

DEPARTMENT OF LABOR**Mine Safety and Health Administration****Public Input in Development of Program Policy Letters; Withdrawal of Program Policy Letters**

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: The Mine Safety and Health Administration (MSHA) is inaugurating a process to voluntarily solicit public comment on certain draft policy statements before the statements are final. MSHA also announces the withdrawal of the following Program Policy Letters (PPL): PPL No. P94-IV-2, First Aid Training For Selected Supervisors; PPL No. P94-IV-4, Ventilation Plan; and PPL No. P94-IV-5, Examination of Working Places.

FOR FURTHER INFORMATION CONTACT: Marvin Nichols, Administrator for Coal Mine Safety and Health, 703-235-9423, or Vernon Gomez, Administrator for Metal and Nonmetal Mine Safety and Health, 703-235-1565.

SUPPLEMENTARY INFORMATION:**Public Input in Program Policy Letters**

MSHA updates its policies for enforcement of safety and health regulations through Program Policy Letters. These Program Policy Letters are not regulations and impose no new regulatory requirements. The Program Policy Letters are Agency interpretations of what existing MSHA regulations require and explain how regulations work or apply. Program Policy Letters are used by MSHA and the mining community, including mine operators, miners, and equipment manufacturers, as guidance in determining how best to comply with MSHA safety and health regulations. Once adopted, the policy statements are published in the MSHA program policy manual and given wide distribution both within the Agency and in the public.

The mining community has expressed concerns about MSHA's process for interpreting mandatory standards. MSHA believes that compliance may be improved if the interested public has the opportunity to provide input and so participate in the development of policy.

Accordingly, MSHA is announcing a new process to voluntarily solicit public comment on certain draft Program Policy Letters. MSHA will publish a Notice in the **Federal Register** explaining the need for the draft policy statement and requesting public

comment on the designated draft policy. The public will have a reasonable period of time to comment. This period of time will allow persons time to formulate comments without impeding timely issuance of the policy statement. MSHA also will make efforts to notify interested persons such as company safety directors and miners' representatives directly. This will further assure that those individuals have the opportunity to comment on issues of immediate concern to them and provide MSHA useful feedback from the mining community at large. MSHA will also experiment with other methods of encouraging input from affected miners and operators including public meetings in the mining communities and use of local media outlets. MSHA will consider the public comments before taking final action on the policy statement.

MSHA emphasizes that it is not legally required to submit its draft policy statements for public comment. The Agency has determined as a matter of discretion that public participation in the policy setting process may be beneficial as discussed above. The Agency will select the new or revised Program Policy Letters that it considers appropriate for public comment. Policies which respond to safety and health emergencies or pertain to routine, non-controversial matters will not be considered for public comment. This new process is subject to change by the Agency as experience and circumstances dictate. This policy making process is not rulemaking; therefore, Agency decisions made pursuant to this process are not subject to judicial review under section 101(d) of the Federal Mine Safety and Health Act of 1977. When enforcement actions are taken consistent with a Program Policy Letter they are subject to review by the independent Federal Mine Safety and Health Review Commission.

Withdrawal of Program Policy Letters

In initiating the new process for public input to Program Policy Letters, MSHA is withdrawing three recent Program Policy Letters. These Program Policy Letters are PPL No. P94-IV-2 (30 CFR 56/57.18010—First Aid Training For Selected Supervisors), PPL No. P94-IV-4 (30 CFR 57.8520—Ventilation Plan), and PPL No. P94-IV-5 (30 CFR 56/57.18002—Examination of Working Places).

Two of those Program Policy Letters (First Aid Training for Selected Supervisors and Examination of Working Places) are the subject of notices soliciting public comment

elsewhere in this edition of the **Federal Register**.

Dated: February 16, 1995.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 95-4340 Filed 2-16-95; 4:31 pm]

BILLING CODE 4510-43-M

First Aid Training for Selected Supervisors

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: The Mine Safety and Health Administration (MSHA) is voluntarily requesting comments on a draft Program Policy Letter concerning first aid training for selected supervisors which is required by 30 CFR 56/57.18010.

DATES: Written comments must be submitted on or before April 10, 1995.

ADDRESSES: Send written comments to Administrator, Metal and Nonmetal Mine Safety and Health, 4015 Wilson Boulevard, Room 728, Arlington, Virginia 22203, Fax: 703-235-9173. Commenters are encouraged to send comments on a computer disk along with their original comments in hard copy.

FOR FURTHER INFORMATION CONTACT: Richard H. Judd, Mine Safety and Health Specialist, Metal and Nonmetal Mine Safety and Health, 703-235-8480.

SUPPLEMENTARY INFORMATION: MSHA updates its policies for enforcement of safety and health regulations through Program Policy Letters (PPLs). These PPLs are Agency interpretations of what existing MSHA regulations require; they are not new regulations. Therefore, PPLs do not impose new requirements, but explain or clarify how regulations work or apply in a particular situation. These PPLs are used by MSHA inspectors, miners, mine operators, and mining equipment manufacturers as guidance in determining how best to comply with MSHA regulations. Once adopted, the policy statements are published in the MSHA program policy manual and given wide distribution.

To increase public participation on selected draft PPLs, MSHA is voluntarily requesting comments and suggestions from the public, especially from people who would be directly affected by the PPLs. By this notice, MSHA is requesting comments on a draft PPL concerning first aid training for selected supervisors, as required by 30 CFR 56/57.18010. These standards were first promulgated as advisory standards in July 1969 and became