

October 07, 2009

**SUPPLEMENT TO THE QUESTIONS AND ANSWERS
MSHA'S FINAL RULE ON CONVEYOR BELT,
FIRE PREVENTION AND DETECTION, AND
USE OF AIR FROM THE BELT ENTRY**

Flame-Resistant Conveyor Belt

Part 14 and §75.1108

Q. Can underground coal mine operators use conveyor belts warehoused (but not in active use) before December 31, 2009, which do not satisfy the requirements set forth for the approval of flame-resistant conveyor belts in 30 C.F.R. Part 14?

A. MSHA understands that some underground coal mine operators, due to circumstances beyond their control (such as reduced coal orders resulting from the economic downturn), have received previously-ordered conveyor belts that cannot be approved under Part 14, but that will not be needed for production until after December 30, 2009.

Therefore, for purposes of belts (including "specialty belts") that are not approved under Part 14, MSHA interprets the term "placed in service" before December 31, 2009 (see 30 C.F.R. 75.1108(a)), to mean either that belts (a) are installed in an underground coal mine and used to transport coal prior to December 31, 2009, or (b) are warehoused at the mine site by October 31, 2009, even though they may not be installed underground and used to transport coal until December 31, 2009, or later.

In order for belts to be considered "warehoused at the mine site" by October 31, 2009, operators possessing such belts must (a) have such belts physically located at the mine site by October 31, 2009, and (b) provide the MSHA District Manager for the District in which the mine is located an inventory of all such belts by November 16, 2009. Such inventories must reference each warehoused belt (a) by the belt-specific tracking/specification number normally impressed on the belt by the belt manufacturer, and usually placed lengthwise near the edge of the belt or across the width of the belt, sometimes near the MSHA acceptance marking, repeating approximately every 30 to 120 feet (MSHA believes most belts fall into this category), or

where such belt-specific tracking/specification number cannot be located or is unreadable (b) by a belt-specific (unique) four-character identifier (consisting of two letters followed by two numerals no less than 1/2-inch high) followed by the date the identifier is painted (e.g., "AK18-10/15/09"). Such markings must be painted on one side (thickness) of the belt at distances not exceeding every 200 feet (but at no fewer than three locations) in white enamel or white epoxy paint.

Once such belts warehoused on mine property by October 31, 2009, are properly inventoried, reported to, and verified by MSHA, they will be considered "placed in service" before December 31, 2009, and the operators may use those belts at any of their mines until December 30, 2018.

This Supplemental Q&A supersedes the guidance provided on April 29, 2009, in Q&As relating to the use of Part 18 belts to the extent that it is inconsistent with that guidance.