

**Subpart T—Diesel-Powered Equipment**

SOURCE: 61 FR 55527, Oct. 25, 1996, unless otherwise noted.

**§ 75.1900 Definitions.**

The following definitions apply in this subpart.

*Diesel fuel tank.* A closed metal vessel specifically designed for the storage or transport of diesel fuel.

*Diesel fuel transportation unit.* A self-propelled or portable wheeled vehicle used to transport a diesel fuel tank.

*Noncombustible material.* A material that will continue to serve its intended function for 1 hour when subjected to a fire test incorporating an ASTM E119–88 time/temperature heat input, or equivalent. The publication ASTM E119–88 “Standard Test Methods for Fire Tests of Building Construction and Materials” is incorporated by reference and may be inspected at any MSHA Coal Mine Safety and Health district office; at MSHA’s Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Room 2352, Arlington, Virginia 22209–3939; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. In addition, copies of the document may be purchased from the American Society for Testing Materials (ASTM), 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA, 19428–2959, <http://www.astm.org>.

*Permanent underground diesel fuel storage facility.* A facility designed and constructed to remain at one location for the storage or dispensing of diesel fuel, which does not move as mining progresses.

*Safety can.* A metal container intended for storage, transport or dispensing of diesel fuel, with a nominal capacity of 5 gallons, listed or approved by a nationally recognized independent testing laboratory.

*Temporary underground diesel fuel storage area.* An area of the mine provided for the short-term storage of diesel fuel in a fuel transportation unit, which moves as mining progresses.

[35 FR 17890, Nov. 20, 1970, as amended at 67 FR 38386, June 4, 2002; 71 FR 16669, Apr. 3, 2006]

**§ 75.1901 Diesel fuel requirements.**

(a) Diesel-powered equipment shall be used underground only with a diesel fuel having a sulfur content no greater than 0.05 percent and a flash point of 100 °F (38 °C) or greater. Upon request, the mine operator shall provide to an authorized representative of the Secretary evidence that the diesel fuel purchased for use in diesel-powered equipment underground meets these requirements.

(b) Flammable liquids shall not be added to diesel fuel used in diesel-powered equipment underground.

(c) Only diesel fuel additives that have been registered by the Environmental Protection Agency may be used in diesel-powered equipment underground.

**§ 75.1902 Underground diesel fuel storage—general requirements.**

(a) All diesel fuel must be stored in:

(1) Diesel fuel tanks in permanent underground diesel fuel storage facilities;

(2) Diesel fuel tanks on diesel fuel transportation units in permanent underground diesel fuel storage facilities or in temporary underground fuel storage areas; or

(3) Safety cans.

(b) The total capacity of stationary diesel fuel tanks in permanent underground diesel fuel storage facilities must not exceed 1000 gallons.

(c)(1) Only one temporary underground diesel fuel storage area is permitted for each working section or in each area of the mine where equipment is being installed or removed.

(2) The temporary underground diesel fuel storage area must be located—

(i) Within 500 feet of the loading point;

(ii) Within 500 feet of the projected loading point where equipment is being installed; or