

## Mine Safety and Health Admin., Labor

## § 41.1

(7) A statement certifying that all information filed is true and correct followed by the signature of the representative of miners.

(b) The representative of miners shall be responsible for ensuring that the appropriate District Manager and operator have received all of the information required by this part and informing such District Manager and operator of any subsequent changes in the information.

### § 40.4 Posting at mine.

A copy of the information provided the operator pursuant to § 40.3 of this part shall be posted upon receipt by the operator on the mine bulletin board and maintained in a current status.

### § 40.5 Termination of designation as representative of miners.

(a) A representative of miners who becomes unable to comply with the requirements of this part shall file a statement with the appropriate District Manager terminating his or her designation.

(b) The Mine Safety and Health Administration shall terminate and remove from its files all designations of representatives of miners which have been terminated pursuant to paragraph (a) of this section or which are not in compliance with the requirements of this part. The Mine Safety and Health Administration shall notify the operator of such termination.

## PART 41—NOTIFICATION OF LEGAL IDENTITY

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AUTHORITY: Secs. 103(h), 109(d) and 508, Federal Mine Safety and Health Act of 1977, Pub. L. 91-173 as amended by Pub. L. 95-164, 91 Stat. 1299 and 1310, 83 Stat. 803 (30 U.S.C. 813(h), 819(d) and 957); sec. 307, Federal Mine Safety and Health Amendments Act of 1977, Pub. L. 95-164, 91 Stat. 1322 (30 U.S.C. 801 note).

SOURCE: 43 FR 29512, July 7, 1978, unless otherwise noted.

### Subpart A—Definitions

#### § 41.1 Definitions.

As used in this part:

(a) *Operator* means any owner, lessee, or other person who operates, controls, or supervises a coal or other mine or any designated independent contractor performing services or construction at such mine.

(b) *Person* means any individual, sole proprietor, partnership, association, corporation, firm, subsidiary of a corporation, or other organization.

(c) *Coal or other mine* means (a) an area of land from which minerals are extracted in nonliquid form or, if in liquid form, are extracted with workers underground, (b) private ways and roads appurtenant to such area, and (c) lands, excavations, underground passageways, shafts, slopes, tunnels and workings, structures, facilities, equipment, machines, tools, or other property including impoundments, retention dams, and tailings ponds, on the surface or underground, used in, or to be used in, or resulting from, the work of extracting such minerals from their natural deposits in nonliquid form, or if in liquid form, with workers underground, or used in, or to be used in, the milling of such minerals, or the work of preparing coal or other minerals, and includes custom coal preparation facilities. In making a determination of what constitutes mineral milling for purposes of this act, the Secretary shall give due consideration to the convenience of administration resulting from the delegation to one Assistant Secretary of all authority with respect to the health and safety of miners employed at one physical establishment.

### Subpart B—Notification of Legal Identity

#### §41.10 Scope.

Section 109(d) of the Federal Mine Safety and Health Act of 1977 (Pub. L. 91-173, as amended by Pub. L. 95-164), requires each operator of a coal or other mine to file with the Secretary of Labor 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. Section 103(h) of the act requires the operator of a coal or other mine to provide such information as the Secretary of Labor may reasonably require from time to time to enable the Secretary to perform his functions under the act. The regulations in this Subpart B provide for the notification to the Mine Safety and Health Administration of the legal identity of the operator of a coal or other mine and the reporting of all changes in the legal identity of the operator as they occur. The submission of a properly completed Legal Identity Report Form No. 2000-7 required under Subpart C of this part will constitute adequate notification of legal identity to the Mine Safety and Health Administration.

#### §41.11 Notification by operator.

(a) Not later than 30 days after (1) the effective date of this part, and (2) the opening of a new mine thereafter, the operator of a coal or other mine shall, in writing, notify the appropriate district manager of the Mine Safety and Health Administration in the district in which the mine is located of the legal identity of the operator in accordance with the applicable provisions of paragraph (b), (c), (d), or (e) of this section.

(b) If the operator is a sole proprietorship, the operator shall state: (1) His full name and address; (2) the name and address of the mine and the Federal mine identification number; (3) the name and address of the person at the mine in charge of health and safety; (4) the name and address of the person with overall responsibility for a health and safety program at all of the operator's mines, if the operator is not directly involved in the daily operation of the mine; (5) the Federal mine iden-

tification numbers of all other mines in which the sole proprietor has a 20 percent or greater ownership interest; and (6) the trade name, if any, and the full name, address of record and telephone number of the proprietorship.

(c) If the operator is a partnership, the operator shall state: (1) The name and address of the mine and the Federal mine identification number; (2) the name and address of the person at the mine in charge of health and safety; (3) the name and address of the person with overall responsibility for a health and safety program at all of the operator's mines, if the operator is not directly involved in the daily operation of the mine; (4) the Federal mine identification numbers of all other mines in which the partnership has a 20 percent or greater ownership interest; (5) the full name and address of all partners; (6) the trade name, if any, and the full name and address of record and telephone number of the partnership; and (7) the Federal mine identification numbers of all other mines in which any partner has a 20 percent or greater ownership interest.

(d) If the operator is a corporation, the operator shall state: (1) The name and address of the mine and the Federal mine identification number; (2) the name and address of the person at the mine in charge of health and safety; (3) the name and address of the person with overall responsibility for a health and safety program at all of the operator's mines, if the operator is not directly involved in the daily operation of the mine; (4) the Federal mine identification numbers of all other mines in which the corporation has a 20 percent or greater ownership interest; (5) the full name, address of record and telephone number of the corporation and the State of incorporation; (6) the full name and address of each officer and director of the corporation; (7) whether such corporation is a domestic or foreign corporation in the State in which the mine is located; (8) if the corporation is a subsidiary corporation, the operator shall state the full name, address, and State of incorporation of the parent corporation; and (9) the Federal mine identification numbers of all

other mines in which any corporate officer has a 20 percent or greater ownership interest.

(e) If the operator is any organization other than a sole proprietorship, partnership, or corporation, the operator shall state: (1) The nature and type, or legal identity of the organization; (2) the name and address of the mine and the Federal mine identification number; (3) the name and address of the person at the mine in charge of health and safety; (4) the name and address of the person with overall responsibility for a health and safety program at all of the operator's mines, if the operator is not directly involved in the daily operation of the mine; (5) the Federal mine identification numbers of all other mines in which the organization has a 20 percent or greater ownership interest; (6) the full name, address of record and telephone number of the organization; (7) the name and address of each individual who has an ownership interest in the organization; (8) the name and address of the principal organization officials or members; and (9) the Federal mine identification numbers of all other mines in which any official or member has a 20 percent or greater ownership interest.

**§41.12 Changes; notification by operator.**

Within 30 days after the occurrence of any change in the information required by §41.11, the operator of a coal or other mine shall, in writing, notify the appropriate district manager of the Mine Safety and Health Administration in the district in which the mine is located of such change.

**§41.13 Failure to notify.**

Failure of the operator to notify the Mine Safety and Health Administration, in writing, of the legal identity of the operator or any changes thereof within the time required under this part will be considered to be a violation of section 109(d) of the Act and shall be subject to penalties as provided in section 110 of the Act.

**Subpart C—Operator's Report to the Mine Safety and Health Administration**

**§41.20 Legal identity report.**

Each operator of a coal or other mine shall file notification of legal identity and every change thereof with the appropriate district manager of the Mine Safety and Health Administration by properly completing, mailing, or otherwise delivering form 2000-7 "legal identity report" which shall be provided by the Mine Safety and Health Administration for this purpose. If additional space is required, the operator may use a separate sheet or sheets.

**§41.30 Address of record and telephone number.**

The address of record and telephone number required under this part shall be considered the operator's official address and telephone number for purposes of the Act. Service of documents upon the operator may be proved by a post office return receipt showing that the documents could not be delivered to such operator at the address of record because the operator had moved without leaving a forwarding address or because delivery was not accepted at that address, or because no such address existed. However, operators may request service by delivery to another appropriate address provided by the operator. The telephone number required under this part will be used in connection with proposed civil penalty assessments as provided in 30 CFR part 100.

**PART 42—NATIONAL MINE HEALTH AND SAFETY ACADEMY**

**Subpart A [Reserved]**

**Subpart B—Tuition Fees**

- Sec.
- 42.10 Tuition fees.
- 42.20 Schedule of fees.
- 42.30 Procedure for payment.
- 42.40 Refunds.

**Subpart C—Room and Board**

- 42.50 Charges for room and board.

AUTHORITY: 30 U.S.C. 957.