



APR 22 2014

MEMORANDUM FOR PATRICIA W. SILVEY

Deputy Assistant Secretary for Operations
Mine Safety and Health Administration

THROUGH:

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

JAY P. MATTOS [REDACTED]
Director, Office of Assessments, Accountability,
Special Enforcement and Investigations

FROM:

ALFRED L. CLAYBORNE [REDACTED]
Deputy Director, Office of Accountability, Special Enforcement
and Investigations

SUBJECT:

MSHA Office of Accountability Audit, Coal District 10, [REDACTED]
Dam, Kentucky Field Office, and [REDACTED]
[REDACTED]

Introduction

This memorandum summarizes the Office of Accountability's 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); second level reviews; and MSHA supervisory and managerial oversight. 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 Troy Davis, Mark Odum and Supervisory Accountability Specialist Ted Smith from [REDACTED], through [REDACTED]

On [REDACTED] members of the audit team traveled with two inspection parties to the [REDACTED] an E01 (regular) mine inspection. Areas and activities examined by the two inspection groups included the alternate escapeway/travelway from the portal to the Nos. 1 and 4 Working Sections, communication and tracking system, escape lifelines, No.1 Working Section (MMUs 001-0 & 002-0) and No.4 Working Section (MMUs 007-0 & 008-0). The inspection parties conducted examinations of all working faces on both working sections for imminent dangers, took air readings and observed methane tests at the face with extendable probes. The mining cycle and work practices were observed and included the use of remote controlled continuous mining machines, dual boom roof bolting machines, battery ram car haulage and scoop operations. The section roof support system and ventilation controls along with rock dusting and cleanup were observed during this inspection. The Refuge Alternatives (RAs) for both working sections were properly located and emergency communications were tested at these locations. Safety talks were conducted on the sections with individual miners as encountered. Topics discussed included recent accidents both in the district and nationally, current mining conditions and methane liberation for the mine. Also discussions with miners on the No. 4 section were conducted to determine the knowledge level and/or adequacy of training concerning the roof control and ventilation plan.

The outby areas visited included the Nos. 1B and 4B working section belts and the Main North No. 5 belt conveyor drive. The teams also traveled portions of the primary escapeways observing the lifeline and signage to the working sections' RAs. The RAs in use at this mine are manufactured by Strata and equipped with stainless steel fittings as required. The team examined a portion of the West Mains primary escapeway to the bottom of the intake airshaft and tested emergency communication at this location. Visual observations in the outby areas included ventilation controls, two sets of equipment airlock doors and rock dust applications. The 1st North Panel 2 Seals (5 Minova 120 psi) off the West Mains were examined.

Surface areas examined during the audit included the check-in/check-out system, mine map and mine record books. The audit team observed pre- and post inspection conferences conducted by the inspector.

Audit Results

This audit revealed positive findings in several areas as follows:

1. Inspectors at the Beaver Dam Field Office were courteous and professional in their interactions with miners and mine operators.
2. The mine conditions as observed in the areas inspected during the mine visit reflected the level of enforcement reviewed in E01 event [REDACTED]
3. The Inspection Tracking System (ITS) was utilized by the inspectors for integration into their hardcopy notes.
4. The Rockdust Map was documented in accordance with the General Inspection Procedures Handbook (GIPH) and included documentation of bag numbers of samples providing best review and tracking capabilities.
5. The Inspector attended and participated during the operator's quarterly meeting with mine examiners per 75.363(e).
6. The Field Office Supervisor has developed inspection cards to assist inspectors with specific procedures and documentation for their inspections. (These cards are optional only and not required.)

This audit revealed one issue that requires corrective action:

(Supporting data can be found in the Office of Accountability (OA) checklist)

1. The documentation for inspections is not complete and thorough for the E01 event [REDACTED]

Attachments

- A. Internal Review Summary
- B. Office of Accountability Checklist
- C. Citations/Orders Issued During Audit
Five citations were issued during the audit
- D. Examples of Citations Issued During Previous E01 Inspections
N/A
- E. Audit Checklist Item #2
- F. District Corrective Action Plan

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

District Coal District 10 Field Office Beaver Dam, KY Mine ID [REDACTED] Date [REDACTED]

Attachment A – Internal Review Summary

The table below lists the most common internal review findings following mine disasters. District 10 had one 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.
X	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, not conducted in a timely manner and at irregular intervals.
	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.
	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.
	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.
	Upper Big Branch Internal Review Corrective Actions	Corrective Actions implemented as of March 31, 2013.

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

District

Coal District 10

Field Office

Beaver Dam,
KY

Mine ID



Date



Attachment B – Audit Checklist

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

See Appendix E

Determine if citations and orders issued during previous inspections were

3. properly evaluated for gravity, negligence, level of enforcement, number of persons affected, and supported by documentation.

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

District Field Office Mine ID Date

6. 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

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

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

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

District

Coal District 10

Field Office

Beaver Dam,
KY

Mine ID

[REDACTED]

Date

[REDACTED]

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

5 Minova 120 psi seals were inspected during the 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

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

Adequate

Corrective Action Needed

Comments Below

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

Adequate

Corrective Action Needed

Comments Below

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

Adequate

Corrective Action Needed

Comments Below

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

District Field Office Mine ID Date

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

Tracking through ITS and tracking maps.

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

23. Determine if supervisors are visiting each active underground mine 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

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

N/A – No retreat mining is being conducted in District 10.

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

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

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

District Coal District 10 Field Office Beaver Dam, KY Mine ID [REDACTED] Date [REDACTED]

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.

[REDACTED]

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

Adequate Corrective Action Needed Comments Below

31. 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

32. 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 ACRI program was not reviewed during this audit.

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

[REDACTED]

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

District

Coal District 10

Field Office

Beaver Dam,
KY

Mine ID

[REDACTED]

Date

[REDACTED]

34. 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

MSHA Report Center on MSHA.net website, MSIS, and MPA

35. 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

Last District Peer Review was conducted June 2011.

36. 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

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

District Field Office Mine ID Date

UBB Internal Review Corrective Actions

(Implemented as of March 31, 2013)

37. (#2) Training which covered an overview of Part 48 and Part 48 inspection procedures, emphasizing a purposeful examination of training records. Guidance concerning CMS&H Memo No. HQ-08-055-A. Annual refresher online training concerning Part 48.

Adequate Corrective Action Needed Comments Below

38. (#3) On August 30, 2012, the Administrator for Coal directed district managers to use MPA database system to identify overdue responses from operators and take appropriate actions.

Adequate Corrective Action Needed Comments Below

39. (#4) Enforcement personnel were instructed that MSHA policy only allows violations of 30 CFR 48.5, 48.6, 48.7, 48.8, and 48.11 to be cited under section 104(g)(1) of the Mine Act for untrained miners at underground mines. Also trained on records that must be inspected to ensure that an operator is providing all required training. This includes checking training records for AMS operators, responsible persons, and persons who sample atmospheres behind seals.

Adequate Corrective Action Needed Comments Below

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

District

Coal District 10

Field Office

Beaver Dam,
KY

Mine ID

[REDACTED]

Date

[REDACTED]

(#5) Identify training records required by 30 CFR 75.338(a) and 75.1501(a)(3) as records that are to be inspected during a regular inspection, as well as any records of any other training required by MSHA regulations;

40.

- Specify the percentage of miners for which training records are to be inspected during a regular inspection;
- Inspectors are to question miners on their training related to roof control plans and document such information per CMS&H Memo No. HQ-08-055-A. This also applies to training related to ventilation plans.

Adequate

Corrective Action Needed

Comments Below

(#7) A complete permissibility inspection of each longwall system shall be conducted by electrical specialists or inspectors who hold a current MSHA electrical qualification card on at least an annual basis.

41.

Adequate

Corrective Action Needed

Comments Below

No longwalls in the District.

(#11) Conduct a proper examination of the AMS system and/or AMS systems that operate CO sensors for the purposes of 75.1101. A complete inspection includes those items in the revised GIPH (AMS checklist).

42.

Adequate

Corrective Action Needed

Comments Below

(#12) Inspectors are to review examination records with the purpose of determining whether:

43.

- Examinations have been conducted at required intervals;
- Records include violations of mandatory safety or health standards;
- Hazardous conditions have been properly recorded;
- Records of violations or hazardous conditions indicate a need for inspectors to follow up;
- Corrective actions have been recorded for reported hazardous conditions;
- Ventilation of worked out and outby areas have been evaluated properly.

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

44. (#19) Supervisors are to utilize standard oversight reports in the review of rockdust sampling and to also ensure inspectors have valid reasons for not collecting samples, including visiting some areas that inspectors indicated were too wet to sample.

Adequate Corrective Action Needed Comments Below

45. (#21) Inspectors were reinstructed to review required records and postings, including Mine Accident, Injury, and Illness Reports (MSHA Form 7000-1) and Quarterly Employment and Coal Production Reports (MSHA Form 7000-2) during each regular inspection. This will help identify mine operators that routinely under report or inaccurately report accidents, injuries, illnesses, employment, and production.

The District Managers were instructed to hold supervisors accountable for enforcing compliance with this directive.

Adequate Corrective Action Needed Comments Below

46. (#32) Districts are to monitor the time required to process plans and take appropriate administrative actions when necessary. The Administrator for Coal directed district managers and district personnel to use the "Days to Reach Decision" Report in the MSHA Report Center to monitor the time required to process plans and take appropriate administrative action when necessary.

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

47. (#33) The Coal Safety Division provided training on the procedures outlined in the Mine Ventilation Plan Approval Procedures Handbook regarding six-month plan reviews to all inspectors and specialists to help ensure that the in-mine physical inspection of the mine ventilation system is properly conducted and documented.

District Managers were instructed to monitor the six-month reviews to verify their effectiveness and take follow-up corrective action if necessary.

48. (#38&64) Coal revised the Program Policy Manual provision governing the establishment of Mechanized Mining Unit (MMU) numbers under 30 CFR 70.207. The revised policy provides that the reduced respirable dust standard, due to the presence of quartz, will not change when the operator changes equipment on a mining section.

Adequate Corrective Action Needed Comments Below

49. (#42) The Administrator for Coal directed staff to monitor the implementation of new regulations to ensure districts enforce the provisions of final rules within the effective dates specified. This will be tracked through Field Activity Reviews, Accompanied Activities, Second Level Reviews, and District Peer Reviews.

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

(#47) The Roof Control Plan SOP should comply with the established Program Policy Manual requirements as identified by the OIG report to address deficiencies identified in the Internal Review report. The SOPs should account for:

50.

- to check that required information is submitted
- check for communication with other plan approval groups
- assure that designated MSHA personnel contact the operator for additional information
- discuss results of on-site evaluations with the operator and identified miners' representatives.

Adequate Corrective Action Needed Comments Below

(#48&49) Six month In-mine physical evaluation of the Roof Control Plan shall be properly conducted and documented (*checklists*). GIPH provides guidance on

51. when six month reviews of complex roof control plans should be forwarded to Technical Support for evaluation. Complex plans should be reviewed by roof control specialists and/or forwarded to Tech Support.

Adequate Corrective Action Needed Comments Below

(#58) SSI's are required to maintain a memorandum detailing the reasons for not conducting a special investigation when the district manager decides to take no further action, in accordance with the Special Investigations Procedures Handbook.

52.

(#65) The Coal Health Division provided training on proper procedures for

53. conducting, documenting, and reviewing MSHA respirable dust surveys. Proper documentation to include blue cards, 2000-86's, etc.

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

54. (#66) Managers and enforcement personnel should monitor respirable dust violations from issuance to termination to reduce miners' exposure to respirable coal mine dust. The "Abatement Times for Respirable Dust Citations" report is located in the MSHA Report Center on MSHAnet website.

Adequate Corrective Action Needed Comments Below

55. (#67) Retraining of inspectors report is available so that districts can track the training process of their inspectors in real time. This report also allows districts to integrate retraining of inspectors conducted at other sites and certified by Coal. The reports are now available on one reporting system. The Administrator for Coal will provide an annual report to the Assistant Secretary detailing compliance with this policy at the end of each fiscal year.

Adequate Corrective Action Needed Comments Below

56. (#75) The Administrator for Coal provided uniform guidance to all district managers and assistant district managers to provide acting field office supervisors with the level of oversight necessary to manage their work groups on a temporary basis. The guidance will be included in each District's SOP for training newly promoted field office supervisors. An online distance learning training course with a knowledge check for temporarily promoted supervisors has been developed for this purpose.

Adequate Corrective Action Needed Comments Below

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

District Coal District 10 Field Office Beaver Dam, KY Mine ID [REDACTED] Date [REDACTED]

Attachment C – Citations Issued During Audit

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

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

The operator failed to ensure that bearing plates were firmly installed with roof bolts on the MMU-001 working section.
 Two adjacent loose pins were found in the 9+50 intersection of #3 entry leaving an unsupported area measuring 12.5 feet by 8 feet (100 square feet). Four loose pins were found in entry #1 from the LOXC to the face. Three loose pins were found in entry #4 from the LOXC to the face.

Standard 75.204(c)(1) was cited [REDACTED]
[REDACTED]

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	75.204(c)(1)
--------------	--	-------------------	---------------------------------	--------------

Section II--Inspector's Evaluation				
10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input checked="" type="checkbox"/> Fatal <input type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				D. Number of Persons Affected: 001
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input 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. Time (24 Hr. Clock)
	[REDACTED]	[REDACTED]

Section III--Termination Action

17. Action to Terminate	
18. Terminated	A. Date Mo Da Yr
	[REDACTED]

Section IV--Automated System Data		
19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill
E01	[REDACTED]	[REDACTED]
22. Signature		23. AR Number
[REDACTED]		[REDACTED]

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20415. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District Coal District 10 Field Office Beaver Dam, KY Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I - Violation Data

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

8. Condition or Practice (Contractor)
 8a. Written Notice (103g)

The operator failed to ensure that bearing plates were firmly installed with roof bolts on the MMU-002 working section. Five loose pins were found from spud 9+00 to 10+00 in entry #8. Two loose pins were found in entry #9 from spud 10+00 (LOXC) to the face.

Standard 75.204(c)(1) was cited [REDACTED]

See Contractor Form (MSHA Form 7000-3a)

9. Violation	A. Hazard Safety or Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR	75.204(c)(1)
--------------	--	-------------------	---------------------------------	--------------

Section II - Inspector's Evaluation

10. Gravity

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No D. Number of Persons Affected: (0)

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action (0)(a) 13. Type of Issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation Order Number F. Dated Mo Da Yr

15. Area of Equipment:

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

Section III - Termination Action

17. Action to Terminate

18. Terminated A. Date Mo Da Yr [REDACTED] B. Time (24 Hr. Clock) [REDACTED]

Section IV - Administrative System Data

19. Type of Inspection (activity code) EPI 20. Event Number [REDACTED] 21. Primary or Mill

22. Signature [REDACTED] 23. AR Number [REDACTED]

MSHA Form 7000-3, Apr 05 (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 20415. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other right 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 10 Field Office Beaver Dam, KY Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I - Violation Data

1. Date Mo Da Yr	2. Time (24 Hr. Clock) [REDACTED]	3. Citation/Order Number [REDACTED]
4. Served To [REDACTED]		5. District [REDACTED]
6. Mine [REDACTED]	7. Mine ID [REDACTED]	(Contractor)
8. Condition or Practice		8a. Written Notice (100g)

The operator failed to keep the #5 conveyor belt properly aligned to prevent it from rubbing the structure or components. The bottom belt was observed rubbing a bottom roller bracket between the drive and head roller assembly.

(b) Conveyor belts must be properly aligned to prevent the moving belt from rubbing against the structure or components.

Standard 15.1731(b) was cited

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.1731(b)
--------------	---	-------------------	--

Section II - Inspector's Evaluation

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

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock) [REDACTED]
---------------------	--	---

Section III - Termination Action

17. Action to Terminate The operator re aligned the belt.		
18. Terminated		
A. Date Mo Da Yr	B. Time (24 Hr. Clock) [REDACTED]	

Section IV - Automated System Data

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

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Procedural Enforcement Fairness Act of 1993, the Small Business Administration has established a National Small Business and Agriculture Regulatory Dispute/Complaint and 13 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 ombudsman's actions of MSHA, you may call 1-888-REG-FAIR (1-888-754-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 405 3rd Street, SW, MC 2120, Washington, DC 20415. Please note, however, that your right to be a complainant 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 10 Field Office Beaver Dam, KY 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	2. Time (24 Hr. Clock)	3. Citation Order Number	
4. Served To	5. Operator		
6. Mine	7. Mine ID		

(Contractor)

8. Condition of Practice 9a. Written Notice (503g)

The #4 unit working section escape-way map was not being current or kept up-to-date for the #4 unit working section 1st North Panel-4 MM2 007-0 and 008-0, so that the route of travel, in which the #4 unit working section is traveling and the location of the refuge alternative for the #4 unit working section was not shown on the escape-way map by the End of the shift on which the change is made.

Standard 75.1505 (b) was cited [REDACTED]

See Citation Form (MSHA Form 7000-34)

9. Violation	A. Health Safety or Other	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1505(b)

Section II - Inspector's Evaluation

10. Gravity

A. Injury or illness (has) (is) No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be No Lost Workdays Lost Workdays or Restricted Duty Permanently disabling Fatal

C. Significant and Substantial Yes No

D. Number of Persons Affected (g) 5

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless/Deliberate

12. Type of Action 103(a) 13. Type of Abatement (check one): Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation Order Number F. Dated Mo Da Yr

15. Area or Equipment

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

Section III - Termination Action

17. Action to Terminate The direction of travel for the #4 unit working section and the location of the refuge alternative was updated and shown on the #4 unit working section escape-way map as required.

18. Terminate A. Date Mo Da Yr [REDACTED] B. Time (24 Hr. Clock) [REDACTED]

Section IV - Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Priority or M/I	
E01	[REDACTED]		
22. Signature [REDACTED]			23. Aff Number [REDACTED]

MSHA Form 7000-34, Apr 28 (Rev. 1992) 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 Checklist and 12 Regional Offices to receive comments from small businesses about federal agency enforcement actions. This Department will actively evaluate enforcement activities and 1998 each agency's responsibilities to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-754-2247), or write to the Commissioner of Small Business Administration, Office of the National Ombudsman, 400 1st Street SW, MC 2125, Washington, DC 20436. Please note, however, that your right to file a comment with the Commissioner 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 10 Field Office Beaver Dam, KY Mine ID [REDACTED] Date [REDACTED]

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

Section I - Violation Data

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

8. Condition of Practice Re: Written Notice (103)

The Simmons battery scoop Co. No. SR-11 operating on the #4 unit working 1st North Panel-4, is not being maintained in permissible condition. The Main Control Panel when checked with a .008 feeler gauge had an opening in the panel 2 1/2 inches long in which the entire feeler gauge entered the opening. The maximum allowable opening is .004 for this plane flange joint as stated in the Code of Regulations Part 16.13 for a explosion proof enclosure of more than 124 cubic inches.

Standard 75.503 was cited [REDACTED]

See Combination Form (MSHA Form 7000-1a)

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 75.503
--------------	--	-------------------	---

Section II - Inspector's Evaluation

10. Gravity

A. Injury or illness (has) (is)	No (insured) <input type="checkbox"/>	Unlikely <input checked="" type="checkbox"/>	Reasonably Likely <input type="checkbox"/>	Highly Likely <input type="checkbox"/>	Occured <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 Debilitating <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 0(1)	

11. Negligence (code) (s)

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 (1)(4)(a)

13. Type of Issuance (check one): Citation Order Safeguard Written Notice

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 Date

A. Date Mo Da Yr [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]	
--------------------------------	--------------------------------------	--

Section III - Termination Action

17. Action of Terminate The opening in the Main Control Panel was closed to less than the maximum allowable opening of .004.

18. Terminate

A. Date Mo Da Yr [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]	
--------------------------------	--------------------------------------	--

Section IV - Automated System Data

19. Type of Inspection (activity code) E01

20. Event Number [REDACTED]

21. Primary or Mail [REDACTED]

22. Signature [REDACTED]

23. AR Number [REDACTED]

MSHA Form 7000-1, Apr 98 (revised). In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration (SBA) has established a National Small Business and Agriculture Regulatory Center (NSARC) and 10 Regional Fairness Boards to resolve complaints from small businesses about Federal agency enforcement actions. The Center and its 10 regional enforcement offices and 100 local office response centers are available to small business. If you want to comment on the enforcement actions of MSHA, you may call 1-800-410-6849 (TDD) or 1-800-734-3247, or write the Director of Small Business Administration, Office of the National Ombudsman, 400 3rd Street, NW, MC 2120, Washington, DC 20410. 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 a mine 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 10	Field Office	Beaver Dam, KY	Mine ID	[REDACTED]	Date	[REDACTED]
----------	------------------	--------------	-------------------	---------	------------	------	------------

Attachment D – Examples of Citations Issued During Previous Inspections

N/A

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

District Field Office Mine ID Date

Attachment E – Audit Checklist Item #2

E01 event

1. Procedures for conducting and documenting Health Inspections were not always followed:
 - MSHA Form 2000-86 were not always completed accurately.
 - Form 2000-86 dated item 18 scrubber readings not recorded, item 19 second half dust parameter checks not recorded, item 25 not completed.
 - Item 28 on all 2000-86s reviewed for event did not record the method used in determining the average production over the last 30 production shifts including the shift length.

*Requirement: Coal Mine Health Inspection Procedures Handbook Chapter 1
Page 1.10 item 5*

5. Upon arrival at the mine, the inspector will discuss with mine management and representatives of the miners the purpose of the inspection activity, stressing the need to have dust controls in place, examined in accordance with § 75.362(a)(2), and functioning properly on every production shift, and to have dust samples that reflect dust concentrations in the work environment to which miners are typically exposed. During this time, the inspector will confer with miners and mine management to discuss the results of any previous MSHA dust inspections and, if currently on a reduced standard, explain its significance. The inspector will also determine the length of the shift and solicit cooperation from the miner in wearing the sampler unit. The shift length will be noted in the comments section of the 2000-86 completed during this inspection. If a miner objects to wearing the sampler unit, determine the reasons for the objection. Explain the objectives of sampling inspections (refer to page 1.1). If the cooperation of the miner cannot be obtained, the sampler will be carried to the miner's work site and placed within 36 inches in by the miner's normal work position or at a location that will measure the maximum dust concentration to which the miner is exposed.

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

District

Coal District 10

Field Office

Beaver Dam,
KY

Mine ID

Date

Pages 1.17 and 1.18 item 13

13. At least twice during the sampling shift, the inspector will verify that **all** dust control parameters stipulated in the approved ventilation plan are in place and functioning properly and make other necessary measurements as detailed below. These complete checks will be initiated at least at the beginning of the shift and between the 4th and 5th hour of operation. When checking air quantities and velocities, the inspector will make such measurements in as many working places as practical and immediately prior to the operation of the miner in that place, recording the results on MSHA Form 2000-86, July 93 (revised), *Respirable Dust Sampling and Monitoring Data*.

If the plan requires the use of a machine-mounted dust collector, the inspector should follow the procedures outlined in Appendix E (formerly PIL I97-V-8) in performing the required visual checks and measurements to verify that the scrubber is being maintained and is operating properly. In addition, inspection personnel will conduct a full pitot tube traverse on each scrubber at least every other fiscal year quarter. This traverse data will be attached or otherwise included with the 2000-86 form. This information will be used by the inspector to determine if the plan scrubber quantity is correct. The inspector can also use this data to determine a centerline correlation (if a centerline hole is provided) which can be used during non-measurement inspections of the scrubber system to determine if the scrubber is being maintained and the ventilating air current is suitable for this system of mining. A duct set-up for a centerline hole will always have an odd number of holes.

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

District

Coal District 10

Field Office

Beaver Dam,
KY

Mine ID

Date

Page 1.19

The inspector will also include in the comment section of MSHA Form 2000-86, the method used to determine the average production over the last 30 production **shifts**. This will include the date range for data utilized, the total production during the 30 shifts, the average for the 30 shifts, the normal shift length, the conversion to an 8-hour equivalent, and the percent of the 30-shift average obtained during this sampling shift. The preferred method of determining the 30 shift average is to measure the mine map for the distance mined and calculate the cubic feet of material mined. All measurements, as well as any conversion factor used, must be included in the comments section. Note that material mined includes all material mined, including rock. Each MSHA Form 2000-86 will be reviewed and signed by the inspector's supervisor indicating that the data is complete and accurate.

2. Documentation of Ventilation measurements and test:

- Air readings taken were not always documented with height and width measurements.
- Air quality measurements were not recorded downwind of the 1st West Seals.
- Required air readings that contribute to the E01 were not documented on the E01 Tracking Map to include Last Open Crosscut.

Requirement:

*GIPH page 2-19 **Continuation Pages**.* Inspectors should supplement Daily Cover Sheets using approved note keeping forms, check lists, listings or other preprinted forms to document inspection or investigation activities that require more than one page of notes. Any legible written format may be used for continuation pages, unless otherwise specified by an inspection procedure. MSHA Form 7000-10M (Air Readings) is available to document the location and results of air tests and measurements.

*GIPH 3-67 **Documentation Required:*** *The results of Ventilation General Tests and Measurements (items 1 through 14 above) should be documented in the inspection notes **to include the test location and the test and measurement results**, until each area of the ventilation general tests and measurements is fully inspected. **Methane (CH₄) and oxygen (O₂) tests shall be taken at each***

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

District

Coal District 10

Field Office

Beaver Dam,
KY

Mine ID

Date

required location and recorded as a percentage. The air velocity and area (height and width of location where the required measurement was taken) shall be recorded with the air quantity calculated. In addition to completing this procedure for all outby areas, the inspector should only once clearly mark each working section air readings that contribute to the E01 inspection by date and initials on the mine tracking map, including the locations of any approved evaluation or measurement points associated with the aircourse.

3. Start/stop points for each air course traveled were not always marked on the tracking map. Also Measurement Point Locations (MPLs) were not documented on the E01 Tracking Map. Non-Pillared Worked Out Areas were not properly documented in the ITS.

GIPH page 3-42

Documentation Required: The inspector should record in the inspection notes each aircourse that is inspected. The aircourse should be identified in the inspection notes as it appears in the ITS. **The inspector is not required to document the inspection of aircourses by date and initials in the ITS.** If an aircourse is not inspected in its entirety, the starting and stopping points, as correlated to a permanent reference point such as a crosscut number or spad number on the mine map should be included in the inspection notes. **The inspector should clearly mark the extent of daily travels that contribute to the E01 inspection by date and initials on the mine tracking map, including any approved evaluation or measurement point locations associated with the aircourse and the beginning and ending point of each day's travel until each intake or return aircourse is fully inspected** (this does not apply to routine travel of or incidental travel through an aircourse).

4. Air quality readings were not always documented for each rock dust sample taken.

Requirement: GIPH page 3-61

Documentation Required: The MMU number (Sampling Location Area), a description of the sampling area (Location In Mine), each sample collected identified by a permanent reference correlated to the mine map, e.g., survey spad number, crosscut number, etc.), **and the percentage of methane**

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

District

Coal District 10

Field Office

Beaver Dam,
KY

Mine ID

Date

detected on a handheld detector shall be documented in the inspection notes for each sample collected.

5. Proper documentation was not always provided for enforcement actions taken to include the following:
- Facts relevant to likelihood of occurrence.
 - Type of injury or illness resulting from occurrence of the event, including how this was determined.
 - Citations for Plan violations such as Roof Control Plan and Ventilation Plan did not always include copies of the approval letter and specific page including requirement cited.
 - A copy of the analysis was not always included in the inspection notes to accompany the citation(s) for non-compliant rock dust surveys.

Requirement:

GIPH page 2-21

If an enforcement action results from failure to comply with an approved plan, permit, or petition, **a copy of the related approval letter and pertinent page(s) shall be included with the inspector's notes.** *When enforcement or subsequent action(s) are taken based upon the results of analysis report(s), **that report shall be included with the inspector notes.***

GIPH page 2-19, 20

Facts relevant to the condition or practice cited for each enforcement action and information regarding the negligence and gravity

determinations should be documented. *To ensure that quality citations and orders are issued, inspectors should document the following information:*

1. *The time (24 Hr. Clock) the inspector observed the violation.*
2. *A description of the conditions and practices causing and constituting the violation of a specific regulation or section of the Mine Act. They must be accurately identified and described, including a means to quantify the size and extent of the cited condition or practice (such as dimensions, periods of time, and number of occurrences). The names of individuals shall not be included in the condition or practice section of the citation.*
3. *The standard or section of Act violated.*
4. *The location or equipment where the violation or hazard exists.*

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

District

Coal District 10

Field Office

Beaver Dam,
KY

Mine ID

Date

5. The following gravity factors, when applicable:

- a. Mine characteristics, such as methane liberation, geological conditions, accident history, and other **physical factors that would affect the likelihood of the occurrence.**
- b. The number of persons exposed to the hazard and the duration and frequency of this exposure under continued normal mining practices.
- c. **The type of injury or illness resulting from the occurrence of the event, including how this was determined such as industry history, personal knowledge, or experience.**
- d. The number of persons who were actually injured or became ill as a result of the hazard caused by the violation or the number of persons who could be affected if the anticipated event occurred, including how this was determined.

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

District Coal District 10 Field Office Beaver Dam,
KY Mine ID Date

Attachment F - District Corrective Action Plan

U.S. Department of Labor

Mine Safety and Health Administration
100 YMCA Drive
Madisonville, Kentucky 42431-9019



January 7, 2014

MEMORANDUM FOR: TED SMITH
Supervisor of Accountability
Mine Safety and Health Administration
[REDACTED]

FROM: [REDACTED]
JIM LANGRISH
District Manager
District 10

SUBJECT: Proposed Corrective Action

This is a response to the audit conducted by your office from [REDACTED]
[REDACTED] at the Beaver Dam, KY, Field Office and the [REDACTED]
[REDACTED] The results of your audit identified one deficiency,
consisting of five subparts, which is required to be addressed by this district.

DEFICIENCY:

1. The documentation for inspections is not complete and thorough for the E01 event # [REDACTED]
 - a. Procedures for conducting and documenting Health Inspections were not always followed.
 - i. MSHA Form 2000-86 were not always completed accurately.
 - b. Documentation of Ventilation measurements and tests.
 - i. Air readings taken were not always documented with height and width measurements.
 - ii. Air quality measurements were not recorded downwind of the 1st West Seals.
 - iii. Required air readings that contribute to the E01 were not documented on the E01 Tracking Map to include Last Open Crosscut.
 - c. Start/Stop points for each aircourse traveled were not always marked on the tracking map. Also, Measuring Point Locations (MPLs) were not documented on the E01 tracking map. Non-Pillared Worked-out Areas were not properly documented in the ITS.
 - d. Air quality readings were not always documented for each rock dust sample taken.

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

District

Coal District 10

Field Office

Beaver Dam,
KY

Mine ID

Date

- e. Proper documentation was not always provided for enforcement actions taken to include the following:
- i. Facts relevant to likelihood of occurrence.
 - ii. Type of injury or illness resulting from occurrence of the event, including how this was determined.
 - iii. Citations for Plan violations such as Roof Control Plan and Ventilation Plan did not always include copies of the approval letter and specific page including requirement cited.
 - iv. A copy of the analysis was not always included in the inspection notes to accompany the citation(s) for non-compliant rock dust surveys.

ROOT CAUSE:

Training/Supervisory Oversight

Inspectors did not always comply with the guidance in MSHA procedural handbooks for documentation. The supervisor did not identify the failures to comply the guidance for documentation.

PROPOSED CORRECTIVE ACTIONS:

Training will be conducted for all District 10 enforcement personnel on the required documentation for all deficiencies identified by the Office of Accountability (OA) audit. Separate training will be conducted for the Field Office supervisors by the Assistant District Manager (ADM) for Enforcement.

- Corrective Action for Deficiency 1a - A Power Point presentation developed by the Division of Health giving instructions how to complete MSHA form 2000-86 will be presented. Training on the inspection procedures relating to respirable dust control parameters will accompany the Power Point presentation. A spreadsheet (attached) will be distributed that shows the information required to determine the last 30 production shift average.
- Corrective Action for Deficiency 1b - Training will be provided on the inspection procedures for all required ventilation measurements and tests, including the proper documentation for each.
- Corrective Action for Deficiency 1c - Training will be provided on the inspection procedures detailing how to properly mark E01 Tracking Maps, and how to document Non-Pillared Worked Out Areas in the ITS.
- Corrective Action for Deficiency 1d - Training will be provided on how to properly document each rock dust sample taken.
- Corrective Action for Deficiency 1e - Training will be provided on the inspection procedure requirements for documentation related to enforcement actions taken.

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

District Coal District 10 Field Office Beaver Dam, KY Mine ID Date

OFFICE RESPONSIBLE FOR IMPLEMENTING:

The ADM - Enforcement will be responsible for providing the required instruction.

TIMEFRAME FOR COMPLETION:

The training will be conducted by February 28, 2014.

METHOD FOR DETERMINING SUCCESS:

The Field Office Supervisors will review the inspection reports for each underground E01 to ensure that documentation for each identified deficiency is included. Further review will be conducted during required 2nd Level Reviews by the ADM - Enforcement.

30 Shift Production Calculation Spreadsheet referenced on page 32:

Formula for 8 Hour Equivalent	Date Range	Beginning	8 Hour Equivalent				Cuts	Footage	
Avg. Production = X			0	=	X	=	0		
Normal Shift = 8		Ending							
		Total Production	1		8				
Formula for Production		Average for 30 Shifts	0						
Footage X Ton/Ft		Normal Shift Length	8						
		8 Hour 30 shift Avg	0		Production				
Formula for 30 Day Average		80 % of Average	0		0	X	0	=	0
15 Production Day @ 2 shift/ day		Tons per Foot	0.0						
= 30 Production Shifts		Production Today	0						
Sum of Daily Production for Date Range Given		Percentage Ran	0.0%						
= Total Production									
Note: Information in Yellow Cells									
							Total	0	