DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 56 and 57

RIN 1219-AA84

Safety Standards for Explosives at Metal and Nonmetal Mines

AGENCY: Mine Safety and Health

Administration, Labor. **ACTION:** Proposed rule.

SUMMARY: This proposed rule would revise certain provisions of the Mine Safety and Health Administration's (MSHA) safety standards for explosives at metal and nonmetal mines. The proposal would revise the standards for use of a "laminated partition" as it relates to requirements for powder chests and the separation of transported explosive material. The proposal would also revise existing provisions related to loading and firing of explosive materials, and establish new requirements when loading is interrupted or firing of explosive materials is delayed. The proposal also clarifies the application of existing provisions concerning the protection of explosive materials from impact and exposure to high temperatures. In addition, the proposal would revise and clarify the existing provisions addressing static electricity dissipation during loading. The Agency's intent concerning requirements for vehicles containing explosive material is clarified, with no proposed regulatory change.

DATES: All comments, information and requests for a public hearing must be submitted by March 6, 1995.

ADDRESSES: Send written comments to Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA, Room 631, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203. Interested persons are encouraged to send comments on a computer disk along with their original comments in hard copy.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey Director Office of

Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA, (703) 235–1910.

SUPPLEMENTARY INFORMATION:

I. Paperwork Reduction Act

This proposed rule contains no information collection or paperwork requirements subject to the Paperwork Reduction Act of 1980.

II. Rulemaking Background

MSHA published comprehensive revisions to its explosives safety

standards for metal and nonmetal mines in January 1991 (56 FR 2070). Prior to the effective date of the rule, MSHA stayed several provisions due to compliance issues raised by the mining community and explosives manufacturers. The provisions involved were subsequently reproposed on October 16, 1992, (57 FR 47524) for revision and clarification. On December 30, 1993, (58 FR 69596), MSHA published the final rule which became effective on January 31, 1994.

In February 1994, the American Mining Congress (AMC) and the Institute of Makers of Explosives (IME) each filed a petition for review of the final rule with the United States Court of Appeals for the District of Columbia Circuit, in American Mining Congress, et al. v. MSHA, Docket No. 94-1146, and in IME v. MSHA, Docket No. 94-1144. AMC requested that MSHA reconsider evidence in the rulemaking record regarding the "continuous loading" requirements of §§ 56/ 57.6306(c), Loading and blasting. In addition, AMC requested that the Agency clarify the preamble discussion to §§ 56/57.6202(a)(1), concerning vehicles containing explosive materials.

IME argued for revision of §§ 56/57.6000, the definition of "laminated partition," and corresponding changes in §§ 56/57.6133(b), Powder chests, and §§ 56/57.6201 (a)(2) and (b)(2), Separation of transported explosive material. Also, IME requested that MSHA reconsider information in the rulemaking record regarding the requirements of §§ 56/57.6602, Static electricity dissipation during loading.

MSHA is conducting this rulemaking pursuant to section 101 of the Federal Mine Safety and Health Act of 1977 (Mine Act).

III. Discussion and Summary of the Proposed Rule

A. General Discussion

Historically, hazards associated with the storage, transportation, and use of explosive materials have been a cause of serious injuries and fatalities in metal and nonmetal mines. Precautions to safeguard against these hazards are an essential part of any effective mine safety program.

This proposal addresses issues raised in the rule challenges noted above. The proposal also addresses issues based upon MSHA's experience and establishes new requirements for blast site security when loading is interrupted or firing is delayed. In addition, the proposal would revise the scope of the existing requirements for protecting explosive material from impact and high

temperatures, clarifying MSHA's original intent.

B. Section-by-Section Analysis

The following analysis examines the proposed rule and its effect on existing standards.

Definitions

Sections 56/57.6000 definition of laminated partition. The existing definition of "laminated partition" in 30 CFR 56/57.6000 describes the composition of partitions that may be used to separate detonators from other explosive materials and specifically states that the IME-22 container or compartment meets the criteria of a "laminated partition." This definition and the nominal dimensions of the partition's requirements were derived from IME's Safety Library Publication No. 22, "Recommendations for the Safe Transportation of Detonators in a Vehicle with other Explosive Materials," 1985. The IME has informed MSHA that use of the term "laminated partition" as defined by MSHA, under the provisions of §§ 56/57.6133 and 56/ 57.6201, raises safety concerns. Specifically, the IME stated that the IME-22 compartment or container should not be used as a "laminated partition" when certain detonators are transported with explosives or blasting agents in the same vehicle or stored together in powder chests because such use is contrary to IME's recommendations.

The use of a "laminated partition" to separate certain detonators from explosives or blasting agents when transported or stored together in powder chests is an accepted practice with a good safety record in the mining industry. It is, therefore, MSHA's intention to continue to recognize this practice. At the same time, MSHA acknowledges that the limitations for use of such compartments or containers must be followed to protect miners from the hazards of an unplanned ignition.

MSHA, therefore, proposes to revise the existing definition of "laminated partition." The proposed definition will specify the construction requirements for a "laminated partition" as described in the IME Safety Library Publication No. 22 (May 1993) and the Generic Loading Guide for the IME–22 Container (October 1993). The definition would also recognize alternative construction requirements specified in these publications.

In addition, MSHA proposes to revise the existing requirements for Powder chests, §§ 56/57.6133, and Separation of transported explosive material, §§ 56/57.6201, to incorporate by reference the