



JUN 27 2016

MEMORANDUM FOR PATRICIA W. SILVEY

Deputy Assistant Secretary for Operations //
Mine Safety and Health

THROUGH:

KEVIN G. STRICKLIN [REDACTED]
Administrator for
Coal Mine Safety and Health

FROM:

THOMAS W. CHARBONEAU, [REDACTED]
Director, Office of Assessments

SUBJECT:

Office of Accountability Review, Coal District 3, McHenry,
Maryland, Field Office, and [REDACTED]
[REDACTED] ID No. [REDACTED]

Introduction

This memorandum summarizes the Office of Accountability's review of the subject district office, field office, and mine. This review included MSHA field activities; level of enforcement; conditions and practices at the mine; and MSHA supervisory and [REDACTED] managerial oversight. The accountability review also included evaluations to determine if there were any issues in areas commonly identified during Agency internal reviews of MSHA's actions following past mine disasters.

Purpose

The purpose of this accountability review is to determine whether MSHA enforcement policies, procedures, and guidance are being followed consistently; assess whether mission critical enforcement activities are accomplished effectively; and to evaluate and improve the overall performance of MSHA's enforcement program. The major outcome expected from the Office of Accountability review program is to identify potential or actual areas for improvement, and the subsequent implementation of effective corrective actions to address any identified issues.

Office of Accountability (OA) Specialists Jerry Kissell and Troy Davis conducted this review of Coal District 3 and the McHenry, Maryland Field Office, (FO) from [REDACTED]. This review focused on inspection activities during FY 2016. The review concentrated specifically on documentation of the regular E01 inspection, Event No. [REDACTED] conducted by the McHenry, Maryland FO of the [REDACTED] an underground coal mine.

Overview

This review of the District 3 McHenry, MD FO was conducted in accordance with the annual accountability review plan schedule. The [REDACTED] was selected for review because it has two working sections with expansive worked out areas, and had a significant and substantial (S&S) rate of 19 percent for FY 2015, which was lower than the McHenry FO, district and national S&S rates.

As a part of this review, the Review Team conducted a mine visit focusing on general mine conditions; whether conditions at the mine are commensurate with enforcement levels documented in the inspection reports reviewed; and to observe work practices at the mine site.

This accountability review revealed two issues or material weaknesses¹ that required corrective actions. The Team also identified some non-material issues² along with inspection best practices as described in the General Inspection Procedures Handbook (GIPH) during the review and a general outline of discussion points is included in an attachment to this memorandum.

¹ The Accountability Program Handbook, AH13-III-1, defines material weaknesses as those that, if left unaddressed, would likely result in continuing deficient operations, and are important enough to warrant a corrective action.

² According to the Accountability Program Handbook, non-material deficiencies are deficiencies identified during the reviews but are not determined to be material weaknesses. These non-material deficiencies should be discussed with management during the accountability review closeout conferences but do not need to be included as deficiencies in the accountability review reports.

Mine Visit

The Review Team accompanied the Acting Assistant District Manager (ADM), Acting FO Supervisor and an inspector to [REDACTED] on [REDACTED] as part of a Regular Safety and Health Inspection (E01).

The [REDACTED] is located in [REDACTED]. The mine employs approximately [REDACTED] miners working two ten-hour production shifts and one maintenance shift per day, five days per week. It has two active working sections that produce an average of [REDACTED] of raw coal daily. The mining process involves the use of Joy continuous mining machines; a Caterpillar continuous haulage system and shuttle car haulage. The coal is extracted using the room and pillar method. Coal is transported from the mine by conveyor belts to the surface, and then transported via over-the-road trucks to an off site preparation plant where it is prepared for shipment to the customer.

The inspection group traveled to the Mechanized Mining Unit (MMU) 001-0 located in the #5 panel of 1 North. The section was in the process of advancing the conveyor belt and section power at the time of the inspection. The mine visit included observations of the following: inspections of the working section; examinations of the working section and faces for imminent dangers; methane tests; air readings; ventilation; rock dusting and cleanup; roof and rib conditions; the communication and tracking system; the section belt tailpiece; a permissibility inspection of the Fletcher right side double boom roof bolting machine; inspection of the Joy continuous mining machine's methane monitor and proximity detection systems; an AL Lee 30 person refuge alternative for the working section and escapeway maps. The group also observed the inspector conduct safety talks with miners.

Outby inspections included the travelway from the portal to the MMU 001-0; signage; lifelines; outby self-contained self-rescuers (SCSRs) stored in the alternate escapeway; dates, times, and initials of required examinations; a portion of the primary escapeway; a portion of the alternate escapeway; the 5 North working section conveyor belt entry, belt drive and associated fire protection system; a functional test conducted on the Atmospheric Monitoring System (AMS) for early fire detection; a functional test of the communication and tracking system and visual observations of the belt conveyor entries incidental to traveling to the working section.

Surface areas included the mine examination records and postings; the check-in/check-out system; communication and tracking monitors; escapeway maps; and the inspector's pre- and post-inspection discussions with the operator. Three enforcement actions were issued to the mine operator during the mine visit.

Review Results

This accountability review revealed positive findings in the following areas:

- The inspectors consistently conducted and documented safety meetings with miners for the inspection report reviewed.

• [REDACTED]

The Review Team identified two issues or material weaknesses that required a Corrective Action Plan (See Attachment A for Checklist Items for corrective actions). The Team also identified some non-material weaknesses along with inspection best practices as described in the General Inspection Procedures Handbook (GIPH)³ during the review, and a general outline of discussion topics is included in Attachment D to this memorandum. These non-material weaknesses did not require a corrective action plan.

A corrective action plan from the District Manager addressing the identified issues is included and attached to this report. (See Attachment E)

The district, along with the Review Team, analyzed the findings identified during this review to determine the root causes of the noted issues. Checklist item 2 weaknesses was collectively a result of insufficient training and insufficient supervisory oversight/feedback to inspectors concerning the requirements to include both valid and voided dust samples for purposes of recording on Form 2000-22, and the lack of attention to detail in documenting ventilation plan discussions with miners. Checklist item 39 weaknesses was a result of inspectors' insufficient attention to detail and not recognizing all procedures required to be performed and documented, and insufficient supervisory oversight/feedback to inspectors regarding inspection procedure and documentation.

As a part of the review, enforcement levels of the mine and FO were compared with the district and national averages. The [REDACTED] had the following statistics:

- The mine had a S&S rate of 19 percent during FY 2015 compared to the FO S&S rate of 22 percent; a district S&S rate of 25 percent; and the national S&S rate of 25 percent.

This comparison of FY 2015 showed the S&S rate for the mine was lower than the average S&S rates of the FO, district and nation.

Based on the review of Event No. [REDACTED] discussions with FO personnel concerning the mine's intermittent operations; and observations during the mine visit, the Review Team determined that the enforcement levels for the [REDACTED] are [REDACTED] commensurate with existing mining conditions and work practices.

³ See Coal Mine Safety and Health General Inspection Procedures Handbook, PH13-IV-1, PREFACE for reference.

Attachments

- A. Office of Accountability Checklist
- B. Citations/Orders issued during this review
 - Citation No. [REDACTED] 75.204(c)(1)
 - Citation No. [REDACTED] 75.370(a)(1)
 - Citation No. [REDACTED] 75.604(b)
- C. Issues requiring a Corrective Action Plan
- D. Discussion Topics
- E. Corrective Action Plan

United States Department of Labor
Mine Safety and Health Administration
Office of Accountability

District Field Office Mine ID Date

Attachment A - Office of Accountability Checklist

1. Determine if complete and thorough E01 inspections are being conducted and/or if policy and procedures were properly followed.

Adequate Corrective Action Needed Comments Below

2. Determine if documentation for inspections is complete and thorough.

Adequate Corrective Action Needed Comments Below

See Attachment C

3. Determine if citations and orders issued during previous inspections were properly evaluated for gravity, negligence, level of enforcement, number of persons affected, and supported by documentation.

Adequate Corrective Action Needed Comments Below

4. Evaluate inspector/specialist examination of required record books and postings for compliance with applicable standards.

Adequate Corrective Action Needed Comments Below

5. Evaluate inspector/specialist examination of the operator's maps (on-site) for accuracy, escapeway locations, etc.

Adequate Corrective Action Needed Comments Below

6. Evaluate, upon arrival on the working section, inspector/specialist examination of all working faces for imminent dangers.

Adequate Corrective Action Needed Comments Below

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7. Evaluate the inspector/specialist observation of the work cycle and conditions on the working section during the review.

Adequate Corrective Action Needed Comments Below

8. Evaluate the inspector/specialist air quantity, quality, and gas checks during the review.

Adequate Corrective Action Needed Comments Below

9. Evaluate inspector/specialist examination of equipment electrical cables during the review.

Adequate Corrective Action Needed Comments Below

10. Evaluate inspector/specialist examination for permissibility during the review.

Adequate Corrective Action Needed Comments Below

11. Determine if previous E01 inspections include examinations of the condition and maintenance of conveyor belts, belt entries, belt drives, fire detection and suppression systems, and separation of belt entries from other air courses.

Adequate Corrective Action Needed Comments Below

12. Evaluate, during the review, the inspection of at least one set of seals, including methods for obtaining samples from sealed area.

Adequate Corrective Action Needed Comments Below

NA- seals were not inspected during the mine visit

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13. Determine if adequate close-out conferences are being conducted at the end of each inspection.

Adequate Corrective Action Needed Comments Below

14. Determine if Possible Knowing/Willful (PKW) Forms are documented and processed according to agency policy and procedures.

Adequate Corrective Action Needed Comments Below

15. Evaluate 103(i) spot inspection (E02) reports for the office/district being reviewed for compliance with agency policies and procedures, including compliance with time frames and separating E02 inspections from other events.

Adequate Corrective Action Needed Comments Below

16. Determine if Hazard Complaint inspections/investigations are being conducted according to policy and procedures.

Adequate Corrective Action Needed Comments Below

17. Determine if supervisors are monitoring inspector time and activity to ensure proper use of time, including off-shift and weekend work, by all inspectors.

Adequate Corrective Action Needed Comments Below

18. Determine if required Accompanied Activities (AAs); Field Activity Reviews (FARs) and supervisory follow-ups are being conducted and documented according to agency policy and procedures?

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19. Determine if a 104(d) tracking system is in place and being kept current at the office being reviewed.

Adequate Corrective Action Needed Comments Below

20. Determine if the Uniform Mine File books are being maintained and reviewed according to current agency policy and procedures.

Adequate Corrective Action Needed Comments Below

21. Determine if supervisors are thoroughly reviewing Uniform Mine Files at least annually?

Adequate Corrective Action Needed Comments Below

22. Determine if supervisors are visiting each active underground mine at least annually.

Adequate Corrective Action Needed Comments Below

23. Determine if all sections where retreat mining is occurring (not to include longwall mining) are being inspected at least monthly?

Adequate Corrective Action Needed Comments Below

24. Determine if documentation of staff meetings/safety meetings are effective and relevant to current issues and the Agency's mission.

Adequate Corrective Action Needed Comments Below

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Determine, after an in-mine visit, if approved plans (Ventilation, Roof Control, Training, Emergency Response Plan (ERP), etc.) are compatible with mining conditions and equipment.

25. Adequate Corrective Action Needed Comments Below

Determine if approved plans are being revised or updated to reflect changes in conditions and/or equipment.

26. Adequate Corrective Action Needed Comments Below

Determine if plan reviews are in compliance with current agency policy and procedures (performed within required timeframes, tracked from the date of submission, properly documented, and contain input from all affected departments and field offices).

27. Adequate Corrective Action Needed Comments Below

Determine if Assistant District Manager is conducting the required second level reviews and holding supervisors accountable for oversight of Field Activity Reviews and Accompanied Activities.

28.

Determine if district management personnel are reviewing work products and reports for accuracy and completeness.

29. Adequate Corrective Action Needed Comments Below

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Determine if District Managers, Assistant District Managers, and supervisors are conducting required mine visits and properly completing the required spreadsheet.

30. Adequate Corrective Action Needed Comments Below

Determine if District Manager is using discretion in granting conferences and monitoring the Alternative Case Resolution (ACR) program to ensure that all decisions (including upholding, modifying or vacating citations) are properly documented and justified by the Conference and Litigation Representatives (CLRs).

31. Adequate Corrective Action Needed Comments Below

NA – Not part of this review.

Determine if managers and supervisors are using standardized reports to review critical data relevant to inspections and investigations.

32. Adequate Corrective Action Needed Comments Below

NA – Not part of this review.

Determine if Districts are conducting reviews in compliance with agency policy and procedures including follow-up to determine the effectiveness of corrective actions.

33. Adequate Corrective Action Needed Comments Below

Determine if information (mine status, methane liberation, number of employees, etc.) is being entered into the MSHA Standardized Information System (MSIS) accurately and in a timely manner?

34. Adequate Corrective Action Needed Comments Below

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Determine if District Managers are using the Report Center to identify
35. overdue responses from operators and take appropriate actions.

Determine if a complete permissibility inspection of each longwall system is
36. being conducted by electrical specialists or inspectors who hold a current
MSHA electrical qualification card on at least an annual basis.
Adequate Corrective Action Needed Comments Below

Determine if a proper examination of the Atmospheric Monitoring System
(AMS) and/or AMS systems that operate Carbon Monoxide (CO) sensors
37. for the purposes of 75.1101 is being conducted. A complete inspection
includes those items in the Coal General Inspection Procedures Handbook
(GIPH) AMS checklist.
Adequate Corrective Action Needed Comments Below

Determine if SSIs are maintaining a memorandum detailing the reasons for
38. not conducting a special investigation when the district manager decides to
take no further action, in accordance with the Special Investigations
Procedures Handbook.
Adequate Corrective Action Needed Comments Below
NA – Not part of this review.

Determine if proper procedures for conducting, documenting, and
39. reviewing MSHA respirable dust surveys are being followed.
Proper documentation to include blue cards, 2000-86s, etc.
Adequate Corrective Action Needed Comments Below
See Attachment C

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District Field Office Mine ID Date

Determine if District Managers and Assistant District Managers are providing acting field office supervisors with the level of oversight necessary to manage their work groups on a temporary basis including an

40. online distance learning training course with a knowledge check for temporarily promoted supervisors. The guidance will be included in each District's Standard Operating Procedure (SOP) for training newly promoted field office supervisors.

[REDACTED]

United States Department of Labor
 Mine Safety and Health Administration
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District Coal District 3 Field Office McHenry, MD
Field Office Mine ID [REDACTED] Date [REDACTED]

Attachment B – Citations/Orders Issued During This Review

Mine Citation/Order U.S. Department of Labor
Mine Safety and Health Administration

Section I—Violation Data		
1. Date <small>Mo Da Yr</small>	2. Time (24 Hr. Clock)	3. Citation/Order Number
4. Served To	5. Operator	
6. Mine	7. Mine ID (Contractor)	
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

A roof bolt installed at the #4 block area of the #5 North panel travelway does not have a firmly installed bearing plate. Contact by mobile equipment has dislodged a roof bolt creating a 1" gap between the mine roof and the bearing plate.

See Continuation Form (MSHA Form 7000-3a) <input type="checkbox"/>			
9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.204(c)(1)

Section II—Inspector's Evaluation				
10. Gravity				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>				
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				D. Number of Persons Affected: 00
11. Negligence (check one): A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action: 104(a)		13. Type of Issuance (check one): Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action: A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>			E. Citation/Order Number	
15. Area or Equipment				

16. Termination Due	
A. Date <small>Mo Da Yr</small>	B. Time (24 Hr. Clock)

Section III—Termination Action	
17. Action to Terminate: The cited roof bolt was made to be (wedged) in firm contact with the mine roof.	

18. Terminated	
A. Date <small>Mo Da Yr</small>	B. Time (24 Hr. Clock)

Section IV—Automated System Data		
19. Type of Inspection (activity code): E01	20. Event Number	21. Primary or Mill
22. AR Name		23. AR Number

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 403 3rd Street, SW, MC 2120, Washington, DC 20415. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District Coal District 3 Field Office McHenry, MD
Field Office Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

U.S. Department of Labor
 Mine Safety and Health Administration



Section I--Violation Data

1. Date Mo Da Yr	2. Time (24 Hr. Clock)	3. Citation/Order Number
4. Served To	5. Operator	
6. Mine	7. Mine ID (Contractor)	
8. Condition or Practice		8a. Written Notice (103g)

The approved ventilation plan is not being followed in the #3 face of the 001-0 MMU. Ventilation curtain was observed to be rolled against the mine roof for a 20.5' distance from the fully bolted face. Page #3 of the approved ventilation plan states that the ventilation curtain will be maintained to within 10' of the face.

Standard 75.370(a)(1) was cited

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.370(a)(1)
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Section II--Inspector's Evaluation

10. Gravity:						
A. Injury or illness (has) (is)		No Likelihood <input type="checkbox"/>	Unlikely <input checked="" type="checkbox"/>	Reasonably Likely <input type="checkbox"/>	Highly Likely <input type="checkbox"/>	Occurred <input type="checkbox"/>
B. Injury or illness could reasonably be expected to be		No Lost Workdays <input type="checkbox"/>	Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/>	Permanently Disabling <input type="checkbox"/>	Fatal <input type="checkbox"/>	
C. Significant and Substantial:			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	D. Number of Persons Affected: 001	
11. Negligence (check one)						
A. None <input type="checkbox"/>		B. Low <input type="checkbox"/>	C. Moderate <input checked="" type="checkbox"/>	D. High <input type="checkbox"/>	E. Reckless Disregard <input type="checkbox"/>	
12. Type of Action 104(a)		13. Type of Issuance (check one)				
		Citation <input checked="" type="checkbox"/>		Order <input type="checkbox"/>	Safeguard <input type="checkbox"/>	Written Notice <input type="checkbox"/>
14. Initial Action			E. Citation/Order Number		F. Dated Mo Da Yr	
A. Citation <input type="checkbox"/>			B. Order <input type="checkbox"/>		C. Safeguard <input type="checkbox"/>	
D. Written Notice <input type="checkbox"/>						
15. Area or Equipment						

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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Section III--Termination Action

17. Action to Terminate: The ventilation curtain was dropped to provide ventilation to the #3 face.

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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Section IV--Automated System Data

19. Type of Inspection (activity code)	E01	20. Event Number	21. Primary or Mill
22. AR Name		23. AR Number	

MSHA Form 7000-3, Apr 66 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 403 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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 Mine Safety and Health Administration
 Office of Accountability

District Coal District 3 Field Office McHenry, MD
Field Office Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

U.S. Department of Labor
 Mine Safety and Health Administration



Section I—Violation Data

1. Date Mo Da Yr [REDACTED]	2. Time (24 Hr. Clock) [REDACTED]	3. Citation/ Order Number [REDACTED]
4. Served To [REDACTED]		5. Operator [REDACTED]
6. Mine [REDACTED]		7. Mine ID [REDACTED] (Contractor)

B. Condition or Practice

8a. Written Notice (103g)

The trailing cable supplying 480 volt power to the #2 Fletcher bolter, operating on the 001-0 MMU, is not effectively insulated and sealed so as to exclude moisture. The bolter's cable contains a damaged (separated) 7.5" long repair area with only a 1" length of plastic tape installed around the phase leads at one end. This condition has allowed visible water and dirt to be present through out the repaired area. A phase lead with in the repair was found with two 1/4" cuts in the inner insulation and the bolter operates in a wet mine environment. The operator immediately removed the bolter from service and began corrective actions.

Standard 75.604(b) was cited

- See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.604(b)
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Section II—Inspector's Evaluation

10. Gravity				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			D. Number of Persons Affected: 001	
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input checked="" type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action 104(a)		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>				E. Citation/Order Number
15. Area or Equipment				

16. Termination Due	A. Date Mo Da Yr [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
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Section III—Termination Action

17. Action to Terminate The cable's damaged area was repaired and properly sealed.

18. Terminated	A. Date Mo Da Yr [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
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Section IV—Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number [REDACTED]	21. Primary or Mill
22. AR Name [REDACTED]		23. AR Number [REDACTED]

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW, MC 2126, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

Attachment C – Issues requiring a Corrective Action Plan

Checklist item #2 - Determine if documentation for inspections is complete and thorough.

1. MSHA Form 2000-22 - Section 13 D was not completed correctly. The numbers of samples taken during the inspection were not accurately recorded. (Respirable Dust = 15 recorded; 22 samples taken)

Requirement: GIPH pages 2-13 and 14 states in part "Mine Activity Data Form (MSHA Form 2000-22). The Lead inspector shall complete and submit an MSHA Form 2000-22 as a cover page for all types of inspection or investigative activity reports... All items (boxes) must be filled out by entering either the appropriate information or by entering zeros (0)."

GIPH pages 2-16 and 17 states in part: "Item 13. Number of Samples Collected. This section summarizes the type(s) and total number of samples taken during the period covered by the inspection report."

- Item 13.d. Respirable Dust. Enter the total number of individual respirable dust samples collected, both valid and invalid.
2. Ventilation Plan discussions and knowledge checks for each MMU were not documented in the field notes. GIPH 3-59

Requirement: GIPH page 3-59 states in part "a general statement about the discussion held with a representative number of miners for each MMU inspected about current mining activities and conditions, and training with respect to the ventilation plans is adequate will suffice."

Checklist item #39 - Determine if proper procedures for conducting, documenting, and reviewing MSHA respirable dust surveys are being followed. Proper documentation to include blue cards, 2000-86s, etc.

The inspector did not conduct an examination of the dust control parameters approved in the ventilation plan for controlling respirable dust during roof bolting operations when sampling both MMUs for the [REDACTED]

- During the respirable dust sampling inspections for the MMUs the dry dust collection systems including the box, filters, vacuum pressures and air volumes required to be maintained in the working face where roof bolting is occurring were not measured or evaluated.

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Requirements: Coal Mine Health Inspection Procedures Handbook, PH89-V-1Page 1-27 item 14 states in part "At least twice during the sampling shift, the inspector will verify that all dust control parameters stipulated in the approved ventilation plan are in place and functioning properly."

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District Coa District 3 Field Office McHenry, MD Field Office Mine ID [REDACTED] Date [REDACTED]

Attachment D – Discussion Topics

Topics discussed with the district that do not require a corrective action plan are as follows:

- Documentation of Enforcement Actions – Justification of gravity determination– See Citation and Order Writing Handbook For Coal Mines and Metal and Nonmetal Mines, PH13-I-1(1), page 11-13; Coal Mine Safety and Health General Inspection Procedures Handbook, PH13-V-1 (GIPH), pages 2-19, 20 and 21.
- Inspection Tracking System (ITS) – The inspection of all in use and available for use haulage, mobile, and portable equipment should be documented and maintained in the ITS. Some equipment documented as inspected in the notes was not listed in the ITS. Also some equipment documented in the ITS as inspected was not documented in the inspection notes. See GIPH, pages 3-51 and 52.
Aircourses (including escapeways) - all aircourses required to be examined are not maintained in the ITS by name and identified with an intake or return designation. GIPH 3-41
- Tracking Map - Start/Stop points for aircourses examined on 12/9/15 are unclear as to the areas traveled. GIPH 3-42
Tracking map depicts 1 North Intake to have been inspected on 10/20/15 but no documentation provided in the field notes that this area was inspected on this date. GIPH 3-42
MMU # or section name not identified on the map GIPH 3-2
- SCSRs Inspection – The inspector inspected 22 M20 SCSRs (belt wearable) during the inspection reviewed. The [REDACTED] has approximately [REDACTED] miners employed. GIPH page 3-10 item 13 [REDACTED]
No documentation in field notes that a general discussion with a representative number of miners was conducted to ensure effective donning and usage training was provided. GIPH 3-17
- First Day Inspection Activities - Mine map not reviewed and mantrip operation was not observed on the first day of inspection. GIPH 3-3
- AMS system documentation - No documentation for the manufacturer and model of the system being used. GIPH 3-46
- Seals – No air quality measurement documented in the entry nearest each set of seals, immediately after the air passes the seals. GIPH 3-66 item 14

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District

Coal District 3

Field Office

McHenry, MD
Field Office

Mine ID



Date



- Methane Monitors on section equipment - No documentation in the field notes that the methane monitors were tested on the continuous mining machines. GIPH 3-65
- Travel with Examiners - No documentation in the inspection field notes as to the examiners name, area examined (pre-shift onshift 11/9; weekly 12/9). GIPH 3-8
- Training Records - No documentation in the inspection field notes that the training records were inspected the type and approximate number. The only reference to training records being inspected is the ITS. GIPH 3-19
- Aircourses - SE Mains intake air course in the belt / travelway entries (~2200') was not documented as inspected on the inspection tracking or in the field notes. GIPH 3-42
2nd Left Mains intake air course in the travelway entries (~1500') was not documented as inspected on the inspection tracking or in the field notes. GIPH 3-42
The inspection field notes do not identify each air course examined on 10/20/15; 12/8/15 and 12/9/15. GIPH 3-42
- Respirable Dust Surveys – Dust parameters measured while sampling exceeded 120 percent of the ventilation plan requirements. See Coal Mine Health Inspection Procedures Handbook, PH89-V-1; pages 1-25 and 26.
- Uniform Mine File (UMF) electronic – Diesel inventory not in UMF and one hazard complaint filed under wrong section.
- MSHA Report Center – Plans pending overdue report
- Ventilation Plan – The mine had recently started connecting the crosscuts between the active panel and the previously mined adjacent panel. This practice is not described in the currently approved ventilation plan.



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MSHA is in a phase of transition of going to the electronic tracking of PKWs- also the district was inputting a 2 year history and in the process had either misplaced or lost the three PKWs in question.

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Attachment E -- Corrective Action Plan

U.S. Department of Labor

Mine Safety and Health Administration
604 Cheat Road
Morgantown, West Virginia 26508



June 6, 2016

MEMORANDUM FOR TED SMITH

Supervisor, Office of Accountability

THROUGH:

KEVIN W. SPRICKLIN
Administrator
Coal Mine Safety and Health

FROM:

CARLOS T. MOSLEY
District Manager
Coal District 3

SUBJECT:

Proposed Corrective Actions

This is a response to the review conducted by the Office of Accountability from at the McHenry, Maryland Field Office and the . The results of your review identified two deficiencies, which are required to be addressed by this district.

Checklist item #2 - Determine if documentation for inspections is complete and thorough.

1. MSHA Form 2000-22 - Section 13 D was not completed correctly. The number of samples taken during the inspection was not accurately recorded. (Respirable Dust = 15 recorded; 22 samples taken)
2. Ventilation Plan discussions and knowledge checks for each MMU were not documented in the field notes. GIPH 3-59

• ROOT CAUSE:

The Item 2 deficiency was collectively a result of insufficient training and insufficient supervisory oversight/feedback to inspectors concerning the requirements to include both valid and voided samples for purposes of recording on Form 2000-22, and lack of attention to detail in the documentation of ventilation plan discussions with miners.

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Some confusion existed as to the requirements for including invalid or voided samples in the total count for reporting on Form 2000-22.

PROPOSED CORRECTIVE ACTIONS:

Top Staff and the supervisors will cover the Office of Accountability Audit findings in the staff meeting scheduled for May 2, 2016. The first line supervisors will cover the topics in their next regularly scheduled staff meeting. A separate attendance roster will be signed by all participants and a record of the training will be kept with the corrective actions. The training will be completed by the end of June 2016.

- OFFICE OR POSITION RESPONSIBLE FOR IMPLEMENTING THE CORRECTIVE ACTION(S):

The Staff Assistant will ensure that all ARs receive the training. The record will be maintained by the District Office.

- TIMEFRAME FOR COMPLETION OF EACH CORRECTIVE ACTION:

The training will be completed by the end of the 3rd Quarter of FY 2016 (June 2016).

- METHOD FOR DETERMINING SUCCESS:

Top Staff will conduct a focused review of two E01 inspections from each field office within the District for the 3rd Quarter of FY2016 to specifically determine if this previously observed deficiency has been corrected.

Checklist item #40 - Determine if proper procedures for conducting, documenting, and reviewing MSHA respirable dust surveys are being followed. Proper documentation to include blue cards, Form 2000-86s, etc.

The inspector did not conduct an examination of the dust-control parameters approved in the ventilation plan for controlling respirable dust during roof-bolting operations when sampling both MMUs for the

- During the respirable dust sampling inspections for the MMUs, the dry dust collection systems including the box, filters, vacuum pressures, and air volumes required to be maintained in the working face where roof bolting is occurring were not measured or evaluated.

- ROOT CAUSE:

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Date



Checklist Item 40 deficiency was collectively a result of inspectors insufficient attention to detail and not recognizing all items that need to be documented, and due to insufficient supervisory oversight/feedback to inspectors concerning inspection documentation.

- PROPOSED CORRECTIVE ACTIONS:

Top Staff and the supervisors will cover the Office of Accountability Audit findings in the staff meeting scheduled for May 2, 2016. The first line supervisors or members of the District Health Group will then cover the topics in their next regularly scheduled staff meeting. A separate attendance roster will be signed by all participants and a record of the training will be kept with the corrective actions.

- OFFICE OR POSITION RESPONSIBLE FOR IMPLEMENTING THE CORRECTIVE ACTION(S):

The Staff Assistant will ensure that all ARs receive the training. The record will be maintained by the District Office.

- TIMEFRAME FOR COMPLETION OF EACH CORRECTIVE ACTION:

The training will be completed by the end of the 3rd Quarter of FY 2016 (June 2016).

- METHOD FOR DETERMINING SUCCESS:

Top Staff or the Health Group Supervisor will conduct a focused review of two E01 events from each Field Office for the 3rd Quarter of FY2016 to specifically determine if this previously observed deficiency has been corrected.

A DESCRIPTION OF THE DOCUMENTATION THAT WILL DEMONSTRATE CLOSURE OF THE CORRECTIVE ACTION:

The District Manager will send a memorandum to Alfred L. Clayborne, Deputy Director, Office of Assessments, Accountability, Special Enforcement and Investigations through Ted Smith, Supervisor, Office of Accountability, upon completion and evaluation of the corrective actions. The memorandum will document the closure of the corrective actions for both deficiencies by including the training rosters and the results of the review of the E01s after the 3rd Quarter of FY2016.