

Mine Safety and Health Admin., Labor

§ 104.5

(3) Submit a written request for a conference with the District Manager. The District Manager shall hold any such conference within 10 days of a request. The representative of miners at the mine shall be provided an opportunity to participate in the conference.

(4) Institute a program to avoid repeated significant and substantial violations at the mine. The District Manager may allow an additional period, not to exceed 90 days, for determining whether the program effectively reduces the occurrence of significant and substantial violations at the mine. The representative of miners shall be provided an opportunity to discuss the program with the District Manager.

(b) If the District Manager continues to believe that a potential pattern of violations exists at the mine, a report of the evaluation made under this part shall be sent to the appropriate MSHA Administrator. This report shall be submitted no more than 120 days from the notification to the operator and miners' representative under paragraph (a) of this section. Alternatively, in cases where no program to reduce S&S violations has been implemented at the mine, the report shall be submitted no more than 60 days from such notification. A copy of the report shall be provided to the mine operator and the miners' representative 10 days before the report is sent to the Administrator. Both parties will have 10 days from receipt of the report to submit written comments to the Administrator.

(c) Within 30 days of receipt of a report from a District Manager, the Administrator shall issue a decision as to whether the mine is to be issued a notice of a pattern of violations. A copy of the decision shall be provided to the mine operator and the representative of the miners.

(d) The mine operator shall post all notifications issued under this part at the mine. A notice of a pattern of violations shall remain posted at the mine until such notice is terminated under §104.5 of this part.

§ 104.5 Termination of notice.

(a) Termination of a section 104(e)(1) of the Act pattern of violations notice shall occur when an inspection of the entire mine by MSHA finds no significant and substantial violations or if no withdrawal order is issued by MSHA in accordance with section 104(e)(1) of the Act within 90 days of the issuance of the pattern notice.

(b) The mine operator may request an inspection of the entire mine or portion of the mine. No advance notice of the inspection shall be provided, and the scope of inspection shall be determined by MSHA. Partial mine inspections covering the entire mine within 90 days shall constitute an inspection of the entire mine for the purposes of this part.

PARTS 105-199 [RESERVED]