submitted as required by this part, and
not voided by MSHA.

(s) Work position means an occupation
identified by an MSHA code number de-
scribing a location to which a miner is
assigned in the performance of his or
her normal duties.

Subpart B—Dust Standards

AUTHORITY: Secs. 101 and 103(h), Federal
Mine Safety and Health Act of 1977, Pub. L.
1291 and 1299 (30 U.S.C. 811 and 813(h)).

SOURCE: 45 FR 80757, Dec. 5, 1980, unless
otherwise noted.

§ 71.100 Respirable dust standard.

Each operator shall continuously
maintain the average concentration of
respirable dust in the mine atmosphere
during each shift to which each miner
in the active workings is exposed at or
below 2.0 milligrams of respirable dust
per cubic meter of air. Concentrations
shall be measured with an approved
sampling device and expressed in terms
of an equivalent concentration deter-
mmed in accordance with § 71.206 (Ap-
proved sampling devices; equivalent
concentrations).

§ 71.101 Respirable dust standard
when quartz is present.

When the respirable dust in the mine
atmosphere of the active workings con-
tains more than 5 percent quartz, the
operator shall continuously maintain
the average concentration of respirable
dust in the mine atmosphere during
each shift to which each miner is ex-
posed at or below a concentration of
respirable dust computed by dividing
the percent of quartz into the number
10. Concentrations shall be expressed in
milligrams per cubic meter of air as
measured with an approved sampling
device and in terms of an equivalent
concentration determined in accord-
ance with § 71.206 (Approved sampling
devices; equivalent concentrations).

Example: The respirable dust associated
with a designated work position contains
quartz in the amount of 20%. Therefore, the
average concentration of respirable dust in
the mine atmosphere associated with that
designated work position shall be continu-
ously maintained at or below 0.5 milligrams
of respirable dust per cubic meter of air (10/
20=0.5 mg/m³).

Subpart C—Sampling Procedures

AUTHORITY: 30 U.S.C. 811, 813(h), and 957.

SOURCE: 45 FR 80757, Dec. 5, 1980, unless
otherwise noted.

§ 71.201 Sampling; general require-
ments.

(a) Each operator shall take res-
pirable dust samples of the concentra-
tion of respirable dust in the active
workings of the mine as required by
this part with a sampling device ap-
proved by the Secretary and the Sec-
retary of Health and Human Services
under part 74 (Coal Mine Dust Personal
Sampler Units) of this title.

(b) Sampling devices shall be worn or
carried directly to and from the des-
ignated work position to be sampled
and shall remain operational during
the entire shift or for 8 hours, which-
ever time is less.

(c) Upon request from the District
Manager, the operator shall submit the
date on which collecting any respirable
dust samples required by this part will
begin.

(d) During the time for abatement
fixed in a citation for violation of
§ 71.100 (Respirable dust standard) or
§ 71.101 (Respirable dust standard when
quartz is present), the operator shall
take corrective action to lower the
concentration of respirable dust to
within the permissible concentration
and then sample each normal work
shift until five valid respirable dust
samples are taken.

(e) Upon written request by the oper-
ator, the District Manager may waive
the rain restriction for a normal work
shift as defined in § 71.2 (Definitions)
for a period not to exceed two months,
if the District Manager determines
that:

(1) The operator will not have reason-
able opportunity to complete the res-
pirable dust sampling required by this
part without the waiver because of the
frequency of rain; and

(2) The operator did not have reason-
able opportunity to complete the res-
pirable dust sampling required by this
part prior to requesting the waiver.