

requirements at 30 CFR 780.13. Pennsylvania's regulations at 25 Pa. Code 87.64 also require a blasting plan for surface coal mines. As a result, we have found that the changes to this section are not inconsistent with the Federal regulations.

Former section 211.36(9) provides additional requirements for selling explosives. Some of these requirements were placed in current section 211.131. There are no Federal counterparts to this former section or its requirements that were placed in section 211.131. We have found that these changes are not inconsistent with the Federal regulations.

Former section 211.38 provided specifications for transporting blasting caps. This section was recodified as section 211.141(9). The construction specifics for the containers for transporting blasting caps were dropped and now the section requires containers to conform to the current version of Institute of Makers of Explosives Safety Library Publication # 22. There are no Federal counterparts to these provisions and we have found that the changes do not make Pennsylvania's program less effective than the Federal regulations.

Former section 211.41 provides safety precautions for physically handling explosives. Some of these requirements were placed in current section 211.153. There are no Federal counterparts to the former section or its requirements that were placed in section 211.153. We have found that these changes are not inconsistent with the Federal regulations.

Former section 211.44 provides specification for instruments to monitor explosives. The requirements were modified in current section 211.172. There are no Federal counterparts to the former section or the new section. We have found that these changes are not inconsistent with the Federal regulations.

Former section 211.51(1) provides limitations for the use of open fire and smoking around explosives. Some of these requirements were placed in current section 211.153(b). There are no Federal counterparts to the former section or its requirements that were placed in section 211.153(b). We have found that these changes are not inconsistent with the Federal regulations.

Former section 211.51(2) provides the types of tools that can be used to open containers of explosives and blasting implements. The types of tools that can be used to open containers of explosives have been modified in current section 211.153(a). There are no Federal counterparts to the former section or the

new section. We have found that these changes are not inconsistent with the Federal regulations.

Former section 211.51(4) provides for the use of wooden tamping sticks. This section was recodified to section 211.154(f) and was changed to provide for the use of non-ferrous tamping sticks. There are no Federal counterparts to the former section or the new section. We have found that these changes are not inconsistent with the Federal regulations.

Former section 211.51(7) provides the means by which explosives are to be fired. These provisions were modified in current section 211.159(h) and (k). There are no Federal counterparts to the former section or the new section. We have found that these changes are not inconsistent with the Federal regulations.

Former section 211.51(17) provides for procedures to be used in the event of a misfired hole. Some of these provisions have been placed in current sections 211.157(d) and (e). There are no Federal counterparts to the former section or the new section. We have found that these changes are not inconsistent with the Federal regulations.

Former section 211.52(3) provides specifications for blasting in the vicinity of utility lines. This section was recodified in Subchapter H. Blasting Activities Near Utility Lines. New sections 211.181 and 211.182 now contain the requirements for conducting blasting near utility lines. These sections contain information concerning the design of the blast, the type of explosives to be used, the size of holes, and the specifics of excavation for blasts. There is no direct Federal counterpart for former section or the proposed section, however our review found it to be consistent with 30 CFR 816/817.180 regarding how surface mining operations are to be conducted to minimize damage, destruction, or disruption to utilities. We are approving these changes.

Former sections 211.61(1) and (2) regarding handling and storing of ammonium nitrate were incorporated into new section 211.115. Section 211.115 provides regulations for classifying and storing explosives. There are no Federal counterparts for these regulations, however our review found that these regulations do not make Pennsylvania's program inconsistent with the Federal regulations. We are approving the change.

Pennsylvania also added definitions and new sections to its regulations. These additions are discussed below.

Pennsylvania added definitions of terms that have no Federal counterpart to Chapters 210 and 211. In section 210.11, Pennsylvania added definitions for the terms, "blaster learner," "blaster license," "demolition and demolition blasting," and "person." These definitions are used to clarify various sections of Pennsylvania's blaster license program. There are no Federal counterparts, however, these definitions do not make Pennsylvania's program inconsistent with the Federal regulations.

In section 211.101, Pennsylvania added definitions for the terms, "blast area," "blast site," "blaster-in-charge," "blasting activity," "detonator," "misfire," "purchase," "sale or sell," and "structure." These definitions are used to clarify various sections of Pennsylvania's rules on the storage, handling and use of explosives. There are no Federal counterparts to the definitions. However, these definitions do not make Pennsylvania's program inconsistent with the Federal regulations.

Section 210.13(b) was added by this amendment. This section of the regulations provides that Pennsylvania may exempt individuals from a blaster's license if the person is detonating extremely small amounts of explosives for industrial or research purposes. The Federal regulations do not provide an exemption for quantity. It was unclear if surface coal mining operations were included in this provision. We asked Pennsylvania if individuals conducting blasting on surface coal mining operations could be exempt. In an e-mail dated July 15, 2003 (Administrative Record No. PA 878.08), the Chief of the Explosives and Safety Section of PADEP indicated that this exemption does not pertain to mining. It pertains to non-excavation activities such as industrial applications or research. We find this provision is not inconsistent with the Federal regulations and we are approving it with the understanding that Pennsylvania will not exempt blasters on surface coal mining operations from the licensing requirements.

Section 210.14(b) was added by this amendment. This section of the regulations provides that Pennsylvania will not issue or renew a license if the applicant has or had violations or demonstrated a lack of ability or intention to comply with the blasting regulations. There is no direct Federal counterpart. However, this provision is consistent with the Federal rules at 30 CFR 850.14(a)(2) which require that the blaster candidate "exhibit a pattern of conduct consistent with the acceptance