

(1) Reducing the respirable dust level in the working position of the Part 90 miner, the operator must submit a respirable dust control plan to the district manager for approval in accordance with § 90.300.

(2) Transferring the Part 90 miner to another position at the mine, a respirable dust control plan is not required to be submitted to the district manager for approval.

§ 90.208 Status change reports.

If there is a change in the status of the Part 90 miner that either affects the sampling requirements of this part or MSHA's ability to carry out its sampling responsibilities (such as entering a terminated, injured or ill status, or returning to work), the operator must report the change in the status of the Part 90 miner to the MSHA District Office or to any other MSHA office designated by the district manager. Status changes must be reported in writing within 3 working days after the status change has occurred.

Subpart D—Respirable Dust Control Plans

§ 90.300 Respirable dust control plan; filing requirements; contents.

(a) Within 15 calendar days after the termination date of a citation for violation of § 90.100 or § 90.101, the operator must submit to the district manager for approval a written respirable dust control plan applicable

to the Part 90 miner in the position identified in the citation. The dust control plan and revisions thereof must be suitable to the conditions and the mining system of the coal mine and must be adequate to continuously maintain respirable dust within the permissible concentration for the Part 90 miner in the position identified in the citation.

(b) The dust control plan must contain the information described below and any additional provisions required by the district manager:

(1) The mine identification number assigned by MSHA, the operator's name, mine name, mine address, and mine telephone number and the name, address and telephone number of the principal officer in charge of health and safety at the mine;

(2) The name and Social Security number of the Part 90 miner and the position at the mine to which the plan applies;

(3) A detailed description of the specific dust control measures used to abate the violation of § 90.100 or § 90.101; and

(4) A detailed description of how each of the dust control measures described in response to paragraph (b)(3) of this section will continue to be used by the operator, including at least the specific time, place and manner the control measures will be used.

§ 90.301 Respirable dust control plan; approval by district manager; copy to Part 90 miner.

(a) The district manager will approve each dust control plan on a mine-by-mine basis. Additional measures may be required in plans by the district manager. When approving such plans, the district manager will consider the results of MSHA sampling and whether:

(1) The dust control measures specified in the plan would be likely to continuously maintain compliance with the applicable dust standard; and

(2) The operator's compliance with all plan provisions could be readily verified by MSHA.

(b) MSHA will conduct sampling to monitor the continued effectiveness of the approved plan provisions in maintaining compliance with the applicable dust standard.

(c) The operator must comply with all plan provisions upon notice from MSHA that the dust control plan is approved.

(d) The operator must provide a copy of the dust control plan required under this part to the Part 90 miner. The operator must not post the original or a copy of the plan on the mine bulletin board.

(e) The operator may review respirable dust control plans and submit proposed revisions to such plans to the district manager for approval.

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