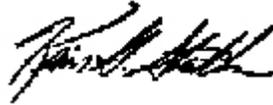


EFFECTIVE DATE: 02/04/08

EXPIRATION DATE: 03/31/10

PROCEDURE INSTRUCTION LETTER NO. I08-III-01

FROM: KEVIN G. STRICKLIN
Administrator for
Coal Mine Safety and Health



FELIX A. QUINTANA
Administrator for
Metal and Nonmetal Safety and Health



SUBJECT: Part 100 Safety and Health Conferences

Scope

This Procedure Instruction Letter (PIL) applies to all safety and health conferences held pursuant to 30 C.F.R. Part 100.6.

Purpose

To provide District Managers broad discretion in limiting the nature and number of safety and health conferences held.

Procedure Instructions

Until further notice, all safety and health conferences held pursuant to 30 C.F.R. Part 100.6 may be limited to unwarrantable failure and high negligence violations. All other violations may be conferenced at the discretion of the District Manager by the Conference Litigation Representative (CLR), or other MSHA personnel assigned to conduct Part 100 safety and health conferences. 30 C.F.R. Part 100.6(b) requires that "a conference request must be in writing and must include a brief statement of the reason why each citation or order should be conferenced."

Conference requests that have already been granted and which do not involve unwarrantable failure and high negligence in the violations should be cancelled. The citations shall be forwarded for assessment of a penalty.

Background

30 C.F.R. Part 100.6(a) allows MSHA to exercise its sole discretion in deciding whether to grant an operator's request for a safety and health conference on any citation or order issued. The procedures outlined in this PIL constitute an exercise of this discretion in an effort to give District Managers the appropriate flexibility to effectively manage the increasing CLR caseload.

Authority

The Federal Mine Safety and Health Act of 1977, as amended 30 U.S.C. § 801 et seq; 30 C.F.R. Part 100.6.

Filing Instructions

A copy of this PIL should be filed in the front of the Alternative Case Resolution Handbook.

Issuing Office and Contact Person

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Distribution

All MSHA Program Policy Manual Holders
All Underground Surface Mine Operators
Independent Contractors