

**DEPARTMENT OF LABOR****Mine Safety and Health Administration****Proposed Information Collection Request Submitted for Public Comment and Recommendations; 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**

**ACTION:** Notice.

**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/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506 (c) (2) (A)]. 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.

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to the 30 CFR sections 46.3, 46.5, 46.6, 46.7, 46.8, 46.9, and 46.11; Training Plans, New Miner Training; Newly-Hired Experienced Miner Training; New Task Training; Annual Refresher Training; Records of Training; and Site-Specific Hazard Awareness Training.

**DATES:** Submit comments on or before December 16, 2002.

**ADDRESSES:** Send comments to David Meyer, Director, Administration and Management, 1100 Wilson Boulevard, Room 2125, Arlington, VA 22209-3939. Commenters are encouraged to send their comments on a computer disk, or via Internet E-mail to *Meyer-David@msha.gov*, along with an original printed copy. Mr. Meyer can be reached at (202) 693-9802 (voice), or (202) 693-9801 (facsimile).

**FOR FURTHER INFORMATION CONTACT:** Jane E. Tarr, Management Analyst, Records Management Group, U.S. Department of Labor, Mine Safety and Health Administration, Room 2171, 1100 Wilson Boulevard, Arlington, VA 22209-3939. Ms. Tarr can be reached at *Tarr-Jane@msha.gov* (Internet e-mail),

(202) 693-9824 (voice), or (202) 693-9801 (facsimile).

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

Paragraph (a) of § 46.3 requires mine operators to develop and implement a written training plan approved by MSHA that contains effective programs for training new miners and experienced miners, training miners for new tasks, annual refresher training, and hazard training.

Paragraph (b) requires the following information, at a minimum, to be included in a training plan:

- (1) The company name, mine name, and MSHA mine identification number;
- (2) The name and position of the person designated by the operator who is responsible for the health and safety training at the mine. This person may be the operator;
- (3) A general description of the teaching methods and the course materials that are to be used in providing the training, including the subject areas to be covered and the approximate time to be spent on each subject area;
- (4) A list of the persons who will provide the training, and the subject areas in which each person is competent to instruct; and
- (5) The evaluation procedures used to determine the effectiveness of training.

Paragraph (c) requires a plan that does not include the minimum information specified in paragraph (b) to be approved by MSHA. For each size category, the Agency estimates that 20 percent of mine operators will choose to write a plan and send it to MSHA for approval.

Paragraph (d) requires mine operators to provide miners' representatives with a copy of the training plan. At mines where no miners' representative has been designated, a copy of the plan must be posted at the mine or a copy must be provided to each miner.

Paragraph (e) provides that within 2 weeks following receipt or posting of the training plan, miners or their representatives may submit written comments on the plan to mine operators, or to the Regional Manager, as appropriate. The burden hours and costs of this provision are not borne by mine operators, but by miners and their representatives.

Paragraph (g) requires that the miners' representative with a copy of the approved plan within one week after approval. At mines where no miners' representative has been designated, a copy of the plan must be posted at the mine or a copy must be provided to each miner.

Paragraph (h) allows mine operators, miners, and miners' representatives to appeal a decision of the Regional Manager in writing to the Director for Education Policy and Development. The Director would issue a decision on the appeal within 30 days after receipt of the appeal.

Paragraph (i) requires mine operators to make available at the mine site a copy of the current training plan for inspection by MSHA and for examination by miners and their representatives. If the training plan is not maintained at the mine site, mine operators must have the capability to provide the plan upon request by MSHA, miners, or their representatives.

Paragraph (a) of § 46.5 requires mine operators to provide each new miner with no less than 24 hours of training. Miners who have not received the full 24 hours of new miner training must work where an experienced miner can observe that the new miner is working in a safe manner.

Paragraph (a) of § 46.6 requires mine operators to provide each newly hired experienced miner with certain training before the miner begins work.

Paragraph (a) of § 46.7 requires, before a miner performs a task for which he or she has no experience, that the mine operator training the miner in the safety and health aspects and safe work procedures specific to that task. If changes have occurred in a miner's regularly assigned task, the mine operator must provide the miner with training that addresses the changes.

Paragraph (a) of § 46.8 requires, at least every 12 months, that the mine operator provide each miner with no less than 8 hours of refresher training.

Paragraph (a) of § 46.9 requires the mine operators upon completion of each training program, to record and certify on MSHA Form 5000-23, or on a form that contains the required information, that the miner has completed the training. False certification that training was completed is punishable under § 110(a) and (f) of the Act.

Paragraph (a) of § 46.11 requires the mine operator to provide site-specific hazard training to non-miners, including the following persons: scientific workers; delivery workers and customers; occasional, short-term maintenance or service workers, or manufacturers' representatives; and outside vendors, visitors, office or staff personnel who do not work at the mine site on a continuing basis.

**II. Desired Focus on Comments**

MSHA is particularly interest in comments which:

- 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 through 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 below in the **FOR FURTHER INFORMATION CONTACT** section of this notice, or viewed on the Internet by accessing the MSHA home page (<http://www.msha.gov>) and then choosing "Statutory and Regulatory Information" and "Federal Register Documents."

### III. Current Actions

USGS data show that domestic production of sand and gravel and crushed stone increased every year between 1991 and 1999, an indication of the continuing strong demand for

construction aggregates in the United States. The number of hours worked at sand and gravel and crushed stone operations has been increasing steadily since 1991.

MSHA's objective in these requirements is to ensure that all miners receive the required training, which would result in a decrease in accidents, injuries, and fatalities. Therefore, MSHA is continuing this requirement under 30 CFR 46.3, .5, .6, .7, .8, .9, and .11.

*Type of Review:* Extension.

*Agency:* Mine Safety and Health Administration.

*Title:* Training Plans, New Miner Training, Newly Hired Experienced Miner Training; New Task Training; Annual Refresher Training; Records of Training; and Site-Specific Hazard Awareness Training (30 CFR 46.3, .5, .6, .7, .8, .9, .11).

*OMB Number:* 1219-0131.

*Recordkeeping:* § 46.3 requires mine operators to develop and implement a written training plan approved by MSHA that contains effective programs for training new miners and experienced miners, training miners for new tasks, annual refresher training, and hazard training.

§ 46.5 requires mine operators to provide each new miner with no less than 24 hours of training. Miners who have not received the full 24 hours of new miner training must work where an experienced miner can observe that the new miner is working in a safe manner.

§ 46.6 requires mine operators to provide each newly hired experienced

miner with certain training before the miner begins work.

§ 46.7 requires, before a miner performs a task for which he or she has no experience, that the mine operator train the miner in the safety and health aspects and safe work performances specific to that task. If changes have occurred in a miner's regularly assigned task, the mine operator must provide the miner with training that addresses the changes.

§ 46.8 requires, at least every 12 months, that the mine operator provide each miner with no less than 8 hours of refresher training.

§ 46.9 requires the mine operators upon completion of each training program, to record and certify on MSHA Form 5000-23, or on a form that contains the required information, that the miner has completed the training. False certification that training was completed is punishable under § 110(a) and (f) of the Act.

§ 46.11 requires the mine operator to provide site-specific hazard training to non-miners, including the following persons: scientific workers; delivery workers and customers; occasional, short-term maintenance or service workers, or manufacturers' representatives; and outside vendors, visitors, office or staff personnel who do not work at the mine site on a continuing basis.

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

Section	Total respondents	Frequency	Total responses	Avg time per response (hours)	Burden hours
46.3(a) exist .....	10,305	On Occasion .....	5,477	1.05	5,728
46.3(a) new .....	10,305	On Occasion .....	221	2.23	492
46.3(c) exist .....	10,305	On Occasion .....	1,040	.1	104
46.3(c) new .....	10,305	On Occasion .....	42	.19	8
46.3(d) exist .....	10,305	On Occasion .....	5,477	.05	274
46.3(d) new .....	10,305	On Occasion .....	221	.1	22
46.3(e) exist .....	10,305	On Occasion .....	384	.76	291
46.3(e) new .....	10,305	On Occasion .....	15	1.47	22
46.3(g) exist .....	10,305	On Occasion .....	1,095	.05	55
46.3(g) new .....	10,305	On Occasion .....	44	.09	4
46.3(h) exist .....	10,305	On Occasion .....	22	2	44
46.3(h) new .....	10,305	On Occasion .....	44	.09	4
46.3(i) exist .....	10,305	On Occasion .....	5,477	.05	274
46.3(i) new .....	10,305	On Occasion .....	221	.1	22
46.5(a) prepare .....	10,305	On Occasion .....	5,477	6	32,862
46.5(a) train .....	10,305	On Occasion .....	5,477	7.04	38,573
46.6(a) prepare .....	10,305	On Occasion .....	5,477	1	5,477
46.6(a) train .....	10,305	On Occasion .....	5,477	1.74	9,543
46.7(a) Reg. Prepare .....	10,305	On Occasion .....	5,440	.25	1,360
46.7(a) Reg. Train .....	10,305	On Occasion .....	5,440	2.96	16,125
46.7(a) On Occasion New Prepare .....	10,305	On Occasion .....	11,042	.08	883
46.7(a) New Train .....	10,305	On Occasion .....	11,042	1.56	17,280
46.8(a) Prepare .....	10,305	On Occasion .....	5,477	3	16,431
46.8(a) Train .....	10,305	Annually .....	5,477	7.8	42,723
46.9 records of 46.5 .....	10,305	On Occasion .....	4,139	.1	414
46.9 records of 46.6 .....	10,305	On Occasion .....	4,076	.1	408

Section	Total respondents	Frequency	Total responses	Avg time per response (hours)	Burden hours
46.9 records of 46.7 .....	10,305	On Occasion .....	31,287	.1	3,128
46.9 records of 46.8 .....	10,305	On Occasion .....	31,287	.1	3,128
46.11(a) Train .....	10,305	On Occasion .....	5,477	10.45	57,218
Total .....	10,305	.....	161,872	.....	252,897

*Total Burden Cost (capital/startup):* None.

*Total Burden Cost (operating/maintaining):* \$630,333.

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 at Arlington, Virginia, this 10th day of October, 2002.

**David L. Meyer,**

*Director, Office of Administration and Management.*

[FR Doc. 02-26383 Filed 10-16-02; 8:45 am]

BILLING CODE 4510-43-M

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### Privacy Act of 1974; Systems of Records Notices

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice to add records systems (NARA 35 and NARA 36).

**SUMMARY:** The National Archives and Records Administration (NARA) proposes to add two system of records notices to its existing inventory of records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. In this notice, NARA publishes NARA 35, Case Management and Reporting System (CMRS), and NARA 36, Public Transportation Benefit Program Files for comment.

**EFFECTIVE DATES:** The establishment of new systems NARA 35 and 36 will be effective without further notice on December 16, 2002, unless comments received on or before that date cause a contrary decision. If changes are made based on NARA's review of comments received, a new final notice will be published.

**ADDRESSES:** Send comments to the Privacy Act Officer, Office of General Counsel (NGC), Room 3110, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD, 20740-6001. You may fax your

comments to 301-837-0293. You may also comment via the Internet to [comments@nara.gov](mailto:comments@nara.gov).

**FOR FURTHER INFORMATION CONTACT:**

Ramona Branch Oliver, Privacy Act Officer, (301) 837-2024 (voice) or (301) 837-0293 (fax).

**SUPPLEMENTARY INFORMATION:** NARA last published a comprehensive set of Privacy Act notices in the **Federal Register** on April 2, 2002 (67 FR 15592). NARA is proposing to add NARA 35, Case Management and Reporting System, and NARA 36, Public Transportation Benefit Program Files, to its existing inventory of records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. NARA 35 covers persons who request information from or access to inactive military personnel, medical, and organizational records in the physical custody of the National Personnel Records Center (Military Personnel Records). NARA 36 covers the public transportation benefit program files, which contain information on NARA employees that is used to document the distribution of transportation subsidies. The notice for each of the two systems of records states the following:

- Name and the location of the record system;
- Authority for and manner of its operation;
- Categories of individuals it covers;
- Types of records that it contains;
- Sources of information in these records;
- Proposed "routine uses" of each system of records; and
- Business address of the NARA official who will inform interested persons of the procedures they must follow to gain access to and correct records pertaining to themselves. The Appendix B referenced in the proposed notices is found at 67 FR 15617.

One of the purposes of the Privacy Act, as stated in section 2(b)(4) of the Act, is to provide certain safeguards for an individual against an invasion of personal privacy by requiring Federal agencies to disseminate any record of identifiable personal information in a manner that assures that such action is for a necessary and lawful purpose, that

information is current and accurate for its intended use, and that adequate safeguards are provided to prevent misuse of such information. NARA intends to follow these principles in transferring information to another agency or individual as a "routine use", including assurance that the information is relevant for the purposes for which it is transferred.

Dated: October 4, 2002.

**John W. Carlin,**

*Archivist of the United States.*

Accordingly, we are publishing the proposed new systems of records notices as follows:

### NARA 35

**SYSTEM NAME:**

Case Management and Reporting System (CMRS).

**SYSTEM LOCATION:**

This automated system is located at the National Personnel Records Center (Military Personnel Records) in St. Louis, MO, and the National Archives and Records Administration in College Park, MD. The addresses for these locations are listed in Appendix B following the NARA Notices.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals covered by this system include persons who request information from or access to inactive military personnel, medical, and organizational records in the physical custody of the National Personnel Records Center (Military Personnel Records). Also covered are the subjects of these inactive records.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

CMRS files may include: Correspondence, including administrative forms used for routine inquiries and replies, between NARA staff and requesters; stored copies of frequently requested documents from individual Official Military Personnel Files (OMPF's); production and response time data used for internal reporting purposes; and databases used to respond to requests. These files may contain some or all of the following