

velocity with 1,000-foot sensor spacing is considered a system failure because air currents will not carry sufficient amount of contaminants to the sensors for detection. This is considered a system failure since the system is not able to provide adequate warning.

Section 75.371 Mine ventilation plan, contents.

Section 75.371 sets forth the information that the mine operator must include in the mine ventilation plan. The mine ventilation plan is mine specific and is designed to permit safe and healthful operation of the mine by ensuring that ventilation is sufficient to dilute and render harmless hazardous components of mine air such as carbon monoxide and methane, and provide necessary levels of oxygen to the mine working environment.

We are proposing to add six requirements to the mine ventilation plan. These new paragraphs, §§ 75.371(ii) through (nn), would require certain information to be specified and approved. Under the proposed rule, the existing paragraphs (ii) through (nn) would be redesignated as (oo) through (vv).

Existing § 75.371(hh) requires that the mine ventilation plan specify the ambient level in parts per million of CO, and the method for determining the ambient level. The proposed rule, § 75.351(j), does not change this requirement.

Proposed paragraph (ii), in accordance with proposed § 75.350(b)(3), requires the locations (designated areas) where dust measurements would be made in the belt entry when belt air is used to ventilate working sections and setup or removal areas. As discussed under proposed § 75.350(b)(3), the Advisory Committee determined that multiple designated areas should be established for mines using belt air to ventilate working places.

Proposed paragraph (jj), in accordance with § 75.350(c)(5), requires the location of all point-feed regulators be indicated in the mine ventilation plan to control the number and location of point-feed regulators.

Proposed paragraph (kk), in accordance with § 75.351(e)(5), requires the location of any additional CO or smoke sensor required by the district manager. Proposed §§ 75.351(e)(1) through (e)(4) specify the required locations where sensors monitor CO or smoke along belts. We recognize instances may occur when additional sensors are necessary to provide the desired level of protection. In those cases, proposed § 75.351(e)(5) would

require that these locations be specified and approved in the mine ventilation plan. We do not intend that every mine ventilation plan would require additional sensors to be specified. Only in those cases when additional sensors are necessary would the mine ventilation plan contain this information.

Proposed paragraph (ll), in accordance with § 75.351(m), requires the length of time delays or other methods (a sophisticated algorithm similar to that employed by the diesel discriminator, human intervention, controlling or limiting diesel equipment operation) used to reduce the number of non-fire related alert and alarm signals from the AMS. Proposed § 75.351(m) requires that the length of the delays be specified and approved in the mine ventilation plan. Proposed § 75.351(m) also requires that computer techniques or administrative controls used to reduce the number of non-fire alert and alarm signals be approved in the mine ventilation plan. As discussed under proposed § 75.351(m) the use of reasonable time delays and other computer techniques have been successful in reducing the number of non-fire alert and alarm signals. However, because these techniques should be used only when necessary (when nuisance alarms are excessive) and should delay the activation of alert and alarm signals for the shortest time possible, they should be specified and approved in the mine ventilation plan.

Proposed paragraph (mm), in accordance with § 75.351(i)(2), requires that when lower alert and alarm settings for CO sensors are required by the district manager they be specified in the mine ventilation plan.

Proposed paragraph (nn), in accordance with § 75.352(d)(7), requires that non-AMS sensors (the alternate detectors) be approved in the ventilation plan if it can be used to monitor the belt entry in the case of an AMS malfunction. This provision would permit the use of a CO detector to monitor a belt entry equipped with smoke sensors. Such a CO detector would be used if it meets the levels of detectability that would be expected if it were used in place of an AMS with CO sensors.

Section 75.372 Mine ventilation map.

Existing § 75.372 (b)(16) requires that the location of all AMS sensors be shown on the ventilation map. Under the proposed rule this requirement would be modified to require that the type of sensor also be shown on the ventilation map. With the anticipated increased usage of sensors other than

CO sensors, it is important that persons who may be called upon to respond to alert and alarm signals have information available that tells them both the type and location of these sensors.

Section 75.380(g) Escapeway; bituminous and lignite mines.

Proposed paragraph (g) of § 75.380 would require that the primary escapeway be separated from belt and trolley haulage entries for its entire length, to and including the first connecting crosscut outby each loading point except when a greater or lesser distance for this separation is specified and approved in the mine ventilation plan and does not pose a hazard to miners. This modification to existing § 75.380(g) allows point-feed regulators to be installed and monitored when additional intake air is required in the belt air course according to proposed § 75.350(c). Exceptions to this proposed provision include where separation of belt and trolley haulage entries from designated escapeways did not exist before November 15, 1992, and as provided in § 75.350(c).

V. Paperwork Reduction Act

This proposed rule contains information collection requirements in various provisions. The PREA is located on our website at <http://www.msha.gov/REGSINFO.HTM>. These proposed paperwork requirements are under OMB Control Numbers 1219-0065, 1219-0067, 1219-0073, and 1219-0088 and have been submitted to the Office of Management and Budget (OMB) for review under 44 U.S.C. 3504(h) of the Paperwork Reduction Act of 1995, as amended. Comments on the proposed paperwork provisions should be sent to both the Office of Information and Regulatory Affairs of OMB and to MSHA. Comments sent to OMB should be sent to the Attention of the Desk Officer for the Mine Safety and Health Administration. Comments sent to MSHA should be sent to the Office of Standards, Regulations, and Variances. Addresses for both offices can be found in the ADDRESSES section of this preamble.

MSHA estimates that the proposed rule would create 18,609 burden hours for the first year, 19,170 burden hours for the second year, and 19,999 burden hours for the third year, for a total of 57,776 burden hours for Years 1 through 3 combined. This is associated with an annualized value of 19,520 hours per year and related annualized costs of \$973,313 per year.

On a per-mine basis, MSHA estimates the same paperwork burdens for both new and existing mines that use belt air.