are often present during off-shifts and weekends at underground mines. The presence of these persons could satisfy the requirements of the proposal, provided they prevent unauthorized entry to the blast site when loading is interrupted or firing is delayed.

Paragraph (d)(2) would require persons securing a blast site at a surface mine or at blast site at the surface area of an underground mine to withdraw from the blast site during the approach and progress of an electrical storm. Persons securing an underground blast site involving an electrical blasting operation that is capable of being initiated by lightning also would be required to withdraw from the blast site to a safe location. These storm precautions correspond with those required under existing §§ 56/57.6604.

The proposed rule would delete the provision in existing paragraph (e) of §§ 56/57.6306 which require MSHA to be notified if loaded holes are not fired within 72 hours. MSHA believes that the proposed requirements that loading and firing be done without undue interruption or delay, and the provisions for blast site security in the event of an interruption or delay in loading and firing, provide greater protection than the existing 72-hour notification requirement.

Sections 56/57.6313 Blast site security. Under the proposal, the security provisions of §§ 56/57.6313 would be revised and incorporated into §§ 56/57.6306 to afford blast site protection when loading is interrupted or when firing is delayed.

Extraneous Electricity

Sections 56/57.6602 Static electricity dissipation during loading. Existing §§ 56/57.6602 address the build-up of static electricity during pneumatic loading or dropping of explosive material into a blasthole. Following publication of the December 30, 1993, safety standards for explosives, MSHA received technical information indicating that the scope of this provision is too broad because the term 'dropping'' encompasses dropping, pouring, or auguring explosive materials into blastholes. Specifically, it was noted that dropping, pouring, and auguring explosives are performed at a low velocity. As a result the generation of static electricity is not sufficient to initiate the primer.

Based on this information, MSHA agrees and, therefore, proposes to delete "dropping" from the introductory text of §§ 56/57.6602. As revised, the standard would require that when explosive material is loaded pneumatically into a blasthole in a manner that generates static electricity, certain precautions be taken as specified in the regulation.

IV. Executive Order 12866 and the Regulatory Flexibility Act

Executive Order 12866 requires that regulatory agencies assess both the costs and benefits of proposed regulations. MSHA has determined that this rulemaking is not a significant regulatory action and, therefore, has not prepared a separate analysis of costs and benefits. The Regulatory Flexibility Act requires regulatory agencies to consider a rule's impact on small entities. This proposed rule would not have a significant economic impact on a substantial number of small entities. The analysis contained in this preamble meets MSHA's responsibilities under Executive Order 12866 and the Regulatory Flexibility Act.

Based on an analysis of the impact of the proposed rule, MSHA estimates that the total annual recurring cost impact would be about \$70,000. All of these costs are attributable to paragraph (d)(1) of §§ 56/57.6306 which requires that if loading is interrupted or firing of the blast is delayed for any reason, the mine must be attended to prevent unauthorized entry to the blast site. The total cost impact on all small mines, those employing fewer than 20 miners, would be nominal.

MSHA anticipates that the revisions to §§ 56/57.6306 would affect all quarries, medium-sized underground mines, and most open pit mines, except for certain operations which mine commodities such as clays and phosphates and do not use explosives. MSHA does not expect small underground mines to be affected as these mines would experience a delay in firing or an interruption in loading only rarely, if ever. Neither does MSHA anticipate that the largest underground mines would be more than nominally affected as many of these mines are operated around the clock, seven days a week. The presence of these persons could satisfy the requirements of the proposal if they are assigned to prevent unauthorized entry to the blast site.

MSHA recognizes that it is a common industry practice to load continuously and to fire explosives promptly. Interruptions in loading and delays in firing, however, can occur infrequently, almost always due to emergency circumstances. In most of these instances, the mine operator would have personnel available on the mine site who could prevent unauthorized entry to the blast site. On occasion, however, circumstances may require the assignment of additional personnel or the payment of additional wages to perform this duty.

Based on these assumptions and its experience, MSHA estimates that the revisions to §§ 56/57.6306 would affect 0.5 percent of the small open pit mines and quarries, 5 percent of the medium underground mines, and 5 percent of the medium and large open pit mines and quarries. MSHA estimates further that an overnight interruption or delay would occur once every 2 years at the smallest mines and up to once every other month at the largest mines. An interruption in loading or a delay in firing that extends over a weekend would occur about once a year at about 5 percent of the medium underground mines and the medium and large open pit mines and quarries.

MSHA estimated that § 57.6905(c) would affect fewer than 60 underground mines which have ore passes, raises, or chutes as an integral part of their mining method. Some of these already may use detonating cord to eliminate "hangups." Depending upon how the detonating cord is used, for example, frequency of use, etc., MSHA believes that the proposed requirement may result in increased compliance costs. However, these cost increases are expected to be negligible.

List of Subjects in 30 CFR Parts 56 and 57

Explosives, Incorporation by reference, Metal and nonmetal mining, Mine safety and health.

Dated: December 24, 1994.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

It is proposed to amend parts 56 and 57, subchapter N, chapter I, title 30 of the Code of Federal Regulations as follows:

PART 56—[AMENDED]

1. The authority citation for part 56 continues to read as follows:

Authority: 30 U.S.C. 811, 956, and 961.

2. Section 56.6000 is amended by revising the definition of "laminated partition" to read as follows:

§56.6000 Definitions.

Laminated partition. A partition composed of the following material and minimum nominal dimensions: ¹/₂-inchthick plywood, ¹/₂-inch-thick gypsum wallboard, ¹/₈-inch-thick low carbon steel, and ¹/₄-inch-thick plywood, bonded together in that order. Alternative construction materials described in the IME Safety Library