



DEC 08 2014

MEMORANDUM FOR PATRICIA W. SILVEY

Deputy Assistant Secretary for Operations,
Mine Safety and Health Administration

THROUGH:

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

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

FROM:

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

SUBJECT:

MSHA Office of Accountability Review, Coal District 8,
Marion, Illinois Field Office, and

Introduction

This memorandum summarizes the Office of Accountability's review of Coal District 8, Marion, Illinois Field Office, and

The review 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 review 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 report.

Overview

The review was conducted by Accountability Specialist Mark Odum and Supervisory Accountability Specialist Ted Smith from [REDACTED]

On [REDACTED], the Office of Accountability Specialist traveled to [REDACTED], along with the [REDACTED] on an E02 (spot) inspection. Areas and activities examined by the inspection group included the primary escapeway/travelway from the Main Portal to the 12 West Headgate (12 W HG) continuous miner section, MMU 001-0. The group inspected conditions along the travelway and checked the communication and tracking system, escape lifelines and signage. The inspection included examinations of all working faces on the working section for imminent dangers, methane tests at the faces and air readings. The mining cycle and work practices were observed and included the use of remote controlled continuous mining machines, dual boom roof bolting machines, shuttle 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 Alternative (RA) for the working section was properly located and emergency communications were tested at the location. Safety talks were conducted on the surface with crews and on the section with individual miners as encountered.

The outby areas visited included the 12 W HG belt drive and the head/transfer for the Main Northwest belt. The group also inspected the section belt tail and feeder area along with portions of the alternate escapeway off the section observing the lifeline and signage in the area. Visual observations in the outby areas included ventilation, cleanup, rock dust applications, and roof control.

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

Review Results

This review revealed positive findings in several areas as follows:

1. The [REDACTED] had reviewed and printed for all supervisors a summary of deficiencies and corrective actions from previous reviews.
2. The 103i spot calendar in the field office utilized a binder with colored blocks for required inspections.
3. The Inspection Tracking System (ITS) was utilized by the inspectors for integration into their inspection notes.
4. The Rockdust Map included documentation of bag numbers of samples providing best review and tracking capabilities.
5. Inspectors and supervisory staff were accommodating and professional in conduct and displayed good rapport with miners.

Review of [REDACTED] E01 event [REDACTED]

This review revealed one issue from the Office of Accountability (OA) Review Checklist items. Under the issue, specific deficiencies are noted. (Supporting information can be found in the Office of Accountability Review Checklist and Attachment E)

Issue No. 1

The documentation for inspections was not complete and thorough - Office of Accountability Review Checklist Item #2

A. The E01 Tracking Map was not marked with all information as per the General Inspections Procedures Handbook (GIPH):

1. The locations of all MMUs or names of the sections were not recorded on the tracking map. The pre-printed map included entry, panel, and mains designations along with crosscut numbers and a coordinate system. However, the MMUs or section names were not marked by the inspector on the map.
2. The required air readings that contribute to the E01 were not documented on the E01 Tracking Map (Last open crosscut readings for miner sections, Intake air reading for longwall).
3. The locations of last open crosscuts were not identified on map by MMU and date and initials.

B. Documentation of ventilation measurements and tests were not always documented in the inspection notes according to the GIPH:

1. Inspection of the bleeder MPLs did not always record direction of air flow for the locations.
2. Air quality readings and direction of airflow were not always documented at location downwind of sets of seals – air quality readings were documented as being taken at each seal.

C. The SCSR manufacturer and model were not always included in the inspection notes when SCSRs were inspected.

D. The AMS/CO monitoring system manufacturer and model were not always included in the inspection notes when the AMS was inspected.

E. The MSHA Form 2000-22, Mine Activity Data form, did not include documentation in the remarks area for inspection of the Cleanup Program.

F. Documentation of discussions with miners on their knowledge and training of the roof control plan and ventilation plan was not included in the inspection notes for the E01 event reviewed.

Attachments

A. Internal Review Summary

B. Office of Accountability Checklist

C. Citations/Orders Issued During This Review

Three citations were issued during the review:

- [REDACTED] 75.400
- [REDACTED] 75.202(a)
- [REDACTED] 75.220(a)(1)

D. Examples of Citations Issued During Previous E01 Inspections

N/A

E. Requirements for Issues/Deficiencies identified from Office of Accountability Review Checklist Items

F. District Corrective Action Plan

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

District Coal District 8 Field Office Marion IL
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 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/documenting 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 8

Field Office

Marion IL
Field Office

Mine ID

[REDACTED]

Date

[REDACTED]

Attachment B – Office of Accountability Review 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 Review Results and Attachment 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

Coal District 8

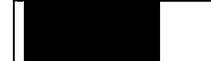
Field Office

Marion IL
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 review.

Adequate

Corrective Action Needed

Comments Below

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

Adequate

Corrective Action Needed

Comments Below

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

Adequate

Corrective Action Needed

Comments Below

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

Adequate

Corrective Action Needed

Comments Below

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

Adequate

Corrective Action Needed

Comments Below

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

District Field Office Mine ID Date

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

Adequate Corrective Action Needed Comments Below

Seals were not inspected on the E02 as a part of this review

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

District

Coal District 8

Field Office

Marion IL
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 reviewed.

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

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 - longwall mining

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 8

Field Office

Marion IL
Field Office

Mine ID



Date



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.



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 review.

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



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

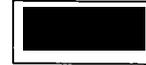
District

Coal District 8

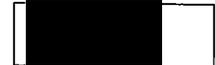
Field Office

Marion IL
Field Office

Mine ID



Date



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

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

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

Coal District 8

Field Office

Marion IL
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 8

Field Office

Marion IL
Field Office

Mine ID

Date

40. (#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;
- 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

41. (#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.

Adequate

Corrective Action Needed

Comments Below

42. (#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).

Adequate

Corrective Action Needed

Comments Below

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

Coal District 8

Field Office

Marion IL
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.

Adequate

Corrective Action Needed

Comments Below

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

Coal District 8

Field Office

Marion IL
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 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.

- 51.

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.

Adequate

Corrective Action Needed

Comments Below

(#65) The Coal Health Division provided training on proper procedures for conducting, documenting, and reviewing MSHA respirable dust surveys. Proper documentation to include blue cards, 2000-86's, etc.

- 53.

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 8 Field Office Marion IL
Field Office Mine ID Date

Attachment C – Citations Issued During Review

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	
8. Condition or Practice				8a. Written Notice (103g) <input type="checkbox"/>
Combustible material in the form of dry to damp coal float dust, and coal fines have accumulated on top of previously rock dusted surfaces along the 3rd Main North belt entry at the following locations: 1. West side Main North belt at the scraper located 10 feet from the 12 West Headgate belt headroller - accumulations measured 36 inches long, 30 inches wide, and 3 to 8 inches deep on the mine floor. 2. East side Main North belt at the scraper located 10 feet from the 12 West Headgate belt headroller - Accumulations measured 48 inches long, 18 inches wide, and 3 to 12 inches deep on the mine floor. 3. East and west side of Main North belt, 10 feet outby the air regulator (150 feet from 12 West Headgate belt headroller) - accumulations measured 14 feet long, 2 feet wide, and .25 inches to 2 inches deep on the mine				
See Continuation Form (MSHA Form 7000-3a) <input checked="" type="checkbox"/>				
9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR	75.400
Section II—Inspector's Evaluation				
10. Gravity:				
A. Injury or Illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>				
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				D. Number of Persons Affected: 001
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action 104(a)		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action 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	B. Time (24 Hr. Clock)	
Section III—Termination Action				
17. Action to Terminate The accumulations were removed from the Main North belt entry and structure in the belt entry. The belt entry was rock dusted from the Main North belt air regulator outby to the 12 West Headgate belt				
18. Terminate	A. Date Mo Da Yr	B. Time (24 Hr. Clock)		
Section IV—Automated System Data				
19. Type of Inspection (activity code)	E02	20. Event Number	21. Primary or Mill	
22. AR Name			23. AR Number	

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 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 Coal District 8 Field Office Marion IL
Field Office Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order
Continuation

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



Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input type="checkbox"/> <input checked="" type="checkbox"/>	2. Dated (Original Issue)	Mo Da Yr [REDACTED]	3. Citation/ Order Number [REDACTED]
4. Served To [REDACTED]	5. Operator [REDACTED]		
6. Mine [REDACTED]		7. Mine ID [REDACTED] (Contractor)	

Section II--Justification for Action

Continuation of 8. Condition or Practice

floor.

4. Main North belt beginning at the belt air regulator and extending outby for 30 feet - accumulations of float coal dust on top of water pipe and belt structure.

5. Main North belt from the belt air regulator to the 12 West Headgate belt headroller - the floor under the belt dark gray in color.

[REDACTED]

Continuation of 17. Action to Terminate

headroller.

See Continuation Form

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated <input type="checkbox"/> D. Terminated <input type="checkbox"/> E. Modified
----------------	------------------	------------------------	---

Section IV--Inspection Data

9. Type of Inspection E02	10. Event Number [REDACTED]		
11. AR Name [REDACTED]	AR Number [REDACTED]	12. Date Mo Da Yr [REDACTED]	13. Time (24 Hr. Clock) [REDACTED]

MSHA Form 7000-3a, Mar 85 (revised)

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

District Coal District 8 Field Office Marion IL Field Office Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



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

The mine operator failed to support or otherwise control the ribs where persons work or travel to protect persons from hazards related to falls of the ribs on th 12 West Headgate continuous miner section (MMU 001-0). A loose coal rib measuring 5 feet tall, 5 feet wide and .5 feet to 1 foot thick is present on the inby rib on the No. 22 crosscut. The crosscut is actively being used by shuttlecars and miners on foot to access the section belt feeder in the No. 1 entry from the No. 2 entry. The rib is cracked with openings measuring approximately .75 inches wide around the loose rib. The rib easily fell out into the walkway / travelway when the rib tested with a sounding rod.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.202(a)
--------------	---	-------------------	--

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: 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
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 citation was terminated when the fall / crushing hazard of the rib was removed. The loose rib was pulled down.

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) E02	20. Event Number [REDACTED]	21. Primary or Mill
22. AR Name [REDACTED]		23. AR Number [REDACTED]

MSHA Form 7000-3, Apr 06 (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 Coal District 8 Field Office Marion IL
Field Office Mine ID [REDACTED] Date [REDACTED]

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

Section I--Subsequent Action/Continuation Date

1. Subsequent Action 1a. Continuation <input type="checkbox"/> <input checked="" type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr [REDACTED]	3. Citation/Order Number [REDACTED]
4. Served To [REDACTED]		5. Operator [REDACTED]
6. Mine [REDACTED]		7. Mine ID [REDACTED] (Contractor)

Section II--Justification for Action
 Continuation of 8. Condition or Practice
 [REDACTED]

See Continuation Form

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated <input type="checkbox"/> D. Terminated <input type="checkbox"/> E. Modified
----------------	------------------	------------------------	---

Section IV--Inspection Data

9. Type of Inspection E:02	10. Event Number [REDACTED]		
11. AR Name [REDACTED]	AR Number [REDACTED]	12. Date Mo Da Yr [REDACTED]	13. Time (24 Hr. Clock) [REDACTED]

MSHA Form 7000-3a, Mar 85 (revised)

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

District Coal District 8 Field Office Marion IL 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	2. Time (24 Hr. Clock)		3. Citation/Order Number	
4. Served To			5. Operator		
6. Mine			7. Mine ID		
6. Continuation of Practice					8a. Written Notice (103g) <input type="checkbox"/>

The mine operator failed comply with the approved mine roof control plan [redacted]. The roof bolt spacing exceeds the 3.5 feet maximum spacing between the rib and the first roof bolt from the rib on the 12 West Headgate continuous miner section (MMU 001-0) in the No. 1 entry. One roof bolt had been broken off by mobile equipment and the distance from the rib to the next roof bolt measured 5 feet. The next roof bolt inby the damaged roof bolt measured 4.5 feet from the rib. The cited area is on the right side of the No. 1 entry, at the inby side of crosscut 3200 Feet West.

See Continuation Form (MSHA Form 7000-3a) <input type="checkbox"/>			
9. Violation	A. Health Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR
			75.220(a)(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: 001

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

12. Type of Action 104(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 or Equipment

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	
		1205	

Section III--Termination Action

17. Action to Terminate Two roof bolts were installed to reduce the spacing between the roof bolts and the rib to 3.5 feet or less.

18. Terminate	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	
---------------	------------------	------------------------	--

Section IV--Automated System Data

19. Type of Inspection (activity code)	E02	20. Event Number		21. Primary or Mill	
22. AR Name				23. AR Number	

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 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 Coal District 8 Field Office Marion IL
Field Office 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

Coal District 8

Field Office

Marion IL
Field Office

Mine ID



Date



Attachment E – Requirements for Issues/Deficiencies identified from Office of
Accountability Review Checklist

GIPH Requirements for each item of Issue No. 1

A-1 GIPH Page 3-2

Tracking Map A tracking map should be used to record the location of MMU(s) or name of section(s), approved evaluation/measuring points, and each air course inspected.

A-2 GIPH Page 3-67

Documentation Required . . . 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.

A-3 GIPH Page 3-60

Documentation Required: The location of the last open crosscut of a MMU should be determined and documented in the inspection notes. The inspector should clearly mark only once the location of each MMU that contributes to the E01 inspection by date and initials on the mine tracking map. The documentation should be by MMU number and permanent reference to a location that will be included in the operator's mine map submitted to the District Manager.

B-1 GIPH Page 3-48

Documentation Required: The inspector should record in the inspection notes the beginning and ending point of travel in bleeder entries (as correlated to a permanent reference on the mine map), results of the direction of air flow test, air quantity, the percentage of methane (CH₄) and the percentage of oxygen (O₂).

B-2 GIPH Page 3-66, 67

Item 14. In the entry nearest each set of seals, immediately after the air passes the seals (airflow measurement not required);

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.

C GIPH Page 3-17

Documentation Required: Each SCSR storage cache shall be inspected and documented in the inspector's notes including the physical location. Each SCSR

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

District

Coal District 8

Field Office

Marion IL
Field Office

Mine ID

[REDACTED]

Date

[REDACTED]

required to be inspected should be documented in the inspection notes by including the SCSR manufacturer, model, serial number and physical location.

D GIPH Page 3-46

Documentation Required: *Compliance with this procedure should be recorded in the inspection notes, including the AMS manufacturer and model.*

E GIPH Page 3-5

Documentation Required: *The inspector should document in the remarks section, Item 17 of the Mine Activity Data sheet (MSHA Form 2000-22) that the Cleanup Program in effect at the mine is adequate or otherwise note the deficiencies in the program.*

F GIPH Page 3-59, 64

Documentation Required: *Health and safety discussions by the inspector should be documented in the inspection notes to show the mechanized mining unit number. Also a general statement about the discussion held with a representative number of miners for each MMU inspected about current mining activities and conditions, and training with respect to the ventilation plans is adequate will suffice.*

Documentation Required: *Roof and Rib observations should be documented in the inspection notes to show the MMU number, and that the roof and ribs appear adequately supported. If geological conditions that are abnormal to regular mining conditions (faults, interfaces, etc.) are observed, they should be noted. A general statement about the discussion held with miners for each MMU inspected about current mining activities and conditions, and training with respect to the roof control plans is adequate; focusing especially on training with respect to retreat mining activities will suffice.*

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

District

Coal District 8

Field Office

Marion IL
Field Office

Mine ID

Date

Attachment F - District Corrective Action Plan

U.S. Department of Labor

Mine Safety and Health Administration
2300 Willow Street
Suite 200
Vincennes, Indiana 47591-5416



MEMORANDUM FOR TED SMITH
Supervisor
Office of Accountability

FROM: ^{FOR} [REDACTED] ROBERT A. SIMMS
District Manager
District 8

SUBJECT: Corrective Action Plan

Issue No. 1

The documentation for inspections was not complete and thorough - Audit Checklist Item #2

Root Cause:

Inadequate training of CMI's and inadequate oversight by the field office supervisors.

PROPOSED CORRECTIVE ACTIONS:

Re-training will be given to all CMI's and Supervisors on the requirements listed in the General Inspections Procedures Handbook (GIPH) for the items specifically identified during the OA Audit conducted from [REDACTED] through [REDACTED]

- CMI's and Supervisors will be re-trained to fully document the locations of all MMUs and names of the sections on the tracking map, to fully document required air readings that contribute to the E01 on the tracking map, and to document the locations of the last open crosscuts on the tracking map by MMU and date and initials.

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

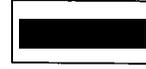
District

Coal District 8

Field Office

Marion IL
Field Office

Mine ID



Date



Re-training will include the use of a mine tracking map to demonstrate where the required documentation needs to be recorded.

- CMI's and Supervisors will be re-trained to fully document the direction of airflow at bleeder MPL's and to document the air quality readings and direction of airflow downwind of sets of seals.
- CMI's and Supervisors will be re-trained to fully document the SCSR manufacturer and model as required in the Coal Mine Safety and Health General Inspection Procedures Handbook.
- CMI's and Supervisors will be re-trained to fully document the AMS/CO manufacturer and model as required in the Coal Mine Safety and Health General Inspection Procedures Handbook.
- CMI's and Supervisors will be re-trained to verify that the correctly completed MSHA Form 2000-22 is included in the completed E01 report.
- CMI's and Supervisors will be re-trained to fully document discussions with miners on their knowledge and training of the roof control and ventilation plans as required in the Coal Mine Safety and Health General Inspection Procedures Handbook.

The re-training will be conducted during field office staff meetings utilizing a power point presentation. An attendance roster will be signed by all participants and a record of the training will be kept with the corrective actions for this audit.

OFFICE RESPONSIBLE FOR IMPLEMENTING:

Field office will be responsible for re-training and compliance reviews.

TIMEFRAME FOR COMPLETION:

Re-training has already begun. An e-mail was sent to all CMI's and Supervisors which contained the items identified by the OA Audit and excerpts from the General Inspection Procedures Handbook (GIPH) that address the items identified. Formal re-training will be conducted in October and November but it cannot be fully evaluated until the next round of E01's are completed and reviewed for accuracy. This should be finalized by April 2015.

METHOD FOR COMPLETION:

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

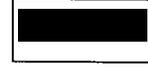
District

Coal District 8

Field Office

Marion IL
Field Office

Mine ID



Date



Step one will be re-training of CMI's and Supervisors during monthly staff meetings at each field office. Review of implementation will be conducted during the quarterly supervisory review of the E01's that are completed.

METHOD FOR DETERMINING SUCCESS:

The implementation of the corrective action plan will be deemed a success if all E01 inspection reports for the quarter are reviewed for accuracy and no additional errors are identified.

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

The District Manager will send a memorandum to Alfred L. Clayborne, Deputy Director, Office of Assessments, Accountability, Special Enforcement and Investigations through Ted Smith, Supervisor, Office of Accountability upon completion and evaluation of the corrective actions.