

DEPARTMENT OF LABOR**Mine Safety and Health Administration****30 CFR Part 75**

RIN 1219-AA76

Underground Coal Mine Ventilation—Safety Standards for the Use of a Belt Entry as an Intake Air Course To Ventilate Working Sections and Areas Where Mechanized Mining Equipment Is Being Installed or Removed**AGENCY:** Mine Safety and Health Administration, Labor.**ACTION:** Proposed rule; notice of public hearings; notice of close of record.

SUMMARY: The proposed rule would allow the use of intake air passing through belt air courses (belt air) to ventilate working sections and areas where mechanized mining equipment is being installed or removed in underground coal mines. The use of belt air, under the conditions set forth in the proposed rule, would maintain the level of safety in underground mines while implementing advances in mining technology. This proposed rule would amend the existing safety standards for ventilation of underground coal mines. The proposed rule would also revise other standards.

DATES: Comments must be received on or before March 28, 2003. Submit written comments on the information collection requirements by March 28, 2003.

The public hearing dates and locations are listed in the Public Hearings section below under **SUPPLEMENTARY INFORMATION**. If individuals or organizations wish to make an oral presentation for the record, we ask that you submit your request at least 5 days prior to the hearing dates.

The post-hearing comment period will close 30 days after the last public hearing on June 30, 2003.

ADDRESSES: *Comments:* Comments must be clearly identified as such and transmitted either electronically to comments@msha.gov, by facsimile to (202) 693-9441, or by regular mail or hand delivery to MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Room 2313, Arlington, Virginia 22209-3939. You may contact MSHA with any format questions. Comments are posted for public viewing at <http://www.msha.gov/currentcomments.HTM>.

Information Collection Requirements

Send written comments on the information collection requirements to both the Office of Management and Budget (OMB) and MSHA as follows:

(1) *To OMB:* By mail addressed to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, 725 17th Street, NW., Washington, DC 20503, Attn: Desk Officer for MSHA; and

(2) *To MSHA:* Comments must be clearly identified as comments on the information collection requirements and

transmitted either electronically to comments@msha.gov, by facsimile to (202) 693-9441, or by regular mail or hand delivery to MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Room 2313, Arlington, Virginia 22209-3939.

FOR FURTHER INFORMATION CONTACT:

Marvin W. Nichols, Director; Office of Standards, Regulations, and Variances, MSHA; phone: (202) 693-9442; facsimile: (202) 693-9441; E-mail: nichols-marvin@msha.gov. You can view comments filed on this rulemaking at <http://www.msha.gov/currentcomments.HTM>.

You may obtain copies of the proposed rule and the Preliminary Regulatory Economic Analysis (PREA) in alternative formats by calling this number. The alternative formats available are either a large print version of these documents or electronic files that can be sent to you either on a computer disk or an attachment to an e-mail. The documents also are available on the Internet at <http://www.msha.gov/REGSINFO.HTM>. We intend to place the public comments on these documents on our website shortly after we receive them.

SUPPLEMENTARY INFORMATION:**I. Public Hearings**

The public hearings will begin at 9 a.m. and end after the last scheduled speaker speaks (in any event not later than 5 p.m.) on the following dates at the locations indicated:

Date	Location	Phone
April 29, 2003	Holiday Inn-Birmingham Airport, 5000 10th Avenue North, Birmingham, AL 35212	(205) 591-6900
May 1, 2003	Holiday Inn Lexington-North, 1950 Newton Pike, Lexington, KY 40305	(859) 233-0512
May 13, 2003	Country Inn & Suites By Carlson, 105 Alex Lane, Charleston, WV 25304	(304) 925-4300
May 15, 2003	Holiday Inn at the Meadows, 340 Racetrack Road, Washington, PA 15301	(724) 222-6200
May 29, 2003	Holiday Inn Grand Junction, 755 Horizon Drive, Grand Junction, CO 81506	(970) 243-6790

The hearings will begin with an opening statement from MSHA, followed by an opportunity for members of the public to make oral presentations. You do not have to make a written request to speak. Speakers will speak in the order that they sign in. Any unallotted time will be made available for persons making same-day requests. At the discretion of the presiding official, the time allocated to speakers for their presentation may be limited. Speakers and other attendees may also present information to the MSHA panel for inclusion in the rulemaking record.

The hearings will be conducted in an informal manner. The hearing panel may ask questions of speakers. Although formal rules of evidence or cross

examination will not apply, the presiding official may exercise discretion to ensure the orderly progress of the hearing and may exclude irrelevant or unduly repetitious material and questions.

A verbatim transcript of the proceedings will be prepared and made a part of the rulemaking record. Copies of the transcript will be available to the public. The transcript will also be available on MSHA's Home Page at <http://www.msha.gov> at <http://www.msha.gov>, under Statutory and Regulatory Information.

MSHA will accept post-hearing written comments and other appropriate data for the record from any interested party, including those not presenting

oral statements. Written comments will be included in the rulemaking record.

II. Background**A. Events Leading to Agency Action**

We are proposing to amend 30 CFR 75.301, 75.371, 75.372, and 75.380 of our existing safety standards for underground coal mines. The proposed rule also would revise existing §§ 75.350, 75.351, and 75.352. These modifications are proposed in accordance with § 101 of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 811 and 957.

MSHA published a proposed rule to revise the safety standards for ventilation of underground coal mines