

continuous dust monitors in accordance with § 70.220.

(g) Upon request from the district manager, the operator must submit the date and time when any sampling required by this part will begin.

(h) Paragraph (d) of this section does not apply if sampling to conform with the requirements of § 70.215 or § 70.220(d).

(i) Paragraph (e) of this section does not apply if sampling to conform with the requirements of § 70.220(d).

§ 70.202 Approved sampling devices; maintenance and calibration.

(a) Sampling devices must be maintained as approved and calibrated by a certified person in accordance with MSHA Informational Report IR 1240 (1996) "Calibration and Maintenance Procedures for Coal Mine Respirable Dust Samplers (supersedes IR 1121)" or in accordance with the manufacturer's specifications if using a personal continuous dust monitor (PCDM) under § 70.220. To be certified, a person must pass the MSHA examination on maintenance and calibration for approved sampling devices.

(b) Sampling devices must be calibrated at the flowrate of 2.0 liters of air per minute, or at a different flowrate as prescribed by the Secretary and the Secretary of Health and Human Services for the particular device, before they are put into service and, thereafter, at time intervals prescribed by the manufacturer.

(c) If equipped with a flowmeter, a calibration mark must be placed on the flowmeter of each sampling device to indicate the proper position of the float when the sampler is operating at a flowrate of 2.0 liters of air per minute or other flowrate prescribed by the Secretary and the Secretary of Health and Human Services for the particular device. The standard to denote proper flow is when the lowest part of the float is lined up with the top of the calibration mark.

(d) Except as provided in paragraph (f) of this section, each sampling device must be tested and examined immediately before each sampling shift and necessary external maintenance must be performed by a certified person to assure that the sampling device is clean and in proper working condition. This testing and examination must include the following:

(1) Testing the voltage of each battery while under actual load to assure the battery is fully charged. The voltage for nickel cadmium cell batteries must not be lower than the product of the number of cells in the battery pack multiplied by 1.25. The voltage for other than nickel

cadmium cell batteries must not be lower than the product of the number of cells in the battery pack multiplied by the manufacturer's nominal voltage per cell.

(2) Examination of all components of the cyclone to assure that they are clean and free of dust and dirt;

(3) Examination of the inner surface of the cyclone on the approved sampling device to assure that it is free of scoring;

(4) Examination of the external tubing on the approved sampling device to assure that it is clean and free of leaks, and;

(5) Examination of the clamping and positioning of the cyclone body, vortex finder and cassette to assure that they are rigid, in alignment, and firmly in contact.

(e) In accordance with 5 U.S.C. 552(a) and 1 CFR, part 51, MSHA Informational Report No. 1240 (1996) referenced in paragraph (a) of this section is incorporated-by-reference. Copies may be inspected or obtained without charge at each Coal Mine Safety and Health District office of MSHA.

(f) Paragraphs (d)(1) through (d)(5) of this section do not apply if using a PCDM. The operator must follow the examination procedures recommended by the manufacturer or prescribed by the Secretary and the Secretary of Health and Human Services for the particular device.

§ 70.203 Approved sampling devices; operation; air flowrate.

(a) Sampling devices must be operated at the flowrate of 2.0 liters of air per minute, or at a different flowrate as prescribed by the Secretary and the Secretary of Health and Human Services for the particular device.

(b) Except as provided in paragraphs (c) and (d) of this section, each sampling device must be examined each shift by a person certified to sample during:

(1) The second hour after being put into operation to assure that the sampling device is operating properly and at the proper flowrate. If the proper flowrate is not maintained, necessary adjustments must be made by the certified person.

(2) The last hour of operation to assure that the sampling device is operating properly and at the proper flowrate. If the proper flowrate is not maintained, the respirable dust sample must be transmitted to MSHA with a notation by the certified person on the back of the dust data card stating that the proper flowrate was not maintained. Also to be noted are any other events occurring during sampling that may affect the validity of the sample.

(c) Paragraph (b)(1) of this section will not apply if the approved sampling device is being operated in a breast or chamber of an anthracite coal mine where the full box mining method is used.

(d) Paragraphs (b)(1) and (2) of this section do not apply if using a personal continuous dust monitor in accordance with § 70.220. To assure that the personal dust monitor is operating properly and at the proper flowrate, the operator must follow the procedures recommended by the manufacturer or prescribed by the Secretary and the Secretary of Health and Human Services for the particular device.

§ 70.204 Demonstrating the adequacy of the dust control parameters specified in a mine ventilation plan; verification sampling.

As of _____ (Insert date which must be within 12 months of the effective date of this rule), each operator of an underground coal mine must have a ventilation plan in which the dust control parameters specified for each MMU have been verified through sampling to be adequate in controlling respirable dust as required by § 75.370(a)(1) of this title. To demonstrate that the plan parameters for each MMU are adequate, the operator must show, with a high level of confidence, that the equivalent concentration of respirable coal mine dust and respirable quartz dust can be maintained at or below the verification limits (2.0 mg/m³ and 100 µg/m³, respectively) as determined by meeting the critical values in Table 70-1.

§ 70.205 Verification sampling; when required; time for completing.

(a) The operator must, within 45 calendar days after obtaining provisional approval, verify the adequacy of the dust control parameters for each MMU when:

(1) Submitting a ventilation plan under § 75.370 for a newly established MMU.

(2) The district manager determines that the previously approved plan parameters are inadequate to control respirable dust under the prevailing operating conditions and requires the operator to revise the plan parameters.

(b) The district manager may, upon written request, grant the operator an extension of up to 30 calendar days to complete verification sampling.

(c) All previously approved ventilation plans must be revised in accordance with § 75.371(f) of this title and the adequacy of the dust control parameters verified by _____ (Insert date which must be within 12 months of the effective date of this rule.)