

§ 77.1912

(i) Flexible ducts shall be constructed to permit ventilation by either exhausting or blowing methods and when metal air ducts are used, they shall be grounded effectively to remove static and other electrical charges;

(ii) Ducts shall extend as close to the bottom as necessary to ventilate properly.

(c) A qualified person, designated by the operator, shall be assigned to maintain each ventilating system.

(d) The fan shall be operated continuously when men are below the surface. Any accidental stoppage or reduction in airflow shall be corrected promptly; however, where repairs cannot be made immediately, development work below the surface shall be stopped and all the men not needed to make necessary repairs shall be removed to the surface.

§ 77.1912 Ladders and stairways.

(a) Substantial stairways or ladders shall be used during the construction of all shafts where no mechanical means are provided for men to travel.

(b) Landings at intervals of not more than 30 feet shall be installed.

(c) Shaft ladders shall project 3 feet above the collar of the shaft, and shall be placed at least 3 inches from the side of the shaft.

§ 77.1913 Fire-resistant wood.

Except for crossties, timbers, and other wood products which are permanently installed in slopes and shafts, shall be fire resistant.

§ 77.1914 Electrical equipment.

(a) Electric equipment employed below the collar of a slope or shaft during excavation shall be permissible and shall be maintained in a permissible condition.

(b) The insulation of all electric conductors employed below the collar of any slope or shaft during excavation shall be of the flame resistant type.

(c) Only lamps and portable flood lights approved by the Bureau of Mines or the Mine Safety and Health Administration under Part 19 and Part 20 of this chapter (Bureau of Mines Schedules 6D and 10C) shall be employed below the collar of any slope or shaft.

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§ 77.1915 Storage and handling of combustible materials.

(a) Compressed and liquefied gas, oil, gasoline, and other petroleum products shall not be stored within 100 feet of any slope or shaft opening.

(b) Other combustible material and supplies shall not be stored within 25 feet of any slope or shaft opening.

(c) Pyritic slates, bony coal, culm or other material capable of spontaneous combustion shall not be used for fill or as surfacing material within 100 feet of any slope or shaft opening.

(d) Areas surrounding the opening of each slope or shaft shall be constructed to insure the drainage of flammable liquids away from the slope or shaft in the event of spillage.

(e) Oily rags, waste, waste paper, and other combustible waste material disposed of in the vicinity of any slope or shaft opening shall be stored in closed containers until removed from the area.

§ 77.1916 Welding, cutting, and soldering; fire protection.

(a) One portable fire extinguisher shall be provided where welding, cutting, or soldering with arc or flame is performed.

(b) Welding, cutting, or soldering with arc or flame within or in the vicinity of any slope or shaft, except where such operations are performed in fireproof enclosures, shall be done under the supervision of a qualified person who shall make a diligent search within or in the vicinity of the slope or shaft for fire during and after such operations.

(c) Before welding, cutting, or soldering is performed in any slope or shaft designed to penetrate into any coalbed below the surface, an examination for methane shall be made by a qualified person with a device approved by the Secretary for detecting methane. Examination for methane shall be made immediately before and periodically during welding, cutting, or soldering and such work shall not be permitted to commence or continue in air which contains 1.0 volume per centum or more of methane.

(d) Noncombustible barriers shall be installed below welding, cutting, or soldering operations in or over a shaft.

Subpart U—Approved Books and Records [Reserved]

Subpart A—General

PART 90—MANDATORY HEALTH STANDARDS—COAL MINERS WHO HAVE EVIDENCE OF THE DEVELOPMENT OF PNEUMOCONIOSIS

§ 90.1 Scope.

This Part 90 establishes the option of miners who are employed at underground coal mines or at surface work areas of underground coal mines and who have evidence of the development of pneumoconiosis to work in an area of a mine where the average concentration of respirable dust in the mine atmosphere during each shift is continuously maintained at or below 1.0 milligrams per cubic meter of air. The rule sets forth procedures for miners to exercise this option, and establishes the right of miners to retain their regular rate of pay and receive wage increases. The rule also sets forth the operator's obligations, including respirable dust sampling for Part 90 miners. This Part 90 is promulgated pursuant to section 101 of the Act and supercedes section 203(b) of the Act.

Subpart A—General

Sec.

- 90.1 Scope.
- 90.2 Definitions.
- 90.3 Part 90 option; notice of eligibility; exercise of option.

§ 90.2 Definitions.

For the purpose of this Part 90, the term:

Act means the Federal Mine Safety and Health Act of 1977, Pub. L. 95-173, as amended by Pub. L. 95-164.

Active workings means any place at a coal mine where miners are normally required to work or travel.

Certified person means an individual certified by the Secretary in accordance with § 90.202 (Certified person; sampling) to take respirable dust samples required by this part or certified in accordance with § 90.203 (Certified person; maintenance and calibration) to perform the maintenance and calibration of respirable dust sampling equipment as required by this part.

Concentration means a measure of the amount of a substance contained per unit volume of air.

District Manager means the manager of the Coal Mine Safety and Health District in which the mine is located.

Mechanized mining unit means: (1) A unit of mining equipment including hand loading equipment used for the production of material; or (2) a specialized unit which utilizes mining equipment other than specified in § 70.207(e) (Bimonthly sampling; mechanized mining unit).

Subpart B—Dust Standards, Rights of Part 90 Miners

- 90.100 Respirable dust standard.
- 90.101 Respirable dust standard when quartz is present.
- 90.102 Transfer; notice.
- 90.103 Compensation.
- 90.104 Waiver of rights; re-exercise of option.

Subpart C—Sampling Procedures

- 90.201 Sampling; general requirements.
- 90.202 Certified person; sampling.
- 90.203 Certified person; maintenance and calibration.
- 90.204 Approved sampling devices; maintenance and calibration.
- 90.205 Approved sampling devices; operation; air flowrate.
- 90.206 Approved sampling devices; equivalent concentrations.
- 90.207 Compliance sampling.
- 90.208 Bimonthly sampling.
- 90.209 Respirable dust samples; transmission by operator.
- 90.210 Respirable dust samples; report to operator.
- 90.220 Status change reports.

Subpart D—Respirable Dust Control Plans

- 90.300 Respirable dust control plan; filing requirements.
- 90.301 Respirable dust control plan; approval by District Manager; copy to Part 90 miner.

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

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