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(3) Corrective action taken to reduce the concentration of CO and/or NO<sub>2</sub> to or below the applicable action level.

(e) As of November 25, 1997 exhaust gas monitoring shall be conducted in accordance with the requirements of this section.

[61 FR 55526, Oct. 25, 1996, as amended at 67 FR 38385, June 4, 2002]

**PART 71—MANDATORY HEALTH STANDARDS—SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES**

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AUTHORITY: 30 U.S.C. 811, 951, and 957.

SOURCE: 37 FR 6368, Mar. 28, 1972, unless otherwise noted.

**Subpart A—General**

AUTHORITY: Secs. 101 and 103(h), Federal Mine Safety and Health Act of 1977, Pub. L. 91-173 as amended by Pub. L. 95-164, 91 Stat. 1291 and 1299 (30 U.S.C. 811 and 813(h)).

SOURCE: 45 FR 80756, Dec. 5, 1980, unless otherwise noted.

**§ 71.1 Scope.**

This part 71 sets forth mandatory health standards for each surface coal mine and for the surface work areas of each underground coal mine subject to the Federal Mine Safety and Health Act of 1977.

**§ 71.2 Definitions.**

For the purpose of this part 71, the term:

(a) *Act* means the Federal Mine Safety and Health Act of 1977, Pub. L. 91-173, as amended by Pub. L. 95-164.

(b) *Active workings* means any place in a surface coal mine or the surface

work area of an underground coal mine where miners are normally required to work or travel.

(c) *Certified person* means an individual certified by the Secretary in accordance with § 71.202 (Certified person; sampling) to take respirable dust samples required by this part or certified in accordance with § 71.203 (Certified person; maintenance and calibration) to perform the maintenance and calibration of respirable dust sampling equipment as required by this part.

(d) *Concentration* means a measure of the amount of a substance contained per unit volume of air.

(e) *Designated work position* means a work position designated under § 71.208 (Bimonthly sampling; designated work positions).

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

(g) *MRE instrument* means the gravimetric dust sampler with a four channel horizontal elutriator developed by the Mining Research Establishment of the National Coal Board, London, England.

(h) *MSHA* means the Mine Safety and Health Administration of the Department of Labor.

(i) *Normal work shift* means (1) a shift during which the regular duties of the designated work position are performed while routine day-to-day mining activities are occurring in the rest of the mine and (2) a shift during which there is no rain, or, if rain occurs, the rain does not suppress the respirable dust to the extent that sampling results will be measurably lower, in the judgment of the person certified under this part to conduct sampling.

(j) *Quartz* means crystalline silicon dioxide (SiO<sub>2</sub>) not chemically combined with other substances and having a distinctive physical structure.

(k) *Respirable dust* means dust collected with a sampling device approved by the Secretary and the Secretary of Health and Human Services in accordance with part 74 (Coal Mine Dust Personal Sampler Units) of this title. Sampling device approvals issued by the Secretary of the Interior and Secretary of Health, Education and Welfare are continued in effect.

(l) *Secretary* means the Secretary of Labor or a delegate.

(m) *Surface area* means a specific physical portion of a surface coal mine or surface area of an underground coal mine. These areas are assigned a four digit identification number by MSHA.

(n) *Surface coal mine* means a surface area of land and all structures, facilities, machinery, tools, equipment, excavations, and other property, real or personal, placed upon or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, including custom coal preparation facilities.

(o) *Surface installation* means any structure in which miners work at a surface coal mine or surface work area of an underground coal mine.

(p) *Surface work area of an underground coal mine* means the surface areas of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, excavations, and other property, real or personal, placed in, upon or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting bituminous coal, lignite, or anthracite from its natural deposits underground by any means or method, and the work of preparing the coal so extracted, including custom coal preparation facilities.

(q) *Surface worksite* means any area in which miners work at a surface coal mine or surface work area of an underground coal mine.

(r) *Valid respirable dust sample* means a respirable dust sample collected and submitted as required by this part, and not voided by MSHA.

(s) *Work position* means an occupation identified by an MSHA code number describing 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.