

Public Law 552

CHAPTER 877

July 16, 1952
[S. 1310]

AN ACT

To amend Public Law 49, Seventy-seventh Congress, so as to provide for the prevention of major disasters in coal mines.

Federal Coal
Mine Safety Act,
amendment.

55 Stat. 177.
30 USC 4f-4o.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act relating to certain inspections and investigations in coal mines for the purpose of obtaining information relating to health and safety conditions, accidents, and occupational diseases therein, and for other purposes", approved May 7, 1941, is amended by adding at the end thereof the following new title:

"TITLE II—PREVENTION OF MAJOR DISASTERS IN
MINES

"DEFINITIONS AND EXEMPTION

"SEC. 201. (a) For the purposes of this title—

"(1) The term 'Board' means the Federal Coal Mine Safety Board of Review created by section 205.

"(2) The term 'Bureau' means the Bureau of Mines.

"(3) The term 'certified person', when used to designate the kind of person to whom the performance of a duty in connection with the operation of a mine shall be assigned, means a person who is qualified under the laws of the State in which such mine is located to perform such duty, except that in a State the laws of which do not provide for such qualification, the term means a person deemed by the operator of such mine to be qualified to perform such duty.

"(4) The term 'commerce' means trade, traffic, commerce, transportation, or communications between any State, Territory, possession, or the District of Columbia and any other State, Territory, or possession, of the United States, or between any State, Territory, possession, or the District of Columbia and any foreign country, or wholly within any Territory, possession, or through any other State or through any Territory, possession, or the District of Columbia or through any foreign country.

"(5) The term 'Director' means the Director of the Bureau of Mines.

30 USC 4n.
Post, p. 710.

"(6) The term 'duly authorized representative of the Bureau' means a person appointed under section 109 of title I or under section 212 of this title, and authorized in writing by the Director to perform the duties of a duly authorized representative of the Bureau as provided in sections 202, 203, and 206 of this title.

"(7) The term 'mine' means an area of land including everything annexed to it by nature and all structures, machinery, tools, equipment and other property, real or personal, placed upon, under or above its surface by man, used in the work of extracting bituminous coal, lignite or anthracite, from its natural deposits in the earth in such area and in the work of processing the coal so extracted. The term 'mine' does not include any strip mine. The term 'work of processing the coal' as used in this paragraph means the sizing, cleaning, drying, mixing and crushing of bituminous coal, lignite or anthracite, and such other work of processing such coal as is usually done by the operator, and does not mean crushing, coking, or distillation of such coal or such other work of processing such coal as is usually done by a consumer or others in connection with the utilization of such coal.

"(8) The term 'operator' means the person, partnership, association or corporation operating a mine and owning the right to do so.

“(9) The term ‘permissible’, as applied to equipment used in the operation of a mine, means equipment to which an approval plate, label, or other device is attached as authorized by the Director under section 212 (a), and which meets specifications which (A) are prescribed by the Director for the construction and maintenance of such equipment, and (B) are designed to assure that such equipment will not cause a mine explosion or mine fire.

“(10) The term ‘premises’ when used in referring to the premises of a mine, means the land within the mine’s area of land.

“(11) The term ‘rock dust’ means pulverized limestone, dolomite, gypsum, anhydrite, shale, talc, adobe, or other inert material, preferably light colored, (A) 100 per centum of which will pass through a sieve having 20 meshes per linear inch and 70 per centum or more of which will pass through a sieve having 200 meshes per linear inch; (B) the particles of which when wetted and dried will not cohere to form a cake which will not be dispersed into separate particles by a light blast of air; and (C) which does not contain more than 5 per centum of combustible matter, nor more than a total of 5 per centum of free and combined silica (SiO_2).

“(b) This title shall not apply to any mine in which no more than fourteen individuals are regularly employed underground.

Nonapplicability.

“INSPECTIONS

“SEC. 202. (a) For the purpose of determining whether a danger described in section 203 (a) exists in any mine the products of which regularly enter commerce or the operations of which substantially affect commerce, or whether any provision of section 209 is being violated in any such mine, or whether any such mine is a gassy mine as prescribed in section 203 (d), the Director shall cause an inspection of each such mine to be made by a duly authorized representative of the Bureau at least annually. The Director shall also make, or cause duly authorized representatives of the Bureau to make, such special inspections of such mines as may be required by section 203 (c) and section 206, and such other inspections of such mines as he deems necessary for the proper administration of this title.

“(b) (1) In order to promote sound and effective coordination in Federal and State activities within the field covered by this title, the Director shall cooperate with the official mine inspection or safety agencies of the several States.

Coordination
with States.

“(2) Any State desiring to cooperate in making the inspections required under this title may submit, through its official mine inspection or safety agency, a State plan for carrying out the purposes of this subsection. Such State plan shall—

State plan.

“(A) designate such State mine inspection or safety agency as the sole agency responsible for administering the plan throughout the State and contain satisfactory evidence that such agency will have the authority to carry out the plan,

“(B) give assurances that such agency has or will employ an adequate and competent staff of inspectors qualified under the laws of such State to make mine inspections within such State,

“(C) give assurances, that upon request of the Director or upon request of an operator under section 203 (e) (1), the agency will assign inspectors employed by it to participate in inspections to be made in such State under this title, and

“(D) provide that the agency will make such reports to the Director, in such form and containing such information, as the Director may from time to time require.

Director's approval.

"(3) The Director shall approve any State plan or any modification thereof which complies with the provisions of paragraph (2) of this subsection. He shall not finally disapprove any State plan or modification thereof without first affording the State agency reasonable notice and opportunity for hearing.

Withdrawal of approval.

"(4) Whenever the Director, after reasonable notice and opportunity for hearing to the State agency, finds that in the administration of the State plan there is—

"(A) a failure to comply substantially with any provision of the State plan; or

"(B) a failure to afford reasonable cooperation in administering the provisions of this title,

the Director shall notify such State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect.

Inspection of mine.

"(5) No inspection of a mine shall be made by a representative of the Bureau under this title in any State in which a State plan is in effect unless a State inspector participates in such inspection in accordance with such plan, except where, in the Director's judgment, an inspection is urgently needed to determine whether a danger described in section 203 (a) exists in such mine, and participation by a State inspector would unreasonably delay such inspection.

Persons admitted to mine.

"(c) The Director, any duly authorized representative of the Bureau, any State inspector assigned in accordance with a State plan, and any independent inspector appointed under section 203 (e) (3) shall be entitled to admission to any mine the products of which regularly enter commerce or the operations of which substantially affect commerce, for the purpose of making any inspection authorized under this title.

"FINDINGS AND ORDERS

"SEC. 203. (a) (1) If a duly authorized representative of the Bureau, upon making an inspection of a mine as authorized in section 202, finds danger that a mine explosion, mine fire, mine inundation, or man-trip or man-hoist accident will occur in such mine immediately or before the imminence of such danger can be eliminated, he shall also find the extent of the area of such mine throughout which such danger exists. Thereupon he shall immediately make an order requiring the operator of such mine to cause all persons, excepting persons referred to in paragraph (2) of this subsection, to be withdrawn from, and to be debarred from entering, such area. Such findings and order shall contain a detailed description of the conditions which such representative finds cause and constitute such danger, and a description of the area of such mine throughout which persons must be withdrawn and debarred.

Withdrawal from danger area.

Exceptions.

"(2) No order issued under paragraph (1) of this subsection shall require any of the following persons to be withdrawn from, or to be debarred from entering, the area described in the order: (A) Any person whose presence in such area is necessary, in the judgment of the operator of the mine, to eliminate the danger described in the order; (B) any public official whose official duties require him to enter such area; or (C) any legal technical consultant, or any representative of the employees of the mine, who is a certified person qualified to make mine examinations, or is accompanied by such a person, and whose presence in such area is necessary, in the judgment of the operator of the mine, for the proper investigation of the conditions described in the order.

“(b) If such representative of the Bureau finds that any provision of section 209 is being violated and that the conditions created by such violation do not cause danger that a mine explosion, mine fire, mine inundation, or man-trip or man-hoist accident will occur in such mine immediately or before the imminence of such danger can be eliminated, he shall find what would be a reasonable period of time within which such violation should be totally abated. Such findings shall contain the provisions of section 209 which he finds are being violated and a detailed description of the conditions which cause and constitute such violation.

Abatement of violations.

“(c) (1) The period of time so found by such representative to be a reasonable period of time may be extended by a duly authorized representative of the Bureau from time to time upon the making of a special inspection to ascertain whether or not such violation has been totally abated. The Director shall promptly cause a special inspection to be made: (A) Upon the expiration of such a period of time as originally fixed; (B) upon the expiration of such a period of time as extended; and (C) whenever an operator of a mine, prior to the expiration of any such period of time, requests him to cause such a special inspection to be made at such mine. Upon making such a special inspection, such representative of the Bureau shall find whether or not such violation has been totally abated. If he finds that such violation has not been totally abated, he shall find whether or not such period of time as originally fixed, or as so fixed and extended, should be extended. If he finds that such period of time should be extended, he shall find what a reasonable extension would be. If he finds that such violation has not been totally abated, and if such period of time as originally fixed, or as so fixed and extended, has then expired, and if he also finds that such period of time should not be further extended, he shall also find the extent of the area of such mine which is affected by such violation. Thereupon he shall promptly make an order requiring the operator of such mine to cause all persons in such area, excepting persons referred to in paragraph (2) of this subsection, to be withdrawn from, and to be debarred from entering, such area. Such finding and order shall contain the provisions of section 209 which are being violated and a detailed description of the conditions which such representative finds cause and constitute such violation, and a description of the area of such mine throughout which persons must be withdrawn and debarred.

Time extension.

Debarment from area.

“(2) No order issued under paragraph (1) of this subsection shall require any of the following persons to be withdrawn from, or to be debarred from entering, the area described in the order: (A) Any person whose presence in such area is necessary, in the judgment of the operator of the mine, to abate the violation described in the order; (B) any public official whose official duties require him to enter such area; or (C) any legal or technical consultant or any representative of the employees of the mine, who is a certified person qualified to make mine examinations, or is accompanied by such a person, and whose presence in such area is necessary, in the judgment of the operator of the mine, for the proper investigation of the conditions described in the order.

Exceptions.

“(d) If a duly authorized representative of the Bureau, upon making an inspection of a mine, as authorized in section 202, finds that methane has been ignited in such mine or finds methane by use of a permissible flame safety lamp or by air analysis in an amount of 0.25 per centum or more in any open workings of such mine when tested at a point not less than twelve inches from the roof, face, or rib, he shall make an order requiring the operator of such mine to comply with the provisions of section 209 of this title which pertain to gassy mines, in the operation of such mine.

Methane.

State inspector.

“(e) (1) If an order is made pursuant to subsection (a) of this section with respect to a mine in a State in which a State plan approved under section 202 (b) is in effect, and a State inspector did not participate in the inspection on which such order is based, the operator of the mine may request the agency designated in the State plan to assign a State inspector to inspect the mine. The State inspector assigned in accordance with such request shall inspect such mine promptly after the request is made.

“(2) No order shall be made pursuant to subsection (c) of this section with respect to a mine in a State in which a State plan approved under section 202 (b) is in effect unless a State inspector participated in the inspection on which such order is based and concurs in such order, or an independent inspector appointed under paragraph (3) concurs in such order. If the State inspector does not concur in such order, the operator of the mine, the duly authorized representative of the Bureau who proposes to make such order, or the State inspector may apply, within twenty-four hours after the completion of the inspection involved, for the appointment of an independent inspector under paragraph (3). Within five days after the date of his appointment, the independent inspector shall inspect the mine. The representative of the Bureau and the State inspector shall be given the opportunity to accompany the independent inspector during such inspection. If, after such inspection is completed, either the independent inspector or the State inspector concurs in the order, it shall be issued.

Independent in-
spector.

“(3) Within five days after the date of receipt of an application under paragraph (2) of this subsection, the chief judge of the United States District Court for the district in which the mine involved is located (or in his absence, the clerk of such court) shall appoint a graduate engineer with experience in the coal-mining industry to serve as an independent inspector under this subsection. Each independent inspector so appointed shall be compensated at the rate of \$50 for each day of actual service (including each day he is traveling on official business) and shall, notwithstanding the Travel Expense Act of 1949, be fully reimbursed for traveling, subsistence, and related expenses.

63 Stat. 166.
5 USC 835 note.

“(4) An order made pursuant to subsection (a) or (c) of this section with respect to a mine in a State in which a State plan approved under section 202 (b) is in effect shall not be subject to review under section 206, but shall be subject to review under section 207.

Notice of finding
and order.

“(f) Notice of each finding and order made under this section shall promptly be given to the operator of the mine to which it pertains, by the person making such finding or order.

“NOTICES

Signatures, etc.

“SEC. 204. (a) All findings and orders made pursuant to section 203 or section 206, and all notices required to be given of the making of such findings and orders, shall be in writing. All such findings and orders shall be signed by the person making them, and all such notices shall be signed by the person charged with the duty of giving the notice. All such notices shall contain a copy of the findings and orders referred to therein.

Bulletin board.

“(b) Each operator of a mine shall maintain an office on or near the premises of such mine and shall maintain thereon a conspicuous sign designating it as the office of such mine. Each operator of a mine shall maintain a bulletin board at such office or at some conspicuous place near an entrance of such mine, in such manner that notices required by law to be posted on the mine bulletin board may be posted

thereon, be easily visible to all persons desiring to read them, and be protected against damage by weather and against unauthorized removal. The operator shall maintain on such bulletin board a conspicuous sign designating it as the bulletin board of such mine. Notice of any finding or order required by section 203 or section 206 to be given to an operator shall be given by causing such notice, addressed to the operator of the mine to which it pertains, to be delivered to the office of such mine provided for in the first sentence of this subsection, and by causing a copy of such notice to be posted on the bulletin board of such mine provided for in the second sentence of this subsection. The requirement of the preceding sentence that a notice shall be 'addressed to the operator of the mine to which it pertains', shall not require that the name of the operator for whom it is intended shall be specifically set out in such address. Addressing such notice to 'Operator of _____ Mine', specifying the mine sufficiently to identify it, shall satisfy such requirement.

"(c) The Director shall cause a copy of each such notice to be mailed immediately to a duly designated representative of the employees of the mine to which it pertains, and to the public official or agency of the State or Territory charged with administering State or Territorial laws, if any, relating to mine safety in such mine.

Distribution of notice.

"CREATION OF REVIEW BOARD

"SEC. 205. (a) An agency is hereby created to be known as the Federal Coal Mine Safety Board of Review, which shall be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate.

Federal Coal Mine Safety Board of Review.

"(b) The terms of office of members of the Board shall be three years, except that the terms of office of the members first appointed shall commence on the effective date of this section and shall expire one at the end of one year, one at the end of two years, and one at the end of three years, as designated by the President at the time of appointment. A member appointed to fill a vacancy caused by the death, resignation, or removal of a member prior to the expiration of the term for which he was appointed, shall be appointed only for the remainder of such unexpired term. The members of the Board may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

Terms of office.

"(c) Each member of the Board shall be compensated at the rate of \$50 for each day of actual service (including each day he is traveling on official business) and shall, notwithstanding the Travel Expense Act of 1949 be fully reimbursed for traveling, subsistence, and other related expenses. The Board, at all times, shall consist of one person who by reason of previous training and experience may reasonably be said to represent the viewpoint of coal-mine operators, one person who by reason of previous training and experience may reasonably be said to represent the viewpoint of coal-mine workers, and one person, who shall be chairman of the Board, who shall be a graduate engineer with experience in the coal-mining industry or shall have had at least five years' experience as a practical mining engineer in the coal-mining industry, and who shall not, within one year of his appointment as a member of the Board, have had a pecuniary interest in, or have been regularly employed or engaged in, the mining of coal, or have regularly represented either coal-mine operators or coal-mine workers, or have been an officer or employee of the Department of the Interior assigned to duty in the Bureau.

Compensation.

63 Stat. 166.
5 USC 835 note.

"(d) The principal office of the Board shall be in the District of Columbia. Whenever the Board deems that the convenience of the

Principal office.

public or of the parties may be promoted, or delay or expense may be minimized, it may hold hearings or conduct other proceedings at any other place. The Board shall have an official seal which shall be judicially noticed and which shall be preserved in the custody of the secretary of the Board.

Appointment of employees.

“(e) The Board shall, without regard to the civil service laws, appoint and prescribe the duties of a secretary of the Board and such legal counsel as it deems necessary. Subject to the civil-service laws, the Board shall appoint such other employees as it deems necessary in exercising its powers and duties. The compensation of all employees appointed by the Board shall be fixed in accordance with the Classification Act of 1949, as amended.

63 Stat. 954.
5 USC 1071 note.

Quorum.

“(f) Two members of the Board shall constitute a quorum, and official actions of the Board can be taken only on the affirmative vote of at least two members; but any one member, or any two members, upon order of the Board, shall conduct any hearing provided for in section 207 and submit the transcript of such hearing to the entire Board for its action thereon. Every official act of the Board shall be entered of record, and its hearings and records thereof shall be open to the public.

Hearings and determinations.

“(g) The Board shall hear and determine applications filed pursuant to section 207 for annulment or revision of orders made pursuant to section 203 or section 206. The Board shall not make or cause to be made any inspection of a mine for the purpose of determining any pending application.

Rules.

“(h) The Board is authorized to make such rules as are necessary for the orderly transaction of its proceedings, which shall include requirement for adequate notice of hearings to all parties.

Subpenas.

“(i) Any member of the Board may sign and issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books and documents, and administer oaths. Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

Depositions.

“(j) The Board may order testimony to be taken by deposition in any proceeding pending before it, at any stage of such proceeding. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition to the opposite party or his attorney of record, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Board, as provided in subsection (i). Witnesses whose depositions are taken under this subsection, and the persons taking such depositions shall be entitled to the same fees as are paid for like services in the courts of the United States.

Contumacy, etc.

“(k) In case of contumacy by, or refusal to obey a subpoena served upon, any person under this section, the Federal district court for any district in which such person is found or resides or transacts business, upon application by the United States, and after notice to such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Board or to appear and produce documents before the Board, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"REVIEW BY DIRECTOR

"SEC. 206. (a) Except as provided in section 203 (e) (4), an operator notified of an order made pursuant to section 203 (a) may apply to the Director for annulment or revision of such order. Upon receipt of such application the Director shall make a special inspection of the mine affected by such order, or cause three duly authorized representatives of the Bureau, other than the representative who made such order, to make such inspection of such mine and to report thereon to him. Upon making such special inspection himself, or upon receiving the report of such inspection made by such representatives, the Director shall find whether or not danger throughout the area of such mine as set out in such order existed at the time of making such special inspection. If he finds that such danger did not then exist throughout such area of such mine, he shall make an order, consistent with his findings, revising or annulling the order under review. If he finds that such danger did then exist throughout such area of such mine, he shall make an order denying such application.

Application for
annulment or revision
of order.

"(b) Except as provided in section 203 (e) (4), an operator notified of an order made pursuant to section 203 (c) may apply to the Director for annulment or revision of such order. Upon receipt of such application the Director shall make a special inspection of the mine affected by such order, or cause three duly authorized representatives of the Bureau, other than the representative who made such order, to make such inspection of such mine and report thereon to him. Upon making such special inspection himself, or upon receiving the report of such inspection made by such representatives, the Director shall find whether or not there was a violation of section 209 as described in such order, at the time of the making of such order. If he finds there was no such violation he shall make an order annulling the order under review. If he finds there was such a violation he shall also find whether or not such violation was totally abated at the time of the making of such special inspection. If he finds that such violation was totally abated at such time, he shall make an order annulling the order under review. If he finds that such violation was not totally abated at such time, he shall find whether or not the period of time within which such violation should be totally abated, fixed under section 203, should be extended. If he finds that such period of time should be extended, he shall find what a reasonable extension of such period of time would be. Thereupon he shall find the extent of the area of such mine which was affected by such violation at the time such special inspection was made, and then he shall make an order, consistent with his findings, revising the order under review. If he finds that such violation was not totally abated at the time of such special inspection, and that such period of time should not be extended, he shall find the extent of the area of such mine which was affected by such violation at the time such special inspection was made, and he shall then make an order, consistent with his findings, affirming or revising the order under review.

"(c) An operator notified of an order made pursuant to section 203 (d) may apply, not later than twenty days after the receipt of notice of such order, to the Director for annulment of such order. Upon receipt of such application the Director shall make or cause to be made such investigation as he deems necessary. Upon concluding his investigation or upon receiving the report of such investigation made at his direction, the Director shall find whether or not methane has been ignited in such mine, or whether or not methane was found in such mine in an amount of 0.25 per centum or more in any open workings of such mine, when tested at a point not less than twelve inches from the roof, face, or rib, at the time of the making of such order.

If he finds that methane has not been ignited in such mine and was not found in such mine as set out in such order, he shall make an order annulling the order under review. If he finds that methane has been ignited in such mine or was found in such mine as set out in the order under review, he shall make an order denying such application.

“(d) The Director shall cause notice of each finding and order made under this section to be given promptly to the operator of the mine to which it pertains.

“(e) Except as provided in section 202 (e) (4), at any time while an order made pursuant to section 203 or this section is in effect, or at any time during the pendency of a proceeding under section 207 or section 208 seeking annulment or revision of such order, the operator of the mine affected by such order may apply to the Director for annulment or revision of such order. The Director shall thereupon proceed to act upon such application in the manner provided in subsections (a), (b), or (c) of this section.

“(f) In view of the urgent need for prompt decision of matters submitted to the Director under this section, all actions which the Director or his representatives are required to take under this section shall be taken as rapidly as practicable, consistent with adequate consideration of the issues involved.

“REVIEW BY BOARD

Application for
annulment or revision
of order.

“SEC. 207. (a) An operator notified of an order made pursuant to subsection (a), (c), or (d) of section 203 may apply to the Federal Coal Mine Safety Board of Review for annulment or revision of such order without seeking its annulment or revision under section 206. An operator notified of an order made pursuant to section 206 may apply to the Board for annulment or revision of such order: *Provided, however,* That an operator applying to the Board for annulment of an order made pursuant to subsection (d) of section 203 or pursuant to subsection (c) of section 206 shall file such application with the Board not later than twenty days after the receipt of notice of such order.

“(b) The operator shall be designated as the applicant in such proceeding and the application filed by him shall recite the order complained of and other facts sufficient to advise the Board of the nature of the proceeding. He may allege in such application: That danger as set out in such order does not exist at the time of the filing of such application; that violation of section 209, as set out in such order, has not occurred; that such violation has been totally or partially abated; that the period of time within which such violation should be totally abated, as fixed in the findings upon which such order was based, was not reasonable; that the area of the mine described in such order as the area affected by the violation referred to in such order is not so affected at the time of the filing of such application; or that the mine described in such order is not a gassy mine. The Director shall be the respondent in such proceeding, and the applicant shall send a copy of such application by registered mail to the Director at Washington, District of Columbia.

Hearing.

“(c) Immediately upon the filing of such an application the Board shall fix the time for a prompt hearing thereof.

Request for temporary relief.

“(d) Pending such hearing the applicant may file with the Board a written request that the Board grant such temporary relief from such order as the Board may deem just and proper. Such temporary relief may be granted by the Board only after a hearing by the Board at which both the applicant and the respondent were afforded an opportunity to be heard, and only if respondent was given ample notice of

the filing of applicant's request and of the time and place of the hearing thereon as fixed by the Board.

"(e) The Board shall not be bound by any previous findings of fact by the respondent or by any other representative of the Bureau. Evidence relating to the making of the order complained of and relating to the questions raised by the allegations of the pleadings or other questions pertinent in the proceeding may be offered by both parties to the proceeding. If the respondent claims that danger or a violation of section 209, as set out in such order, existed at the time of the filing of the application, or that methane has been ignited or found in such mine as set out in the order under review, the burden of proving the then existence of such danger or violation, or that methane has been ignited or found in such mine as set out in the order under review, shall be upon the respondent, and the respondent shall present his evidence first to prove the then existence of such danger or violation. Following presentation of respondent's evidence the applicant may present his evidence, and thereupon respondent may present evidence to rebut the applicant's evidence.

Evidence.

"(f) If the proceeding is one in which an operator seeks annulment or revision of an order made pursuant to section 203 (a), the Board, upon conclusion of the hearing, shall find whether or not danger throughout the area of such mine as set out in such order existed at the time of the filing of the operator's application. If the Board finds that such danger did not then exist throughout such area of such mine, the Board shall make an order, consistent with its findings, revising or annulling the order under review. If the Board finds that such danger did then exist throughout such area of such mine, the Board shall make an order denying such application.

Findings of Board.

"(g) If the proceeding is one in which an operator seeks annulment or revision of an order made pursuant to section 203 (c), the Board, upon conclusion of the hearing, shall find whether or not there was a violation of section 209 as described in such order, at the time of the making of such order. If the Board finds there was no such violation, the Board shall make an order annulling the order under review. If the Board finds there was such a violation, the Board shall also find whether or not such violation was totally abated at the time of the filing of the operator's application. If the Board finds that such violation was totally abated at such time, the Board shall make an order annulling the order under review. If the Board finds that such violation was not totally abated at such time, the Board shall find whether or not the period of time within which such violation should be totally abated, fixed under section 203 or 206, should be extended. If the Board finds that such period of time should be extended, the Board shall also find what a reasonable extension of such period of time would be, and shall immediately also find the extent of the area of such mine which was affected by such violation at the time of the filing of such application and the Board shall then make an order, consistent with its findings, revising the order under review. If the Board finds that such violation was not totally abated at the time of the filing of the operator's application, and that such period of time should not be extended, the Board shall find the extent of the area of such mine which was affected by such violation at such time, and shall make an order, consistent with its findings, affirming or revising the order under review.

"(h) If the proceeding is one in which an operator seeks annulment of an order made pursuant to section 203 (d) or 206 (c), the Board, upon conclusion of the hearing, shall find whether or not methane has been ignited in such mine or was found in such mine in an amount of 0.25 per centum or more in any open workings of such mine when

tested at a point not less than twelve inches from the roof, face, or rib, as set out in such order. If the Board finds that methane has not been ignited in such mine and was not found in such mine as set out in such order, the Board shall make an order annulling the order under review. If the Board finds that methane has been ignited in such mine or was found in such mine as set out in the order under review, the Board shall make an order denying such application.

“(i) Each finding and order made by the Board shall be in writing. It shall show the date on which it is made, and shall bear the signatures of the members of the Board who concur therein. Upon making a finding and order the Board shall cause a true copy thereof to be sent by registered mail to all parties or their attorneys of record. The Board shall cause each such finding and order to be entered on its official record, together with any written opinion prepared by any member in support of, or dissenting from, any such finding or order.

“(j) In view of the urgent need for prompt decision of matters submitted to the Board under this section, all actions which the Board is required to take under this section shall be taken as rapidly as practicable, consistent with adequate consideration of the issues involved.

“JUDICIAL REVIEW

- Notice of appeal.** “SEC. 208. (a) Any final order issued by the Board under section 207 shall be subject to judicial review by the United States Court of Appeals for the circuit in which the mine affected is located, upon the filing in such court of a notice of appeal by the Director or the operator aggrieved by such final order within thirty days from the date of the making of such final order.
- Copies; transcript.** “(b) The party making such appeal shall forthwith send a copy of such notice of appeal, by registered mail, to the other party and to the Board. Upon receipt of such copy of a notice of appeal the Board shall promptly certify and file in such court a complete transcript of the record upon which the order complained of was made. The costs of such transcript shall be paid by the party making the appeal.
- Argument, etc.** “(c) The court shall hear such appeal on the record made before the Board, and shall permit argument, oral or written or both, by both parties. The court shall permit such pleadings, in addition to the pleadings before the Board, as it deems to be required or as provided for in the Rules of Civil Procedure governing appeals in such court.
- Postponement.** “(d) Upon such conditions as may be required and to the extent necessary to prevent irreparable injury, the United States Court of Appeals may, after due notice to and hearing of the parties to the appeal, issue all necessary and appropriate process to postpone the effective date of the final order of the Board or to grant such other relief as may be appropriate pending final determination of the appeal.
- Action by court.** “(e) The United States Court of Appeals may affirm, annul, or revise the final order of the Board, or it may remand the proceeding to the Board for such further action as it directs. The findings of the Board as to facts, if supported by substantial evidence on the record considered as a whole, shall be conclusive.
- “ (f) The decision of a United States Court of Appeals on an appeal from the Board shall be final, subject only to review by the Supreme Court as provided in section 1254 of title 28 of the United States Code.

"MINE SAFETY PROVISIONS

"SEC. 209. (a) DUTY TO COMPLY.—Every operator of a mine, and every person who is on the premises of a mine for any reason whatsoever, shall comply with the provisions of this section, except those provisions which impose no duty, obligation or responsibility upon such operator or such person.

"(b) Every operator of a mine which, on or after the effective date of this title, is, or which, immediately prior to the effective date of this title, was, defined, classed, classified as, or determined, deemed, judged, held, or found to be, a gassy or gaseous mine pursuant to and in accordance with the laws of the State in which it is located, and every operator of a mine which, immediately prior to the effective date of this title, was operated as a gassy mine, shall comply with the provisions of this section which pertain to gassy mines.

"(c) ROOF SUPPORT.—The roof and ribs of all active underground roadways and travelways in a mine shall be adequately supported to protect persons from falls of roof or ribs.

"(d) VENTILATION.—(1) All active underground working places in a mine shall be ventilated by a current of air containing not less than 19.5 per centum of oxygen, not more than 0.5 per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases. The volume and velocity of the current of air shall be sufficient to dilute so as to render harmless, and to carry away, flammable or harmful gases. In bituminous-coal and lignite mines the quantity of air reaching the last open crosscut in any pair or set of entries shall not be less than six thousand cubic feet a minute, except that the quantity of air reaching the last open crosscut in any pair or set of entries in pillar sections may be less than six thousand cubic feet a minute if not less than six thousand cubic feet of air a minute is being delivered to the intake end of the pillar line. In anthracite mines the quantity of air reaching the face of each working place shall be at least two hundred cubic feet a minute for each man working in the place and as much more as may be required to dilute, render harmless, and sweep away noxious or dangerous gases, smoke, and fumes. In robbing areas where the air currents cannot be controlled and measurements of the air cannot be obtained, the air shall have perceptible movement.

"(2) If the air at an underground working face in a mine, when tested at a point not less than twelve inches from the roof, face, or rib, contains more than 1.0 per centum of methane, as determined by a permissible methane detector, a permissible flame safety lamp, air analysis, or other recognized means of accurately detecting such gas, changes or adjustments shall be made at once in the ventilation in such mine so that such air shall not contain more than 1.0 per centum of methane.

"(3) If a split of air returning from active underground working places in a mine contains more than 1.0 per centum of methane, as determined by a permissible methane detector, a permissible flame safety lamp, air analysis, or other recognized means of accurately detecting such gas, changes or adjustments shall be made at once in the ventilation in such mine so that such returning air shall not contain more than 1.0 per centum of methane.

"(4) If a split of air returning from active underground working places in a mine contains 1.5 per centum of methane, as determined by a permissible methane detector, a permissible flame safety lamp, air analysis, or other recognized means of accurately detecting such gas, the employees shall be withdrawn from the portion of the mine endangered thereby, and all power shall be cut off from such portion of the mine, until the quantity of methane in such split shall be less than

1.5 per centum. However, in virgin territory in mines ventilated by exhaust fans, where methane is liberated in large amounts, if the quality of air in a split ventilating the workings in such territory equals or exceeds twice the minimum volume of air prescribed in paragraph (1) of this subsection and if only permissible electric equipment is used in such workings and the air in the split returning from such workings does not pass over trolley or other bare power wires, and if a certified person designated by the mine operator is continually testing the gas content of the air in such split during mining operations in such workings, it shall be necessary to withdraw the employees and cut off all power from the portion of the mine endangered by such methane only when the quantity thereof in the air returning from such workings exceeds 2 per centum, as determined by a permissible methane detector, a permissible flame safety lamp, air analysis, or other recognized means of accurately detecting such gas.

“(5) In a gassy mine, air which has passed by an opening of any unsealed, abandoned area shall not be used to ventilate any active face area in such mine if such air contains 0.25 per centum or more of methane; but if this sentence cannot be complied with in such mine on the effective date of this section, such mine may continue to be operated after such date as it was operated immediately prior to such date, for a reasonable time until future mine development and ventilation of such mine can be changed to comply with this sentence. In no event shall such air be used to ventilate any area in such mine in which men work or travel if such air contains more than 1 per centum of methane. For the purposes of this paragraph, an area within a panel shall not be deemed to be abandoned until such panel is abandoned.

“(6) In a gassy mine, air that has passed through an abandoned panel which is inaccessible for inspection, or air that has passed through a similar abandoned area which is inaccessible for inspection, or air which has been used to ventilate a pillar line, or air which has been used to ventilate an area from which the pillars have been removed, shall not be used to ventilate any active face area in such mine; but if this sentence cannot be complied with in such mine on the effective date of this section, such mine may continue to be operated after such date as it was operated immediately prior to such date, for a reasonable time until future mine development and ventilation of such mine can be changed to comply with this sentence. In no event shall such air be used to ventilate any area in such mine in which men work or travel if such air contains more than 1 per centum of methane.

“(7) In a gassy mine, within four hours immediately preceding the beginning of a coal-producing shift, and before any workmen in such shift other than those who may be designated to make the examinations prescribed in this paragraph enter the underground areas of such mine, certified persons designated by the operator of such mine to do so shall make an examination, as prescribed in this paragraph, of such areas. Each person designated to act as such a mine examiner shall be directed to examine a definite underground area of such mine, and, in making his examination, such examiner shall inspect every active working place in such area and make tests therein with a permissible flame safety lamp for accumulations of methane and oxygen deficiency in the air therein; examine seals and doors to determine whether they are functioning properly; inspect and test the roof, face, and rib conditions in the working places and on active roadways and travel ways; inspect active roadways, travel ways, approaches to abandoned workings and accessible falls in active sections for explosive gas and other hazards; and inspect to determine whether the air in each split is traveling in its proper course and in normal volume. Such mine examiner shall place his initials and the date at or near the face of each

place he examines. If such mine examiner, in making his examination, finds a condition which he considers to be dangerous to persons who may enter or be in such area, he shall indicate such dangerous place by posting a 'DANGER' sign conspicuously at a point which persons entering such dangerous place would be required to pass. No person, other than Federal or State mine inspectors or persons authorized by the mine operator to enter such place for the purpose of eliminating the dangerous condition therein, shall enter such place while such sign is so posted. Upon completing his examination such mine examiner shall report the result of his examination to a person designated by the mine operator to receive such reports, at a designated station on the surface of the premises of the mine or underground, before other persons enter the underground areas of such mine to work in such coal-producing shift. Each such mine examiner shall also record the results of his examination with ink or indelible pencil in a book kept for such purpose at a place on the surface of the mine designated by the mine operator. No person (other than a certified person designated under this paragraph) shall enter any underground area in a gassy mine, except during a coal-producing shift, unless an examination of such area as prescribed in this paragraph has been made within twelve hours immediately preceding his entrance into such area.

"Danger" sign.

"(8) In nongassy mines, an examination as prescribed in paragraph (7) shall be made at least once in each calendar day during which coal is produced. Such examination shall be made within four hours immediately preceding the beginning of the first coal-producing shift on such day.

"(9) The underground working places in all mines shall be examined for hazards by certified persons designated by the mine operator to do so, at least once during each coal-producing shift, or oftener if necessary for safety. In a gassy mine, such examinations shall include tests with a permissible flame safety lamp for methane, and oxygen deficiency. In all underground face workings in a gassy mine where electrically driven equipment is operated, examinations for methane shall be made with a permissible flame safety lamp by a person trained in the use of such lamp before such equipment is taken into or operated in face regions, and frequent examinations for methane shall be made during such operations.

"(10) In a gassy mine, immediately before a roof fall is made in pillar workings, such workings shall be examined to ascertain whether methane is present. If in such examination methane is found in amounts that can be detected with a permissible flame safety lamp, a roof fall shall not be made until such gas is removed.

"(11) In a gassy mine, all workings which are abandoned after the effective date of this section or the date such mine became a gassy mine, whichever is later, shall be sealed or ventilated. If such workings are sealed, the sealing shall be done in a substantial manner with incombustible material. One or more of the seals of every sealed area shall be fitted with a pipe and cap or valve to permit the sampling of gases and the measuring of hydrostatic pressure behind such seals. For the purposes of this paragraph, workings within a panel shall not be deemed to be abandoned until such panel is abandoned.

"(e) **COAL DUST AND ROCK DUST.**—(1) Coal dust, loose coal, and other combustible materials shall not be permitted to accumulate in dangerous quantities in active underground workings of a mine.

"(2) Where underground mining operations raise an excessive amount of dust into the air, water, or water with a wetting agent added to it, or other effective method shall be used to allay such dust at its source.

“(3) All underground mines, except those mines or areas of mines in which the dust is too wet or too high in incombustible content to propagate an explosion, shall be rock-dusted to within forty feet of all faces, and, if open crosscuts near such faces are less than forty feet therefrom, such crosscuts shall be rock-dusted.

“(4) In mines partially rock-dusted or in mines that are required to start rock-dusting, haulageways and parallel entries connected thereto by open crosscuts shall be rock-dusted. Back entries shall be rock-dusted for at least one thousand feet outby the junction with the first active entry. Inby this junction, the rooms, entries, and crosscuts shall be rock-dusted.

“(5) Where rock dust is applied, it shall be distributed upon the top, floor, and sides of all open places and maintained in such quantity that the incombustible content of the combined coal dust, rock dust and other dust will not be less than 65 per centum. Where methane is present in any ventilating current, the 65 per centum of incombustible content of such combined dust shall be increased 1 per centum for each 0.1 per centum of methane.

“(6) Paragraphs (2), (3), (4), and (5) of this subsection shall not apply to anthracite mines.

Face equipment.

“(f) ELECTRICAL EQUIPMENT.—(1) All electric face equipment used in a gassy mine shall be permissible, except that electric face equipment may be used in a gassy mine even though such equipment is not permissible if, before the effective date of this section or the date such mine became a gassy mine, whichever is later, the operator of such mine owned such equipment, or owned the right to use such equipment, or had ordered such equipment. Permissible electric face equipment in use in a gassy mine shall not be replaced by electric face equipment which is not permissible except that (A) permissible and non-permissible electric face equipment in use in a mine may be interchanged within such mine, and (B) explosion-tested cable-reel locomotives and shuttle cars purchased before permissible cable-reel locomotives and shuttle cars became available, may be used to replace permissible cable-reel locomotives and shuttle cars.

Junction or distribution boxes.

“(2) In a gassy mine, permissible junction or distribution boxes shall be used for making multiple-power connections in working places or other places where dangerous quantities of methane may be present or may enter the air current, except that where nonpermissible junction or distribution boxes are in use, or on order, on the effective date of this section or the date such mine became a gassy mine, whichever is later, their use may be continued until such time as replacements are made.

Two-conductor trailing cables.

“(3) In a gassy mine, explosion-tested cable-reel locomotives shall be equipped with two-conductor trailing cables.

Trolley and feeder wires.

“(4) In a gassy mine, trolley and feeder wires shall not extend beyond the last open crosscut and shall be kept at least one hundred and fifty feet from pillar workings.

“(g) FIRE PROTECTION.—(1) Each mine shall be provided with suitable fire-fighting equipment, adequate for the size of the mine.

“(2) After every blasting operation performed on shift, an examination shall be made to determine whether fires have been started.

“(3) Underground storage places for lubricating oil and grease in excess of two days' supply shall be of fireproof construction.

“(4) Lubricating oil and grease kept in face regions or other underground working places in a mine shall be in portable, closed, metal containers.

“(5) Underground structures (transformer stations, battery-charging stations, substations, permanent pump rooms, etc.), installed in a mine after the effective date of this section shall be of fireproof construction.

“(6) Welding, cutting, or soldering with arc or flame in underground face regions in other than a fireproof enclosure shall be done under the direct supervision of a certified person who shall test for methane before and during such operations in gassy mines and shall make a diligent search for fire after such operations in all mines. Rock dust or suitable fire extinguishers shall be immediately available during such welding, cutting, or soldering.

“(h) MISCELLANEOUS.—(1) The drilling and sealing of oil and gas wells penetrating coal beds or underground workings of mines shall be done in compliance with State statutes.

“(2) Whenever any working place in an underground mine approaches within fifty feet of abandoned workings in such mine as shown by surveys made and certified by a competent engineer or surveyor, or within two hundred feet of any other abandoned workings of such mine, which cannot be inspected and which may contain dangerous accumulations of water or gas, or within two hundred feet of any workings of an adjacent mine, a borehole or boreholes shall be drilled to a distance of at least twenty feet in advance of the face of such working place. Such boreholes shall be drilled sufficiently close to each other to insure that the advancing face will not accidentally hole through into such workings. Boreholes shall also be drilled not more than eight feet apart in the rib of such working place to a distance of at least twenty feet and at an angle of forty-five degrees. Such rib holes shall be drilled in one or both ribs of such working place as may be necessary for adequate protection of persons working in such place.

“(3) In a gassy mine, smoking shall not be permitted underground, nor shall any person be permitted to carry smoking materials, matches, or lighters underground.

“(4) In a gassy mine, persons underground shall use only permissible electric lamps for portable illumination.

“(5) Black blasting powder shall not be stored, handled or used underground in a mine; but for a period of six months after the effective date of this section, this paragraph shall not apply to any mine in which the storage, handling, or use of such powder is expressly permitted by a statute of the State in which such mine is located.

“(6) Mudcaps (adobes) or other unconfined shots shall not be fired underground in a mine. However, in anthracite mines mudcaps or other open, unconfined shots may be fired, if restricted to battery starting when no gas or fire hazard is present, and if it is otherwise impracticable to start the battery; likewise, in anthracite mines open, unconfined ‘shake’ shots in working places and other places in pitching veins may be fired, when no gas or fire hazard is present, if the taking down of loose, hanging coal by other means is too hazardous for men working in such places. Only permissible explosives shall be used for such open, unconfined shots in anthracite mines.

“(7) Every hoist used to transport persons at a mine, other than hoists used in excavating shafts or slopes, shall be equipped with overspeed, overwind, and automatic stop controls unless a second engineer is on duty. Every hoist used to transport such persons shall be equipped with brakes capable of stopping the platform, cage, or other device for transporting persons when fully loaded; and with hoisting cable adequately strong to sustain the fully loaded platform, cage, or other device for transporting persons, and have a proper margin of safety. Cages or platforms which are used to transport persons in vertical shafts, except cages or platforms which are also used to transport coal, shall be equipped with safety catches that act quickly and effectively in an emergency, and the safety catches shall be tested at least once every two months. Every hoist that is used

to transport persons at a mine shall be inspected daily. No engineer shall be required for automatically operated cages or platforms.

"PENALTIES

"Sec. 210. (a) Any operator of a mine notified of an order made pursuant to section 203 or section 206, requiring him to cause persons to be withdrawn from, and to be debarred from entering, any area of such mine, who willfully fails to comply with such order shall be fined not more than \$2,000.

"(b) Any agent of an operator of a mine, knowing of the making of an order requiring such operator to cause persons to be withdrawn from, and to be debarred from entering, any area of such mine, who willfully directs, authorizes or causes any person, other than one who is lawfully authorized to enter or be in such area to enter or be in such area while such order is in effect, shall be fined not more than \$2,000.

"(c) Any person, knowing of the making of an order requiring an operator of a mine to cause persons to be withdrawn from, and to be debarred from entering, any area of such mine, who enters such area or remains therein while such order is in effect, shall, unless he is a person who is lawfully authorized to enter or be in such area, be fined not more than \$2,000.

"(d) Any owner, lessee, agent, manager, superintendent, or other person having control or supervision of any coal mine subject to section 202 who refuses to admit the Director, any duly authorized representative of the Bureau, any State inspector assigned in accordance with a State plan, or any independent inspector appointed under section 203 (e) (3) to such mine, pursuant to section 202 (c), shall be fined not more than \$500.

"EFFECT ON STATE LAWS

"Sec. 211. (a) No State or Territorial law in effect upon the effective date of this title or which may become effective thereafter, shall be superseded by any provision of this title, except insofar as such State or Territorial law is in conflict with this title, or with orders issued pursuant to this title.

"(b) Provisions in any State or Territorial law in effect upon the effective date of this title, or which may become effective thereafter, which provide for greater safety of persons on coal-mine premises, in connection with a particular phase of coal-mining operations, than do provisions of this title, which relate to the same phase of such operations, shall not be construed or held to be in conflict with this title. Provisions in any State or Territorial law in effect upon the effective date of this title, or which may become effective thereafter, which provide for the safety of persons on coal-mine premises in connection with phases of coal-mining operations concerning which no provision is contained in this title, shall not be construed or held to be superseded by this title.

"(c) Nothing in this title shall be construed or held to supersede or in any manner affect the workmen's compensation laws of any State or Territory, or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties or liabilities of employers and employees under State or Territorial laws in respect of injuries, occupational or other diseases or death of employees arising out of or in the course of employment.

"ADMINISTRATIVE PROVISIONS

"SEC. 212. (a) Whenever the Director determines that the construction of any equipment conforms to specifications prescribed by the Director which are designed to assure that such equipment will not cause a mine explosion or mine fire, he shall issue a certificate to the manufacturer of such equipment (1) stating that such equipment has met such specifications, (2) authorizing such manufacturer to attach an approval plate, label, or other device approved by the Director which indicates that such equipment conforms to such specifications, and (3) authorizing such manufacturer to attach an identical approval plate, label, or other device to all identical equipment.

Certificate of conformance.

"(b) The Secretary of the Interior shall have authority to appoint, subject to the civil-service laws, such officers and employees as he may deem requisite for the administration of this title; and to fix, subject to the Classification Act of 1949, as amended, the compensation of officers and employees so appointed. No person shall be assigned or appointed to perform the duties of a duly authorized representative of the Bureau unless he has the basic qualifications of at least five years' practical experience in the mining of coal and is recognized by the Bureau as having the training or experience of a practical mining engineer in those essentials necessary for competent coal mine inspection.

Appointment of employees; salaries.

63 Stat. 954.
5 USC 1071 note.

"(c) The Director shall submit annually to the Congress, as soon as practicable after the beginning of each regular session, a full report of the administration of his functions under this title during the preceding calendar year. Such report shall include, either in summary or detailed form, the information obtained by him under this title, together with such findings and comments thereon and such recommendations for legislative action as he may deem proper.

Report to Congress.

"EXCLUSION FROM ADMINISTRATIVE PROCEDURE ACT

"SEC. 213. The Administrative Procedure Act shall not apply to the making of any order pursuant to this title, or to any proceeding for the annulment or revision of any such order.

60 Stat. 237.
5 USC 1001 note.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 214. There are hereby authorized to be appropriated such sums, not exceeding \$3,000,000 in any fiscal year, as may be necessary for the due execution of this title.

"SEVERABILITY

"SEC. 215. If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the remainder of this title, and the application of such provision to other persons or circumstances, shall not be affected thereby."

SEC. 2. Section 4 of the Act entitled "An Act relating to certain inspections and investigations in coal mines for the purpose of obtaining information relating to health and safety conditions, accidents, and occupational diseases therein, and for other purposes", approved May 7, 1941, is amended by striking out "or by imprisonment not exceeding sixty days, or by both".

55 Stat. 178.
30 USC 41.

SEC. 3. Section 5 of the Act entitled "An Act relating to certain inspections and investigations in coal mines for the purpose of obtaining information relating to health and safety conditions, accidents, and occupational diseases therein, and for other purposes", approved May 7, 1941, is amended—

30 USC 41.

(1) By striking out "during the calendar year in which the request is made or during the preceding calendar year" and inserting in lieu thereof "during the six-month period immediately preceding the date on which the request is made".

(2) By adding at the end of such section the following new sentence: "Whoever willfully violates this section shall be fined not more than \$500."

55 Stat. 177.
30 USC 4f-4o.

SEC. 4. The Act entitled "An Act relating to certain inspections and investigations in coal mines for the purpose of obtaining information relating to health and safety conditions, accidents, and occupational diseases therein, and for other purposes", approved May 7, 1941, is amended—

Short title.

(1) By inserting immediately after the comma at the end of the enacting clause the following: "That this Act may be cited as the 'Federal Coal Mine Safety Act'."

(2) By inserting immediately below the matter inserted by paragraph (1) the following:

**"TITLE I—ADVISORY POWERS RELATING TO HEALTH
AND SAFETY CONDITIONS IN MINES"**

(3) By striking out "this Act", wherever appearing therein, and inserting in lieu thereof "this title".

30 USC 4f.

(4) By striking out "That the" at the beginning of the present first section and inserting in lieu thereof "SEC. 101. The".

30 USC 4g-4o,
4f note.

(5) By redesignating the presently designated sections 2 to 12, inclusive, as sections 102 to 112, respectively.

(6) By striking out "section 1" in the presently designated section 2 and inserting in lieu thereof "section 101".

(7) By striking out "section 1 or section 2" in the presently designated sections 3 and 4, and inserting in lieu thereof "section 101 or section 102".

(8) By striking out "section 3" in the presently designated section 4 and inserting in lieu thereof "section 103".

(9) By striking out "section 6" in the presently designated section 7 and inserting in lieu thereof "section 106".

Approved July 16, 1952.

Public Law 553

CHAPTER 878

July 16, 1952
[S. 2657]

AN ACT

To amend the Act of June 28, 1944 (ch. 294, title III, 58 Stat. 414), and the Act of February 14, 1903 (ch. 552, 32 Stat. 825).

Department of
Commerce,
Chief Clerk and
Superintendent.
5 USC 593 and
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 28, 1944 (ch. 294, title III, 58 Stat. 414), is amended by striking out the following words: "including the Chief Clerk and Superintendent, who shall be chief executive officer of the Department and who may be designated by the Secretary of Commerce (hereafter in this title referred to as the Secretary) to sign minor routine official papers and documents during the temporary absence of the Secretary, the Under Secretary, and the Assistant Secretary of the Department".

SEC. 2. The language preceding the semicolon in the third sentence of section 2 of the Act of February 14, 1903 (ch. 552, 32 Stat. 825, 826), is amended to read: "There shall also be such clerical assistants as may from time to time be authorized by the Congress."

Approved July 16, 1952.