

Appendix A – Program Area Responses

U.S. Department of Labor

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



MAR - 1 2012

MEMORANDUM FOR INTERNAL REVIEW TEAM

FROM:

JOSEPH A. MAIN
Assistant Secretary of Labor for
Mine Safety and Health

Signature

SUBJECT:

Corrective Actions Response to Recommendations of the
Internal Review Report

Please find attached the corrective actions that address the recommendations from the Mine Safety and Health Administration's (MSHA) internal review of the April 5, 2010 Upper Big Branch (UBB) mine disaster. They are from the Administrators of Coal Mine Health and Safety and Metal Nonmetal Health of Safety, and the Directors of Education and Policy Development, Technical Support, Program Evaluation and Information Resources, and the Office of Assessments, Accountability, Special Enforcement and Investigations. These are in addition to several actions already taken by MSHA following the UBB tragedy. Some recommendations directed to the Office of Assistant Secretary are addressed below.

MSHA Inspectors and Other Personnel

The internal review report recommended that the Assistant Secretary consider making some Educational Field Services (EFS) specialists authorized representatives (ARs) to assist Coal Mine Safety and Health (CMS&H) in inspecting training records and conducting additional Part 50 reporting and recordkeeping audits. Currently, these specialists do assist in conducting audits on a case-by-case basis. We will evaluate how the Agency can best conduct its Part 50 audits and evaluate training records.

In addition, the internal review report suggested that the Assistant Secretary develop a succession plan for the Agency, pointing out that succession planning is essential to ensure that MSHA is able to maintain a core of fully trained and experienced inspectors. We are currently developing a succession plan for the Agency to address staffing issues and have nearly finalized the plan. Staffing under the plan will be in accordance with Federal personnel regulations.

Directives System

The internal review identified that the MSHA's Directive System, originally designed to centralize the development and dissemination of Agency policy to its employees, was changed in 2002 and is not performing as originally intended.

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According to the Internal Review report, MSHA personnel do not have easy access to the most accurate and updated handbooks and policies, and the volume of information in the directives system exceed what an employee “could reasonably be expected to learn or retain.” The team made several recommendations to the Assistant Secretary to re-institute the original Directives System and improve its utility.

We have already made great strides on the recommendation related to an improved directives system. In a Memorandum dated July 21, 2010, I asked the Administrators for CMS&H and Metal and Nonmetal Mine Safety and Health to establish a detailed plan for the review of all of the policies and procedures inspectors must follow when conducting inspections. A plan was then put into place that has resulted in a draft of the General Coal Mine Inspection Procedures and Inspection Tracking System Handbook (Metal and Nonmetal Mine Safety and Health has established its own committee to revise all of the Metal and Nonmetal handbooks, including its general procedures handbook).

On January, 17, 2012, I created a task force to be overseen by the Deputy Assistant Secretary for Operations to begin the next phase of the project to review the draft coal mine enforcement handbook and develop an improved handbook for use by coal mine inspectors. The improved handbook will also include any additional procedure and policy changes identified by the internal review report. The task force has also been charged with identifying and developing changes to the Directives System’s Inspection Tracking System technology so that the handbook and forms included in the handbook interact in a seamless user-friendly fashion.

I have also assigned the Deputy Assistant Secretary for Operations the responsibility for developing a centralized administrative review process for updating and monitoring all of MSHA’s Directives and the Directives System so that MSHA’s enforcement and other personnel are well informed and MSHA programs operate in a fair and consistent manner. The administrative process will have procedures in place to monitor policy development, evaluate the program directives for need, consistency and impact on the Agency, and facilitate the activities of the policy coordinators from all MSHA programs.

Mine Rescue and Recovery

The internal review recommended that the Assistant Secretary convene a panel of mine experts to review mine rescue and recovery protocol to address lessons learned from the Upper Big Branch (UBB) disaster. On May 7, 2012, I am convening a two-day mine rescue summit at the MSHA Academy in Beckley, WV. Mine rescue experts from all sectors of the mining world have been invited and are expected to attend. The summit coincides with mine rescue competitions, so those participants can attend the summit as well. The goal of the summit is to provide information from all sectors about the latest improvements in mine rescue, to identify gaps in mine rescue response and preparedness, and to decide what further actions are needed to ensure that a swift and

comprehensive response occurs from government, industry and others when a mine emergency occurs.

The internal review report also recommended that MSHA require a “firewall” during rescue and recovery operations to prevent personnel who have had personal contact with family members from participating in command center decisions. As this recommendation is evaluated, other factors must be considered. Because MSHA, state agencies, mine companies, and miners’ representatives participate in mine emergency response, the need to provide an effective emergency response and ensure the legal rights of other entities must be weighed against any decision about participation in command and control decisions.

Rulemaking: MSHA will review the recommendations of the accident investigation and internal review teams in developing its response to regulatory recommendations. MSHA has finalized a rule to increase the minimum incombustible content of rock dust and has proposed rules on pattern of violations, respirable dust, and requiring mine operators to examine and take corrective actions for violations that they find.

In order to ensure that work on the corrective actions is proceeding in a timely matter, I will convene meetings, to occur at least monthly, to monitor the progress of the assigned program areas.

I want to thank the internal review team for conducting a thorough and extensive review. The information in the report will be invaluable as MSHA moves forward with its corrective actions to improve the Agency’s performance and safety and health of miners.

U.S. Department of Labor

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MAR -1 2012

MEMORANDUM FOR JOSEPH A. MAIN
Assistant Secretary of Labor for
Mine Safety and Health
Signature

THROUGH: PATRICIA W. SILVEY
Deputy Assistant Secretary for Operations

FROM: KEVIN G. STRICKLIN Signature
Administrator for
Coal Mine Safety and Health
Signature

NEAL H. MERRIFIELD
Administrator for Metal Nonmetal
Safety and Health

JEFFREY A. DUNCAN Signature
Robert Glatter
Director of Education Policy
And Development

JAY MATTOS Signature
Linda Weitershausen
Director of the Office of Assessments,
Accountability, Special Enforcement and
Investigations

SYED HAFEEZ Signature
Acting Director of Program Evaluation and
Information Resources

JEFFERY KRAVITZ Signature
Acting Director of Technical Support

SUBJECT: Upper Big Branch Internal Review Report

Consistent with Chapter 1200, Section 1262 of the Administrative Policy and Procedures Manual, attached please find a written summary (spread sheet) of the actions to be taken to correct any deficiencies identified in the internal review report. We acknowledge that improvements are needed, and based on the internal review recommendations, have identified specific areas where corrective actions are warranted.

Attachment

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Section	Recommendation	Corrective Action	Expected Completion Date
Section 103(a) Inspections	The Administrators for Coal and MNM should direct the revision of the Program Policy Manual to clarify MSHA's interpretation of the phrase "mine in its entirety at least four times a year as referenced by section 103(a) of the Mine Act.	Consistent with the Assistant Secretary's instructions to the Deputy Assistant of Secretary for Operations to develop a draft centralized administrative review process for Directives, the Program Policy Manual will be revised to clarify MSHA's interpretation of the phrase "mine in its entirety at least four times a year" as referenced in Section 103(a) of the Mine Act.	12/31/2013
Section 103(a) Inspections	<p>The Administrator for Coal should make the following revisions to the General Coal Mine Inspection Procedures and Tracking System Handbook:</p> <ul style="list-style-type: none"> • Define the salient parts of a regular inspection consistent with the requirements of subsections 103(a)(3) and (4) of the Mine Act. • Provide instruction on preparing ITS lists at the start of a regular inspection, and update them thereafter, to provide a complete list of salient items that need to be inspected. Inspection activities currently listed only in the Inspection Procedure Header Documentation tables should be incorporated into ITS lists in a manner that permits eliminating the former. The Handbook should explain that the purpose of the ITS includes planning and coordinating inspection activities, rather than proving their completion. • Provide instruction on obtaining, preparing, and maintaining regular inspection tracking maps. Inspectors should be directed to label MMUs and approved evaluation/measurement point locations on tracking maps. Inspectors should update the map to show the extent of mining when the MMU was inspected. Instruction to show the "extent of daily travels" on the map should be clarified to also direct inspectors to show travel start and stop points, the inspector's initials, and date of inspection. Where possible, the ITS should be streamlined to avoid duplication with the tracking map documentation. Line diagrams should not be used in lieu of tracking maps. • Define activities that ROE inspector trainees can perform at a mine before they receive their AR credentials. 	This is included the Evaluation of Enforcement Policies and Procedures directed by Assistant Secretary Main on July 21, 2010, which is well underway. All of the policies and procedures have been collected and identified, and during the week of January 17, 2012, Assistant Secretary Main created a Task Force to begin the next phase to be overseen by the Deputy Assistant Secretary for Operations. The next phase is the review of the draft handbook and the development of a final handbook for inspectors to use. The final handbook will also include any additional procedure and policy changes identified in the internal review report.	12/31/2012
Section 103(a) Inspections	The Administrator for Coal should revise the Coal Mine Safety and Health Supervisor's Handbook to address correction of inspection deficiencies identified after a fiscal quarter expires, so that salient inspection activities can be conducted four times a year. Supervisors should direct inspectors responsible for deficiencies to reopen regular inspections and complete deficient activities related to salient parts of regular inspections. Prior to implementation, the Administrator should consult with the Director of PEIR to ensure that other programs or computer-based oversight tools will not be adversely affected when regular inspections are reopened after the end of a fiscal quarter.	Consistent with the Assistant Secretary's instructions to the Deputy Assistant of Secretary for Operations to develop a draft centralized administrative review process for Directives, the Coal Mine Safety and Health Supervisor's Handbook will be revised to address correction of inspection deficiencies identified after a fiscal quarter expires, so that salient inspection activities can be conducted four times a year. CMS&H will consult with PEIR to ensure that other programs or computer-based oversight tools will not be adversely affected when regular inspections are reopened after the end of a fiscal quarter.	12/31/2013
Section 103(a) Inspections	Administrator for Coal should direct District 4 and 12 Managers to conduct follow-up reviews of inspection reports to evaluate the effectiveness of training provided and take appropriate corrective actions for any deficiencies identified.	This will be addressed during the April 2012 training for all coal inspectors and specialists, including D4 and D12 personnel. Training was also conducted in August and October 2011 for supervisors in all Districts regarding the review of inspection reports. Annual training will be scheduled for all new supervisors on a recurring basis.	4/30/2012

Section	Recommendation	Corrective Action	Expected Completion Date
Section 103(a) Inspections	Coal Mine Safety and Health and the Director of EPD to develop a training program for temporarily promoted supervisors to address pertinent parts of the Coal Mine Safety and Health Supervisor's Handbook. This training should include a knowledge check. Consideration should be given to utilizing distance learning options. In addition, guidelines should be developed for ADMs to provide the level of oversight necessary for work groups with inexperienced acting field office supervisors.	A. EPD is working with CMS&H to develop curriculum for a course for newly promoted or acting supervisors. The course will cover key material and responsibilities that individuals need to have as soon as possible after assuming a new supervisory position. This course will be developed and delivered online through the existing Distance Learning format and will contain knowledge checks. B. CMS&H will issue guidelines for ADMs to provide the level of oversight necessary for work groups with inexperienced acting field office supervisors.	9/30/2012
Section 103(a) Inspections	The Administrator for Coal should establish a procedure to update the list of records and postings contained in the General Coal Mine Inspection Procedures and Inspection Tracking System handbook when new regulations require the operator to maintain additional records or postings.	This is included the Evaluation of Enforcement Policies and Procedures directed by Assistant Secretary Main on July 21, 2010, which is well underway. All of the policies and procedures have been collected and identified, and during the week of January 17, 2012, AS Main created a Task Force to begin the next phase to be overseen by the Deputy Assistant Secretary for Operations. The next phase is the review of the draft handbook and the development of a final handbook for inspectors to use. The final handbook is also to include any additional procedure and policy changes as identified in the internal review report.	12/31/2012
Section 103(i) Spot Inspections	The Administrators for Coal and M&NM should direct the revision of the Program Policy Manual to address criteria for determining when section 103(i) inspection will be required for reasons other than methane liberation. Criteria should define when section 103(i) inspections are required at a mine where there exists "some other especially hazardous condition." The PPM also should be revised to define the degree of injury resulting from an ignition or explosion that would require section 103(i) inspections.	Consistent with the Assistant Secretary's instructions to the Deputy Assistant of Secretary for Operations to develop a draft centralized administrative review process for Directives, CMS & H and M/NM will revise the Program Policy Manual to address this issue.	12/31/2013
Section 103(i) Spot Inspections	The Administrator for Coal should collaborate with the Director of PEIR to revise the General Coal Mine Inspection Procedures and Inspection Tracking System handbook to: Include procedures for inspectors to use the IPAL to upload air sample collection data; Define when inspectors are to collect TL air samples consistent with guidance in the Coal Mine Safety and Health Supervisor's Handbook. In addition guidance should address sample collection timing with respect to coal production and major air changes; Define situations where more precise methods are to be used for measuring air velocity and provide instruction on how to take them; Include checks for compliance with 30 CFR 75.400 and 75.403 in the listing of inspection activities that can be conducted during section 103(i) spot inspections at mines selected for such inspections due to excessive methane liberation, methane hazards, or ignitions; and Direct inspectors to review each item on the Mine Information Form for completeness and accuracy during a regular inspection. This should include instructions for when and how to update the form.	This is included the Evaluation of Enforcement Policies and Procedures directed by Assistant Secretary Main on July 21, 2010, which is well underway. All of the policies and procedures have been collected and identified, and during the week of January 17, 2012, AS Main created a Task Force to begin the next phase to be overseen by the Deputy Assistant Secretary for Operations. The next phase is the review of the draft handbook and the development of a final handbook for inspectors to use. The final handbook is also to include any additional procedure and policy changes as identified in the internal review report that need to be included PEIR will collaborate with Coal to ensure that the General Coal Mine Inspection Procedures and Inspection Tracking System Handbook as well as the IPAL users guide include procedures for inspectors to upload air sample collection data into IPAL.	12/31/2012
Section 103(i) Spot Inspections	PEIR should complete revisions to IPAL to provide data-entry validation and permit inspectors to upload air sample collection data directly to the enterprise database for integration with the LIMS.	IPAL coding changes to upload air sample collection data has been completed. Union notification occurred on February 15, 2012. PEIR is awaiting Union acceptance to begin implementation of this IPAL modification.	3/31/2012

Section	Recommendation	Corrective Action	Expected Completion Date
Section 103(i) Spot Inspections	The Director of Tech Support will take the lead and collaborate with the Director of PEIR should complete planned upgrades to the National Air and Dust Laboratory to replace outdated equipment and computer systems and integrate the Laboratory Information Management System (LIMS) into the MSHA enterprise database.	Effective June 1, 2011, the management and operation of the National Air and Dust Laboratory (NADL) was transferred from CMS&H to Technical Support. It is being incorporated into the Pittsburgh Safety and Health Technology Center (PSHTC) as a new Division. This laboratory processes approximately 50,000 inspector rock dust samples for Total Incombustible Content (TIC) and 40,000 mine gas samples per year. The assigned goal is to decrease the turn-around-time (TAT) and eventually receive accreditation by a nationally recognized body. Currently, the staffing of the laboratory has been increased by 3 contract employees (an increase of 10 FTE is planned for FY-2012). New equipment has been procured and implemented to a limited extent. A local area network (LAN) was installed including a complete computer system upgrade. Through MSHA funding, a general upgrade to the physical site (space renovation, increased HVAC) has been designed by GSA, and construction is scheduled to begin in April 2012. The integration of the NADL data system, the Pittsburgh Laboratory Information System (LIMS), and MSHA's Standardized Information System (MSIS) is on-target and is consistent with the contemplated changes of MSIS for CMS&H. Further improvements to meet the assigned goals are dependent on the completion of the laboratory physical site upgrade which is targeted for Aug 2012.	12/31/2012
Use of Enforcement Authority Provided by Section 104 of the Mine Act	The Administrators should collaborate with the Associate Solicitor to revise the Citation and Order Writing Handbook for Coal Mines and Metal and Nonmetal Mines to provide a clear evaluation process for inspectors to determine gravity and negligence for each relevant item on the Mine Citation/Order Form. This direction should include definitions for each level of likelihood listed on the Form. The revised Handbook also should incorporate definitions for the levels of negligence that are consistent with those listed in 30 CFR Part 100 and clearly incorporate the meaning of "mitigating circumstances."	SOL guidance on this issue is pending. Once received, and consistent with the Assistant Secretary's instructions to the Deputy Assistant of Secretary for Operations to develop a draft centralized administrative review process for Directives, CMS & H and MNM will begin efforts to address these recommendations.	6/30/2013
Use of Enforcement Authority Provided by Section 104 of the Mine Act	The Administrators for Coal and M/NM should direct the revision of their general inspection procedure handbooks to move note-taking instructions related to enforcement actions to the Citation and Order Writing Handbook for Coal Mines and Metal and Nonmetal Mines. The Handbook should direct inspectors to document both facts necessary for evaluating compliance, gravity, and negligence and the logic for deriving conclusions from such facts. Inspectors should identify in their notes the records (specific to the record type, dates, and relevant information from such records) used as a factor to determine negligence for each violation.	This is included the Evaluation of Enforcement Policies and Procedures directed by Assistant Secretary Main on July 21, 2010, which is well underway. All of the policies and procedures have been collected and identified, and during the week of January 17, 2012, Assistant Secretary Main created a Task Force to begin the next phase to be overseen by the Deputy Assistant Secretary for Operations. The next phase is the review of the draft handbook and the development of a final handbook for inspectors to use. The final handbook is also to include any additional procedure and policy changes as identified in the internal review report that need to be included. M/NM has established a handbook committee to update and revise all handbooks, including its general inspection procedures. That handbook will be revised to address the issue of note-taking instructions.	12/31/2012
Use of Enforcement Authority Provided by Section 104 of the Mine Act	The Administrator for Coal should consider removing the Health/Safety/Other Block from the Mine Citation/Order Form. The Administrator also should consider revising the Citation and Order Writing Handbook for Coal Mines and Metal Mines to remove the direction for Coal inspectors to complete this field. The Director of PEIR should make corresponding changes to the IPAL data input screen.	CMS&H will consider this recommendation and if appropriate, work with PEIR to remove these blocks on the citation and order form.	9/30/2012

Section	Recommendation	Corrective Action	Expected Completion Date
Use of Enforcement Authority Provided by Section 104 of the Mine Act	The Administrator for Coal should direct the revision of the Coal Mine Safety and Health Supervisor's Handbook to provide supervisors with a list of fundamental procedures for reviewing enforcement actions. The Handbook should also direct assistant district managers to routinely review a representative number of enforcement actions for conformity to these procedures. Managers should review a representative number of extensions to citations to ensure that inspectors provide specific reasons for extending termination due times that give primary consideration to the health and safety of miners and are not for the convenience of the mine operator or MSHA.	Guidance will be provided to supervisors and managers through either face-to-face or VTC training on the proper review of inspection reports and enforcement actions. Key indicator reports are reviewed at the District and the HQ level on outstanding violations that are not abated. Managers at the district level will be trained to address extensions and assure that extensions are warranted. Consistent with the Assistant Secretary's instructions to the Deputy Assistant Secretary for Operations to develop a draft centralized administrative review process for Directives, CMS&H will revise the Coal Mine Safety and Health Supervisor's Handbook to provide supervisors with a list of procedures for reviewing enforcement actions.	9/30/2012 12/31/2013
Use of Enforcement Authority Provided by Section 104 of the Mine Act	The Director of Educational Policy and Development should direct the revision of training programs for citation and order writing as needed to reflect changes in policies and procedures. The training should be provided to all enforcement personnel, supervisors and managers. Knowledge checks should be used to determine the effectiveness of the training.	EPD will work with the Deputy Assistant Secretary for Operations to put a procedure in place ensuring that training programs for all enforcement personnel, supervisors and managers on citation and order writing incorporate in a timely fashion, all changes in new policies and procedures, including regulatory changes. EPD will also develop refresher on-line training for inspectors on citation and order writing. Knowledge checks will be used to determine the effectiveness of the training.	6/30/2013 7/31/2012
Use of Enforcement Authority Provided by Section 104 of the Mine Act	The Director of PEIR should direct modifications to IPAL to automatically insert the following statement into the Condition or Practice for each section 104(d) action: "This violation is an unwarrantable failure to comply with a mandatory standard."	IPAL will be modified to automatically insert text for section 104(d) violations with minimal development time.	3/31/2012
Assessment of Civil Penalties	SOL and the Administrators for Coal and Metal and Nonmetal should collaborate to revise the Citation and Order Writing Handbook for Coal and Metal and Nonmetal Mines to incorporate applicable provisions from PIL I08-III-02. The handbook should: define the term "substantial and proximate cause" and explain the inspector's role, if any, in the evaluation; Include instructions that clearly direct inspectors and specialists to complete a SAR form for each violation that meets the numbered objective criteria for screening potentially flagrant violations. The second scenario in the "Flagrant Citations and Orders" chapter of the Handbook should reference whether the example should be reviewed as a potentially flagrant violation; and direct inspectors and specialists to include a SAR form in the packet to be sent to the District Office for each violation meeting the objective flagrant criteria.	Consistent with the Assistant Secretary's instructions to the Deputy Assistant Secretary for Operations to develop a draft centralized administrative review process for Directives, CMS&H and MNM will work with SOL to issue a new Procedure Instruction Letter and the Citation and Order Writing Handbook will be revised to address this recommendation.	12/31/2013
Assessment of Civil Penalties	The Administrator for Coal should consult with the District Managers to determine whether additional staffing is sufficient to address section 110(c) special investigation demands, particularly at highly noncompliant mines.	The Administrator will consider more positions within the special investigations branch on an as needed basis as the budget allows.	6/30/2012

Section	Recommendation	Corrective Action	Expected Completion Date
Assessment of Civil Penalties	The Administrator for Coal and MNM should collaborate with SOL and the Director of the Office of Assessments, Accountability, Special Enforcement and Investigation (OAASEI) to revise Volume III of the Program Policy Manual to define a “potentially flagrant violation” using the numbered objective criteria referenced in the Citation and Order Writing Handbook for Coal and Metal and Nonmetal Mines; Add “potentially flagrant violations” to the list of violations that are required to be reviewed for special assessment. The matrix that follows the list also should be clarified to include potentially flagrant violations; Explicitly require that all SAR Forms for potentially flagrant violations be submitted to the Administrator along with supporting documentation, even if the District Manager does not recommend a flagrant violation special assessment because of the perceived absence of substantial and proximate cause or the presence of mitigating factors; include the Potential Flagrant Violations Not Assessed oversight report with reference to the Assessable Violations Not Marked Report (R 119 Report) for regular review by district personnel; update guidance on legal requirements for implementing assessments of flagrant violations, including whether repeat flagrant violations must be related to the same distinct hazard.	Consistent with the Deputy Assistant Secretary for Operations to develop a draft centralized administrative review process for Directives, Coal, MNM, OAASEI and SOL will collaborate to revise Volume III of the PPM to address flagrant violation issues in the internal review report. These revisions will include each of the five recommended changes enumerated in this recommendation.	12/31/2013
Proposed Assessment of Civil Penalties	The Administrators for Coal and Metal and Nonmetal, the Director of OAASEI, and the Director of PEIR should collaborate in developing a management tool to monitor the resources districts devote to special investigations.	Coal/MNM/OAASEI will collaborate with PEIR to develop a tool to monitor special investigation resources using the DOL-required System Design Lifecycle Management to process. Coal/MNM/OAASEI in consultation with PEIR will develop the business requirements and PEIR will develop the tool. Using data currently available in MSIS, reports and key indicators will be developed to monitor time and activity reported against special investigation events.	7/31/2012
Assessment of Civil Penalties	The Administrator for Coal should Direct Districts 4 and 12 managers to require their SSIs to prepare and maintain a memorandum detailing the reasons for not conducting a special investigation in cases where the district manager decides to take no further action, in accordance with the Special Investigations Procedures Handbook.	The CMS&H Administrator will instruct D4 and D12 to require their SSIs to prepare and maintain a memorandum detailing the reasons for not conducting special investigations.	4/30/2012
Enforcement of Section 103(a) of the Mine Act	The Administrators for Coal and Nonmetal should consult with the Office of the Solicitor to revise the Program Policy Manual to address actions by operators, their agents, or their employees that constitute advance notice of inspections for the purposes of section 103(a). The Manual explicitly should instruct that section 103(a) is violated when an operator impedes an inspection by giving advance notice of MSHA's presence on mine property to outlying surface and underground facilities, regardless of whether the inspection already has commenced or whether the inspector explicitly has warned the operator against providing such notice.	On August 26, 2010, MSHA issued PIB P10-15 to remind operators, miners’ representatives, MSHA personnel and other interested parties that Section 103 of the Mine Act prohibits advance notice. The Administrators will consult with SOL and instruct District Managers regarding advance notice of inspectors to address this recommendation. Consistent with the Assistant Secretary's instructions to the Deputy Assistant of Secretary for Operations to develop a draft centralized administrative review process for Directives, Coal will revise the Program Policy Manual to address actions that constitute advance notice of inspections.	6/30/2012 12/31/2013
Enforcement of 30 CFR 48.3	The Administrator for Coal should direct that District 4 and 12 managers reinforce MSHA policy and procedure concerning standards that can be cited as section 104(g)(1) training orders and on records that must be inspected to ensure that an operator is providing all required training.	This will be addressed during the April 2012 training of all coal inspectors and specialists, including D4 and D12 personnel.	4/30/2010

Section	Recommendation	Corrective Action	Expected Completion Date
Proposed Assessment of Civil Penalties	The Administrators for Coal and Metal and Nonmetal and the Director of OAASEI should revise the Program Policy Manual and the Special Investigations Procedures Handbook to be consistent with the procedures and instructions contained in the Citation and Order Writing Handbook for Coal and Metal and Nonmetal Mines pertaining to possible knowing and/or willful violation reviews. Instructions for completing MSHA Form 7000-20 should be included in the Citation and Order Writing Handbook for Coal and Metal and Nonmetal Mines.	<p>OAASEI will take the lead in revising the Program Policy Manual and Special Investigations Procedures Handbook to be consistent with the applicable sections of the Citation and Order Writing Handbook. In addition, OAASEI will revise MSHA Form 7000-20 and the instructions for completing the form and will work with Coal and MNM to include these instructions in the Citation and Order Writing Handbook.</p> <p>Consistent with the Assistant Secretary's instructions to the Deputy Assistant of Secretary for Operations to develop a draft centralized administrative review process for Directives, OAASEI will work with Coal and MNM will to include these instructions in the Citation and Order Writing Handbook. Consistent with the Deputy Assistant of Secretary for Operations development of a draft centralized administrative review process for Directives, Coal, MNM, OAASEI and SOL will revise Volume III of the PPM to address flagrant violation issues identified in the internal review report.</p>	<p>12/31/2012</p> <p>12/31/2013</p>
Enforcement of Section 103(a) of the Mine Act	The Administrators for Coal and Metal Non Metal should direct the revisions of their general inspection procedures handbooks to be consistent with the revisions to the Program Policy Manual regarding enforcement of 103(a).	<p>Coal's revisions to its general inspection procedures handbook is included the Evaluation of Enforcement Policies and Procedures directed by As Main on July 21, 2010, which is well underway. All of the policies and procedures have been collected and identified, and during the week of January 17, 2012, Assistant Secretary Main created a Task Force to begin the next phase to be overseen by the Deputy Assistant Secretary for Operations. The next phase is the review of the draft handbook and the development of a final handbook for inspectors to use. The final handbook is also to include any additional procedure and policy changes as identified in the internal review report that need to be included. MNM has established a handbook committee to update and revise its general inspection procedures handbook.</p> <p>Consistent with the Assistant Secretary's instructions to the Deputy Assistant of Secretary for Operations to develop a draft centralized administrative review process for Directives, Coal and MNM will take the lead to ensure that revisions to their general procedures handbooks are consistent with revisions to the Program Policy Manual.</p>	<p>12/31/2012</p> <p>12/31/2013</p>
Enforcement of 30 CFR 48.3	The Administrator for Coal should collaborate with EPD to update the training programs for entry-level and journeyman inspectors to emphasize the value of a purposeful examination of training records and to guide inspectors on how to effectively determine compliance with Part 48 and other training requirements. The guidance in CMH&S Memo No. HQ-08-055-A that directs inspectors to question miners on their training related to roof control plans and document such information should also be addressed in this training.	CMS&H will collaborate with EPD on enhancing inspector knowledge on training record examinations and compliance with other training requirements including Part 48. This will also be addressed during the April 2012 training for all coal inspectors and specialists, including D4 and D12 personnel and entry-level CMI training classes.	6/30/2012
Enforcement of 30 CFR 75.360, 362, 363, 364	The Administrator for Coal should direct the revision of the Coal Mine Safety and Health Supervisor's Handbook to require supervisors to check a representative number of examination books during Accompanied Activities to determine compliance with the mandatory safety standards pertaining to the recording of the results of pre shift, on shift and weekly examinations.	Consistent with the Assistant Secretary's instructions to the Deputy Assistant Secretary for Operations development of a draft centralized administrative review process for Directives, the Administrator for Coal will direct revisions to the Coal Mine Safety and Health Supervisor's Handbook regarding records review by supervisors of pre-shift, on-shift and weekly examinations.	12/31/2013

Section	Recommendation	Corrective Action	Expected Completion Date
Enforcement of 30 CFR 48.3	The Administrator for Coal should direct the District 4 and 12 Managers to develop and follow a process for ensuring that operators submit revised plans when requested, and taking appropriate enforcement actions when operators fail to do so.	This will be addressed during the April 2012 training for coal inspectors and specialists, including D4 and D12 personnel.	4/30/2012
Enforcement of 30 CFR 48.3	Educational Policy and Development should evaluate the feasibility of requiring a representative number of independent contractor training classes to be monitored by the Educational Field Services group. The Assistant Secretary should consider making some EFS specialists authorized representatives to assist in inspection of training records and establish protocol for coordinating with District Managers to provide these services when needed.	The CMS&H Administrator will issue a memo to District Managers requiring them to notify all operators and entities with approved training that annual and new miner training schedules must be provided to the Districts, 2 weeks prior to the training. The DMs will refer the training schedule notifications to EPD/EFS. EFS is developing procedures to ensure resources are made available to monitor a representative number of Part 48 approved instructors. EPD/EFS will monitor instructors, especially contract trainers, to ensure the training is appropriate and effectively delivered.	4/30/2012
Enforcement of 30 CFR 75.220(a)(1)	The Administrator for Coal should revise the General Coal Mine Inspection Procedures and Inspection Tracking Handbook to include a statement that approved plans for the first panel in a longwall district are often unique. Inspectors should review these plans carefully and focus on compliance with these requirements during inspections of longwalls.	Coal's revisions to its general inspection procedures handbook are included the Evaluation of Enforcement Policies and Procedures directed by Assistant Secretary Main on July 21, 2010, which is well underway. All of the policies and procedures have been collected and identified, and during the week of January 17, 2012, Assistant Secretary Main created a Task Force to begin the next phase to be overseen by the Deputy Assistant Secretary for Operations. The next phase is the review of the draft handbook and the development of a final handbook for inspectors to use. The final handbook is also to include any additional procedure and policy changes as identified in the internal review report that need to be included.	12/31/2012
Enforcement of 30 CFR 75.220(a)(1)	The Administrator for Coal should direct the revision of the Uniform Mine File Handbook to clarify what sections of the UMF that inspectors and specialists must review for a "limited inspection" as described in the handbook. At a minimum, the roof control and ventilation plans and any other plans pertinent to that inspection should be reviewed. This revision should also clarify what constitutes a "limited inspection" as described in the handbook. Note: The draft handbook has this provision in it but the provision could go in the UMF as well.	Consistent with the Assistant Secretary's instructions to the Deputy Assistant of Secretary for Operations to develop of a draft centralized administrative review process for Directives, the Uniform Mine File Procedures Handbook will be revised to clarify sections of the UMF that inspectors and specialists must review for a limited inspection. In the interim, the Administrator for CMS&H will instruct District Managers on what constitutes a limited inspection for review.	12/31/2013
Enforcement of 30 CFR 75.351 and 75.352	The Administrator for Coal should direct the committee revising the Carbon Monoxide and Atmospheric Monitoring Systems Inspection Procedures Handbook to identify the salient parts of an AMS or CO system inspection. The CO Handbook should describe how an inspector would conduct an inspection to address each salient part to determine the system is being operated and maintained in compliance with the appropriate safety standards. Any portions of the system inspection that require an electrical specialist attention should be clearly identified.	The Administrator for Coal will instruct the Committee to revise the AMS/CO Handbook to include the salient parts of an AMS or CO inspection, so long as this is consistent with the Assistant Secretary's instructions to the Deputy Assistant of Secretary for Operations to develop a draft centralized administrative review process for Directives.	6/30/2013
Enforcement of 30 CFR 75.400 and 75.403	The Administrator for Coal should revise the PPM for 30 CFR 75.400-2 to clarify that the cleanup program required by this standard also applies to methods for preventing accumulations of coal and coal dust on retreating sections, including longwalls. Policy should provide strategies for requiring operators to revise deficient cleanup programs or identify other enforcement incentives that can be used when operators fail to comply with their programs.	Consistent with the Assistant Secretary's instructions to the Deputy Assistant of Secretary for Operations development of a draft centralized administrative review process for Directives, the PPM for 75.400-2 and 75.402 will be revised to clarify issues relating to the clean-up program.	12/31/2013

Section	Recommendation	Corrective Action	Expected Completion Date
Enforcement of 30 CFR 75.360, 362, 363, 364	<p>The Administrator for Coal should collaborate with the Director of EPD to revise the curriculum at the National Mine Health and Safety Academy regarding inspection procedures for evaluating operator compliance with examination standards. The training should explain the purpose and utilization of an inspector's review of mine examination records. This training should be provided to entry-level inspectors, journeyman inspectors, specialists, supervisors and ADMs. The training should provide instructions on:</p> <ul style="list-style-type: none"> • Determining whether adequate examinations have been conducted; determining whether the operator has recorded in the examination book the specific corrective action taken to eliminate the hazard • Identifying incomplete records of examinations, including missing air quantities and air quality measurements. • Using examination records to aid in the enforcement of 30 CFR 75.360, 75.362, 75.363, and 75.364. • Traveling with and evaluating at least one preshift examiner, one on-shift examiner, and one weekly examiner during each regular inspection; • determining whether the operator conducted on-shift examinations of dust control parameters • Using examination records in the evaluation of operators' negligence for violations of other safety and health standards. 	Academy personnel, has for the past several months, been working on a revision of the curriculum concerning 75.364 to address the purpose and utilization of an inspector's and supervisor's review of mine examination records. The training will be included in the journeyman, specialist, supervisory and entry-level training.	8/31/2012
Enforcement of 30 CFR 75.400 and 75.403	The Director of Tech Support will take the lead and collaborate with the Administrator for Coal and NIOSH to develop a standard method for collecting a mine dust sample for operators and inspectors to use to determine compliance with 30 CFR 75.403. The Agency should consider recent research regarding sample collection methodology, including that related to sample depth and elevated surfaces.	Recent NIOSH research has suggested possible changes to the longstanding band sampling method which has historically been used by CMS&H. For instance, information has been presented in various NIOSH publications suggesting sampling of 1/8 to 1/4 inch from the mine floor. NIOSH has also mentioned possible plug samples as an alternative or supplement to band samples during recent discussions. Ultimately, the true measure of the validity of a sampling procedure is how well it correlates with explosion test results. This is information that only NIOSH can address through their extensive body of research, laboratory, and large-scale testing. The CMS&H Administrator will issue a memo to Technical Support requesting their assistance and guidance. Tech Support recommends that AS Main draft a letter to NIOSH to recommend an appropriate and practical rock dust sampling procedure and methodology for inspectors or operators to use which will ensure the proper detection of potentially hazardous conditions in underground coal mines.	6/1/2012
Enforcement of 30 CFR 75.1725(a)	The Administrator for Coal should direct revision to the Program Policy Manual to establish policy for determining compliance with 30 CFR 75.1725(a) as it relates to damaged or missing cutting bits, bit lugs, or bit lug inserts on continuous mining machines and longwall shearers.	Consistent with the Assistant Secretary's instructions to the Deputy Assistant of Secretary for Operations to develop a draft centralized administrative review process for Directives, the CMS&H Administrator will develop guidance to the District Managers determining compliance with 30 CFR 1725(a) as it relates to bits. The Program Policy Manual will be revised for 30 CFR 75.1725(a) as it relates to damaged or missing cutting bits, bit lugs, or bit lug inserts on continuous mining machines and longwall shearers.	12/31/2013

Section	Recommendation	Corrective Action	Expected Completion Date
Enforcement of 30 CFR 75.400 and 75.403	<p>The Director of PEIR should provide the following to enhance 30 CFR 75.403 enforcement and minimize rock dust data input errors:</p> <ul style="list-style-type: none"> • The RDSS and RDDR applications should be incorporated into IPAL and MSIS. • The Rock Dust Sample Submission Form and the MSHA enterprise database should be modified to include fields to document the location of the last row of samples collected during rock dust surveys. • Lab analysis reports should be modified to include surveys where no samples were submitted for analysis (e.g., all wet sample locations) to confirm data transfer. Such documents should be included in inspection reports, consistent with current MSHA inspection procedures, rather than Rock Dust Sample Submission Forms. • Standard oversight reports should be developed and distributed to headquarters, district, and field offices to monitor: <ul style="list-style-type: none"> ○ Rock dust surveys with no samples collected, including surveys containing all “No Sample” or “Wet” locations. ○ Sample collection rates from previously wet locations for each underground bituminous coal mine. ○ Non-compliant spot rock dust samples with no subsequent enforcement actions. This may require additional fields on the Rock Dust Sample Submission Form showing the purpose for collecting a spot sample (i.e., previously wet sample location, violation abatement sample, or compliance sample). 	<p>PEIR has been working diligently over the last eight months with Technical Support and Enforcement on this effort. The team is currently working to deploy Air Gas Samples within MSIS first as outlined by the stakeholders. PEIR is anticipating a deployment date for Rock Dust (including the Rock Dust Sample Submission Form) in MSIS in April 2013. PEIR estimates that the RDSS and RDDR applications will be implemented in IPAL April 2013. The standard oversight reports will not be developed until the above changes are implemented in MSIS and IPAL.</p>	8/15/2013
Enforcement of Electrical Standards	<p>The Assistant Secretary should instruct the Directors of EPD and Tech Support to develop and provide advanced technical training on longwall mining equipment. The training should be provided to MSHA regular inspectors who are qualified electricians and electrical specialists Agency-wide.</p>	<p>MSHA provides training to all entry-level coal inspectors on high voltage longwall equipment. Upon instructions from the Assistant Secretary, the Director of Technical Support will work with the Director of EP&D to develop and provide advanced technical training on longwall mining equipment for MSHA inspectors who are qualified electricians and electrical specialists. This training will be provided Agency-wide.</p>	9/1/2012
Enforcement of Electrical Standards	<p>The Administrator for Coal should revise the General Coal Mine Inspection Tracking System Handbook to direct electrical or permissibility inspections of longwall systems to be conducted by electrical specialists or inspectors who hold a current MSHA electrical qualification card.</p>	<p>This is included the Evaluation of Enforcement Policies and Procedures directed by As Main on July 21, 2010, which is well underway. All of the policies and procedures have been collected and identified, and during the week of January 17, 2012, Assistant Secretary Main created a Task Force to begin the next phase to be overseen by the Deputy Assistant Secretary of Operations. The next phase is the review of the draft handbook and the development of a final handbook for inspectors to use. The final handbook will also include any additional procedure and policy changes identified in the internal review report.</p> <p>The Administrator has directed inter-district training for CMIs from D4 and D12 to travel and inspect at other Longwall Districts. Training will be given to both electrical and non-electrical inspectors on how to conduct permissibility inspections on longwalls.</p>	12/31/2012

Section	Recommendation	Corrective Action	Expected Completion Date
Enforcement of Electrical Standards	The Administrator for Coal should collaborate with the Directors of EPD and Technical Support to provide refresher training for District 4 and 12 regular inspectors to assure that they have appropriate skills to ensure uniform recognition of existing electrical violations.	The CMS&H Administrator will request Technical Support and EPD assistance on refresher training on electrical violations. To be addressed during April 12, 2012 training for all coal personnel, including D4 and D12 personnel.	4/30/2012
Mine Plan Approvals	The Administrator for Coal should direct staff to audit the District 4 and 12 ventilation plans to determine whether the methane and dust control plans have been incorporated into the mine ventilation plans, subject to a single review date.	The Administrator for Coal will direct the safety division to conduct audits of the District 4 and 12 ventilation plans to determine whether the methane and dust control plans have been incorporated into the mine ventilation plans, subject to a single review date.	10/1/2012
Mine Plan Approvals	The Administrator for Coal should direct District 4 and 12 managers to provide inspectors and specialists with training to ensure that six-month reviews are conducted and documented in accordance with the Mine Ventilation Plan Approval Procedures Handbook. The District Managers should monitor the six-month reviews after the training is completed to verify its effectiveness and take follow-up corrective action if necessary.	This will be addressed during April 2012 training for all coal inspectors and specialists, including D4 and D12 personnel. Inspectors and specialists will also be provided training regarding the conduct and documentation of six-month reviews of ventilation plans.	4/30/2012
Mine Plan Approvals	The Administrator for Coal should direct the District 4 and 12 Managers to revise SOPs [should hold the ADM – Technical accountable] to ensure that both the Health and Ventilation departments contribute to the correspondence sent to mine operators after each six-month ventilation plan review.	SOP revisions will be completed by June 30, 2012 and follow-up will be addressed in the Performance Management System and Accountability Reviews.	6/30/2012
Mine Plan Approvals	The Administrator for Coal should direct the revision of the Program Policy Manual to provide guidance on when it is appropriate to cite an operator for a violation of 30 CFR 75.372(a) or (b) when it fails to submit an up-to-date and complete mine ventilation map. The Administrator should also direct the revision of the Mine Ventilation Plan Approval Procedures Handbook to implement the revised policy.	Consistent with the Assistant Secretary's instructions to the Deputy Assistant Secretary for Operations to develop a draft centralized administrative review process for Directives, the Mine Ventilation Plan Approval Procedures Handbook and the Program Policy Manual will be revised to provide guidance on when it is appropriate to cite an operator for a violation of 30 CFR 75.372(a) or (b) when it fails to submit an up-to-date and complete mine ventilation map.	12/31/2013
Mine Plan Approvals	The Administrator for Coal should direct revisions to the Program Policy Manual to apply reduced respirable dust standards including those from deactivated MMUs to other MMUs working in the same section of the mine with similar mining equipment, until sampling establishes a new standard.	The policy governing the establishment of MMU numbers contained in 70.207 will be modified to indicate that the respirable dust standard due to the presence of quartz will continue when equipment on the MMU is changed. This particular provision of the Program Policy Manual is being revised and is in the process for review and approval, subject to the Assistant Secretary's instructions to the Deputy Assistant Secretary for Operations to develop a draft centralized administrative review process for Directives.	6/30/2013
Mine Plan Approvals	The Administrator for Coal should direct revisions to the Mine Ventilation Plan Approval Procedures Handbook to specify that ventilation specialists conduct the physical inspection portion of the six-month ventilation plan reviews for mines with complex ventilation systems, such as those with longwall mining.	Consistent with the Assistant Secretary's instructions to the Deputy Assistant Secretary for Operations to develop a draft centralized administrative review process for Directives, the Administrator for Coal will direct revisions to the Mine Ventilation Plan Approval Procedures Handbook to specify that ventilation specialists conduct the physical inspection portion of the six-month ventilation plan reviews for mines with complex ventilation systems, such as those with longwall mining.	12/31/2013
Mine Plan Approvals	The Administrator for Coal direct staff to monitor the implementation of the new regulations to ensure Districts enforce the provisions of final rules within the effective dates specified.	The Administrator will direct staff to monitor the implementation of new rules/regulations through FARs, AA, Second Level reviews, and District Peer reviews.	4/30/2012

Section	Recommendation	Corrective Action	Expected Completion Date
Mine Plan Approvals	The Administrator for Coal should direct the revision of the Mine Ventilation Plan and Approval Procedures Handbook to require pertinent accident reports and technical studies to be maintained in the appropriate department active mine file to ensure that relevant historical information is available to specialists and supervisors. Consideration should also be given to including this information in the active mine file of other mines with similar seam and geological conditions.	The CMS&H Administrator will instruct districts to create a new file to include accident reports and technical studies and to retain these documents in the mine file as part of the mine ventilation plan and supplements reviews. Consistent with the Assistant Secretary's instructions to the Deputy Assistant of Secretary for Operations development of a draft centralized administrative review process for Directives, the Administrator for Coal will direct revisions to the Program Policy Manual regarding reduced respirable dust standards.	12/31/2013
Mine Plan Approvals	The Administrator for Coal should direct that training be provided to appropriate Coal personnel on the Agency policy requiring reduced standards on deactivated MMUs to be continued with newly-activated MMUs. The training should include instruction on the revised guidelines of the Mine Ventilation Plan and Approval Procedures Handbook.	Chapter 1 of the Health Inspection Procedure Handbook is being revised to (1) clarify the application of the reduced standards to MMUs and (2) clarify the abatement time for excessive dust citations. This requirement has been communicated to the districts multiple times during health supervisor meetings. Training will be provided to all District Health Supervisors on the 70.207 policy.	6/30/2013
Mine Plan Approvals	The Administrator should collaborate with the Director of EPD to provide instruction on bleeder system evaluations during biannual retraining of all underground enforcement personnel and supervisors.	<p>The CMS&H Administrator and the Director of EPD will collaborate on providing periodic retraining on bleeder system evaluations to Coal underground enforcement personnel, including supervisors and managers. Training will be provided for supervisors by October 2012 and all enforcement by July 2013.</p> <p>Seals and Bleeders training is part of the FY 2011-2012 Journeyman Coal Mine Inspectors curriculum and will be given to all Journeyman inspectors by the end of this fiscal year. Bleeder evaluation training is provided to all coal entry level inspectors in the Ventilation II course that is required prior to graduation from the program. Bleeder evaluation training will also be part of upcoming Coal Supervisors training, currently in development.</p>	<p>6/30/2013</p> <p>3/31/2013</p>
Mine Plan Approvals	The Administrator should direct that a Roof Control Plan Approval handbook be developed to consolidate the numerous PILs, PIBs, and CMS&H memoranda. This will provide plan reviewers with a discrete set of guidelines and instructions for evaluating and processing roof control plans. The handbook should specify that correspondence between the coal operators and plan reviewers be maintained as part of the plan approval record. This should include procedures for tracking responses due from operators following MSHA requests for plan revisions.	Consistent with the Assistant Secretary's instructions to the Deputy Assistant Secretary for Operations to develop a draft centralized administrative review process for Directives, CMS&H will develop, issue and implement a Roof Control Plan Approval Handbook to address this recommendation.	12/31/2013
Mine Plan Approvals	The Administrator should direct the District 4 and 12 managers that the roof control plan SOP be revised to comply with the established Program Policy Manual requirements as identified by the OIG Report.	The CMS&H Administrator will direct the D4 Manager (with instructions) to revise the roof control plan SOP to comply with the PPM requirements.	4/30/2012
Mine Plan Approvals	The Administrator should direct District 4 and 12 Managers to provide training to inspectors and specialists regarding the use of the required checklists and proper documentation of six-month plan reviews.	This will be addressed during April 2012 training for coal inspectors and specialists, including D4 and D12 personnel.	4/30/2012
Mine Plan Approvals	The Administrator should direct District 4 and 12 Managers to ensure that the six-month reviews of roof control plans for complex mines are conducted by roof control specialists as required. When deemed appropriate, complex mine plans should continue to be forwarded to Technical Support for evaluation.	PIL I11-V-01 provides instructions that the six-month reviews of roof control plans for complex mines are conducted by the roof control specialists as required, and that complex plans should be forwarded to Technical Support as appropriate for evaluation. This corrective action is completed.	N/A

Section	Recommendation	Corrective Action	Expected Completion Date
Mine Plan Approvals	<p>The Administrator for Coal should revise the Program Policy Manual to: Establish policy for 30 CFR 75.1716 to define the manner in which mine operators must provide notice to the district manager prior to the commencement of mining operations when planning to mine under any river, stream, lake or other body of water. The policy should also state that other body of water includes water pools in overlying mines.</p> <ul style="list-style-type: none"> Clearly state the Agency’s interpretation of “water pools above,” as referenced in 30 CFR 75.1200(j), by explicitly stating that the phrase “water pools above” includes water pools in overlying mines; Instruct district personnel to request that an operator identify pools of water in overlying mines where applicable when submitting mine ventilation maps; clarify the detail to be shown on mine ventilation maps to include elevations on 10-foot contours in overlying and underlying mines when elevations are available on overlying or underlying mine maps Direct district managers to exercise their authority under 30 CFR 75.1203 to require operators furnish a current 30 CFR 75.1200 mine map at the same time that the current mine ventilation map is submitted in accordance with 30 CFR 75.372(a)(1). Both maps should be updated as of the same date. 	<p>Consistent with the Assistant Secretary’s instructions to the Deputy Assistant Secretary for Operations to develop a draft centralized administrative review process for Directives, the Program Policy Manual will be revised accordingly.</p>	12/31/2013
Respirable Dust at Upper Big Branch Mine	<p>The Administrator for Coal should direct revisions to the PPM to: clarify when it is appropriate to establish a new MMU number, including situations when mining equipment is replaced with similar machinery. Policy should clearly explain procedures for assigning respirable dust standards when a new MMU is approved to account for the mine’s history of reduced respirable dust standards and expected geological conditions; Clarify application of 30 CFR 70.207(a) as it relates to the collection of bimonthly samples by mine operators and provide training on the revised policy. This policy should provide guidance on when an MMU has operated a sufficient number of days during the bimonthly period to warrant operator sampling; Establish criteria for determining abatement times for citations issued for exceeding respirable dust standards; and Provide consistent guidance between Section 1.103-4 and the Coal Mine Health Inspection Procedures Handbook; Revisions should clarify when MSHA will collect respirable dust samples on each operating MMU and state that invalid or voided samples do not meet this obligation.</p>	<p>CMS&H will modify Chapter I “Respirable Dust” in the Health Inspection Procedures Handbook to specify when MMU numbers may be changed and what historical information such as the reduced dust standard due to quartz must be continued even when a new MMU number is generated. In addition, consistent with the Assistant Secretary’s instructions to the Deputy Assistant Secretary for Operations to develop a draft centralized administrative review process for Directives, the PPM will be revised to clearly state the requirement to collect valid respirable dust sample as part of a complete inspection.</p>	6/30/2013
Respirable Dust at Upper Big Branch Mine	<p>The Administrator for Coal should direct revisions to MSHA Form 2000-142 to eliminate the reference “Headquarters Only” for Item 7C, and require the serial number of the mining machine(s) and an explicit reference to the section or location in the mine for each MMU to be recorded in the #11 (Remarks) field on the form. The Administrator for Coal should collaborate with EPD to provide training on revised policies for District Health Department Supervisors, Assistant District Managers-Technical, and other appropriate coal personnel. Training should also include procedures for using the revised MSHA Form 2000-142.</p>	<p>MSHA form 2000-142 will be modified in conjunction with the implementation of the new respirable dust computer system scheduled for release in March 2012. The setting of the standard due to percentage of quartz has been available since 1981 to the districts as noted in the instructions for completion of MSHA Form 2000-142. Form 2000-142 has been revised and is being shared with the NCFLL for approval.</p> <p>EPD through the Training Committee will work with CMS&H to ensure the Academy curriculum is up-to-date with all revised policies. Training being developed for potential supervisors will cover changes made based on revised policies.</p>	<p>5/30/2012</p> <p>7/31/2012</p>

Section	Recommendation	Corrective Action	Expected Completion Date
Respirable Dust at Upper Big Branch Mine	The Administrator for Coal should consider whether it is appropriate to store serial numbers and the section/location designations for each MMU in the MSHA enterprise database.	The new respirable dust computer system scheduled for release in March 2012 has a required field for specifying the location of the MMU.	3/31/2012
Respirable Dust at Upper Big Branch Mine	The Administrator for Coal should direct that training be provided to District 4 and 12 inspectors, specialists, supervisors, assistant district managers, and other appropriate personnel on proper procedures for conducting, documenting, and reviewing MSHA respirable dust surveys.	Training has been provided to all district health supervisors on the conduct, documentation and review of respirable dust surveys during multiple national health supervisor meetings. This will also be addressed during the April 2012 training for coal inspectors and specialists, including D4 and D12 personnel.	4/30/2012
Respirable Dust at Upper Big Branch Mine	The Director of PEIR should develop and implement a standard report to track abatement times for respirable dust violations, and the Administrator should direct the Health Division to use the report to monitor district performance.	PEIR will develop the requested report to track abatement times for respirable dust violations. The development is dependent on the successful Samples COBOL Conversion release to allow for the linkage of the sample and the violation. The Administrator for Coal will direct the health division to use the report to monitor district performance.	5/30/2012
Mine Rescue and Recovery	The Administrator for Coal with the assistance of the Chief of Mine Emergency Operations should modify the existing MERD program to train appropriate MSHA personnel in command center duties and responsibilities and established mine rescue protocols. This training should include: how to evaluate the level of acceptable risk to mine rescue teams using all available relevant information; the use of back-up and standby teams; systematic exploration, including "tying in" areas of the mine; communications between mine rescue teams and the fresh air base; re-ventilation of areas affected by explosions; use and evaluation of inert gases; and possible survivors in refuge alternatives.	The CMS&H Administrator will collaborate with the Chief of Emergency Operations to modify existing MERD training to address these recommendations and provide training to managers and supervisors.	11/31/2012
Mine Rescue and Recovery	The Administrators for Coal and MNM should direct revision of the Mine Rescue Instruction Guide to require a "firewall" to prevent personnel who have had personal contact with family members from participating in command center decisions.	CMS&H and MNM administrators will act according to the instructions of the Assistant Secretary in addressing the recommendation to MSHA to revise the Mine Rescue Instruction Guide.	N/A
Mine Rescue and Recovery	The Administrators for Coal and MNM should re-instruct family liaisons to keep a log of significant events. The Administrators should direct revisions revise the instructions in the Headquarters Mine Emergency Response Guidelines and The Accident/Illness Investigations Procedures Handbooks to clarify that notes should be recorded privately away from the areas where families are gathered and at a time that does not disrupt the interaction between the liaisons and the family members.	The CMS&H and MNM Administrators will reinstruct the Family Liaisons to keep a log of significant events and remind them of the handbook instructions.	7/31/2012
Management Issues	The Administrator for Coal should investigate and resolve issues surrounding double-encumbering temporarily vacant positions to maintain experienced staff of enforcement personnel.	The CMS&H Administrator concurs with this recommendation and will explore actions to improve timeliness of promptly filling DM and supervisory vacancies. Once vacancy announcements have been posted and closed, CMS&H will interview and fill vacancies prior to the expiration. However, the Administrator does not have the authority to double encumber.	Ongoing
Management Issues	The Administrator for Coal should direct the revision of the Coal Mine Safety and Health Supervisor's Handbook to instruct direct district managers and supervisors on methods for tracking FARs, AAs, and mine visits to ensure that they are properly completed and documented.	The CMS&H Administrator will instruct DMs to promptly complete and document oversight of the required number of FARs, AAs, and mine visits. Consistent with the Assistant Secretary's instructions to the Deputy Assistant Secretary for Operations to develop a draft centralized administrative review process for Directives, CMS&H will revise the Coal Mine Safety and Health Supervisor's Handbook.	12/31/2013

Section	Recommendation	Corrective Action	Expected Completion Date
103(a) Inspections/ Management Issues	Director of EPD should collaborate with the Administrators for Coal and MNM to improve tracking of retraining of inspectors and specialists. The Administrators should provide an annual report to the Assistant Secretary detailing compliance with this policy.	<p>EPD currently has a system to track retraining of inspectors and is working on updating the reports to better reflect the retraining inspectors receive at the Academy. Additionally, EPD will begin working on integrating input screens for use by Coal and MNM to track retraining conducted at other sites and certified by Coal and MNM. After these changes are completed reports on retraining will be available from one reporting system.</p> <p>The estimated completion date for integrating a common tracking system along with tracking journeyman training through the program areas is March 2013.</p>	<p>10/31/2012</p> <p>3/31/2013</p>
Management Issues	The Director of EPD should collaborate with the Administrators for Coal and Metal and Nonmetal to: revise the APPM to include issue OJT responsibilities guidance; Incorporate OJT responsibilities into journeyman inspector and supervisor training. Develop and develop and provide training for District OJT Coordinators; revise the OJT booklets to include only practical competency skills that need to be demonstrated in the field. The National Mine Health and Safety Academy should track the academic components of entry-level training; demonstration of OJT tasks should be tracked by field personnel.	Consistent with the Assistant Secretary's instructions to the Deputy Assistant Secretary for Operations to develop a draft centralized administrative review process for directives, EPD will collaborate with Coal and MNM to update the APPM to clarify the duties and responsibilities concerning OJT training. EPD is in the process of incorporating OJT responsibility training into both journeyman and supervisor training. EPD is implementing the electronic tracking of the OJT tasks and will re-train those individuals responsible for the execution of this program.	12/31/2013
Management Issues	<p>The Director of OAASEI should collaborate with the Administrators for Coal and Metal and Nonmetal to revise the Accountability Program Handbook to:</p> <ul style="list-style-type: none"> • Remove references to accountability reviews led by MSHA Headquarters. • Provide for evaluation of the effectiveness of corrective actions. Where practical, these evaluations should include objective measurements of results and effects of the corrective actions. In cases where training is identified as a corrective action, knowledge checks or equivalent means should be conducted to ensure an adequate understanding of the material. 	OAASEI will, in collaboration with Coal and MNM, revise the Accountability Handbook to remove references to MSHA Headquarters accountability reviews, replacing those reviews with those conducted by the Office of Accountability. The Handbook revisions will also contain requirements for Accountability Office reviews to evaluate the effectiveness of corrective actions taken to address previously identified issues.	90 days after Inspector General issues its report
Enforcement of 30 CFR Part 50	The Assistant Secretary should instruct the Director of EPD to provide resources to assist CMS&H conduct additional Part 50 audits. The Assistant Secretary should consider making some EFS specialists authorized representatives to enable them to conduct audits independently of coal inspectors.	EPD will continue to assist CMS&H conduct Part 50 audits on a case-by-case basis.	Ongoing
Enforcement of 30 CFR Part 50	The Administrator for Coal should direct the District 4 and 12 Managers to: reinstruct inspectors in the General Coal Mine Inspection Procedures and Inspection Tracking System Handbook directive to check and document checking Part 50 records during every regular inspection. The DMS should hold inspection supervisors accountable for enforcing compliance with the directive.	This will be included in the training that will be provided to all coal inspectors and specialists, including District 4 and 12 personnel in April, 2012.	4/30/2012
Recurring Issues Identified in Previous Internal Review Reports	In cases where training is identified as a corrective action knowledge checks or equivalent means should be conducted to ensure an adequate understanding of the material. In the "General Conclusion and Recommendations" section of this Report, the Internal Review Team has outlined an approach that could be used for evaluating the effectiveness of corrective action.	CMS&H, MNM and EPD will collaborate on developing an on-line training with knowledge checks.	9/30/2012

Section	Recommendation	Corrective Action	Expected Completion Date
Recurring Issues Identified in Previous Internal Review Reports	The Administrator for Coal should collaborate with the Director of OAASEI to provide a means for evaluation of the effectiveness of corrective actions for deficiencies identified in this report and in future accountability reviews. Where practical, these evaluations should include objective measurements of results and effects of the corrective actions. In cases where training is identified as a corrective action, knowledge checks or equivalent means should be conducted to ensure an adequate understanding of the material. In the "General Conclusions and Recommendations" section of the report, the Internal Review team has outlined an approach that could be used for evaluating the effectiveness of corrective actions implemented to address identified deficiencies.	OAASEI will, in collaboration with Coal and MNM, revise the Accountability Handbook to remove references to MSHA Headquarters accountability reviews, replacing those reviews with those conducted by the Office of Accountability. The Handbook revisions will also contain requirements for Accountability Office reviews to evaluate the effectiveness of corrective actions taken to address previously identified issues. OAASEI will address recommendations from the Office of the Inspector General's ongoing review of the Accountability Program.	90 days after the Inspector General issues its report
Recurring Issues Identified in Previous Internal Review Reports	The Assistant Secretary should direct the Office of Assessments, Accountability, Special Enforcement and Investigations to evaluate implementation of corrective actions resulting from internal reviews during each annual District Review.	OAASEI will take the lead and, in collaboration with Coal and MNM, will revise the Accountability Handbook to include a requirement for Accountability Office reviews to evaluate the effectiveness of corrective actions taken to address previously identified issues, including issues identified during both internal and accountability reviews. OAASEI will also address recommendations from the Office of the Inspector General's ongoing review of the Accountability Program.	90 days after the Inspector General issues its report
Section 103(a) Inspections	The Assistant Secretary should instruct the Director of PEIR to develop, to the extent possible, fillable forms to be used by inspectors when completing approved forms as part of an inspection or investigation. These fillable forms should be incorporated into the IPAL application to allow the inspector to interact with the directives system in a seamless, user-friendly fashion.	PEIR will modify IPAL will pre-populate data such as Event Number, Mine Id, Mine Name and Operator Name, etc. The following forms will be fillable: 2000-34 new, 2000-84 new, 2000-86, 2000-87, 2000-96, 2000-142 new, 2000-146, 2000-207 new, 2000-209, 2000-223, 4000-29, 4000-125a, 4000-127a, 7000-33 new, 7000-34 new, 7000-35 new, ATF Form 5030.5, and ATF Form 5400.5. The expected implementation date is dependent on Union notification and acceptance.	9/30/2012
Enforcement of 48.3/Mine Plan Approval	The Director of PEIR will collaborate with the Administrator of Coal to revise the Mine Plan Approval (MPA) database system to track operator responses to MSHA requests for plan revisions. The Administrator should direct district managers to use MPA to identify responses from operators and take appropriate actions.	The MPA application will be modified to track overdue responses. PEIR will work closely with Coal on further defining requirements for these revisions. The administrator will direct district managers to use Mine Plan Approval (MPA) to identify responses from operators and take appropriate actions.	8/3/2012
Enforcement of 30 CFR 75.351 and 75.352	The Administrator for Coal should also complete a revision of the General Coal Mine Inspection Procedures Handbook to identify those procedures outlined in the CO handbook that are to be completed during each regular inspection.	Coal's revisions to its general inspection procedures handbook is included the Evaluation of Enforcement Policies and Procedures directed by Assistant Secretary Main on July 21, 2010, which is well underway. All of the policies and procedures have been collected and identified, and during the week of January 17, 2012, Assistant Secretary Main created a Task Force to begin the next phase to be overseen by the Deputy Assistant Secretary for Operations. The next phase is the review of the draft handbook and the development of a final handbook for inspectors to use. The final handbook is also to include any additional procedure and policy changes as identified in the internal review report that need to be included.	12/31/2012
Enforcement of 75.400 and 75.403	The Administrator for Coal should direct that training be provided to supervisors on using standard oversight reports to ensure inspectors have valid reasons for not collecting samples, including visiting some areas that inspectors indicated were too wet to sample.	Training will be provided to supervisors on using standard oversight reports to ensure inspectors have valid reasons for not collecting samples, including visiting some areas that inspectors indicated were too wet to sample.	9/30/2012

Section	Recommendation	Corrective Action	Expected Completion Date
Mine Plan Approvals	The Administrator for Coal should direct the revision of the Uniform Mine File Procedures Handbook to require pertinent accident reports and technical studies to be maintained in the Uniform Mine File for the subject mine.	Consistent with the Assistant Secretary's instructions to the Deputy Assistant Secretary for Operations to develop a draft centralized administrative review process for Directives, the Uniform Mine File Procedures Handbook will be revised to require pertinent accident reports and technical studies to be maintained in the Uniform Mine File for the subject mine.	12/31/2013
Mine Plan Approvals	The Administrator for Coal should direct the District 4 and 12 Managers to revise the technical department SOPs to provide for the review of each proposed plan or revision by appropriate technical departments to check for consistency with other plans approved for the mine. A method for documenting this process should be established. These SOPs should direct specialists to maintain a record of all written correspondence with mine operators regarding proposed plan reviews, particularly regarding changes to proposed plans submitted by operators during the review process.	Coal has already directed District 4 and 12 managers to revise the technical department SOPs. Those revisions will be completed by June 30, 2012.	6/30/2012
Mine Plan Approvals	The Administrator for Coal should direct that training be provided to enforcement personnel, including supervisors and managers to apply the policy during inspection of haulage ventilation controls.	All coal inspectors will be trained to inspect ventilation controls when haulage entries are inspected paying particular attention to the maintenance of ventilation controls and including equipment doors are maintained reasonably airtight construction.	6/30/2012
Mine Rescue and Recovery	The Administrators for Coal and MNM should direct the revision the Mine Rescue Instruction Guide to require a "firewall" to prevent personnel who have had personal contact with family members from participating in command center decisions.	CMS&H and MNM administrators will address the recommendation to MSHA to revise the Mine Rescue Instruction Guide.	N/A