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REGULATIONS COMPILER

1 ENERGY AND ENVIRONMENT CABINET

2 Department for Natural Resources

3 Office of Mine Safety and Licensing

4 (Amendment)

5 805 KAR 7:060. Program approval.

6 RELATES TO: KRS 351.101, 351.102, 351.105, EO 2009-0538

7 STATUTORY AUTHORITY: KRS 351.102, 351.106

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 351.102 and 351.106 provide for
9 the establishment of a program of training and education of inexperienced underground and surface
10 coal miners. EO 2009 - 0538, effective June 12, 2009, abolishes the Environmental and Public
11 Protection Cabinet and establishes the new Energy and Environment Cabinet. This administrative
12 regulation establishes the procedure for public and private entities to submit training programs to
13 the Mining Board for approval.

14 Section 1. A training program for inexperienced miners shall be approved by the board if
15 the proposed program meets the criteria and objectives of 805 KAR 7:020, and the instructors
16 teaching the program have been certified by the Kentucky Department for Natural Resources
17 [~~Department of Mines and Minerals~~] and the U.S. Department of Labor, Mine Safety and Health
18 Administration.

19 Section 2. (1) A person who desires to provide a training program to inexperienced miners
20 shall submit the proposed training program to the Mining Board, P.O. Box 2244, Frankfort,
21 Kentucky 40602-2244, for review.

1 (2) The proposed training program shall contain the following information:

2 (a) [(1)] The address and location of the training facility to be used;

3 (b) [(2)] A description of the equipment and facilities to be used;

4 (c) [(3)] A list of the participating instructors;

5 (d) [(4)] The content areas in the training program for which each instructor shall be
6 responsible;

7 (e) [(5)] The approximate number of students per class;

8 (f) [(6)] The dates on which the training program will be conducted;

9 (g) [(7)] The name and address of the person responsible for the formulation and
10 implementation of the training program;

11 (h) [(8)] An outline of the proposed program showing how it meets the criteria and
12 objectives of 805 KAR 7:020;

13 (i) [(9)] A list of instructional material to be used including films or programmed material
14 and noting where such material will be used within the instructional sequence; and

15 (j) [(10)] A description of the instructional methods to be used throughout the program
16 including lecture-demonstration, personalized instruction, [~~instruction~~] and team-teaching.

17 Section 3. (1) Approval granted by the board in accordance with the provisions of this
18 administrative regulation shall be conditional upon the practical implementation of the training
19 program in a manner consistent with the criteria and objectives of 805 KAR 7:020.

20 (2) The department shall have the authority to monitor an approved program without prior
21 notice.

805 KAR 7:060 approved for filing.
Pages (1-2)

7/29/09

Date

Henry C. A. List

Henry C. A. List, Deputy Secretary
Signing for
Leonard K. Peters, Secretary
Energy and Environment Cabinet

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 23, 2009 at 10:00 A.M. (Eastern Time) at Conference Room D-16 of the Department for Natural Resources at #2 Hudson Hollow, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by September 16, 2009, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until close of business September 30, 2009. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Johnny Greene, Executive Director
Office of Mine Safety and Licensing
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Frankfort, KY 40601
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Email: Johnny.Greene@ky.gov

REGULATORY IMPACT ANALYSIS
AND TIERING STATEMENT

Administrative Regulation No.: 805 KAR 7:060
Contact Person: Johnny Greene, Executive Director

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedure for public and private entities to submit training programs to the Kentucky Mining Board for approval.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide information on the training of inexperienced miners and the approval of the training by the Kentucky Mining Board.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 351.106(1) requires the Mining Board to establish criteria and standards for a program of education and training to be required of prospective miners, miners, and all certified persons. This administrative regulation establishes the procedures for the public and private entities to submit training programs to the Kentucky Mining Board for approval.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 351.106(1) requires the Mining Board to establish criteria and standards for a program of education and training to be required of prospective miners, miners, and all certified persons. This administrative regulation details the procedures that public or private entities should go through and minimal criteria for training programs to be approved by the Kentucky Mining Board.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment will allow the same approval process for underground mining training programs to apply to surface mining training programs.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to set up minimum criteria for approval of the program for training inexperienced surface coal miners.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 351.106(1) requires the Mining Board to establish criteria and standards for a program of education and training to be required of prospective miners, miners, and all certified persons. This amendment allows for the same approval criteria to apply to surface miners as well as underground miners.

(d) How the amendment will assist in the effective administration of the statutes: The amendment extends the training program approval criteria to properly include surface miners. Previously this regulation only applied to underground miners.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect individuals that train underground miners in Kentucky. The amendment will also allow these same training approval criteria to apply to surface miners. Therefore it will apply to all those individuals that are deemed inexperienced miners regardless of whether they work at an underground mine or surface mine.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The amendments contained within the administrative regulation will not have an effect on underground mining. However, surface mining will need to submit training programs for approval as well as meet the minimum qualifications for a training program approval listed in Section 2 of this administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There are no costs associated with this administrative regulation to the entities listed in question (3).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The entities in question (3) will benefit by having an approved program to administer to those individuals in the surface mining industry.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no additional costs associated with the implementation of this amendment.

(b) On a continuing basis: There will be no additional costs associated with the implementation of this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: General Fund dollars will be used to fund this program.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will not be a need to increase funding to implement the amendments in this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This amendment does not create or increase any fees.

(9) TIERING: Is tiering applied? (Explain why or why not)

No. All individuals interested in surface mining training will receive the same training.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Admin. Regulation No. 805 KAR 7:060 Contact Person: Johnny Greene, Executive Director

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?

Yes X No

If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Office of Mine Safety and Licensing and the Kentucky Mining Board.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 351.106 authorizes the Mining Board to approve training programs for inexperienced miners. This administrative regulation extends that approval to include surface mines.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. This regulation will not significantly affect expenditures or revenues.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated by this administrative regulation.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated by this administrative regulation.

(c) How much will it cost to administer this program for the first year? The costs associated with this program are minimal.

(d) How much will it cost to administer this program for subsequent years? The costs associated with administering this program are minimal.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-): NA

Other Explanation: NA