

U.S. Department of Labor

Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, Virginia 22209-3939



May 6, 2008

Mr. Nathan Fetty
Appalachian Center for the
Economy and the Environment
P.O. Box 2260
Buckhannon, West Virginia 26201

Re: Freedom of Information Act Request Acknowledgement - Tracking No. 522129

Dear Mr. Fetty:

This letter is to acknowledge receipt on May 1, 2008, of your Freedom of Information Act (FOIA) request dated April 30, 2008, addressed to Mr. Richard Stickler, Acting Assistant Secretary for Mine Safety and Health. Your request has been assigned Tracking Number 522129. Please refer to this number in any future correspondence relative to your Freedom of Information Act request.

You have requested the following records:

1. Information about the new initiative to monitor the effectiveness of training programs, particularly:
 - (A) Records reflecting the new initiative's origin, scope, and anticipated duration;
 - (B) Records reflecting the measures MSHA has taken in monitoring training programs via this new initiative;
 - (C) Records reflecting the names, titles, and contact information of MSHA staff who have developed and/or who are administering this new initiative; and,
 - (D) Records which define or describe "effectiveness" as it relates to this monitoring program.
2. Copies of records demonstrating the manner, scope, and duration of MSHA's emphasis in regard to; "emphasizing that statutory rights training be included in new miner training."
3. Copies of records of citations, issued from January 1, 2006 to the present, issued to any operators in the United States for failure to provide adequate and meaningful statutory rights training and/or for training that is inconsistent with an MSHA-approved training plan.

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4. Copies of records of revocations of any and all instructors' approval from January 1, 2006 to the present.
5. Copies of records or compendium of records from January 1, 2006 to the present which demonstrate whether instructions were issued to MSHA personnel directing such personnel to issue citations for inadequate training.
6. Copies of records or compendium of records from January 1, 2006 to the present demonstrating that any and all MSHA's District Managers (both coal and metal/non-metal) were directed to withhold approval of or require changes to inadequate training programs.
7. Copies of records demonstrating that the agency believes "there are benefits to having operators provide statutory rights training." This should also include records or internal agency communiqué discussing the notion that there is a benefit to miners where operators provide statutory rights training.
8. Copies of records from January 1, 2006 to present demonstrating whether any MSHA district manager (coal and/or metal/non-metal) withheld approval of an operator's training plan or otherwise required changes where there were problems with materials, teaching methods, or other aspects of statutory rights training.

You also requested a fee waiver that we reviewed and made a determination to grant.

Based on the volume of records you requested, we estimate that you will receive a response within 60 days from the date of this letter.

Please note that FOIA applies to existing records and does not require agencies to conduct research or generate documents based on that research. The FOIA requires that agencies generally disclose records unless agencies are required to withhold requested records, either in whole or part due to one or more of the nine established exemptions.

For information about FOIA practices and procedures, please visit our website at www.msha.gov or visit the DOL website at www.dol.gov.

Sincerely,



Jeffrey A. Duncan
Director for Educational
Policy and Development