

also does not include maintenance or service workers who do not work at a mine site for frequent or extended periods.

(h) *Mining operations* means mine development, drilling, blasting, extraction, milling, crushing, screening, or sizing of minerals at a mine; maintenance and repair of mining equipment; and associated haulage of materials within the mine from these activities.

(i) *New miner* means a person who is beginning employment as a miner with a production-operator or independent contractor and who is not an experienced miner.

(j) *Newly hired experienced miner* means an experienced miner who is beginning employment with a production-operator or independent contractor. Experienced miners who move from one mine to another, such as drillers and blasters, but who remain employed by the same production-operator or independent contractor are not considered newly hired experienced miners.

(k) *Normal working hours* means a period of time during which a miner is otherwise scheduled to work, including the sixth or seventh working day if such a work schedule has been established for a sufficient period of time to be accepted as the common practice of the production-operator or independent contractor, as applicable.

(l) *Operator* means any production-operator, or any independent contractor whose employees perform services at a mine.

(m) *Production-operator* means any owner, lessee, or other person who operates, controls, or supervises a mine under this part.

(n) *Task* means a work assignment or component of a job that requires specific job knowledge or experience.

(o) *We* or *us* means the Mine Safety and Health Administration (MSHA).

(p) *You* means production-operators and independent contractors.

[64 FR 53130, Sept. 30, 1999, as amended at 67 FR 38384, June 4, 2002]

§ 46.3 Training plans.

(a) You must develop and implement a written plan, approved by us under either paragraph (b) or (c) of this section, that contains effective programs

for training new miners and newly hired experienced miners, training miners for new tasks, annual refresher training, and site-specific hazard awareness training.

(b) A training plan is considered approved by us if it contains, at a minimum, the following information:

(1) The name of the production-operator or independent contractor, mine name(s), and MSHA mine identification number(s) or independent contractor identification number(s);

(2) The name and position of the person designated by you who is responsible for the health and safety training at the mine. This person may be the production-operator or independent contractor;

(3) A general description of the teaching methods and the course materials that are to be used in the training program, including the subject areas to be covered and the approximate time or range of time to be spent on each subject area.

(4) A list of the persons and/or organizations who will provide the training, and the subject areas in which each person and/or organization is competent to instruct; and

(5) The evaluation procedures used to determine the effectiveness of training.

(c) A plan that does not include the minimum information specified in paragraphs (b)(1) through (b)(5) of this section must be submitted to and approved by the Regional Manager, Educational Field Services Division, or designee, for the region in which the mine is located. You also may voluntarily submit a plan for Regional Manager approval. You must notify miners or their representatives when you submit a plan for Regional Manager approval. Within two weeks of receipt or posting of the plan, miners and their representatives may also request review and approval of the plan by the Regional Manager and must notify the production-operator or independent contractor of such request.

(d) You must provide the miners' representative, if any, with a copy of the plan at least 2 weeks before the plan is implemented or, if you request MSHA approval of your plan, at least two weeks before you submit the plan to the Regional Manager for approval. At

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mines where no miners' representative has been designated, you must post a copy of the plan at the mine or provide a copy to each miner at least 2 weeks before you implement the plan or submit it to the Regional Manager for approval.

(e) Within 2 weeks following the receipt or posting of the training plan under paragraph (d) of this section, miners or their representatives may submit written comments on the plan to you, or to the Regional Manager, as appropriate.

(f) The Regional Manager must notify you and miners or their representatives in writing of the approval, or status of the approval, of the training plan within 30 calendar days of the date we received the training plan for approval, or within 30 calendar days of the date we received the request by a miner or miners' representative that we approve your plan.

(g) You must provide the miners' representative, if any, with a copy of the approved plan within one week after approval. At mines where no miners' representative has been designated, you must post a copy of the plan at the mine or provide a copy to each miner within one week after approval.

(h) If you, miners, or miners' representatives wish to appeal a decision of the Regional Manager, you must send the appeal, in writing, to the Director for Educational Policy and Development, MSHA, 1100 Wilson Blvd., Room 2100, Arlington, Virginia 22209-3939, within 30 calendar days after notification of the Regional Manager's decision. The Director will issue a final decision of the Agency within 30 calendar days after receipt of the appeal.

(i) You must make available at the mine a copy of the current training plan for inspection by us and for examination by miners and their representatives. If the training plan is not maintained at the mine, you must have the capability to provide the plan within one business day upon request by us, miners, or their representatives.

(j) You must comply with the procedures for plan approval under this section whenever the plan undergoes revisions.

(k) The addresses for the EFS Regional Managers are as follows. Cur-

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rent information on the EFS organization is available on MSHA's Internet Home Page at <http://www.msha.gov>.

Eastern Regional Manager

Educational Field Services, National Mine Health and Safety Academy, 1301 Airport Road, Beaver, WV 25813-9426, Telephone: (304) 256-3223, FAX: (304) 256-3319, E-mail: EFS_EAST@MSHA.GOV

Western Regional Manager

Educational Field Services, P.O. Box 25367, Denver, CO 80225-0367, Telephone: (303) 231-5434, FAX: (304) 231-5474, E-mail: EFS_WEST@MSHA.GOV

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§ 46.4 Training plan implementation.

(a) You must ensure that each program, course of instruction, or training session is:

(1) Conducted in accordance with the written training plan;

(2) Presented by a competent person; and

(3) Presented in language understood by the miners who are receiving the training.

(b) You may conduct your own training programs or may arrange for training to be conducted by: state or federal agencies; associations of production operators or independent contractors; miners' representatives; consultants; manufacturers' representatives; private associations; educational institutions; or other training providers.

(c) You may substitute, as applicable, health and safety training required by the Occupational Safety and Health Administration (OSHA), or other federal or state agencies to meet requirements under this part. This training must be relevant to training subjects required in this part. You must document the training in accordance with § 46.9 of this part.

(d) Training methods may consist of classroom instruction, instruction at the mine, interactive computer-based instruction or other innovative training methods, alternative training technologies, or any combination of training methods.

(e) Employee health and safety meetings, including informal health and safety talks and instruction, may be credited under this part toward either