MSHA believes it would be appropriate to do so by stating in the preamble to the final regulation that the purpose of the 4 inches of hardwood is not to contain the force of initiated detonators but to provide sufficient separation of explosive materials from detonators to impede propagation should detonators be initiated by outside forces.

Finally, commenters recommended that MSHA specify in the regulation that any transport of explosives over the public highways is subject to the requirements of the Department of Transportation, Title 49 of Code of Federal Regulations. MSHA intends to include this advisory in the preamble to the final rule.

MSHA requests comments regarding the compliance impact on the mining industry under §§ 56/57.6133 and §§ 56/57.6201 requiring that any laminated partition conform to IME's prescribed usage for their container, which is also a laminated partition. The IME documentation is currently available to commenters and is a part of the rulemaking record. However, MSHA will make this information available to commenters at the hearings.

2. Sections 56/57.6202 Vehicles

Existing paragraphs (a)(1) require that vehicles containing explosives be maintained in good condition. In the preamble to the final standard, some operators believed that the Agency intended for such vehicles to comply with licensing requirements of Federal, State, and local authorities for over-the-road use. These operators requested that the Agency clarify its position regarding the term ''good condition.'' In response to commenters' concerns, MSHA clarified the intended meaning of this term through policy and will include this language in the preamble to the final regulation. MSHA policy provides that a vehicle in ''good condition'' must be consistent with safe operating practices.

3. Sections 56/57.6306 Loading, Blasting, and Security.

Existing paragraphs (a) of §§ 56/57.6306 prohibit vehicles and other equipment from being driven over explosive material or initiating systems. Existing paragraph (b) allows haulage activity near the base of the highwall being loaded, if no other haulage access exists.

MSHA's proposed standard would redesignate these paragraphs, without change, as new paragraphs (b) and (c).

The proposal also would add a new paragraph (a), which would require that when explosive materials or initiating systems are brought to the blast site, the area must be barricaded and posted, or flagged against unauthorized entry.

Commenters stated that this provision is unnecessary and arbitrary, because it would require the demarcation of the blast site regardless of the presence of authorized personnel. These commenters suggested that MSHA modify the language of the standard by incorporating by reference the requirements of existing §§ 56/57.6313, which requires identification of the blast site only when the site is not attended.

Existing paragraph (c) of §§ 56/57.6306 require that the loading process be continuous, with certain exceptions. Currently, MSHA standards permit interruptions in the loading process for unfavorable atmospheric conditions, large equipment failure, or circumstances beyond the operator's control.

Similarly, existing paragraphs (e) of §§ 56/57.6306 require the firing of the blast without undue delay, with certain exceptions to minimize the risk of a partial detonation. The same permissible interruptions recognized under existing paragraph (c) are identified in this standard as well. However, the standard specifies that if the interruption will exceed 72 hours, the operator must notify the appropriate MSHA District Office before the 72 hours have elapsed.

MSHA's proposal would revise and combine into paragraph (d)(1) existing paragraphs (c) and (e) and the security provisions of existing §§ 56/57.6313 requiring that areas in which loading is suspended or loaded holes are awaiting firing be attended, barricaded and posted or flagged against unauthorized entry. The proposal would also delete the 72 hour notification requirement of existing paragraph (e).

Proposed paragraph (d)(1) of §§ 56/57.6306 would require that loading and firing of a blast be performed without undue interruption or delay. If loading is interrupted or firing of the blast is delayed for any reason, the proposed standard would require that the mine be attended to prevent unauthorized entry to the blast site.

Proposed paragraph (d)(1) of § 57.6306, for underground mines only, would add an additional sentence specifying that underground areas are secure against unauthorized entry when the entrance to the mine is through vertical shafts and inclined shafts or adits when locked at the surface.

MSHA specifies in the preamble to the proposal that the presence of maintenance and other personnel during off-shift and weekends could satisfy the requirements of the proposal, provided they prevent unauthorized entry to the blast site when loading is interrupted or firing is delayed.

Commenters objected to the proposed requirements as unreasonable, costly and burdensome, and requested that MSHA clarify the standard, specifically to reflect that the mine be attended rather than the blast site. Further, these commenters suggested that MSHA delete the phrase ''to prevent unauthorized entry to the blast site'' from the proposal because they believe that blast site would be protected by the proposed requirements in paragraph (a). Finally, these commenters objected to MSHA's concerns for trespassers as the basis for the regulation.

Other commenters requested that MSHA define what constitutes ''undue delay'' within the proposed regulation.

With regard to the underground provisions of proposed paragraph (d)(1), commenters indicated that the provisions were unrealistic and broad in that, in some instances, it is infeasible to require that inclined shafts and adits be locked or attended, since there are many multiple-adit mines that cannot be locked. Other commenters indicated that the underground requirements of proposed paragraph (d)(1) cannot be met without having a negative impact on compliance with MSHA ventilation requirements.

Proposed paragraph (d)(2) of §§ 56/57.6306 would require persons securing a blast site at a surface mine or at the surface area of an underground mine to withdraw from the blast site during the approach and progress of an electrical storm. For underground mines, MSHA proposes to include a new provision requiring that persons who are used to secure an underground blast site involving an electrical blasting operation capable of being initiated by lightning must be withdrawn from the blast site into a safe location. These proposed provisions are derived from existing §§ 56/57.6604, which requires the suspension of blasting operations and the withdrawal of all personnel from the blast area to a safe location during the approach and progress of an electrical storm.

Existing paragraphs (d) of §§ 56/57.6306 require that in electric blasting prior to connecting to the power source, and in nonelectric blasting, prior to attaching an initiating device, all persons vacate the blast area except persons in a blasting shelter or other safe location. MSHA's proposal would redesignate this provision as paragraph (e) without change.

Existing paragraphs (f) require clear escape routes from the blast area, and all access to the blast area be protected