

#### 4. Standby Power for Underground Components

a. Stationary components (infrastructure) should be capable of tracking persons underground during evacuation and rescue efforts, even upon loss of mine power. In many circumstances, the capacity to provide a minimum of 24 hours of continuous tracking operation after a power loss generally should be sufficient.

b. An individually-worn/carried tracking device (e.g., a tag) generally should provide a low power warning. To facilitate evacuation and rescue efforts, the individually-worn/carried tracking device generally should provide at least 4 hours of operation in addition to the normal shift duration (12-hour total minimum duration).

5. Capacity—Tracking system components (readers) must be capable of tracking the maximum number of persons, including visitors, expected to be in a coverage area.

6. Scanning rate—In order to provide timely and relevant information, the tracking system generally should be capable of updating (refreshing) location data at least every 60 seconds.

#### 7. Surface Considerations

a. The surface component of a tracking system should be located at the communication facility required under 30 CFR 75.1600–1 where a person is always on duty when miners are underground and should include a line-powered interface that can display the location of all miners underground. The person should be trained in the operation of the tracking system.

b. The surface tracking component should be equipped with standby power to ensure continuous operation in the event the line power is interrupted.

c. The tracking system interface should display the last known location of a miner when the tracking device is not communicating with the system.

d. Each miner should be uniquely identified.

e. Location data should be associated with a time stamp.

f. Location data should be stored for two weeks so that it will be available for evacuation and rescue of persons underground, as well as for accident investigations.

#### 8. Survivability

a. If system components must be installed in areas vulnerable to damage (such as in front of seals), protection against forces that could cause damage should be provided. For example, protection could be provided by installing enclosures in recessed areas, around corners, or other areas that reduce potential for damage, or routing

and protecting cables such that potential for damage is minimized.

b. Data storage should not be impacted by interruption of the data link between underground and surface components.

#### 9. Maintenance

a. The equipment manufacturer generally should provide a maintenance schedule and checklist to the mine operator.

b. The mine operator generally should:

i. Establish and follow a procedure to provide tracking during system or component failures in the event that an accident occurs before the failure can be corrected.

ii. Check the standby power and functionality of the system and the devices worn by the miner on a weekly basis as required by 30 CFR 75.512–2.

iii. Follow the manufacturer's maintenance recommendations.

#### Background

The MINER Act of 2006 included the following requirement for communications and tracking systems:

Not later than 3 years after the date of enactment of the Mine Improvement and New Emergency Response Act of 2006, a [n emergency response] plan shall, to be approved, provide for post accident communication between underground and surface personnel via a wireless two-way medium, and provide for an electronic tracking system permitting surface personnel to determine the location of any persons trapped underground or set forth within the plan the reasons such provisions can not be adopted. Where such plan sets forth the reasons such provisions can not be adopted, the plan shall also set forth the operator's alternative means of compliance. Such alternative shall approximate, as closely as possible, the degree of functional utility and safety protection provided by the wireless two-way medium and tracking system referred to in this subpart.

Since fully wireless communication systems technology is not currently available to mine operators, alternative means of compliance using partially wireless two-way communication is warranted.

In addition, the MINER Act requires:

Consistent with available technology and with the physical constraints, if any, of the mine, the plan shall provide for above ground personnel to determine the current, or immediately pre-accident, location of all underground personnel. Any system so utilized shall be functional, reliable, and calculated to remain serviceable in a post-accident setting.

As of the date of this PPL, electronic tracking is available and MSHA approved. As technological advances are made and become available, MSHA

will update this guidance, and District Managers will review existing Emergency Response Plans to consider the manner in which intervening advances in electronic tracking systems may enhance miners' ability to evacuate or otherwise survive in an emergency.

#### Authority

Section 316 of the Federal Mine Safety and Health Act of 1977, as amended, 30 U.S.C. 876; 30 CFR part 23 and 75.1600.

#### Filing Instructions

This program policy letter should be filed behind the tab marked "Program Policy Letters" at the back of Volume II of the Program Policy Manual.

#### Internet Availability

This program policy letter may be viewed on the World Wide Web by accessing the MSHA home page (<http://www.msha.gov>) and choosing "Compliance Info" and "Program Policy Letters." A list of MSHA-approved two-way communications systems and a list of MSHA-approved electronic tracking systems may be found at <http://www.msha.gov/techsupp/PEDLocating/MSHAApprovedPEDproducts.pdf>.

#### Issuing Offices and Contact Persons

MSHA, Approval and Certification Center, David Chirdon, (304) 547–2026, E-mail: [chirdon.david@dol.gov](mailto:chirdon.david@dol.gov). Coal Mine Safety and Health, Salwa El-Bassioni, (202) 693–9525, E-mail: [el-bassioni.salwa@dol.gov](mailto:el-bassioni.salwa@dol.gov).

#### Distribution

MSHA Program Policy Manual Holders;  
Manufacturers of Mining Equipment and Mine Equipment Repair Facilities;  
Miners' Representatives;  
Underground Mine Operators;  
Underground Independent Contractors;  
Special Interest Groups.

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA–2008–0049]

### Hazardous Waste Operations and Emergency Response (HAZWOPER); Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Request for public comment.

**SUMMARY:** OSHA solicits comments concerning its proposal to extend OMB approval of the information collection requirements contained in the Standard on Hazardous Waste Operations and Emergency Response (HAZWOPER) (29 CFR 1910.120). Section 126(e) of the "Superfund Amendments and Reauthorization Act of 1986" (SARA) (Pub. L. 99-499) which became law on October 17, 1986, required the Secretary of Labor, pursuant to Section 6 of the Occupational Safety and Health Act of 1970 (the Act), to promulgate standards for the safety and health protection of employees engaged in hazardous waste operations and emergency response. Section 126(b) lists 11 employee protection provisions that the Secretary of Labor had to include in OSHA's final standard. Those provisions require OSHA to address the preparation of various written programs, plans and records; the training of employees; the monitoring of airborne hazards; the conduct of medical surveillance; and the distribution of information to employees. The provisions also require the collection of information from employers engaged in hazardous waste operations and their emergency response to such operations. The final standard covers the provisions mandated in SARA.

**DATES:** Comments must be submitted (postmarked, sent, or received) by February 17, 2009.

**ADDRESSES:**

*Electronically:* You may submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

*Facsimile:* If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693-1648.

*Mail, hand delivery, express mail, messenger, or courier service:* When using this method, you must submit three copies of your comments and attachments to the OSHA Docket Office, Docket No. OSHA-2008-0049, U.S. Department of Labor, Occupational Safety and Health Administration, Room N-2625, 200 Constitution Avenue, NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

*Instructions:* All submissions must include the Agency name and OSHA

docket number (OSHA-2008-0049) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at <http://www.regulations.gov>. For further information on submitting comments see the "Public Participation" heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

*Docket:* To read or download comments or other material in the docket, go to <http://www.regulations.gov> or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the address below to obtain a copy of the ICR.

**FOR FURTHER INFORMATION CONTACT:**

Theda Kenney or Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N-3609, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-2222.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to

reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The Standard specifies a number of collection of information (paperwork) requirements. Each provision is described in detail in the Information Collection Request. Employers can use the information collected under the HAZWOPER rule to develop the various programs the standard requires and to ensure that their employees are trained properly about the safety and health hazards associated with hazardous waste operations and emergency response to hazardous waste releases. OSHA will use the records developed in response to this Standard to determine adequate compliance with the Standard's safety and health provisions. The employer's failure to collect and distribute the information required in this standard will affect significantly OSHA's effort to control and reduce injuries and fatalities. Such failure would also be contrary to the direction Congress provided in SARA.

**II. Special Issues for Comment**

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

**III. Proposed Actions**

OSHA is requesting that OMB extend its approval of the information collection requirements contained in the Standard on Hazardous Waste Operations and Emergency Response (HAZWOPER) (29 CFR 1910.120). OSHA is proposing to decrease the existing burden hour estimate for the collection of information requirements specified by the Standard from 1,235,602 hours to 1,199,205 hours. This decrease is primarily a result of a decline in the number of sites to be remediated. The Agency will summarize the comments submitted in response to this notice and will include this summary in the request to OMB.

*Type of Review:* Extension of a currently approved collection.

*Title:* Hazardous Waste Operations and Emergency Response (29 CFR 1910.120).

*OMB Number:* 1218-0202.

*Affected Public:* Business or other for-profits; not-for-profit organizations; Federal Government; State, Local, or Tribal Government.

*Number of Respondents:* 34,812.

*Frequency of Response:* On occasion.

*Average Time Per Response:* Varies from one minute (.02 hour) to maintain a certification record to 24 hours for initial employee training.

*Estimated Total Burden Hours:* 1,199,205.

*Estimated Cost (Operation and Maintenance):* \$3,111,762.

#### IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal; (2) by facsimile (FAX); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA-2008-0049). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693-2350 (TTY (877) 889-5627).

Comments and submissions are posted without change at <http://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the <http://www.regulations.gov> index, some information (e.g., copyrighted material) is not publicly available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office.

Information on using the <http://www.regulations.gov> Web site to submit comments and access the docket is available at the Web site's "User Tips" link. Contact the OSHA Docket Office for information about materials not available through the Web site, and for assistance in using the Internet to locate docket submissions.

#### V. Authority and Signature

Thomas M. Stohler, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 5-2007 (72 FR 31159).

Signed at Washington, DC, on December 5, 2008.

**Thomas M. Stohler,**

*Acting Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. E8-30063 Filed 12-17-08; 8:45 am]

**BILLING CODE 4510-26-P**

#### DEPARTMENT OF LABOR

##### Occupational Safety and Health Administration

[Docket No. OSHA-2008-0050]

##### Longshoring and Marine Terminal Operations; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Request for public comment; correction.

**SUMMARY:** The Occupational Safety and Health Administration (OSHA) published a document in the **Federal Register** on December 8, 2008, soliciting public comments concerning its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in OSHA's Standards on Longshoring (29 CFR part 1918) and Marine Terminal Operations (29 CFR part 1917). The document contains an incorrect OMB Control Number.

**FOR FURTHER INFORMATION CONTACT:** Theda Kenney, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N-3609, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-2222.

#### Correction

In the **Federal Register** of December 8, 2008 (73 FR 74527-74528), on page

74528, in the first column under "III. Proposed Actions," correct the line which reads: OMB Number: 1218-0106 to read: OMB Control Number: 1218-0196.

#### Authority and Signature

Thomas M. Stohler, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 5-2007 (72 FR 31159).

Signed at Washington, DC, on December 12, 2008.

**Thomas M. Stohler,**

*Acting Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. E8-30064 Filed 12-17-08; 8:45 am]

**BILLING CODE 4510-26-P**

#### DEPARTMENT OF LABOR

##### Occupational Safety and Health Administration

##### Maritime Advisory Committee for Occupational Safety and Health (MACOSH)

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** MACOSH membership, notice of.

**SUMMARY:** In accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended (5 U.S.C., App. 2), and after consultation with the General Services Administration, the Secretary of Labor announced on September 22, 2008, her intention to re-charter the Maritime Advisory Committee for Occupational Safety and Health (MACOSH) as being in the public interest (73 FR 54624). She signed the MACOSH charter on September 23, 2008, which, pursuant to FACA, will expire after two years on September 23, 2010. On November 12, 2008, the Secretary of Labor selected and approved 15 members to serve on the Committee. The Committee is diverse and balanced, both in terms of segments of the maritime industry represented (e.g., shipyard, longshoring and marine terminal, and fishing industries), and in the views or interests represented by the members. MACOSH will contribute to OSHA's performance of the duties imposed by the Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*).

**FOR FURTHER INFORMATION CONTACT:** For general information about MACOSH, contact: Joseph V. Daddura, Director,