



MAY 17 2012

MEMORANDUM FOR PATRICIA SILVEY

Deputy Assistant Secretary for Operations /
Mine Safety and Health

(b) (6)

THROUGH:

KEVIN G. STRICKLIN
Administrator for
Coal Mine Safety and Health

(b) (6)

FROM:

JAY MATTOS
Director, Office of Assessments, Accountability,
Special Enforcement and Investigations

SUBJECT:

MSHA Office of Accountability Audit, Coal District 11 and the
Bessemer, Alabama Field Office, (b) (6)
(b) (6)

Introduction

This memorandum summarizes the Office of Accountability (OA) audit of the subject district office, field office, and mine. The audit included MSHA field activities, level of enforcement, conditions and practices at the mine, Field Activity Reviews (FARs), Accompanied Activities (AAs), MSHA supervisory and managerial oversight, and the district's technical division. The audit included evaluations to determine if there were any deficiencies in areas commonly identified during Agency internal reviews of MSHA's actions following past mine disasters.

Positive findings as well as issues requiring attention are included in this audit report.

Overview

This audit was conducted by Accountability Specialists Arlie A. Webb and Jerry J. Kissell from (b) (6). The (b) (6) accompanied the accountability specialists during this audit.

The audit team traveled with the inspection party to the mine on a 103(i) inspection (E02). Areas and activities examined included the primary escapeway, # 3 Unit (003-0 MMU), examination of all working faces for imminent dangers, refuge chamber, air readings and air samples, permissibility on a Joy 10SC Shuttle Car, and a safety talk with all miners on the # 3 Unit.

Outby areas included the # 3 Section conveyor belt, observation of waterlines, fire valves, fire hoses, and fire hose nozzles, stoppings, signage, rock dusting and the communication and tracking system.

Surface areas examined during the audit included pre and post inspection conferences, check-in/check-out system, bulletin boards, and mine record books.

Audit Results

This audit revealed positive findings in several areas, including the following:

1. All required 103(i) spot inspections (E02 inspections) were conducted in accordance with agency policies.
2. Staff and safety meetings at the Bessemer field office were documented and show a review of current information regarding MSHA policies and procedures.
3. Inspectors at the Bessemer field office were courteous and professional in their interactions with miners and mine operators.
4. A manager or supervisor visited all active underground mines in District 11 at least once during FY 2011.
5. The E01 inspection total onsite time for the surface inspections conducted by the Bessemer Field Office increased by 5% from 2010 to 2011.

This audit revealed five issues that require corrective actions, including the following: (Supporting data for each issue can be found in the OA checklist and attachments.)

1. Documentation of citations and orders issued during previous inspections did not always support the evaluations for gravity, negligence, level of enforcement, and number of persons affected. Examples are included in Attachment C of this report.

2. Although documentation from the field office indicates that all required E02 inspections were conducted, inspection time was not always properly charged to the event. The audit revealed time was not charged for five 103(i) inspections (E02) conducted during FY 2011.
3. Not all of the required Field Activity Reviews (FARs) and Accompanied Activities (AAs) were completed during FY 2011.
4. The tracking system for supervisory mine visits shows that each active underground mine in District 11 was visited by a manager or supervisor during FY 2011. However, the tracking system also shows that several individual positions in the district office did not conduct the minimum required number of visits for those positions.
5. The MSIS database is not being kept up to date with accurate information regarding mine status, mine work schedule, and number of persons working. The district should review the mine information for each mine to ensure the data is accurate and up to date.

Attachments

- A. Internal Review Summary
- B. Audit Checklist (with corrective actions)
- C. Statistics
- D. Citations/Orders Issued During Audit

(No citations were issued during the mine visit)

- E. Examples of Citations with Potential Issues During Previous E01 Inspections
- F. District Corrective Action Plan

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Attachment A – Internal Review Summary

The table below lists the most common internal review findings following mine disasters. The Bessemer, Alabama field office had 3 of the most commonly identified issues.

	Common Internal Review Findings	Examples of Deficiencies
	Failure to identify deviations in approved plans.	Not identifying operator departures from requirements in any plan that requires approval, such as training plans, roof control plans, ventilation plans, emergency response plans, etc.
	Incomplete or inadequate inspections.	Not following policy or procedures for conducting inspections. Failure to cite all violations. Not inspecting all areas and equipment.
	Failure to conduct 103(i) spot inspections according to policy.	Not conducting spot inspections in a timely manner and at irregular intervals.
X	Supervisors did not provide adequate oversight.	No review/lax review of inspection reports. Inadequate review of PKW/SAR forms. Failure to conduct required Field Activity Reviews and Accompanied Activities.
X	Improper evaluations of gravity, negligence and type of enforcement action.	Inadequate documentation to support citation and evaluation. Failure to consider and document aggravating or mitigating circumstances.
	Inadequate Peer Reviews	Inadequate district level Peer Reviews. Failure to adopt and follow corrective action plans. Failure to follow up or monitor effectiveness of corrective action plans.
	Weakness in the ACR Program	Not following ACR handbook. Inadequate management oversight. Failure to follow the Mine Act, MINER Act, 30 CFR and MSHA policy.
X	MSHA data not used or reviewed.	Key Indicators, Mine Profile, Inspection completion reports not being used. Failure to keep MSIS data up to date and accurate.
	Lack of unwarrantable failure tracking system	No or inadequate unwarrantable failure sequence tracking system.
	Conflict of Interest	Inspecting prior employers, employment of relatives
	Failure to comply with Hazard Complaint Procedures.	Proper coding of inspections. Inadequate documentation of inspections/investigations.
	Investigations of multi-phase plans	Failure to conduct on-site evaluations of plans.
	Failure to observe retreat mining.	Inadequate periodic evaluations when retreat mining is conducted.

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Attachment B – Audit Checklist (with corrective actions)

1. Determine if complete and thorough E01 inspections are being conducted.
Adequate <input checked="" type="checkbox"/> Corrective Action Needed <input type="checkbox"/> Comments Below <input type="checkbox"/>

2. 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 <input type="checkbox"/> Corrective Action Needed <input checked="" type="checkbox"/> Comments Below <input type="checkbox"/>

- Documentation for citations issued for accumulations in conveyor belt entries did not always document that belt air is used to ventilate the working faces, which increases the number of persons affected.
- Violations of two or more standards were not always cited separately.

Examples are included in Attachment C.

Chapter 6, Section VI of the General Coal Mine Inspection Procedures and Tracking System Handbook (PH-08-V-1) states “Daily documentation for enforcement actions; which shall include all facts relevant to the condition or practice cited and information regarding the negligence and gravity determination.” Chapter 2, Section II of the Citation and Order Writing Handbook for Coal Mines and Metal and Nonmetal Mines (PH08-I-1) states in part that “Each citation shall be in writing and shall describe with particularity the nature of the violation.”

Corrective Action Submitted by District

The District will conduct detailed training on the proper evaluation of enforcement actions, based on agency regulations, policy, and procedures. District staff will conduct the training using material developed in-house and at the National Mine Academy specific to citation and order writing. The training will be conducted in the 3rd quarter of FY 2012. Effectiveness of these corrective actions will be monitored through the use of FAR's/AA's (1st and 2nd level reviews), supervisory review of documentation, and District oversight reviews. Additionally, the Assistant District Manager will review a minimum of 20% of all citations/orders issued in District 11. The reviews will cover all aspects of the citation/order, such as abatement time, standard, citation body, gravity, etc. A comment box will be attached to each area in which a concern is found. Once completed, the file will be sent back to the supervisor for the inspector(s) citations/orders which were reviewed.

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

5. Upon arrival on the working section, accompany and evaluate inspector/specialist examination of all working faces for imminent dangers.

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

7. Evaluate the inspector/specialist air quantity, quality, and gas checks during the audit.

Adequate Corrective Action Needed Comments Below

8. Evaluate inspector/specialist examination of equipment electrical cables during the audit.

Adequate Corrective Action Needed Comments Below

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9. Evaluate inspector/specialist examination for permissibility during the audit.

Adequate Corrective Action Needed Comments Below

10. Determine if areas deemed too wet for rock dust surveys during previous inspections were re-visited and sampled.

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. During the audit, evaluate the inspection of at least one set of seals, including methods for obtaining samples from sealed area.

Adequate Corrective Action Needed Comments Below

Seals were not examined on the day of the mine visit.

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

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Evaluate 103(i) spot inspection (E02) reports for the office/district being audited
15. 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

A review of twelve (randomly selected) 103(i) inspection reports shows that E02 inspections were not combined with any other events, and these inspections concentrated on areas related to excessive methane liberation.

Although documentation from the field office indicates that all required E02 inspections were conducted, inspection time was not always properly charged to the event. The audit revealed five 103(i) inspections (E02) where time was not charged to the event:

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Chapter 1, Section 6 of the Inspector's Portable Applications for Laptops (IPAL) User's Manual instructs users to "...select the appropriate Date (field 5) and Event Number (field 7) from the drop down lists. Once the Event is selected, the Event Type (Activity Code) and Mine ID fields populate. Continue to select items from appropriate drop down lists (e.g. Shift, Task Code, etc.) until all relevant information has been selected."

Corrective Action Submitted by the District

Inspectors/specialists will be retrained on the importance of accurate and timely completion of Time & Activity sheets. This will assure the proper information is submitted to enable accurate tracking of 103(i) inspections and daily activities. Additionally inspectors/specialists will be instructed to use the IPAL system "off-network" (i.e. at the mine) when necessary, in order to fully accomplish this corrective action. This training will be conducted in the 3rd quarter of FY 2012. Effectiveness of these corrective actions will be monitored through the use of supervisory review of Time & Activity sheets, the 103(i) calendar, and use of the District oversight reviews discussed above.

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

Adequate Corrective Action Needed Comments Below

A review of twelve (randomly selected) reports shows that inspections made in response to complaints of hazardous conditions (E03) were conducted in a timely manner. Although there was one instance where documentation did not show that a sanitized copy of the complaint allegations was provided to the mine operator, and one instance where a violation not related to the complaint were cited on E03 events, this does not appear to be a systemic problem.

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. Are required Field Activity Reviews (FARs) and supervisory follow-ups being conducted and documented according to agency policy and procedures?

Adequate Corrective Action Needed Comments Below

During FY 2011, District 11 supervisors completed 40 of 60 required Field Activity Reviews. Note: Several manager and supervisor positions within District 11 were vacant for extended periods due to special assignments, retirements, etc. The (b) (6) (b) (6) The (b) (6) position in District 11 is responsible for both the (b) (6) divisions. (b) (6) (b) (6) . Key positions in District 11 were vacant during this review period that made it difficult to keep people acting in those key positions.

Chapter 1, Section X, Item A of the CMS&H Supervisor's Handbook (AH-08-III-1) states, "The supervisor must document a FAR conducted on a completed inspection assignment for each of his/her inspectors and specialists during the first and second half (six month intervals) of each fiscal year."

Corrective Action Submitted by the District

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District staff will conduct detailed training to all field office and specialist supervisors in the requirements set forth in the Coal Mine Safety and Health Supervisors Handbook, AH-08-III-1, in relation to conducting and documenting Field Activity Reviews (FAR's) and Accompanied Activities (AA's). This training will be conducted during the 3rd quarter of FY 2012. Additionally, a tracking system has been put in place to identify each FAR and AA submitted by field office and specialists supervisors for inspectors/specialists. The tracking system will be monitored by the ADM in order to ensure the submission of FAR's and AA's meet the requirements of the handbook. Effectiveness of these corrective actions will be monitored through the use of the District oversight reviews discussed above.

19. Are Accompanied Activities (AAs) and supervisory follow-ups being conducted and documented according to agency policy and procedures?

Adequate Corrective Action Needed Comments Below

During FY2011, District 11 supervisors completed 46 of 60 required Accompanied Activities. Note: Several manager and supervisor positions within District 11 were vacant for extended periods due to special assignments, retirements, etc.

Chapter 1, Section X, Item B of the CMS&H Supervisor's Handbook (AH-08-III-1) states, "The supervisor shall document an accompaniment for each of their inspectors and specialists at least twice during the first and second half (six month intervals) of each fiscal year."

See Item 18 above for corrective action.

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

Adequate Corrective Action Needed Comments Below

21. 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

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22. Are supervisors thoroughly reviewing Uniform Mine Files at least annually?

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

24. Are all sections where retreat mining is occurring (not to include longwall mining) being inspected at least monthly?

Adequate Corrective Action Needed Comments Below

25. Review documentation of staff meetings/safety meetings to determine their effectiveness and relevance to current issues and the Agency's mission.

Adequate Corrective Action Needed Comments Below

26. After an in-mine visit, evaluate approved plans (ventilation, roof control, training, etc.) for compatibility with mining conditions and equipment.

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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28. 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).

Adequate Corrective Action Needed Comments Below

29. 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.

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

Several manager and supervisor positions within District 11 were vacant for extended periods of time due to special assignments, retirements, etc, during FY 2011. Although all underground mines in the district received multiple visits (158 mine visits were conducted at 10 underground mines), the mine visit spreadsheet for tracking such visits was not kept up to date.

CMS&H Memorandum No. HQ-11-023-A (SEC), dated July 12, 2011, sets forth the

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minimum number of mine visits to active underground coal mines by managers and supervisors, and requires completion of a tracking spreadsheet.

Corrective Action Submitted by the District

Managers and supervisors will be trained in the requirements set forth in the Coal Mine Safety and Health Supervisors Handbook, AH-08-III-1, and CMS&H MEMO No. HQ-11-023-A (SEC-103) entitled Mine Visits & Accompanied Supervisory/Managerial Activities (Revision No. 7) which supersedes portions of the Handbook in relation to conducting and recording required mine visits by Managers and Supervisors. This training will be conducted during the 3rd quarter of FY 2012. Additionally the District will develop a training program for temporarily promoted or reassigned supervisors to ensure that they are aware of their responsibilities in relation to conducting and recording mine visits while in specific supervisory positions. Effectiveness of these corrective actions will be monitored by the DM, ADM and/or Staff Assistant through monthly review of the District mine visit spreadsheet. Any missed mine visits will be brought to the attention of the appropriate supervisor and will be made up within the required time frame.

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

Adequate Corrective Action Needed Comments Below

The Alternative Case Resolution program was not reviewed during this audit.

34. Determine if District Manager is holding the Supervisory Special Investigator accountable for properly evaluating and initiating or denying potential cases.

Adequate Corrective Action Needed Comments Below

The Special Investigations Program was not reviewed during this audit.

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

Adequate Corrective Action Needed Comments Below

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

Adequate

Corrective Action Needed

Comments Below

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

Adequate

Corrective Action Needed

Comments Below

At the time of this audit, the MSIS database was not always being kept up to date
regarding mine status. Examples are:

- Surface facility (b) (6) has been in Non-Producing Active status for more than 12 years (b) (6)
- Surface mine (b) (6) has been in New Mine status for more than 2 years (b) (6)
- Surface mine (b) (6) has been in Non-Producing Active status for more than 3 years (b) (6)
- Underground mine (b) (6) has been in New Mine status for more than 3 years (b) (6)
- Mine ID (b) (6) has not had a mine type designation and has been in New Mine status for more than 8 years (b) (6)

Information in the MSIS database was not always being kept up to date regarding the
number of persons working at mines. Examples are:

- Documentation shows that regular (E01) inspections were conducted at surface facility (b) (6) which included observation of the work cycle and issuance of at least 2 citations. The MSIS database shows this facility had no employees during that time.
- Documentation shows that regular (E01) inspections were conducted at surface mine (b) (6) which included observation of the work cycle. The MSIS database shows this mine had no employees during that time.
- Documentation shows that regular (E01) inspections were conducted at surface mine (b) (6) which included observation of the work cycle. The MSIS database shows this mine had no employees during that time.

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- Documentation shows that regular (E01) inspections were conducted at surface mine which included observation of the work cycle and noise exposure surveys. The MSIS database shows this mine had no employees during that time.

MSHA's instructions for completing the Mine Information Form (MSHA Form 2000-209) state, "The Mine Information Form is used to add or change data about a mine and is initiated by an Authorized Representative. The Mine Information Form is filled out and entered into the MSIS database." There are no clarifications or other instructions regarding time frames, data entry into the MSIS, responsibility for oversight or accuracy.

Recent audits indicate this issue to be repetitive across the Agency. The Office of Accountability recommends MSHA Headquarters issue a memorandum to all personnel clarifying responsibilities and setting time frames for submission (and data entry) for changes in mine status, methane liberation, employment, and other information required by the Mine Information Form.

Corrective Action Submitted by the District

A District wide staff meeting was held on May 8, 2012, to address this issue. The importance of updating the MSIS database was discussed at length. Inspectors and specialists were given training on the requirements of filling out the MSHA Mine Information Form 2000-209 during each E01 inspection and more often if necessary. Instructions were also given to submit the completed forms to the field office assistants or plans assistant in the district office to update the information into the MSIS system. Effectiveness of these corrective actions will be monitored by field office and specialist supervisors through reviews of quarterly E01 reports and through the use of the District oversight reviews discussed above.

38. Evaluate the overall condition of the mine relative to the level of enforcement documented in previously completed inspections.

Adequate

Corrective Action Needed

Comments Below

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Attachment C –Statistics

S&S Rate Comparison

During FY 2010, the S&S rate for the Bessemer field office and District 11 was slightly below both the national average. During FY 2011, the S&S rate for the Bessemer field office and District 11 was higher than the national average.

Fiscal Year	Bessemer, Alabama FO	Coal District 11	National Average
2010	32%	32%	34%
2011	41%	41%	35%

Time and Activity Comparison

A comparison of FY 2010 and FY 2011 time distribution for regular (E01) inspections at surface facilities inspected by the Bessemer field office shows time in the other category has increased and on-site time has decreased.

Time Distribution (%) – E01 Inspections at Surface Facilities							
FY	Area/Office	Travel	**Other	*Total On-Site	Citations Issued On-Site	Citations Issued Off-Site	Total Percent
2010	Bessemer FO	16%	15%	69%	3%	0%	100%
	Nat'l Avg	18%	15%	67%	5%	0%	100%
2011	Bessemer FO	13%	24%	63%	4%	0%	100%
	Nat'l Avg	17%	16%	67%	6%	0%	100%

* Includes calibration of gas detectors, respirable dust pumps, preparation and mailing of gas and rock dust samples

**Total On-Site time includes citations written on-site

A comparison of FY 2010 and FY 2011 time distribution for regular (E01) inspections at surface mines inspected by the Bessemer field office shows time in the other category has decreased and on-site time has increased.

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Time Distribution (%) – E01 Inspections at Surface Mines							
FY	Area/Office	Travel	**Other	*Total On-Site	Citations Issued On-Site	Citations Issued Off-Site	Total Percent
2010	Bessemer FO	20%	12%	68%	3%	0%	100%
	Nat'l Avg	19%	13%	68%	5%	0%	100%
2011	Bessemer FO	16%	11%	73%	2%	0%	100%
	Nat'l Avg	19%	13%	68%	5%	0%	100%

* Includes calibration of gas detectors, respirable dust pumps, preparation and mailing of gas and rock dust samples

**Total On-Site time includes citations written on-site

A comparison of FY 2010 and FY 2011 time distribution for regular (E01) inspections at underground mines inspected by the Bessemer field office shows time in the other category has decreased and on-site time is unchanged.

Time Distribution (%) – E01 Inspections at Underground Mines							
FY	Area/Office	Travel	**Other	*Total On-Site	Citations Issued On-Site	Citations Issued Off-Site	Total Percent
2010	Bessemer FO	19%	13%	68%	5%	<1%	100%
	Nat'l Avg	16%	15%	68%	6%	1%	100%
2011	Bessemer FO	18%	13%	68%	5%	1%	100%
	Nat'l Avg	16%	14%	69%	6%	1%	100%

* Includes calibration of gas detectors, respirable dust pumps, preparation and mailing of gas and rock dust samples

**Total On-Site time includes citations written on-site

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Attachment D – Citations Issued During Audit

(No Citations were issued during the mine visit.)

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District Coal District 11 Field Office Bessemer, AL Mine ID (b) (6) Date (b) (6)

Attachment E – Examples of Citations with Potential Issues From Previous Inspections

Mine ID	Violation	Date Issued	Type Issue	Standard Cited	S&S	Likely	Injury	Affect	Neg
(b) (6)	(b) (6)	(b) (6)	104(a) Citation	75.400	Y	RL	LD	1	Mod
<p>Combustible materials in the form of float coal dust have been allowed to accumulate in the 7 section east mains left return in two places on previously rock dusted surfaces from section wing Curtin to section regulator for a distance of 1000 feet, and from N18 track overcast to spad 25110 for a distance of 1500 feet.</p>									
<p>Would more than 1 person have been affected? This standard was cited (b) (6) at this mine during the previous 24 months. Was an increase in the degree of negligence or level of enforcement considered?</p>									

Mine ID	Violation	Date Issued	Type Issue	Standard Cited	S&S	Likely	Injury	Affect	Neg
(b) (6)	(b) (6)	(b) (6)	104(a) Citation	75.400	Y	RL	LD	2	Mod
<p>Combustible materials in the form of loose coal, coal fines, and float coal dust have been allowed to accumulate in the North A Belt entry. The conveyor belt and tail roller is in contact with the combustible accumulations. The accumulations measured up to 17 inches deep by 8.5 feet wide by 8 feet in length. The mine operator immediately started correcting the conditions.</p>									
<p>This standard was cited (b) (6) at this mine during the previous 24 months. Was an increase in the degree of negligence or level of enforcement considered?</p>									

Mine ID	Violation	Date Issued	Type Issue	Standard Cited	S&S	Likely	Injury	Affect	Neg
(b) (6)	(b) (6)	(b) (6)	104(a) Citation	75.400	N	UL	LD	1	Mod
<p>The # 7 Section MMU-035-0 Return from crosscut # 21 outby to crosscut #15, at section regulator, has float coal dust that has accumulated on the roof, ribs, and floor the thickness of a sheet of paper. Foot prints are clearly visible in the rock dust covered with float coal dust. Coal dust, including float coal dust deposited on rock-dusted surfaces, loose coal, and other combustible materials, shall be cleaned up and not be permitted to accumulate in active workings.</p>									
<p>This mine uses belt air to ventilate the working faces. Would more than one person be affected? This standard was cited at this mine (b) (6) during the previous 24 months. Was a higher degree of negligence considered?</p>									

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Mine ID	Violation	Date Issued	Type Issue	Standard Cited	S&S	Likely	Injury	Affect	Neg
(b) (6)	(b) (6)	(b) (6)	104(a) Citation	75.400	N	UL	LD	1	Mod
<p>Combustible material in the form of float coal dust has accumulated on previously rock dusted surfaces. Float coal dust is present on the belt structure, timbers, cribs, pipe lines, ribs, mine roof and foot wall of the North A conveyor belt entry and connecting cross cuts from number 66 cross cut and continuing out by to cross cut 46.</p> <p>This mine uses belt air to ventilate the working faces. Would more than one person be affected? This standard was cited at this mine (b) (6) during the previous 24 months. Was a higher degree of negligence considered?</p>									

Mine ID	Violation	Date Issued	Type Issue	Standard Cited	S&S	Likely	Injury	Affect	Neg
(b) (6)	(b) (6)	(b) (6)	104(a) Citation	75.503	Y	RL	LD	3	Mod
<p>The Bucyrus continuous miner company number 134 located on the number 6 section is not being maintained in permissible condition. The fire suppression system failed to function when tested and the plain flange joint of the main control panel has an open flame path in excess of .005 of an inch. This mine is on a 5 day spot inspection for methane liberation. If normal mining is allowed to continue it is reasonably likely that a methane ignition would occur resulting in injuries of burns and smoke inhalation from fire fighting activities.</p> <p>There are (b) (6) listed on one citation. (b) (6) (b) (6) were issued on one citation.</p>									

Attachment F – District Corrective Action Plan

District 11 Corrective Action Plan
Office of Accountability Audit
Bessemer Field Office
(b) (6)

The following plan is based on the issues listed on Page 4 of the Office of Accountability Audit of Coal District 11 and the Bessemer Alabama Field Office.

Note that any of the corrective actions may be modified at any time based on evaluations of their respective effectiveness.

- 1. Documentation of citations and orders issued during previous inspections did not always support the evaluations for gravity, negligence, level of enforcement, and number of persons affected.***

Corrective Action: The District will conduct detailed training on the proper evaluation of enforcement actions, based on agency regulations, policy, and procedures. District staff will conduct the training using material developed in-house and at the National Mine Academy specific to citation and order writing. The training will be conducted in the 3rd quarter of FY 2012. Effectiveness of these corrective actions will be monitored through the use of FAR's/AA's (1st and 2nd level reviews), supervisory review of documentation, and District oversight reviews. Additionally, the Assistant District Manager will review a minimum of 20% of all citations/orders issued in District 11. The reviews will cover all aspects of the citation/order, such as abatement time, standard, citation body, gravity, etc. A comment box will be attached to each area in which a concern is found. Once completed, the file will be sent back to the supervisor for the inspector(s) citations/orders which were reviewed. The file containing comments will also be stored in the following location; T:\Coal\ADM Citation Reviews. This file will hold two folders (1) District Reviews (2) Field Office Reviews. So that any certain week(s) citations/orders can be easily accessed by all interested parties the files will be labeled by month/day/year. *(The District oversight review, as defined here, will consist of the following methodology. Once each fiscal year half the District Staff Assistant, with the assistance of one Specialist or Field Office Supervisor, will conduct a centralized review of the issues and deficiencies that were found during the Office of Accountability and the Office of Inspector General audits conducted in District 11 during the second half of FY 2012. The purpose of the oversight reviews will be to evaluate the District's effectiveness*

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with the established corrective action plans. At the completion of the review a memorandum will be sent to the District Manager documenting any issues or deficiencies found including further corrective actions, if necessary.)

- 2. Although documentation from the field office indicates that all required E02 inspections were conducted, inspection time was not always properly charged to the event. The audit revealed time was not charged for five 103(i) inspections (E02) conducted during FY 2011.***

Corrective Action: Inspectors/specialists will be retrained on the importance of accurate and timely completion of Time & Activity sheets. This will assure the proper information is submitted to enable accurate tracking of 103(i) inspections and daily activities. Additionally inspectors/specialists will be instructed to use the IPAL system "off-network" (i.e. at the mine) when necessary, in order to fully accomplish this corrective action. This training will be conducted in the 3rd quarter of FY 2012. Effectiveness of these corrective actions will be monitored through the use of supervisory review of Time & Activity sheets, the 103(i) calendar, and use of the District oversight reviews discussed above.

- 3. Not all of the required Field Activity Reviews (FAR's) and Accompanied Activities (AA's) were completed during FY 2011.***

Corrective Action: District staff will conduct detailed training to all field office and specialist supervisors in the requirements set forth in the Coal Mine Safety and Health Supervisors Handbook, AH-08-III-1, in relation to conducting and documenting Field Activity Reviews (FAR's) and Accompanied Activities (AA's). This training will be conducted during the 3rd quarter of FY 2012. Additionally, a tracking system has been put in place to identify each FAR and AA submitted by field office and specialists supervisors for inspectors/specialists. The tracking system will be monitored by the ADM in order to ensure the submission of FAR's and AA's meet the requirements of the handbook. Effectiveness of these corrective actions will be monitored through the use of the District oversight reviews discussed above.

- 4. The tracking system for supervisory mine visits shows that each active underground mine in District 11 was visited by a manager or supervisor in FY 2011. However, the tracking system also shows that several individual positions in the district office did not conduct the minimum required number of visits for those positions.***

Corrective Action: Managers and supervisors will be trained in the requirements set forth in the Coal Mine Safety and Health Supervisors

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Handbook, AH-08-III-1, and CMS&H MEMO No. HQ-11-023-A (SEC-103) entitled Mine Visits & Accompanied Supervisory/Managerial Activities (Revision No. 7) which supersedes portions of the Handbook in relation to conducting and recording required mine visits by Managers and Supervisors. This training will be conducted during the 3rd quarter of FY 2012. Additionally the District will develop a training program for temporarily promoted or reassigned supervisors to ensure that they are aware of their responsibilities in relation to conducting and recording mine visits while in specific supervisory positions. Effectiveness of these corrective actions will be monitored by the DM, ADM and/or Staff Assistant through monthly review of the District mine visit spreadsheet. Any missed mine visits will be brought to the attention of the appropriate supervisor and will be made up within the required time frame.

- 5. The MSIS database is not being kept up to date with accurate information regarding mine status, mine work schedule, and number of persons working. The district should review the mine information for each mine to ensure the data is accurate and up to date.***

Corrective Action: A District wide staff meeting was held on May 8, 2012, to address this issue. The importance of updating the MSIS database was discussed at length. Inspectors and specialists were given training on the requirements of filling out the MSHA Mine Information Form 2000-209 during each E01 inspection and more often if necessary. Instructions were also given to submit the completed forms to the field office assistants or plans assistant in the district office to update the information into the MSIS system. Effectiveness of these corrective actions will be monitored by field office and specialist supervisors through reviews of quarterly E01 reports and through the use of the District oversight reviews discussed above.