

TABLE 3.—COMPARISON OF REQUIREMENTS IN RECENT PROPOSED DECISIONS AND ORDERS (PDOS) WITH REQUIREMENTS IN THE PROPOSED RULE—Continued

Requirement in PDOS	Number of PDOS	Requirement included in proposed rule
Monitor Electrical Installations 100 feet	20 out of 20	Yes (50 feet)
Identify activated sensor	20 out of 20	Yes
Minimum air velocity 50 fpm	20 out of 20	Yes
Alert Sections, Investigate	20 out of 20	Yes
Alert/Alarm Surface, Withdraw Sections	20 out of 20	Yes
Alarm section within 4000 feet, or section mouth	20 out of 20	No
Two-way communications	20 out of 20	Yes
Alert/Alarm settings from Tables	20 out of 20	No
Maximum air quantity 202,000 cfm	20 out of 20	No
Maximum 50 percent total section intake	20 out of 20	No
Visual Examination each shift	20 out of 20	Yes
Inspection 7 days	20 out of 20	Yes
Calibration 31 days	20 out of 20	Yes
Records of Alert and Alarms, Maintenance, Calibrations	20 out of 20	Yes
Ventilation Plan Requirements	20 out of 20	Yes
Allow time delays 3 minute maximum	20 out of 20	Yes
System Failures—Monitoring and Patrolling	20 out of 20	Yes
Monitor 4 hours after power disconnect	20 out of 20	Yes
Monitor for short-circuit, open circuit	20 out of 20	Yes
Method for determining ambient specified	20 out of 20	No
Respirable Dust 1.0 mg/m ³ —DA	20 out of 20	Yes
Study required—multiple entries	20 out of 20	No
Mine design requirement—protect escapeway	20 out of 20	No
Alert—Notify and Investigate	20 out of 20	Yes
Alarm—Withdraw miners	20 out of 20	Yes
Intake escapeway restrictions	20 out of 20	No
Flame-resistant belting	20 out of 20	No
Allow Point-feeding	2 out of 20	Yes
Require monitoring of point-feed	1 out of 20	Yes
Minimum Velocity 400 fpm through point-feed	1 out of 20	Yes (300 fpm)

Most requirements from the § 75.350 proposed decisions and orders allowing the use of belt air are included in this proposed rule. As discussed elsewhere in this preamble, we are not including requirements for improved conveyor belt flame resistance. This rule which was originally proposed in 1992 was recently withdrawn from MSHA's regulatory agenda. (See 67 FR 46431). We are not requiring alarms on the section for sensors within 4,000 feet of the section to be automatically activated. Rather, we have proposed that any sensor in alarm would automatically notify affected areas.

MSHA does not include language to require limits on the air quantity carried in the belt entry or air course. The Agency expects that any mine using more than 202,000 cubic feet per minute (cfm) will be an exception, and that modifications will be made by additional sensor installations and reduced alert and alarm levels required by the District Manager. In addition, we do not include any requirement limiting the ratio of belt air quantity to the total intake air quantity coursed to the section. We believe the requirements of the proposed rule are adequate for protecting miners. We have not included tables or nomographs

developed from research to be used for determining appropriate alert and alarm levels. These tools would assist MSHA District Managers in reviewing ventilation plans for approval and determining additional requirements on a mine-by-mine basis. We feel that, for typical installations, the 5 and 10 ppm alert and alarm settings are adequate.

We also do not specify a method for determining the ambient CO concentration. Under proposed § 75.351(j) mine operators would be required to provide the Agency with AMS data or an equally effective method in setting ambient levels. The method for determining the ambient CO concentration would need to be approved in the mine ventilation plan.

Unlike the § 75.350 petitions, we are not requiring a provision to require a MSHA study in mines where more than one entry is common with the belt entry. In these mines, the District Manager may require additional sensors and reduced alert and alarm settings and we expect these requirements to be set on a mine-by-mine basis.

MSHA can involve its Technical Support branch to conduct such studies in mines where multiple entries indicate that additional safeguards may be needed. We have not included

additional restrictions on the use of equipment in the intake escapeway. The Agency believes existing standards in § 75.380 (Escapeways; bituminous and lignite mines) cover these requirements.

A few belt air petitions included requirements for using belt air that are not listed in Table 3. Typically, these additional requirements were requested following negotiation between mine management and labor during the petition for modification process. Most of these requirements addressed mine-specific conditions, and therefore, are not germane to the safe use of belt air for mines with three or more entries that choose to use it. Some of these requirements are covered, in part, by either existing standards or this proposed rule. Conditions addressed in existing standards include:

—*Ambient CO levels * * * shall not be determined when diesel equipment is idling in an air split.* This petition requirement is addressed in a new diesel standard that prohibits the idling of diesel-powered equipment, 30 CFR 75.1916—Operation of diesel-powered equipment.

—*A "Wall of Water" fire suppression system shall be installed just inby the belt take-up/storage unit for each drive unit.* Deluge-type water sprays, foam