

DEPARTMENT OF LABOR**Mine Safety and Health Administration****30 CFR Part 46****Training and Retraining of Miners Engaged in Shell Dredging or Employed at Sand, Gravel, Surface Stone, Surface Clay, Colloidal Phosphate, or Surface Limestone Mines**

AGENCY: Mine Safety and Health Administration (MSHA); Labor.

ACTION: Notice of public meetings.

SUMMARY: As directed by Congress, MSHA will develop final training regulations by September 30, 1999 to apply at mines where MSHA is currently prohibited by an appropriations amendment from enforcing existing miner training requirements. MSHA has also been instructed to work with interested parties in developing these regulations. To facilitate the broadest possible input from the regulated public, MSHA will hold seven public meetings across the country to receive comments from interested parties on the development of a proposed rule governing miner training.

DATES: See **SUPPLEMENTARY INFORMATION** section for meeting dates.

ADDRESSES: See *Supplementary Information* section for meeting addresses.

FOR FURTHER INFORMATION CONTACT: Carol Jones, Acting Director, Office of Standards, Regulations, and Variances, MSHA, 4015 Wilson Boulevard, Arlington, VA 22203-1984. She can be reached at cjones@msha.gov (Internet E-mail), 703-235-1910 (Voice), or 703-235-5551 (Fax).

SUPPLEMENTARY INFORMATION:**I. Public Meetings**

MSHA will be conducting seven public meetings throughout the country to receive comments from interested parties on the development of a proposed rule governing miner training. All seven meetings are scheduled to run from 8:00 a.m. to 5:00 p.m., but will continue into the evening if necessary to accommodate as many participants as is reasonably possible. We will hold meetings on the following dates at the following locations:

1. December 7, 1998, Hilton Hotel, 2855 N. Milwaukee Avenue, Northbrook Illinois, 60062, Tel. No. (847) 480-7500.
2. December 9, 1998, Embassy Suites Hotel, 4444 N. Havana Street, Denver, Colorado, 80239, Tel. No. (303) 375-0400.

3. December 11, 1998, Albany Marriott, 189 Wolf Road, Albany, New York, 12205, Tel. No. (518) 458-8444.

4. December 15, 1998, Embassy Suites Hotel, 7900 NE 82nd Avenue, Portland, Oregon, 97220, Tel. No. (503) 460-3000.

5. December 17, 1998, Doubletree Hotel, 222 N. Vineyard Avenue, Ontario, California, 91764, Tel. No. (909) 983-0909.

6. January 5, 1999, Hotel Adolphus, 1321 Commerce Street, Dallas, Texas, 75202, Tel. No. (214) 742-8200.

7. January 7, 1999, Georgia International Convention Center, 1902 Sullivan Road, College Park, Georgia, 30337, Tel. No. (770) 997-3566.

We will conduct the meetings in an informal manner, and a court reporter will make a verbatim transcript of the proceedings. All meetings are open to the public. Upon request, we will allow members of the public to speak at the meeting they designate on a first-come, first-served basis. In addition to making an oral statement, any member of the public may also submit written statements, charts, and other data to MSHA representatives at the meeting, which will be included as part of the record when a proposed rule is developed.

Send requests to make oral presentations to MSHA, Office of Standards, Regulations, and Variances; 4015 Wilson Blvd., Room 631; Arlington, Virginia, 22203. Phone or fax requests may be made at voice: 703-235-1910; or fax: 703-235-5551. You also may request to speak as you sign in at the meeting.

II. Background

Section 115 of the Federal Mine Safety and Health Act of 1977 (Mine Act) requires that each mine operator have a health and safety training program, and that the Secretary of Labor promulgate regulations with respect to such health and safety training programs. In 1978 MSHA published regulations at 30 CFR part 48 that implemented the miner training provisions of § 115 of the Mine Act. In 1979, Congress inserted language in the Department of Labor's appropriations bill for fiscal year 1980 that prohibited the expenditure of appropriated funds to enforce any training requirements at approximately 10,200 surface nonmetal work sites. The restriction currently prohibits the use of appropriated funds to:

carry out § 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of § 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface

stone, surface clay, colloidal phosphate, or surface limestone mine.

Over the last several years, the number of fatalities at the exempted industries has increased. MSHA's fatal accident investigations have shown that the majority of miners involved in fatal accidents in the industries affected by the rider had not received health and safety training in accordance with the Mine Act's requirements. In 1997, for example, 60 percent of victims of fatal accidents had not received health and safety training in accordance with the Mine Act.

Congress has included language in MSHA's fiscal year 1999 appropriation that directs MSHA to promulgate final training regulations that are appropriate for the industries affected by the rider. MSHA anticipates that a proposed rule would implement the training and retraining requirements contained in § 115 of the Mine Act and ensure that miners receive effective training, while at the same time addressing the particular needs of the identified segments of the mining industry.

Section 115 of the Mine Act provides that each operator of a coal or other mine shall have a health and safety training program that is approved by the Secretary of Labor, and that complies with specified minimum requirements. Section 115(a) specifies that surface miners are to receive no less than 24 hours of new miner training, no less than 8 hours of refresher training annually, and task training for new work assignments. Section 115 also requires that the training cover specific subject areas; provides that training is to be conducted during normal work hours at normal pay; requires that miners be reimbursed for additional costs they incur incident to training; and provides that mine operators must maintain miners' training certificates and furnish such records to the miners.

III. Conduct of Meetings

The purpose of these public meetings is to receive relevant comments on the development by MSHA of miner training regulations that are appropriate for miners employed at mines currently subject to a congressional training rider. Multiple public meetings are scheduled at seven locations across the country to give miners, their representatives, and mine operators, both small and large, a reasonable opportunity to present their views on what types of requirements will result in the most effective miner training.

MSHA is specifically interested in comments addressing the areas described below, although parties are

encouraged to submit comments on any relevant miner training issue.

Definitions

Should certain terms, including "new miner" and "experienced miner" be defined? If so, how should these terms be defined?

New Miner Training

Section 115 of the Mine Act lists several subject areas that must be covered by training for new inexperienced miners at surface mines, including:

Instruction in the rights of miners and their representatives under the Mine Act;

Use of self-rescue devices where appropriate and respiratory devices where appropriate;

- Hazard recognition;
- Emergency procedures;
- Electrical hazards;
- First aid;
- Walkaround training;

The health and safety aspects of the task to which the miner will be assigned.

Which of these subjects should be taught before a new miner is assigned work, even if the work is done under close supervision?

Should training for inexperienced miners be given all at once, or over a period of time, such as several weeks or months? Should this decision be left to the discretion of the mine operator? What are the advantages and disadvantages of spreading training over an extended period of time?

Should supervisors be subject to the same training requirements as miners?

Task Training

Should training be required whenever a miner receives a work assignment that involves new and unfamiliar tasks?

Annual Refresher Training

Should specific subject areas be covered during annual refresher training? If so, what subject areas should be included?

Can the 8 hours of annual refresher training required by the Mine Act be completed in segments of training lasting less than 30 minutes?

Training Certificates

Should the records of training be kept by the mine operator at the mine site, or should the regulation allow records to be kept at other locations?

Qualifications of Instructors

Should there be minimum qualifications for persons who conduct miner training? If so, what kind of qualifications are appropriate?

Dated: October 28, 1998.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

[PA-121-FOR]

Pennsylvania Abandoned Mine Land Reclamation Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: OSM is reopening the public comment period on a proposed amendment to the Pennsylvania Abandoned Mine Land Reclamation (AMLR) Plan (hereinafter referred to as the Pennsylvania Program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1201 *et seq.*, as amended. The proposed amendment adds a new section "F" entitled Government Financed Construction Contracts (GFCC) to authorize the incidental removal of coal at AML sites that would not otherwise be mined and reclaimed under the Title V program. The proposed amendment also includes the Program Requirements and Monitoring Requirements related to the use of GFCC for that purpose. The proposed amendment is intended to improve the efficiency of the Pennsylvania program by allowing the Government-financed construction exemption in Section 528 of SMCRA to be applied in cases involving less than 50% financing only in the limited situation where the construction constitutes a government approved and administered abandoned mine land reclamation project under Title IV of SMCRA. The amendment is also intended to authorize the use of excess spoil from a valid, permitted coal mining operation for the reclamation of an abandoned unreclaimed area outside of the permit area.

The comment period is being reopened because Pennsylvania has, at OSM's request, submitted portions of its State law which it believes provides specific authority to allow the State Regulatory Authority to approve exemptions for the incidental removal

of coal pursuant to government-financed reclamation projects.

DATES: Written comments must be received by 4:00 p.m., [E.D.T.] November 18, 1998.

ADDRESSES: Written comments should be mailed or hand delivered to Robert Biggi, Field Office Director, at the address listed below. Copies of the Pennsylvania program, the proposed amendment, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Harrisburg Field Office. Mr. Robert J. Biggi, Director, Harrisburg Field Office, Third Floor, Suite 3C, Harrisburg Transportation Center (Amtrack) 415 Market Street, Harrisburg, Pennsylvania 17101. Telephone: (717) 782-4036.

FOR FURTHER INFORMATION CONTACT: Mr. Robert J. Biggi, Director, Harrisburg Field Office, Third Floor, Suite 3C, Harrisburg Transportation Center (Amtrack) 415 Market Street, Harrisburg, Pennsylvania 17101. Telephone: (717) 782-4036.

SUPPLEMENTARY INFORMATION:

I. Background on the Pennsylvania Program

On July 30, 1982, the Secretary of the Interior conditionally approved the Pennsylvania program. Background on the Pennsylvania program, including the Secretary's findings and the disposition of comments can be found in the July 30, 1982 **Federal Register** (47 FR 33079). Subsequent actions concerning the AMLR program amendments are identified at 30 CFR 938.20 and 938.25.

II. Description of the Proposed Amendment

By letter dated November 21, 1997 (Administrative Record No. PA-855.00), the Pennsylvania Department of Environmental Protection (PADEP) submitted proposed Program Amendment No. 2 to the Pennsylvania Abandoned Mine Reclamation Plan. In addition, PADEP also submitted the following documents: Basis of Authority for the Proposed Amendment, AML Amendment Conformance with 30 CFR Section 884.13, Assistant Counsel's Opinion of Authority for GFCC, PADEP Organization Chart and the Office of Mineral Resources Management Organization Chart. The proposed amendment is intended to improve the efficiency of the Pennsylvania program by allowing the Government-financed