is regulated by Chapter 87. Since PADEP confirmed that this section does not apply to surface blasting activities incident to underground coal mining, we find that there is no corresponding Federal regulation to this section and it does not render the Pennsylvania program inconsistent with the Federal regulations. Therefore, we are approving it.

Former section 210.6 provides that conditions under which blaster learners may work with a licensed blaster. Portions of this provision are now found in current sections 210.11, 211.101, and 211.154(e). There is no direct Federal counterpart to these provisions; however, they are consistent with the Federal regulations at 30 CFR 850.13(a) that requires the regulatory authority to establish procedures for persons who are not certified blasters to receive direction and on-the-job training from a certified blaster.

Former section 211.2(3) provided a definition for the term, "explosives." The definition for the term was modified in current section 211.101. There is no Federal counterpart for the definition of the term, "explosive," however we find that Pennsylvania's definition of the term is not inconsistent with the Federal regulations and we are approving it.

Former section 211.31 provided for licensing and fees for storage magazines. This section was recodified as section 211.112(a) and (d), and 211.114. The recodified sections increase the fees and modify the locations at which the license must be displayed. There is no Federal counterpart to these sections and we have found that the changes do not make Pennsylvania's program less effective than the Federal regulations.

Former section 211.32(2) provides specifications for the location of, and storage of materials in, magazines. Some of these requirements were placed in current section 211.115. There are no Federal counterparts to this section and we have found that these requirements are not inconsistent with the Federal regulations.

Former section 211.33 provided construction specifications for magazines for storing explosives. Former sections 211.35 and 211.43 provided for the handling, housekeeping and storage of explosives around magazines. These sections were recodified as section 211.115. Section

211.115 shortened the provisions of former sections 211.33, 211.35, and 211.43 and incorporated Federal standards at 27 CFR Part 55, Subpart K by reference. There were no Federal counterparts to the former sections and there are no Federal counterparts in Title 30 of the Federal regulations for section 211.15. We have found that the changes do not make Pennsylvania's program inconsistent with the Federal regulations.

Former section 211.34 gives the requirements for plans for locating storage magazines on sites. Some of these requirements were placed in current section 211.115. There are no Federal counterparts to either section and we have found that these changes are not inconsistent with the Federal regulations.

Former section 211.36(3) provides requirements for selling explosives including a permit to sell. Some of these requirements were placed in current sections 211.121(a) and 211.122(a) and (d). There are no Federal counterparts to the former section or its requirements that were placed in sections 211.121 or 211.122. We have found that the changes are not inconsistent with the Federal regulations.

Former section 211.36(4) provides requirements for selling explosives including a permit to sell them. Some of these requirements were placed in current section 211.123(a). There are no Federal counterparts to the former section or its requirements that were placed in section 211.123. We have found that the changes are not inconsistent with the Federal regulations.

Former section 211.36(8) provides the circumstances under which permits for the manufacture, storage, handling, use or sale of explosives can be suspended or revoked. The permit can be suspended for due cause and may be revoked after written notice to the permit holder and a hearing before the Environmental Hearing Board. The revised regulation at section 211.103(a) provides that Pennsylvania can issue orders to modify or revoke a permit but it doesn't indicate that a permit can be suspended for due cause nor does it provide appeal of a permit revocation to the Environmental Hearing Board. Federal regulations do not require specific permits for blasting activities. Instead, there must be a permit to conduct surface coal mining operations which also includes blasting activities. Pennsylvania does require a permit for surface coal mining operations. See 25 Pa. Code 86.11 *et seq.* Additionally, surface coal mining operations must contain a blasting plan as noted in the