

EFFECTIVE DATE: 10/20/06

EXPIRATION DATE: 03/31/08

PROCEDURE INSTRUCTION LETTER NO. I06-III-03

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SUBJECT: Revised Special Assessment Review Form

Scope

This procedure instruction letter applies to all Coal Mine Safety and Health and Metal and Nonmetal Mine Safety and Health enforcement personnel.

Purpose

The purpose of this instruction letter is to implement the use of a revised Special Assessment Review Form (SAR) to ensure that flagrant violations are appropriately identified and assessed in accordance with provisions in the Mine Improvement and New Emergency Response Act of 2006 (MINER Act). The new SAR includes check boxes at each signature level to designate whether or not a violation is considered to be flagrant.

The revised SAR also includes a statement indicating that it contains privileged information and should not be released without the prior consent of the Office of Assessments and/or the Office of the Solicitor. In addition, the new form will be a single sheet rather than the current multi-part document. It will be incorporated into the IPAL system at a future date.

Procedure Instructions

Begin using the revised Special Assessment Review Form immediately upon receipt. Inspectors, supervisors, Assistant District Managers/District Managers

must each mark the appropriate flagrant violation check box in their respective recommendation section of the form. The designation checked at the highest signature level will be the determining designation for the Office of Assessments. Make a copy for your files and mail the original form with the violation to the Assessment Center in Wilkes-Barre, Pennsylvania.

Printing and distribution of this form to each district office was expected by the middle of September 2006. Existing supplies may be used until then; however, the term “flagrant violation” must be written in the special assessment recommendation section at each signature level for any violation determined to be flagrant.

Background

With passage of the MINER Act, a civil penalty of up to \$220,000 may be assessed for a flagrant violation. A separate Procedure Instruction Letter will be issued to address the requirements and specific instructions regarding the determination of whether or not a violation is considered flagrant. That letter includes instructions to designate on the SAR whether or not the violation is flagrant. This Procedure Instruction Letter is being issued to institute use of a revised SAR that includes check boxes for that designation.

Authority

Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006.

Filing Instructions

This procedure instruction letter should be filed behind the tab marked “Procedure Instruction Letters” in the binder for Program Policy Handbooks and Procedure Instruction Letters.

Issuing Office and Contact Person

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Distribution

Coal, Metal and Nonmetal, and Assessments Program Policy Manual Holders