



September 25, 2014

BY HAND DELIVERY

Mr. Benjamin Kahrs
Health and Safety Manager
Alcoa World Alumina, LLC
Highway 35
Point Comfort, TX 77978

Dear Mr. Kahrs:

In accordance with Section 104(e) of the Federal Mine Safety and Health Act of 1977 (Mine Act) and 30 CFR Part 104, the Mine Safety and Health Administration (MSHA) has conducted a Pattern of Violations (POV) review for the 12 month enforcement period ending July 31, 2014 and of the accident and employment records for the 12 months ending June 30, 2014, for Alcoa World Alumina, LLC, Bayer Alumina Plant, Mine ID 41-00320. MSHA conducts a POV screening to assist MSHA in determining whether a POV designation is appropriate at a particular mine. If a mine receives notice of a POV, Section 104(e) requires all subsequent violations designated as Significant and Substantial (S&S) be issued as withdrawal orders, with all persons withdrawn from the affected area except those necessary to correct the violation. An operator can be removed from Section 104(e) sanctions if no S&S violations are found within 90 days of the POV Notice. Failing that, a POV designation can be terminated only after an inspection of the entire mine results in no S&S violations.

Bayer Alumina Plant meets the POV screening criteria. However, MSHA has decided to postpone issuing a POV Notice due to mitigating circumstances. In accordance with MSHA's POV regulation at 30 C.F.R. pt. 104 and MSHA's posted POV procedures, MSHA considered whether any mitigating circumstances exist, such as ownership or management changes; changes to the mine's operating status; implementation of a corrective action program (CAP); or other mitigating circumstances. In the case of the Bayer Alumina Plant, MSHA found mitigating circumstances sufficient to postpone issuing a POV Notice, pending the results of inspections through December 2014 to determine if, under its recently submitted CAP, the Bayer Alumina Plant maintains the reductions in S&S citations and orders it achieved after May, 2014. Specifically, MSHA decided to postpone issuance of a POV Notice because of the recent corrective actions and safety improvements the company has implemented and in the final quarter of the review period, the mine had a 41% reduction in its S&S violation rate.

If the Bayer Alumina Plant achieves an S&S violation frequency of 5.4¹ or fewer S&S issuances per 100 inspection hours during the period starting August 1, 2014 and ending December 31, 2014 MSHA will not issue a POV Notice during this POV review cycle.

If the mine does not achieve the S&S rate of 5.4 or fewer S&S issuances between August 1, 2014 and December 31, 2014, the Administrator for Metal and Nonmetal Mine Safety and Health will decide whether the Bayer Alumina Plant will be issued a Notice of a Pattern of Violations.

MSHA reserves the right to rescind this postponement and issue a POV Notice if there is a serious deterioration in safety at the mine.

Please contact me at (214) 767-8401 if you have any questions regarding this matter.

Sincerely,



Michael A. Davis
District Manager
Metal and Nonmetal Mine Safety and Health, South Central District

cc: Mr. Carlos Delgado
Miners' Representatives
United Steel Workers of America

¹ Bayer Alumina Plant was issued 10.83 S&S violations per 100 inspection hours during the 12-month review period. The violation frequency rate of 5.4 is a 50 percent reduction from the mine's rate during the 12-month review period.