

**FOR FURTHER INFORMATION CONTACT:**

Mario Distasio, Chief of the Economic Analysis Division, Office of Standards, Regulations, and Variances, MSHA, at *distasio.mario@dol.gov* (e-mail), 202-693-9445 (voicemail), 202-693-9441 (facsimile).

**SUPPLEMENTARY INFORMATION:****I. Background**

The Federal Mine Safety and Health Act of 1977 (Mine Act), as amended, 30 U.S.C. 801 *et seq.*, recognizes that education and training in the improvement of miner health and safety is an important element of federal efforts to make the nation's mines safer places in which to work.

Title 30, CFR §§ 48.3 and 48.23 require training plans for underground and surface mines, respectively. The standards are intended to assure that miners will be effectively trained in matters affecting their health and safety, with the ultimate goal being the reduction of injuries and illness in the nation's mines. Training plans are required to be submitted for approval to the MSHA District Manager for the area in which the mine is located. Plans must contain the company name, mine name, and MSHA identification number of the mine; the name and position of the person designated by the operator who is responsible for health and safety training at the mine; a list of MSHA-approved instructors with whom the operator proposes to make arrangements to teach the courses and the courses each instructor is qualified to teach; the location where training will be given for each course; a description of the teaching methods and the course materials which are to be used in training; the approximate number of miners employed at the mine and the maximum number who will attend each session of training; the predicted time or periods of time when regularly scheduled refresher training will be given including the titles of courses to be taught, the total number of instruction hours for each course, and the predicted time and length of each session of training; and for new task training, a complete list of task assignments, the titles of personnel conducting the training, the outline of training procedures used, and the evaluation procedures used to determine the effectiveness of the training. Records of training are required for underground and surface mines under §§ 48.9 and 48.29.

**II. Desired Focus of Comments**

MSHA is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and

- Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

A copy of the proposed information collection request can be obtained by contacting the employee listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice, or viewed on the Internet by selecting "Rules & Regs." and then selecting "FedReg.Docs." On the next screen, select "Paperwork Reduction Act Supporting Statement" to view documents supporting the **Federal Register** notice.

**III. Current Actions**

This request for collection of information contains notification and recordkeeping provisions for the Proposed Information Collection Request Submitted for Public Comment and Recommendations; Training Plans and Records of Training for Underground Miners and Miners Working at Surface Mines and Surface Areas of Underground Mines, 30 CFR 48.3, 48.9, 48.23, and 48.29. MSHA does not intend to publish the results from this information collection and is not seeking approval to either display or not display the expiration date for the OMB approval of this information collection.

There are no certification exceptions identified with this information collection and the collection of this information does not employ statistical methods.

*Type of Review:* Extension.

*Agency:* Mine Safety and Health Administration.

*OMB Number:* 1219-0009.

*Frequency:* On occasion.

*Affected Public:* Business or other for-profit.

*Cost to Federal Government:* \$428,239.

*Total Burden Respondents:* 3,017.

*Total Number of Responses:* 267,417.

*Total Burden Hours:* 27,793.

*Total Hour Burden Cost (operating/maintaining):* \$1,082,165.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: December 13, 2010.

**Patricia W. Silvey,**

*Director, Office of Standards, Regulations, and Variances.*

[FR Doc. 2010-31689 Filed 12-16-10; 8:45 am]

**BILLING CODE 4510-43-P**

**DEPARTMENT OF LABOR****Mine Safety and Health Administration**

[OMB Control No. 1219-0042]

**Proposed Extension of Existing Information, Collection; Representative of Miners; Legal Identity Report; Opening and Closing of Metal and Nonmetal**

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Notice of request for public comments.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 [44 U.S.C. 3506(c)(2)(A)]. This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the extension of the information collection for 30 CFR 40.2, 40.3, 40.4, and 40.5, Representative of Miners; 30 CFR 41.20, Legal Identity Report; 30 CFR 56.1000 and 57.1000, Notification of Commencement of Operations and Closing of Mines.

**DATES:** All comments must be received by midnight Eastern Standard Time on February 15, 2011.

**ADDRESSES:** Comments must clearly be identified with the rule title and may be submitted to MSHA by any of the following methods:

(1) *Electronic mail:* *zzMSHA-Comments@dol.gov.*

(2) *Facsimile:* (202) 693-9441.

(3) *Regular Mail*: MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Room 2350, Arlington, VA 22209-3939.

(4) *Hand Delivery or Courier*: MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Room 2350, Arlington, VA 22209-3939. Sign in at the receptionist's desk on the 21st floor.

**FOR FURTHER INFORMATION CONTACT:** Mario Distasio, Chief of the Economic Analysis Division, Office of Standards, Regulations, and Variances, MSHA, at [distasio.mario@dol.gov](mailto:distasio.mario@dol.gov) (e-mail), 202-693-9445 (voicemail), 202-693-9441 (facsimile).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), as amended, 30 U.S.C. 813, authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners.

*Representative of Miners*

Section 103(f) of the Mine Act establishes miners' rights which may be exercised through a representative. Title 30 Code of Federal Regulations (30 CFR) Part 40 contains procedures which a person or organization must follow in order to be identified by the Secretary as a representative of miners. The regulation defines what is meant by "representative of miners," a term that is not defined in the Mine Act. Section 40.2 requires the representative of miners to file the information specified in § 40.3 with the Mine Safety and Health Administration (MSHA) district manager and the mine operator; § 40.3 requires the following information to be filed:

(1) The name, address, and telephone number of the representative or organization that will serve as representative;

(2) The name and address of the mine operator, and the name, address, and MSHA ID number, if known, of the mine;

(3) A copy of the document evidencing the designation of the representative;

(4) A statement as to whether the representative will serve for all purposes of the Act, or a statement of the limitation of the authority;

(5) The name, address, and telephone number of an alternate;

(6) A statement that all the required information has been filed with the mine operator; and

(7) Certification that all information filed is true and correct followed by the signature of the miners' representative.

Section 40.4 requires that a copy of the notice designating the miners' representative be posted by the mine operator on the mine bulletin board and maintained in current status. Under section 40.5, a representative who wishes to terminate his or her designation must file a written statement with the appropriate MSHA district manager terminating his or her designation.

*Legal Identity Report*

Section 109(d) of the Mine Act requires each operator of a coal or other mine to file with the Secretary of Labor (Secretary), the name and address of such mine, the name and address of the person who controls or operates the mine, and any revisions in such names and addresses. The legal identity for a mine operator enables the Secretary to properly ascertain the identity of persons and entities charged with violations of mandatory standards. It is also used in the assessment of civil penalties which, by statute, must take into account the size of the business, its economic viability, and its history of previous violations.

*Notice of Commencement of Operations and Closing of Mines*

Under 30 CFR 56.1000 and 57.1000, operators of metal and nonmetal mines must notify MSHA when the operation of a mine will commence or when a mine is closed. Openings and closings of mines are dictated by the economic strength of the mined commodity, and by weather conditions prevailing at the mine site during various seasons. Section 103(a) of the Mine Act, 30 U.S.C. 813, requires each underground mine to be inspected in its entirety at least four times a year, and each surface mine at least two times per year. Mines which operate only during warmer weather must be scheduled for inspection during the spring, summer, and autumn seasons.

**II. Desired Focus of Comments**

MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and

- Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

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**III. Current Actions**

This notice contains the request for an extension of the existing collection of information in 30 CFR 40.2, 40.3, 40.4, and 40.5, Representative of Miners; § 41.20, Notification of Legal Identity; and §§ 56.1000 and 57.1000, Notification of Commencement of Operations and Closing of Mines. MSHA does not intend to publish the results from this information collection and is not seeking approval to either display or not display the expiration date for the OMB approval of this information collection.

There are no certification exceptions identified with this information collection and the collection of this information does not employ statistical methods.

*Type of Review:* Extension.

*Agency:* Mine Safety and Health Administration.

*OMB Number:* 1219-0042.

*Frequency:* On occasion.

*Affected Public:* Business or other for-profit.

*Cost to Federal Government:* \$41,023.

*Total Burden Respondents:* 14,065.

*Total Number of Responses:* 11,367.

*Total Burden Hours:* 2,517.5.

*Total Hour Burden Cost (operating/maintaining):* \$67,863.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: December 13, 2010.

**Patricia W. Silvey,**

*Director, Office of Standards, Regulations, and Variances.*

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