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DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219-0009]

Proposed Extension of Information Collection: Training Plans and Records of Training for Underground Miners and Miners Working at Surface Mines and Surface Areas of Underground Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program for all information collections, to provide the public and Federal agencies with an opportunity to comment on proposed collections of information, in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure 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. The Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection titled "Training Plans and Records of Training for Underground Miners and Miners Working at Surface Mines and Surface Areas of Underground Mines."

DATES: All comments must be received on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below. Please note that comments received after the deadline will not be considered.

- Federal E-Rulemaking Portal: *https://www.regulations.gov*. Follow the instructions for submitting comments for docket number MSHA-2026-0892.

- Mail/Hand Delivery: DOL-MSHA, Office of Standards, Regulations, and Variances, 200 Constitution Avenue NW, Washington, DC 20210. Before visiting MSHA in person, call 202-693-9440 to make an appointment.
- MSHA will post all comments as well as any attachments, except for information submitted and marked as confidential, in the docket at *https://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Corliss A. Josephs-Conway, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); (202) 693–9440 (voice); or (202) 693–9441 (facsimile). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

I. Background

A. Legal Authority

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), as amended, 30 U.S.C. 813(h), authorizes the Mine Safety and Health Administration (MSHA) to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811(a), authorizes the Secretary of Labor (Secretary) to develop, promulgate, and revise, as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal and metal and nonmetal (MNM) mines.

The Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 et seq.) governs paperwork burdens imposed on the public by Federal agencies when using identical questions to collect information from 10 or more persons. The PRA defines paperwork burden in 44 U.S.C. 3502(2) as the time, effort, or financial resources expended to generate, maintain, or provide information to or for a Federal agency. Under 44 U.S.C. 3507, the PRA also establishes policies and procedures for information collection to control paperwork burdens imposed by Federal agencies on the public, including evaluating public comments.

B. Information Collection

To fulfill its statutory mandate to promote miners' health and safety, MSHA requires information under the information collection request (ICR) request titled "Training Plans and Records of Training for Underground Miners and Miners Working at Surface Mines and Surface Areas of Underground Mines." This information collection is intended to ensure that operators are in compliance with the training requirements in developing, maintaining, and implementing training plans and protect miners' health and safety.

Burden costs associated with the ICR include:

1. Developing New and Revising Existing Training Plans and Submitting to MSHA
2. Recording and Certifying Miner Trainings
3. Providing Copies of Training Plans
4. MSHA Reviewing Training Plans

The associated standards that authorize the collection of information are described below.

1. Developing New and Revising Existing Training Plans and Submitting to MSHA (30 CFR 48.3(a), (b), (c), and (l) and 30 CFR 48.23(a), (b), (c), and (l))

Under 30 CFR 48.3(a) and 48.23(a), each operator of a mine shall have an MSHA-approved plan containing programs for training new miners, training experienced miners, training miners for new tasks, annual refresher training, and hazard training for miners. In the case of a new mine which is to be opened or a mine which is to be reopened or reactivated, the operator shall have an approved plan prior to opening the new mine, or reopening or reactivating the mine. For surface mines and surface areas of underground mines reopened or reactivated periodically using portable equipment and mobile teams of miners as a normal method of operation by the operator, the operator is excepted but shall maintain an approved plan for training covering all mine locations which are operated with portable equipment and mobile teams of miners.

Under 30 CFR 48.3(b) and 48.23(b), the training plan shall be filed with the District Manager for the area in which the mine is located.

Under 30 CFR 48.3(c) and 48.23(c), each operator shall submit to the District Manager the following information:

(i) The company name, mine name, and MSHA identification number of the mine.

(ii) The name and position of the person designated by the operator who is responsible for health and safety training at the mine. This person may be the operator.

(iii) 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

(iv) The location where training will be given for each course.

(v) A description of the teaching methods and the course materials which are to be used in training.

(vi) The approximate number of miners employed at the mine and the maximum number who will attend each session of training.

(vii) The predicted time or periods of time when regularly scheduled refresher training will be given. This schedule shall include 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.

(viii) For the purposes of "New task training of miners" of this subpart, the operator shall submit:

(a) A complete list of task assignments to correspond with the definition of "task" in 30 CFR 48.2(f) or 48.22(f). Task means a work assignment that includes duties of a job that occur on a regular basis and which requires physical abilities and job knowledge.

(b) The titles of personnel conducting the training for this section.

(c) The outline of training procedures used in training miners in those work assignments listed according to 30 CFR 48.2(c)(8)(i) or 48.22(c)(8)(i).

(d) The evaluation procedures used to determine the effectiveness of training under 30 CFR 48.7 or 48.27.

Under 30 CFR 48.3(l) and 48.23(l), the operator shall notify the District Manager of the area in which the mine is located and the miners' representative of any changes of modifications which the operator proposes to make in the approval training plan. The operator shall obtain the approval of the District Manager for such changes or modifications.

Under 30 CFR 48.3(o) and 48.23(o), each operator engaged in shaft or slope construction shall have an MSHA-approved training plan prior to commencing shaft or slope construction, containing programs for training new miners, training experienced miners, training miners for new tasks, annual refresher training, and hazard training for miners.

Under 30 CFR 48.3(p), each underground coal operator, who is required to submit a revised program of instruction for mine emergency evacuation and firefighting program of instruction, shall also submit a revised training plan under this part 48.

2. Recording and Certifying Miner Training (30 CFR 48.9 and 30 CFR 48.29)

Under 30 CFR 48.9(a) and 48.29(a), upon a miner's completion of each MSHA approved training program, the operator shall record and certify on MSHA Form 5000-23 that the miner has received the specified training. A copy of the training certificate shall be given to the miner at the completion of the training. The training certificates for each miner shall be available at the minesite for inspection by MSHA and for examination by the miners, the miner's representative, and State inspection agencies. When a miner leaves the operator's employ, the miner shall be entitled to a copy of his training certificates.

Under 30 CFR 48.9(c) and 48.29(c), copies of training certificates for currently employed miners shall be kept at the minesite for 2 years, or for 60 days after termination of employment.

3. Providing Copies of Training Plans (30 CFR 48.3(d), (f), and (n) and 30 CFR 48.23(d), (f), and (n))

Under 30 CFR 48.3(d) and 48.23(d), the operator shall furnish to the representative of the miners a copy of the training plan two weeks prior to its submission to the District Manager. Where a miners' representative is not designated, a copy of the plan shall be posted on the mine bulletin board 2 weeks prior to its submission to the District Manager. Written comments received by the operator from miners or their representatives shall be submitted to the District Manager. Miners or their representatives may submit written comments directly to the District Manager.

Under 30 CFR 48.3(f) and 48.23(f), the operator shall make a copy of the MSHA approved training plan available at the mine site for MSHA inspection and for examination by the miners and their representatives.

Under 30 CFR 48.3(n) and 48.23(n), the operator shall post on the mine bulletin board, and provide to the miners' representative, a copy of all MSHA revisions and decisions which concern the training plan at the mine and which are issued by the District Manager.

4. MSHA Reviewing Training Plans (30 CFR 48.3(a), (e), (i), (j), and (m) and 30 CFR 48.23(a), (e), (i), (j), and (m))

Under 30 CFR 48.3(e) and 48.23(e), all training required by the training plan submitted to and approved by the District Manager as required by subpart A and B shall be subject to evaluation by the District Manager to determine the effectiveness of the training programs. If it is deemed necessary, the District Manager may require changes in, or additions to, programs. Upon request from the District Manager the operator shall make available for evaluation the instructional materials, handouts, visual aids and other teaching accessories used or to be used in the training programs. Upon request from the District Manager the operator shall provide information concerning the schedules of upcoming training.

Under 30 CFR 48.3(i) and 48.23(i), instructors may have their approval revoked by MSHA for good cause which may include not teaching a course at least once every 24 months. Before any revocation is effective, the District Manager must send written reasons for revocation to the instructor and the instructor shall be given an opportunity to demonstrate or achieve compliance before the District Manager on the matter. A decision by the District Manager to revoke an instructor's approval may be appealed by the instructor to MSHA. Such an appeal shall be submitted to the Administrator within 5 days of notification of the District Manager's decision. Upon revocation of an instructor's approval, the District Manager shall immediately notify operators who use the instructor for training.

Under 30 CFR 48.3(a)(2) and 48.23(a)(2), within 60 days after the operator submits the plan for approval, unless extended by MSHA, the operator shall have an approved plan for the mine.

Under 30 CFR 48.3(j) and 48.23(j), the District Manager for the area in which the mine is located shall notify the operator and the miners' representative, in writing, within 60 days from the date on which the training plan is filed, of the approval or status of the approval of the training programs.

Under 30 CFR 48.3(j)(1) and 48.23(j)(1), if revisions are required for approval, or to retain approval thereafter, the revisions required shall be specified to the operator and the miners' representative and the operator and the miners' representative shall be afforded an opportunity to discuss the revisions with the District Manager, or to propose alternate revisions or changes. The District Manager, in consultation with the operator and the representative of the miners, shall fix a time within which the discussion will be held, or alternate revisions or changes submitted, before final approval is made.

Under 30 CFR 48.3(j)(2) and 48.23(j)(2), the District Manager may approve separate programs of the training plan and withhold approval of other programs, pending discussion of revisions or submission of alternate revisions or changes.

Under 30 CFR 48.3(m) and 48.23(m), in the event the District Manager disapproves a training plan or a proposed modification of a training plan or requires changes in a training plan or modification, the District Manager shall notify the operator and the miners' representative in writing of:

(1) The specific changes or items of deficiency.

(2) The action necessary to effect the changes or bring the disapproved training plan or modification into compliance.

(3) The deadline for completion of remedial action to effect compliance, which shall serve to suspend punitive action under the provisions of sections 104 and 110 of the Act and other related regulations until that established deadline date, except that no such suspension shall take place in imminent danger situations.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection titled "Training Plans and Records of Training for Underground Miners and Miners Working at Surface Mines and Surface Areas of Underground Mines." 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 MSHA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to 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 through the use of appropriate automated, electronic, mechanical, or other

technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

The ICR is available on *https://www.regulations.gov*. MSHA cautions commenters against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *https://www.regulations.gov* and *https://www.reginfo.gov*.

The public may also examine publicly available documents at DOL-MSHA, Office of Standards, Regulations and Variances, 200 Constitution Avenue NW, Washington, DC 20210. Before visiting MSHA in person, call 202-693-9440 to make an appointment.

Questions about the information collection requirements may be directed to the person listed in the FOR FURTHER INFORMATION section of this notice.

III. Current Actions

This ICR concerns provisions for Training Plans and Records of Training for Underground Miners and Miners Working at Surface Mines and Surface Areas of Underground Mines. MSHA has updated the data with respect to the number of respondents, responses, time burden, and burden costs supporting this ICR from the previous ICR.

Type of Review: Extension, without change, of a currently approved collection

Agency: Mine Safety and Health Administration

OMB Control Number: 1219-0009

Affected Public: Business or other for-profit entity

Number of Annual Respondents: 4,597

Frequency: On occasion

Number of Annual Responses: 129,998

Annual Time Burden: 12,234 hours

Annual Recordkeeping Costs: $464,509

MSHA Form(s): MSHA Form 5000-23, Certificate of Training

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the proposed ICR; they will become a matter of public record and be available at *https://www.reginfo.gov*.

Corliss A. Josephs-Conway,
Certifying Officer,
Mine Safety and Health Administration.
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