



MAR 22 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 8 and the
Hillsboro, Illinois 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

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

The audit team traveled with the inspection party to the mine on a regular (E01) inspection. Areas and activities examined included the primary escapeway, 010 / 011 MMU (super-section), section feeder and a portion of the section belt, examination of the working faces for imminent dangers, roof bolting cycle, Fletcher dual-head roof bolting machine, and permissibility on a Stamler Ram Car.

Outby areas included observation of lifelines, SCSR caches, refuge alternatives, mine communication and tracking system (wired and wireless), signage, intake and return stoppings, rock dusting practices, waterlines and fire valves along belt lines, and a functional test of fire valves, fire hoses, and nozzles at the Main West # 2 Belt Drive.

Surface areas examined during the audit included the mine tracking system, bulletin boards, mine record books, atmospheric monitoring system, and the check in/check out system.

Audit Results

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

1. Enforcement personnel used appropriate enforcement tools during the mine site visits.
2. Staff and safety meetings at the Hillsboro Field Office were well documented and show a review of current information regarding MSHA policies and procedures.
3. Inspectors at the Hillsboro 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 8 at least once during FY 2011.
5. Twelve hazardous condition complaint reports were examined during this audit. All were investigated within the required time frames and the resulting reports were well documented.

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

1. Required 103(i) spot inspections (E02) are being conducted but not always at irregular intervals. During the time period being audited, E02 inspections were conducted on the same day of the week for up to 5 consecutive weeks.
2. The MSIS database is not consistently being kept up to date with accurate information regarding mine status, mine work schedule, and methane liberation rates. The district should review the status, work schedule and methane liberation rates for each mine to ensure they are properly coded.
3. 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.
4. During this audit, nine Possible Knowing/Willful Violation Review Forms (MSHA Form 7000-20) were randomly selected for review. Two PKW forms completed on (b) (6), were not delivered to the district office until (b) (6) (b) (6), an elapsed time of approximately 98 days.
5. The tracking system for supervisory mine visits shows that each active underground mine in District 8 was visited by a manager or supervisor during FY 2011. However, the tracking system shows that some individuals acting in supervisory and management positions in the district office did not document all their mine visits. The district had several vacant positions during the review period. The positions were advertised in an attempt to fill the positions. Some have been advertised multiple times without any applicants.

cc Ted Smith

Attachments

A. Internal Review Summary

B. Office of Accountability Checklist

C. Statistics

D. Citations/Orders Issued During Audit

- | | |
|------------|--------------|
| 1. (b) (6) | 75.370(a)(1) |
| 2. (b) (6) | 75.400 |
| 3. (b) (6) | 75.400 |
| 4. (b) (6) | 75.400 |

E. Examples of Citations Issued During Previous E01 Inspections

F. District Corrective Action Plan

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

District Field Office Mine ID Date

Attachment A – Internal Review Summary

The table below lists the most common internal review findings following mine disasters. District 8 had 4 of the most commonly identified issues.

	Common Internal Review Findings	Examples of Deficiencies Found in this Accountability Review Include
	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.
X	Failure to conduct 103(i) spot inspections according to policy.	Not conducting spot inspections or not conducted 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.	Improper 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.

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

District Field Office Mine ID Date

Attachment B – Audit Checklist (with corrective actions)

1. Determine if complete and thorough E01 inspections are being conducted.

Adequate Corrective Action Needed Comments Below

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 Corrective Action Needed Comments Below

Evaluations for gravity, negligence, number of persons affected, and the level of enforcement were not always supported by the inspection notes or the narrative of the citation. Examples are included in Attachment C of this report.

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:

Management will hold a supervisory meeting with all supervisory personnel and review all deficiencies outlined in the audit. Each supervisor who attends the meeting will sign an attendance roster. The supervisor's responsibilities pertaining to oversight as outlined in The Coal Mine Safety & Health Supervisor's Handbook will be clearly noted and reviewed. The supervisors will then hold meetings with the inspectorate under their supervision and conduct in-depth training on documentation of violations. Each inspector who attends the meeting will sign an attendance roster. As a tool for measurement, for a period of six months, the D8 Staff Assistant will randomly select and review an E01 from each field office. A review of the report will be conducted for deficiencies in notes, inspection procedures, citation evaluation, etc. and report findings to the District Manager and ADM-Inspection Division.

The ADM-Enforcement and the District Manager will review and provide follow up strategies as needed.

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

District Field Office Mine ID Date

The implementation of this corrective action is June 1, 2012, with a proposed completion date of December 31, 2012.

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

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

District Field Office Mine ID Date

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

Inspection of seals was not evaluated during this audit.

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

During this audit, nine Possible Knowing/Willful Violation Review Forms (MSHA Form 7000-20) were randomly selected for review. Two PKW forms completed on (b) (6)

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

District Field Office Mine ID Date

(b) (6) were not delivered to the district office until (b) (6), an elapsed time of approximately 98 days.

Chapter 4, Section C (2) of the Special Investigations Procedures Handbook (PH05-I-4) states, "The completed Form 7000-20... will be forwarded to the ADM (Assistant District Manager), SSI (Supervisory Special Investigator), and DM for immediate review."

This section of the handbook also states, "All Section 110 investigations must be initiated within **60 calendar days** of the issuance of the underlying citation or order."

Corrective Action Submitted by District

All Supervisors will be instructed, by memorandum from the District Manager, to ensure that PKW forms are completed in a timely manner. Three days from the date of issuance of the violations will be the maximum amount of time allowed for submission to the District Office. Supervisors will review these instructions with all enforcement personnel. Enforcement personnel will sign an attendance roster following the review of those instructions. Training will be provided by the Special Investigations Supervisor at supervisory staff meetings of the importance of timely submitting the PKW forms and following the instructions in the Special Investigations Procedures Handbook. Each supervisor who attends the training will sign an attendance roster.

Follow up will consist of reviewing the PKW tracking sheet maintained by the Special Investigations department. Calculations will be made to determine the number of days from issuance to submission to the District Office. This will be used to determine compliance with this corrective action. If needed, the District Manager will provide additional guidance for timely submission.

The implementation of this corrective action is June 1, 2012, with a proposed completion date of December 31, 2012.

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

During FY2011, there were 17 mines in District 8 that required spot inspections under Section 103(i) of the Mine Act. Although documentation shows that all required 103(i) inspections were conducted during that time, E02 inspections at 14 of the 17 mines were often conducted on the same day of the week and on the same shift for up to 5 consecutive weeks. E02 inspections conducted on consecutive days of the week

United States Department of Labor
Mine Safety and Health Administration

Office of Accountability

District Field Office Mine ID Date

include:

- 6 instances of inspections being conducted on the same day of the week for 5 consecutive weeks
- 11 instances of inspections being conducted on the same day of the week for 4 consecutive weeks
- 34 instances of inspections being conducted on the same day of the week for 3 consecutive weeks.

This issue appears to be systemic throughout the district.

Section 103(i) of the Federal Mine Safety and Health Act of 1977 requires inspections under that section to be conducted "at irregular intervals." CMS&H Memorandum No. HQ-08-021-A (SEC), dated March 31, 2008, states, "Assistant District Managers shall monitor 103(i) inspections to ensure they are being conducted as required as well as ensuring that full days are being dedicated to these mines."

Corrective Action Submitted by the District:

103(i) spot inspections will be conducted in accordance with 103(i) of the Mine Act and MSHA policy. The periods and requirement that inspections be conducted at irregular intervals will be met. Supervisors will be directed by a district memorandum to ensure 103(i) spot inspections are conducted in accordance with the Mine Act. Supervisors will be instructed to more closely oversee the 103(i) inspection sequences to ensure that no more than two 103(i) spot inspections be conducted on consecutive weekdays. A running calendar will be kept to inform enforcement personnel when the last weekday 103(i) inspections have been made. Training for enforcement employees will be given on the District 8 SOP. Each enforcement employee who attends the training will sign an attendance roster.

The ADM-Enforcement will follow up to ensure proper implementation to this corrective action. If needed, additional instructions will be provided.

The implementation of this corrective action is May 31, 2012, with a proposed completion date of July 31, 2012.

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

Adequate

Corrective Action Needed

Comments Below

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

District Field Office Mine ID Date

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

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

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

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

Adequate Corrective Action Needed Comments Below

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

District Field Office Mine ID Date

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

Adequate Corrective Action Needed Comments Below

All active underground mines were visited by a supervisor or manager during FY 2011.

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

Retreat mining (other than longwall mining) was not being conducted at mines assigned to the Hillsboro field office during the time period being audited.

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

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

District Field Office Mine ID Date

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.

(b) (6)

Second level reviews are well documented and include feedback to the supervisor.

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

Adequate Corrective Action Needed Comments Below

Refer to Items 2, 14, 15, 34, and 37 of this checklist. Corrective actions for these issues are contained in each Item and in Attachment F.

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

The tracking system for supervisory mine visits shows that each active underground mine in District 8 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, including:

- (b) (6) (8 of 12 required visits)
- (b) (6) (11 of 20 required visits)
- (b) (6) (25 of 36 required visits)

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

District Field Office Mine ID Date

- (b) (6) –Work Group 01 (27 of 48 required visits)
- (b) (6) – Work Group 02 (39 of 48 required visits)
- (b) (6) (36 of 48 required visits)
- (b) (6) (11 of 20 required visits)
- (b) (6) (8 of 20 required visits)
- (b) (6) (5 of 20 required visits)

Note: (b) (6) , positions were either vacant or unavailable for mine visits during FY 2011.

CMS&H Memorandum No. HQ-11-023-A (SEC-103), dated July 12, 2011, sets forth the minimum number of mine visits to active underground coal mines by managers and supervisors, and requires the completion of a tracking spreadsheet.

Corrective Action Submitted by District

Training will be provided that re-instructs Assistant District Managers and supervisors of the requirement for mine visits as per The Coal Mine Safety & Health Supervisor's Handbook and Coal Mine Safety & Health Memorandum No. HQ-11-023-A. Each manager and supervisor who attends the training will sign an attendance roster. Acting supervisors and managers will be instructed of the requirements to be fulfilled when acting for other managers and supervisors. Oversight will be provided by the District Manager concerning future mine visits by the Assistant District Managers and Supervisors.

The District Manager will review the tracking sheet to ensure that mine visits are completed as required. Additional instruction will be provided as needed.

The implementation of this corrective action is June 1, 2012, with a proposed completion date of September 30, 2012.

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 ACR program was not reviewed during this audit.

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

District Field Office Mine ID Date

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

(b) (6)

(b) (6)

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

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

1. At the time of this audit, the MSIS database was not being kept up to date regarding working schedules and methane liberation. Examples are:

- Underground mine (b) (6) is shown in a 5-day 103(i) status. The air sample results posted in MSIS show a methane liberation rate of 558,441 cubic feet per 24-hours, which would place the mine in a 10-day inspection status.
- The work schedule for underground mine (b) (6) is shown as 6 days per week. Current information from the district and/or mine operator

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

District Field Office Mine ID Date

shows the mine works 5 days per week.

- The work schedule for underground mine (b) (6) is shown as 6 days per week. Current information from the district and/or mine operator shows the mine works 5 days per week.
 - The work schedule for underground mine (b) (6) is shown as 7 days per week. Current information from the district and/or mine operator shows the mine works 5 days per week.
 - The work schedule for underground mine (b) (6) is shown as 6 days per week. Current information from the district and/or mine operator shows the mine works 5 days per week.
2. A review of analysis results for air samples taken during FY 2011 shows that samples taken for determination of total liberation are not always identified as such.

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

This topic will be discussed at employee staff meetings to emphasize the need for proper upkeep and timely submission of mine status information. Each employee who attends the staff meetings will sign an attendance roster. Field Office Secretaries, with the help of Supervisors, will be tasked with reviewing Mine Information Form (MIF) data and causing updates when necessary. All data will be updated and accurately recorded in MSIS. Instructions will be issued from the District Manager through the ADM-Enforcement outlining these corrective actions.

The ADM-Enforcement and the Field Office Supervisors will periodically review the data to determine if the implementation of the corrective action is effective and being maintained.

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

District Field Office Mine ID Date

The implementation of this corrective action is May 31, 2012, with a proposed completion date of August 31, 2012.

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

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

District Field Office Mine ID Date

Attachment C- Statistics

S&S Rate Comparison

During FY 2010, the S&S rate for the Hillsboro field office was below both the district and the national average. During FY 2011, the S&S rate for the Hillsboro field office was equal to the average for District 8 and below the national average.

Fiscal Year	Hillsboro, Illinois Field Office	Coal District 8	National Average
2010	22%	24%	34%
2011	25%	25%	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 Hillsboro 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	Hillsboro FO	24%	17%	59%	4%	0%	100%
	Nat'l Avg	18%	15%	67%	5%	0%	100%
2011	Hillsboro FO	28%	22%	50%	2%	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 Hillsboro field office shows time in the “Other” category has increased and “On-Site” time has decreased.

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

District Field Office Mine ID Date

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	Hillsboro FO	19%	18%	63%	6%	0%	100%
	Nat'l Avg	19%	13%	68%	5%	0%	100%
2011	Hillsboro FO	22%	21%	57%	3%	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 Hillsboro field office shows time in the “Other” category has increased slightly 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	Hillsboro FO	21%	14%	65%	7%	0%	100%
	Nat'l Avg	16%	15%	68%	6%	1%	100%
2011	Hillsboro FO	20%	15%	65%	6%	0%	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

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

District Field Office Mine ID Date

Attachment D – Citations Issued During Audit

Mine Citation/Order		U.S. Department of Labor Mine Safety and Health Administration		
Section I—Violation Data				
1. Date	Mo Da Yr	2. Time (24 Hr. Clock)	3. Citation/Order Number	
	(b) (6)	(b) (6)	(b) (6)	
4. Served To	5. Operator			
(b) (6)	(b) (6)			
6. Mine	7. Mine ID			
(b) (6)	(b) (6)			
8. Condition or Practice			(Contractor)	
			8a. Written Notice (103g) <input type="checkbox"/>	
<p>A violation of the operator's approved ventilation plan is present in the 9 South/Main West, 010/011 MMU. There is no operating water spray at the transfer point from the feeder to the belt tail. The approved plan requires at least 1 spray at all transfer points including from the feeder to the tail.</p> <p>Standard 75.370(a)(1) was cited (b) (6) to the operator, 0 to a contractor).</p>				
See Continuation Form (MSHA Form 7000-3a) <input type="checkbox"/>				
9. Violation	A. Health Safety Other	B. Section of Act	C. Part/Section of Title 30 CFR	
	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		75.370(a)(1)	
Section II—Inspector's Evaluation				
10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input checked="" type="checkbox"/> Fatal <input type="checkbox"/>				
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				D. Number of Persons Affected: 008
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action 104(a)		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action			E. Citation/Order Number	
A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>			F. Dated Mo Da Yr	
15. Area or Equipment:				
16. Termination Due				
A. Date	Mo Da Yr	B. Time (24 Hr. Clock)		
	(b) (6)	(b) (6)		
Section III—Termination Action				
17. Action to Terminate: The water spray has been cleaned and is now working.				
18. Terminated				
A. Date	Mo Da Yr	B. Time (24 Hr. Clock)		
	(b) (6)	(b) (6)		
Section IV—Automated System Data				
19. Type of Inspection (activity code)		20. Event Number	21. Primary or Mill	
E01		(b) (6)		
22. Signature (b) (6)			23. AR Number (b) (6)	

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at: Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

United States Department of Labor
Mine Safety and Health Administration

Office of Accountability

District Field Office Mine ID Date

Mine Citation/Order

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



Section I—Violation Data

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

Accumulations of combustibile material in the form of float coal dust and loose coal are present on the 9 South/Main West, 010/011 MMU belt line. These accumulations are under and along the belt, including the adjoining crosscuts, from survey station 487 to the tail at approximately 750. There are also piles of loose coal on top of the feeder measuring approximately 8' long, 3' wide and up to 10" deep, as well as loose coal on the frame of the belt tail on the west side approximately 8' long, 6" wide and 1" deep. There is also oil and oil soaked float coal dust on the west side of the feeder in the hydraulic pump area.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.400
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Section II—Inspector's Evaluation

10. Gravity:			
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>			
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>			
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			D. Number of Persons Affected: 008
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>			
12. Type of Action 104(a)		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>	
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number	F. Dated Mo Da Yr
15. Area or Equipment			

16. Termination Due	A. Date Mo Da Yr (b) (6)	B. Time (24 Hr. Clock) (b) (6)
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Section III—Termination Action

17. Action to Terminate The cited accumulations have been cleaned up and sent out of the mine and the area has been rock dusted.

18. Terminated	A. Date Mo Da Yr (b) (6)	B. Time (24 Hr. Clock) (b) (6)
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Section IV—Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number (b) (6)	21. Primary or Mill
22. Signature (b) (6)		23. AR Number (b) (6)

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District Field Office Mine ID Date

Mine Citation/Order

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



Section I—Violation Data

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

Accumulations of combustibile material in the form of hydraulic oil and oil soaked coal are present on the number 58 ram car, in service in the 9 South/Main West panel, 010/011 MMU. These accumulations are in the tram motor compartment, the pump motor compartment, the center compartment in front of the operator's cab and on top of the oil tank, and they range from a film of oil up to oil soaked coal approximately 5" deep.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR <input type="text" value="75.400"/>
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Section II—Inspector's Evaluation

10. Gravity:			
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>			
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>			
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			D. Number of Persons Affected: <input type="text" value="008"/>
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input checked="" type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>			
12. Type of Action <input type="text" value="104(a)"/>		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>	
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>			E. Citation/ Order Number
15. Area or Equipment			

16. Termination Due	A. Date Mo Da Yr <input type="text" value="(b) (6)"/>	B. Time (24 Hr. Clock) <input type="text" value="(b) (6)"/>
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Section III—Termination Action

17. Action to Terminate		
18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)

Section IV—Automated System Data

19. Type of Inspection (activity code) <input type="text" value="E01"/>	20. Event Number <input type="text" value="(b) (6)"/>	21. Primary or Mill
22. Signature <input type="text" value="(b) (6)"/>		23. AR Number <input type="text" value="(b) (6)"/>

MSHA Form 7000-3, Apr 08 (revised). In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 499 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District Coal District 8 Field Office Hillsboro, IL Mine ID (b) (6) Date (b) (6)

Mine Citation/Order

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



Section I--Violation Data

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

Accumulations of combustible material in the form of wooden pallets, cardboard and other miscellaneous trash, as well as float coal dust, are present in the crosscut between the mantrip parking area and the slope turn-out.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR <u>75.400</u>
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Section II--Inspector's Evaluation

10. Gravity:			
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>			
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>			
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			D. Number of Persons Affected: <u>002</u>
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>			
12. Type of Action <u>104(a)</u>		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>	
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number	F. Dated Mo Da Yr
15. Area or Equipment			

16. Termination Due	A. Date Mo Da Yr <u>(b) (6)</u>	B. Time (24 Hr. Clock) <u>(b) (6)</u>
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Section III--Termination Action

17. Action to Terminate		
18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)

Section IV--Automated System Data

19. Type of Inspection (activity code) <u>E01</u>	20. Event Number <u>(b) (6)</u>	21. Primary or Mill
22. Signature <u>(b) (6)</u>		23. AR Number <u>(b) (6)</u>

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District Field Office Mine ID Date

Attachment E – Examples of Citations Issued During 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	75.202(a)	N	UL	LD	1	Mod
<p>The roofing of areas where people work or travel is not being supported to protect persons from hazards related to falls, 3 damaged roof bolts and 2 loose roof bolt plates are in the Unit #2, Entry #8, SS 5454 area. Standard 75.202(a) was cited (b) (6) to the operator, 0 to a contractor).</p> <p>Was a higher degree of negligence considered based upon the number of times this standard was cited during the previous 24-months? There were (b) (6) related accidents reported in the previous (b) (6) of which resulted in lost days or restricted duty.</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	75.220(a)(1)	N	UL	LD	2	Mod
<p>The roof control plan is not being followed in Unit #2 (MMU 002 and 013) #10 Entry, SS 5700. Three different pattern rows have roof bolts spaced 5' instead of the required 4'. Standard 75.220(a)(1) was cited (b) (6) to the operator, 0 to a contractor).</p> <p>Was a higher degree of negligence considered based upon the number of times this standard was cited during the previous 24-months? There were (b) (6) related accidents reported in the previous (b) (6) of which resulted in lost days or restricted duty.</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	75.202(a)	Y	RL	LD	1	Low
<p>The roof in the 9 Right/2 West panel, 002/013 MMU, is not being adequately supported or otherwise controlled to protect persons from the hazards of the fall of roof. There are two damaged roof bolts in the number 8 entry at approximate survey station 70, that are no longer tight against the mine roof. This condition has created an area of inadequately supported roof measuring approximately 8.5' by 10'. This is one crosscut out by the last open crosscut and is in the ram car haulage road. The area was dangerous out to prevent travel by persons. Standard 75.202(a) was cited (b) (6) to the operator, 0 to a contractor).</p> <p>Was a higher degree of negligence considered based upon the number of times this standard was cited during the previous 24-months? There were (b) (6) related accidents reported in the previous (b) (6) of which resulted in lost days or restricted duty.</p>									

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

District Field Office Mine ID Date

Mine ID	Violation	Date Issued	Type Issue	Standard Cited	S&S	Likely	Injury	Affect	Neg
(b) (6)	(b) (6)	(b) (6)	104(a) Citation	75.202(a)	Y	RL	LD	1	Mod

The roof in the Main West, south side return air course is not being adequately supported or otherwise controlled to protect persons from the hazards of the fall of roof. There are four roof bolts that have pulled through the plates and one bolt that has been broken off, creating an area of inadequately supported roof measuring approximately 20' by 12'. This condition is present in the crosscut between number 9 and number 10 entries at crosscut eighty-three. There are also two roof bolts in the intersection of number 10 entry at crosscut eighty-three that have the roof bolts pulling through the plates and one bolt that is broken off and lying on the mine floor. The operator immediately dangered the area out to prevent travel. Standard 75.202(a) was cited (b) (6) (b) (6)

Was a higher degree of negligence considered based upon the number of times this standard was cited during the previous 24-months? There were (b) (6) related accidents reported in the previous (b) (6) of which resulted in lost days or restricted duty.

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	N	UL	LD	1	Mod

The Co. #11 Scoop Belt Winder is not being maintained in permissible condition. The 2" conduit for the cable between the main breaker and the controller case has one hole and one tear in it.

The termination for this citation, which states, "The accumulations on the Co. #11 Belt Winder were removed by washing" does not address the conditions stated in the citation narrative.

Mine ID	Violation	Date Issued	Type Issue	Standard Cited	S&S	Likely	Injury	Affect	Neg
(b) (6)	(b) (6)	(b) (6)	104(a) Citation	75.1914(a)	N	UL	LD	3	Mod

The Co. #3047 Diesel Mantrip is not being maintained in an approved and safe condition. The accelerator pedal sticks, it does not decelerate all the way back down to an idle.

How was the determination made for the number of persons affected? Should a citation for inadequate examination have been considered?

Mine ID	Violation	Date Issued	Type Issue	Standard Cited	S&S	Likely	Injury	Affect	Neg
(b) (6)	(b) (6)	(b) (6)	104(a) Citation	75.220(a)(1)	N	UL	FTL	1	Mod

The roof control plan for the Main West Intersections is not being followed in Unit #1 (MMU 011) Entry #8, Survey Station 11684. The intersection has no 8' roof bolts. Standard 75.220(a)(1) was cited (b) (6)

Was a higher degree of negligence considered based upon the number of times this standard was cited during the previous 24-months? There were (b) (6) related accidents reported in the previous (b) (6) of which resulted in lost days or restricted duty.

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

District Coal District 8 Field Office Hillsboro, IL Mine ID (b) (6) Date (b) (6)

Mine ID	Violation	Date Issued	Type Issue	Standard Cited	S&S	Likely	Injury	Affect	Neg
(b) (6)	(b) (6)	(b) (6)	104(a) Citation	75.370(a)(1)	N	UL	PD	1	Mod
<p>A violation of the Operators Approved Ventilation Plan is present at the head of the #2 Belt on the Main West where it transfers to the #1 Belt. The dust suppression spray was inoperable. The ventilation plan requires a spray at each transfer point. Standard 75.370(a)(1) was cited in (b) (6)</p> <p>At least (b) (6) were issued for coal dust and/or float coal dust in belt conveyor entries during the previous 24 months. How was the determination made to evaluate the violation as moderate negligence?</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>Accumulations of loose coal and coal fines have been allowed to accumulate along the ribs in all entries and crosscuts in the North Sub-Main Returns on the West Side from XC #1 to XC #41. These accumulations are due to deterioration of the ribs and are at a natural angle of repose.</p> <p>This section of 30 CFR was cited (b) (6) at this mine during the previous 24 months. Was consideration given to a higher degree of negligence? What was the total distance in the area where the violation existed? How many entries were involved? What was the depth of the accumulations? How long had this condition existed? Was a citation considered for inadequate examinations?</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	75.202(a)	Y	RL	LD	1	Mod
<p>The roof along the 2 West/1 North Sub-Mains belt is inadequately supported or otherwise controlled to protect persons from the hazards of the fall of roof. The rib and roof have sloughed off on the north side of the belt between the drive and the back of the take-up. This condition has created an area of unsupported roof 5' between the roof bolts and the rib for a distance of 16'. There is also loose roof rock present in this area. Standard 75.202(a) was cited (b) (6)</p> <p>(b) (6)</p> <p>Was consideration given to a higher degree of negligence based on the number of times this section of 30 CFR had been cited in the previous 24 months? How long had this condition existed? Was a citation considered for inadequate examinations?</p>									

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

District Field Office Mine ID Date

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	2	Mod
<p>Combustible materials have been allowed to accumulate on the active number 2 unit's MMU 013 in the number 8 and 9 entry from crosscut number 35 to the face and the last open crosscut number 36 of the 9th North Panel. This is a total distance of approximately 140 feet in both entries and approximately 50 feet in the crosscut. These combustible materials are in the form of lump, loose coal and coal fines, distinctly black in color measuring up to 18 inches deep and angling away from the ribs up to approximately 27 inches. There is also loose and fine coal in the travelways in the area measuring up to an approximate measurement of 3 inches in depth.</p> <p>This section of 30 CFR was cited (b) (6) at this mine during the previous 24 months. Was consideration given to a higher degree of negligence? How long had this condition existed? Was a citation considered for inadequate examinations?</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	75.202(a)	Y	RL	FTL	1	Mod
<p>The ribs in the Main West, 010/011 MMU, are not being supported or otherwise controlled to protect persons from the fall of ribs. There are loose ribs in the last open crosscut intersection in number 8 entry at survey station 12,670. The rib on the southwest corner measures approximately 2'x2'x8' tall and is gapped open approximately 1/2" wide. The rib on the southeast corner measures approximately 15' long by 8' tall and approximately 18"-24" thick and is gapped open approximately 1/2"-3/4". This intersection is traveled regularly throughout the shift by persons on foot and in equipment. Standard 75.202(a) was cited (b) (6) at mine (b) (6)</p> <p>Was consideration given to a higher degree of negligence based on the number of times this section of 30 CFR had been cited in the previous 24 months? How was a determination made that only one person would be affected? How long had this condition existed? Was a citation considered for inadequate examinations?</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	N	UL	LD	1	Mod
<p>The number 66 Stamler ram car, serial number BH20-1150, approval 2G-3973-0, in service in the Main West, 010/011 MMU, is not being maintained in permissible condition. There is an opening in excess of .005" in the plane flange joint between the main controller case and it's cover.</p> <p>Records indicate this mine liberates approximately 478,782 cubic feet of methane per 24-hours. This information should have been included in the body of the citation. How was the determination made to evaluate this violation as unlikely or affecting only 1 person? This section of 30 CFR was cited (b) (6) at this mine during the previous 24 months. How was the determination made to evaluate this violation as moderate negligence?</p>									

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

District Field Office Mine ID Date

Mine ID	Violation	Date Issued	Type Issue	Standard Cited	S&S	Likely	Injury	Affect	Neg
(b) (6)	(b) (6)	(b) (6)	104(a) Citation	75.1909(d)	N	UL	LD	1	Mod
<p>The number 4011 diesel mantrip, in service at the bottom shop, is not provided with a parking brake that would hold the equipment stationary on the maximum grade on which it is operated. When tested, the brake would not hold the equipment stationary on even a slight grade at the bottom shop.</p>									
<p>Is the diesel mantrip rail-mounted or rubber-tired? How many persons are normally in the bottom shop? How long had this condition existed? What types of grades are encountered in this mine?</p>									

Attachment F – District Corrective Action Plan

The memo outlines the corrective actions to be taken by District 8 management to address the five issues of deficiency identified during the subject audit. This corrective action plan will be modified as needed to ensure that the corrective actions are effective.

The following is a list of the five issues and the corrective actions proposed by District 8:

1. *Issue:* 103(i) spot inspections (E02) are being conducted but not always at irregular intervals as required. During the time period being audited numerous E02 inspections were conducted on the same day of the week for up to 5 consecutive weeks.

Corrective Action: 103(i) spot inspections will be conducted in accordance with 103(i) of the Mine Act and MSHA policy. The periods and requirement that inspections be conducted at irregular intervals will be met. Supervisors will be directed by a district memorandum to ensure 103(i) spot inspections are conducted in accordance with the Mine Act. Supervisors will be instructed to more closely oversee the 103(i) inspection sequences to ensure that no more than two 103(i) spot inspections be conducted on consecutive weekdays. A running calendar will be kept to inform enforcement personnel when the last weekday 103(i) inspections have been made. Training for enforcement employees will be given on the District 8 SOP. Each enforcement employee who attends the training will sign an attendance roster.

Date of Implementation: May 31, 2012

Date of Completion: July 31, 2012

Follow-Up: The ADM-Enforcement will follow up to ensure proper implementation to this corrective action. If needed, additional instructions will be provided.

2. *Issue:* The MSIS database is not being kept up to date with accurate information regarding mine status, mine work schedule, and methane liberation rates. The district should review the status, work schedule and methane liberation rates for each mine to ensure they are properly coded.

Corrective Action: This topic will be discussed at employee staff meetings to emphasize the need for proper upkeep and timely submission of mine status information. Each employee who attends the staff meetings will sign an attendance roster. Field Office Secretaries, with the help of Supervisors, will be tasked with reviewing Mine Information Form (MIF) data and causing updates when necessary. All data will be updated and accurately recorded in MSIS. Instructions will be issued

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

District Field Office Mine ID Date

from the District Manager through the ADM-Enforcement outlining these corrective actions.

Date of Implementation: May 31, 2012

Date of Completion: August 31, 2012

Follow-Up: The ADM-Enforcement and the Field Office Supervisors will periodically review the data to determine if the implementation of the corrective action is effective and being maintained.

3. *Issue:* 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.

Corrective Action: Management will hold a supervisory meeting with all supervisory personnel and review all deficiencies outlined in the audit. Each supervisor who attends the meeting will sign an attendance roster. The supervisor's responsibilities pertaining to oversight as outlined in The Coal Mine Safety & Health Supervisor's Handbook will be clearly noted and reviewed. The supervisors will then hold meetings with the inspectorate under their supervision and conduct in-depth training on documentation of violations. Each inspector who attends the meeting will sign an attendance roster. As a tool for measurement, for a period of six months, the D8 Staff Assistant will randomly select and review an E01 from each field office. A review of the report will be conducted for deficiencies in notes, inspection procedures, citation evaluation, etc. and report findings to the District Manager and ADM-Inspection Division.

Date of Implementation: June 1, 2012

Date of Completion: December 31, 2012

Follow-Up: The ADM-Enforcement and the District Manager will review and provide follow up strategies as needed.

4. *Issue:* During this audit, nine Possible Knowing/Willful Violation Review Forms (MSHA Form 7000-20) were randomly selected for review. Two PKW forms completed on (b) (6) were not delivered to the district office until (b) (6), an elapsed time of approximately 98 days.

Corrective Action: All Supervisors will be instructed, by memorandum from the District Manager, to ensure that PKW forms are completed in a timely manner. Three days from the date of issuance of the violations will be the maximum amount

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

District Field Office Mine ID Date

of time allowed for submission to the District Office. Supervisors will review these instructions with all enforcement personnel. Enforcement personnel will sign an attendance roster following the review of those instructions. Training will be provided by the Special Investigations Supervisor at supervisory staff meetings of the importance of timely submitting the PKW forms and following the instructions in the Special Investigations Procedures Handbook. Each supervisor who attends the training will sign an attendance roster.

Date of Implementation: June 1, 2012

Date of Completion: December 31, 2012

Follow-Up: Follow up will consist of reviewing the PKW tracking sheet maintained by the Special Investigations department. Calculations will be made to determine the number of days from issuance to submission to the District Office. This will be used to determine compliance with this corrective action. If needed, the District Manager will provide additional guidance for timely submission.

- Issue:* The tracking system for supervisory mine visits shows that each active underground mine in District 8 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. Note: Several positions (b) (6) were either vacant or unavailable for mine visits during FY 2011.

Corrective Action: Training will be provided that re-instructs Assistant District Managers and Supervisors of the requirement for mine visits as per The Coal Mine Safety & Health Supervisor's Handbook and Coal Mine Safety & Health Memorandum No. HQ-11-023-A. Each manager and supervisor who attends the training will sign an attendance roster. Acting supervisors and managers will be instructed of the requirements to be fulfilled when acting for other managers and supervisors. Oversight will be provided by the District Manager concerning future mine visits by the Assistant District Managers and Supervisors.

Date of Implementation: June 1, 2012

Date of Completion: September 30, 2012

Follow-Up: The District Manager will review the tracking sheet to ensure that mine visits are completed as required. Additional instruction will be provided as needed.