



FEB 23 2012

The Honorable John Kline
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Kline:

Thank you for your letter dated November 30, 2011, in which you expressed concern about the Mine Safety and Health Administration's (MSHA's) process for transmitting technical reports to mine operators. This response is a follow up to the interim response I sent to you on December 7, 2011.

The responsibilities of MSHA's Directorate of Technical Support include conducting technical investigations requested by Coal and Metal and Nonmetal enforcement program areas. These investigations are primarily conducted to assist enforcement personnel in evaluating potential hazards encountered during mine inspections. The investigation reports may contain recommendations for operators to improve safety and health of miners.

MSHA agrees that these reports are important and the findings and recommendations for operators need to be transmitted to and discussed with mine management when they occur. MSHA has revised its procedures regarding the drafting and transmitting of these reports. The revised procedure in the enclosed Procedure Instruction Letter (PIL) has been distributed to all MSHA personnel, mine operators, and miners' representatives. We believe that the procedures in the PIL will ensure that Technical Support investigation findings are timely transmitted to mine operators.

Your letter referenced two reports. Regarding the Lucky Friday report, Technical Support performed an investigation at the Lucky Friday Mine in October 2008, at which time MSHA discussed the findings with the operator. MSHA cannot confirm that the report was received by the operator at the time of the investigation. The mine operator now has the report.

Regarding the 2003 UBB methane inundation, Technical Support did not conduct an investigation of the 2003 incident because Technical Support was not aware of the 2003 inundation until after it was asked to investigate an inundation in 2004. A report was written on the 2004 inundation at UBB, and we are unable to determine whether the report was received by the operator, as management of the Performance Coal Company and Massey Energy exercised their Fifth Amendment right and declined to be interviewed as part of the UBB accident investigation.

Every Coal and Metal and Nonmetal district office reviewed the MSHA technical reports in their files to determine whether any additional reports have not been transmitted to mine operators. This review revealed that Technical Support performed an investigation at the Galena Mine in October 2008, at which time MSHA discussed the findings with the operator. MSHA cannot confirm the report was delivered to the mine operator at the time of the investigation. The mine operator now has the report.

Thank you for your continued interest in mine safety and health.

Sincerely,

A handwritten signature in black ink that reads "Joseph A. Main". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

Joseph A. Main
Assistant Secretary of Labor for
Mine Safety and Health

Enclosure

U.S. Department of Labor

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



EFFECTIVE DATE: 02/16/2012

EXPIRATION DATE: 03/31/2014

PROCEDURE INSTRUCTION LETTER NO. I12-IV-01 and I12-V-01

FROM: KEVIN G. STRICKLIN

Administrator for
Coal Mine Safety and Health

NEAL H. MERRIFIELD

Administrator for

Metal and Nonmetal Mine Safety and Health

LINDA F. ZEILER

Director of Technical Support

SUBJECT: Transmittal of Technical Support Reports with Recommendations for Mine Operators

Scope

This Procedure Instruction Letter (PIL) applies to Mine Safety and Health Administration (MSHA) personnel who are responsible for the drafting and transmittal of technical support investigation reports.

Purpose

The responsibilities of MSHA's Directorate of Technical Support include conducting technical investigations requested by Coal and Metal/Nonmetal Mine Safety and Health (Coal and Metal and Nonmetal) enforcement personnel. These investigations are primarily conducted to assist enforcement personnel in evaluating potential hazards encountered during mine inspections. The investigation reports may contain recommendations for operators to improve safety and health of miners.

Procedure Instructions

Effective immediately, MSHA will implement the following procedures to ensure timely transmittal of recommendations from on-site technical support investigations to mine operators and miners' representatives.

1. Requests for Technical Support investigations will come from the District Manager or the Chief of Safety, Coal or Metal and Nonmetal to appropriate Technical Support Center Chief. The District Manager will notify the Chief of Safety when Technical Support assistance has been requested.
2. Immediately following a Technical Support investigation at a mine site resulting in recommendations for the mine operator, a close-out meeting will be held with mine management and the miners' representative to discuss the preliminary results.
3. Technical Support on-site investigation reports containing recommendations to the mine operator will be sent to the District Manager and the Chief of Safety, Coal or Metal and Nonmetal. The District Manager will transmit the report to the mine operator and miners' representatives. Delivery will be documented.
4. A copy of the report will be placed in the mine file.

Internet Availability

This PIL may be viewed on the Internet by accessing MSHA's home page at www.msha.gov then choosing "Compliance Info" and then "Procedure Instruction Letters."

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