

whether the average personal full-shift airborne exposure to DPM exceeds the DPM limit specified in § 57.5060.

(b) The mine operator must provide affected miners and their representatives with an opportunity to observe exposure monitoring required by this section. Mine operators must give prior notice to affected miners and their representatives of the date and time of intended monitoring.

(c) If any monitoring performed under this section indicates that a miner's exposure to diesel particulate matter exceeds the DPM limit specified in § 57.5060, the operator must promptly post notice of the corrective action being taken on the mine bulletin board, initiate corrective action by the next work shift, and promptly complete such corrective action.

(d)(1) The results of monitoring for diesel particulate matter, including any results received by a mine operator

from sampling performed by the Secretary, must be posted on the mine bulletin board within 15 days of receipt and must remain posted for 30 days. The operator must provide a copy of the results to the authorized representative of miners.

(2) The mine operator must retain for five years (from the date of sampling), the results of any samples the operator collected as a result of monitoring under this section, and information about the sampling method used for obtaining the samples.

[70 FR 32966, June 6, 2005]

**§ 57.5075 Diesel particulate records.**

(a) The table entitled "Diesel Particulate Matter Recordkeeping Requirements" lists the records the operator must maintain pursuant to §§ 57.5060 through 57.5071, and the duration for which particular records need to be retained.

TABLE 57.5075(a)—DIESEL PARTICULATE RECORDKEEPING REQUIREMENTS

Record	Section reference	Retention time
1. Approved application for extension of time to comply with exposure limits.	§ 57.5060(c) .....	Duration of extension.
2. Identity of PLHCP and most recent written determination of miner's ability to wear a respirator.	§ 57.5060(d) .....	Duration of miner's employment plus 6 months.
3. Purchase records noting sulfur content of diesel fuel.	§ 57.5065(a) .....	1 year beyond date of purchase.
4. Maintenance log .....	§ 57.5066(b) .....	1 year after date any equipment is tagged.
5. Evidence of competence to perform maintenance.	§ 57.5066(c) .....	1 year after date maintenance performed.
6. Annual training provided to potentially exposed miners.	§ 57.5070(b) .....	1 year beyond date training completed.
7. Record of corrective action .....	§ 57.5071(c) .....	Until the corrective action is completed.
8. Sampling method used to effectively evaluate a miner's personal exposure, and sample results.	§ 57.5071(d) .....	5 years from sample date.

(b)(1) Any record listed in this section which is required to be retained at the mine site may, notwithstanding such requirement, be retained elsewhere if the mine operator can immediately access the record from the mine site by electronic transmission.

(2) Upon request from an authorized representative of the Secretary of Labor, the Secretary of Health and Human Services, or from the authorized representative of miners, mine operators must promptly provide access to any record listed in the table in this section.

(3) An operator must provide access to a miner, former miner, or, with the miner's or former miner's written consent, a personal representative of a miner, to any record required to be maintained pursuant to § 57.5071 or § 57.5060(d) to the extent the information pertains to the miner or former miner. The operator must provide the first copy of a requested record at no cost, and any additional copies at reasonable cost.

(4) Whenever an operator ceases to do business, that operator must transfer all records required to be maintained by this part, or a copy thereof, to any

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successor operator who must maintain them for the required period.

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### Subpart E—Explosives

SOURCE: 61 FR 36801, July 12, 1996, unless otherwise noted.

#### § 57.6000 Definitions.

The following definitions apply in this subpart.

*Blasting agent.* Any substance classified as a blasting agent by the Department of Transportation in 49 CFR 173.114a(a). This document is available at any MSHA Metal and Nonmetal Safety and Health district office.

*Detonating cord.* A flexible cord containing a center core of high explosives which may be used to initiate other explosives.

*Detonator.* Any device containing a detonating charge used to initiate an explosive. These devices include electric or nonelectric instantaneous or delay blasting caps, and delay connectors. The term “detonator” does not include detonating cord. Detonators may be either “Class A” detonators or “Class C” detonators, as classified by the Department of Transportation in 49 CFR 173.53, and 173.100. This document is available at any MSHA Metal and Nonmetal Safety and Health district office.

*Explosive.* Any substance classified as an explosive by the Department of Transportation in 49 CFR 173.53, 173.88, and 173.100. This document is available at any MSHA Metal and Nonmetal Safety and Health district office.

*Explosive material.* Explosives, blasting agents, and detonators.

*Flash point.* The minimum temperature at which sufficient vapor is released by a liquid to form a flammable vapor-air mixture near the surface of the liquid.

*Igniter cord.* A fuse that burns progressively along its length with an external flame at the zone of burning, used for lighting a series of safety fuses in a desired sequence.

*Magazine.* A bullet-resistant, theft-resistant, fire-resistant, weather-resistant, ventilated facility for the stor-

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age of explosives and detonators (BATF Type 1 or Type 2 facility).

*Misfire.* The complete or partial failure of explosive material to detonate as planned. The term also is used to describe the explosive material itself that has failed to detonate.

*Primer.* A unit, package, or cartridge of explosives which contains a detonator and is used to initiate other explosives or blasting agents.

*Safety switch.* A switch that provides shunt protection in blasting circuits between the blast site and the switch used to connect a power source to the blasting circuit.

*Slurry.* An explosive material containing substantial portions of a liquid, oxidizers, and fuel, plus a thickener.

*Water gel.* An explosive material containing substantial portions of water, oxidizers, and fuel, plus a cross-linking agent.

[61 FR 36801, July 12, 1996, as amended at 67 FR 38385, June 4, 2002; 68 FR 32361, May 30, 2003; 69 FR 38842, June 29, 2004]

### STORAGE—SURFACE AND UNDERGROUND

#### § 57.6100 Separation of stored explosive material.

(a) Detonators shall not be stored in the same magazine with other explosive material.

(b) When stored in the same magazine, blasting agents shall be separated from explosives, safety fuse, and detonating cord to prevent contamination.

#### § 57.6101 Areas around explosive material storage facilities.

(a) Areas surrounding storage facilities for explosive material shall be clear of rubbish, brush, dry grass, and trees for 25 feet in all directions, except that live trees 10 feet or taller need not be removed.

(b) Other combustibles shall not be stored or allowed to accumulate within 50 feet of explosive material. Combustible liquids shall be stored in a manner that ensures drainage will occur away from the explosive material storage facility in case of tank rupture.

#### § 57.6102 Explosive material storage practices.

(a) Explosive material shall be—