



FEB - 9 2015

MEMORANDUM FOR PATRICIA W. SILVEY

Deputy Assistant Secretary for Operations  
Mine Safety and Health

THROUGH:

KEVIN G. STRICKLIN  
Administrator for  
Coal Mine Safety and Health

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 10,  
Morganfield, Kentucky Field Office and

Introduction

This memorandum, prepared by Ted Smith, Supervisor, Office of Accountability, summarizes the Office of Accountability's review of Coal District 10, Morganfield, Kentucky Field Office and [REDACTED]. 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 also 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 findings requiring attention are included in this report.

## Overview

The review was conducted by Accountability Specialists Troy Davis, Jerry Kissell, and Mark Odum and Supervisory Accountability Specialist Ted Smith from [REDACTED]

On [REDACTED] a member of the Office of Accountability review team traveled to the [REDACTED], along with the [REDACTED] and [REDACTED] on an E01 inspection. Areas and activities examined by the inspection group included the alternate escapeway/travelway from the surface to the Unit #4 continuous miner and Flexible Conveyor Train (FCT) haulage section, MMU 064-0. The group inspected conditions along the travelway including roof and rib support, ventilation, dates, times and initials of examinations, and escape lifelines and signage. The inspection of the section included examinations for imminent dangers; methane tests at the faces; air readings; ventilation; rock dusting and cleanup; and roof and rib conditions. The Refuge Alternative (RA) for the Unit #4 was properly located and emergency communications tested functional at the location. The inspection team observed safe work practices and conducted safety talks with miners as encountered.

The outby areas included inspection of the 4B belt head and transfer area and the No. 48 seals. 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; escapeway map and mine record books; and the communication and tracking system. The review team observed pre-inspection and post-inspection conferences conducted by the inspector and supervisor.

## Review Results

This review revealed positive findings in several areas as follows:

1. [REDACTED] used calendars to aid in tracking for required 103(i) spot inspections.
2. "Start and Stop" points for the daily extent of travel in the aircourses were documented properly and were easy to follow on the Inspection Tracking Map.
3. Inspection notes were clear, concise, and included pre-printed pages to assist in documentation.
4. Inspectors and supervisory staff were professional in their conduct and displayed good rapport with miners.

The review of District 10 and the Morganfield, Kentucky Field Office and the [REDACTED] [REDACTED] E01 event No. [REDACTED] [REDACTED] revealed one finding from the Office of Accountability Review Checklist items that requires corrective actions. Specific sub-part items under the deficiency are noted. (Supporting information can be found in the Office of Accountability Review Checklist and Attachment E)

### **1. Office of Accountability Review Checklist Item #2 – The documentation of inspections was not complete and thorough.**

- A. The E01 Tracking Map was not marked with all information required according to the Coal General Inspection Procedures Handbook (GIPH).
  1. The dates and initials for last open crosscuts for three working sections were not included on the tracking map.
  2. Measurement Point Locations (MPLs) for the 5<sup>th</sup> Subpanel North (9 MPLs) and the 5<sup>th</sup> Panel South (10 MPLs) were not included on the Inspection Tracking Map.
- B. The Rock Dust Map did not include all information required according to the GIPH.
  1. Citations issued for non-compliant samples were not included on the Rock Dust Map.
  2. The collection dates of samples were not included on the Rock Dust Map.

- C. Inspection notes did not include documentation of discussions with miners on MMU Nos. 063-0 and 067-0 regarding current mining activities and conditions, and training with respect to the roof control plans.
- D. Inspection notes did not include documentation of discussions with miners on MMU Nos. 062-0, 068-0, 063-0 and 067-0 regarding current mining activities and conditions, and training with respect to the ventilation plans.

The district, along with the review team, analyzed the findings identified during this review to determine the root cause(s) of the deficiency. The deficiency was a result of a combination of inspectors' insufficient attention to detail and not recognizing all items needed to be documented. Also, the deficiency was a result of the [REDACTED] being new to [REDACTED] and not providing sufficient [REDACTED] to inspectors regarding the omitted inspection documentation.

Corrective actions from the District Manager, approved by the Coal Administrator, to address the deficiency are included in the corrective action plan attached to this report. (See Attachment F)

Attachments

- A. Internal Review Summary
- B. Office of Accountability Review Checklist
- C. Citations/Orders Issued During This Review

Three citations issued during the review:

	75.400
	75.1403
	75.1722(a)

- D. Examples of Citations Issued During Previous E01 Inspections  
N/A
- E. Findings from Office of Accountability Review Checklist Items and Requirements
- F. District Corrective Action Plan

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

District Coal District 10 Field Office Morganfield,  
KY Field  
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**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/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.

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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**

3. Determine if citations and orders issued during previous inspections were properly evaluated for gravity, negligence, level of enforcement, number of persons affected, and supported by documentation.

Adequate  Corrective Action Needed  Comments Below

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

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

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[REDACTED]

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[REDACTED]

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

[REDACTED]

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

[REDACTED]

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

[REDACTED]

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

[REDACTED]

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

[REDACTED]

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

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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

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

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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

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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

NA – no retreat mining in district.

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

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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.



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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

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## 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

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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

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[Redacted]

Date

[Redacted]

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

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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

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(#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) SSIs 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

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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

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Attachment C – Citations Issued During Review

Mine Citation/Order		U.S. Department of Labor Mine Safety and Health Administration	
<b>Section I--Violation Data</b>			
1. Date Mo Da Yr <span style="background-color: black; color: black;">[REDACTED]</span>	2. Time (24 Hr. Clock) <span style="background-color: black; color: black;">[REDACTED]</span>	3. Citation/ Order Number <span style="background-color: black; color: black;">[REDACTED]</span>	
4. Served To <span style="background-color: black; color: black;">[REDACTED]</span>		5. Operator <span style="background-color: black; color: black;">[REDACTED]</span>	
6. Mine <span style="background-color: black; color: black;">[REDACTED]</span>		7. Mine ID <span style="background-color: black; color: black;">[REDACTED]</span>	
8. Condition or Practice		(Contractor) 8a. Written Notice (103g) <input type="checkbox"/>	
<p>There is an accumulation of combustible material in the form of loose coal and coal dust located at the company # 4A conveyor belt tail piece. The area of accumulations measures approximately 65 feet in length, 15 feet to 2 feet wide, and ranges in height from 6 inches to 1 foot. There is also an accumulation of loose coal and coal dust located on the tail piece under the # 4B conveyor belt head roller. The accumulations measured 7 feet in length and 3 feet in width. The 4A conveyor belt was is operation at the time of inspection.</p> <p>Standard 75.400 was cited <span style="background-color: black; color: black;">[REDACTED]</span>  <span style="background-color: black; color: black;">[REDACTED]</span> 0 to a contractor).</p>			
See Continuation Form (MSHA Form 7000-3a) <input type="checkbox"/>			
9. Violation	A. Health Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.400
<b>Section II--Inspector's Evaluation</b>			
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	F. Dated Mo Da Yr
15. Area or Equipment			
16. Termination Due			
A. Date Mo Da Yr <span style="background-color: black; color: black;">[REDACTED]</span>		B. Time (24 Hr. Clock) <span style="background-color: black; color: black;">[REDACTED]</span>	
<b>Section III--Termination Action</b>			
17. Action to Terminate The affected area of accumulations of loose coal and coal dust at the company # 4A conveyor belt tail piece have been cleaned up, and the area has been rock dusted.			
18. Terminate			
A. Date Mo Da Yr <span style="background-color: black; color: black;">[REDACTED]</span>		B. Time (24 Hr. Clock) <span style="background-color: black; color: black;">[REDACTED]</span>	
<b>Section IV--Automated System Data</b>			
19. Type of Inspection (activity code) E01	20. Event Number <span style="background-color: black; color: black;">[REDACTED]</span>	21. Primary or Mill	
22. AR Name <span style="background-color: black; color: black;">[REDACTED]</span>			23. AR Number <span style="background-color: black; color: black;">[REDACTED]</span>

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 businesses. If you wish to comment on the enforcement actions of MSHA, you may call 1-866-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 20418. 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.

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[Redacted]

Date

[Redacted]

*CPN*  


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"/>

A safe travel way is not being maintained at the company # 4B conveyor belt header. Water has been allowed to accumulate at the header area. The accumulation of water measures approximately 40 feet in length, 10 feet in width, and measures 2 inches in depth. Safe guard # 8504174 requires that a safe travel way be maintained along all belt drives and belt tail pieces and these areas to be free of mud, water and other slip, trip, or fall hazards.

Standard 75.1403 was cited [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 75.1403
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Section II—Inspector's Evaluation

10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>				
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			D. Number of Persons Affected: 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 checked="" type="checkbox"/> D. Written Notice <input type="checkbox"/>			E. Citation/Order Number [Redacted]	F. Dated Mo Da Yr [Redacted]

15. Area or Equipment

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

17. Action to Terminate

18. Terminate	A. Date Mo Da Yr [Redacted]	B. Time (24 Hr. Clock) [Redacted]
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Section IV—Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number [Redacted]	21. Primary or Mill
22. AR Name [Redacted]		23. AR Number [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 5rd 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 10

Field Office

Morganfield,  
 KY Field  
 Office

Mine ID

Date

Mine Citation/Order

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

CPN  


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)

There is no guard installed at the company # 4B conveyor belt head roller to protect miners from the exposed rotating shaft. The area of measurement is 3 feet in height and 2 feet wide. The # 4B belt conveyor was in operation at the time of inspection.

Standard 75.1722(a) was cited (to a contractor).

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety Other	B. Section of Act	C. Part/Section of Title 30 CFR
	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>		75.1722(a)

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)

Section III—Termination Action

17. Action to Terminate

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

Section IV—Automated System Data

19. Type of Inspection (activity code) E01 20. Event Number 21. Primary or Mill

22. AR Name 23. AR Number

MSHA Form 7000-3, Apr 09 (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 20418. 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	Morganfield, KY Field Office	Mine ID	[REDACTED]	Date	[REDACTED]
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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 10 Field Office Morganfield,  
KY Field  
Office Mine ID  Date

Attachment E – Findings from the Office of Accountability Checklist Items:

**1. Office of Accountability Review Checklist Item #2 – The documentation of inspections was not complete and thorough.**

A. The E01 Tracking Map was not marked with all information required according to the Coal General Inspection Procedures Handbook (GIPH).

1. The dates and initials for last open crosscuts for three working sections were not included on the tracking map.
2. Measurement Point Locations (MPLs) for the 5<sup>th</sup> Subpanel North (9 MPLs) and the 5<sup>th</sup> Panel South (10 MPLs) were not included on the Inspection Tracking Map.

Requirements:

*GIPH p. 3-60 – 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.*

*GIPH p. 3-67 – . . . 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.*

B. The Rock Dust Map did not include all information required according to the GIPH.

1. Citations issued for non-compliant samples were not included on the Rock Dust Map.
2. The collection dates of samples were not included on the Rock Dust Map.

Requirements:

*GIPH p. 5-19 - A map of each mine will be maintained at the field office showing ventilation air courses, float coal dust sources, sample locations, sample collection dates, dust violations and other pertinent information. This map will be used in the E01 regular inspection rock dust review and may be used in discussions with the mine operator. The previous E01 rock dust map(s) should be maintained with the affected E01 inspection report.*

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Mine Safety and Health Administration  
Office of Accountability

District  Field Office  Mine ID  Date

C. Inspection notes did not include documentation of discussions with miners on MMU Nos. 063-0 and 067-0 regarding current mining activities and conditions, and training with respect to the roof control plans.

Requirements:

*GIPH p. 3-64 - . . . 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.*

D. Inspection notes did not include documentation of discussions with miners on MMU Nos. 062-0, 068-0, 063-0 and 067-0 regarding current mining activities and conditions, and training with respect to the ventilation plans.

Requirements:

*GIPH p. 3-59 - 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.*

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Mine Safety and Health Administration  
Office of Accountability

District

Coal District 10

Field Office

Morganfield,  
KY Field  
Office

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 8, 2015

MEMORANDUM FOR TED SMITH  
Supervisor, Office of Accountability

FROM: Robert A. Simms [REDACTED]  
District Manager  
District 10

SUBJECT: Proposed Corrective Actions

This is a response to the review conducted by the Office of Accountability from [REDACTED] to [REDACTED] at the Morganfield Field Office, District 10, and the [REDACTED]. The results of your review identified one deficiency, consisting of four subparts, which is required to be addressed by this district.

**DEFICIENCY**

The documentation of inspections was not complete and thorough.

- A. The E01 Tracking Map was not marked with all information according to the Coal General Inspection Procedures Handbook (GIPH).
1. The dates and initials for last open crosscuts for three working sections were not included on the tracking map.
  2. Measurement Point Locations (MPLs) for the 5<sup>th</sup> Subpanel North (9 MPLs) and the 5<sup>th</sup> Panel South (10 MPLs) were not included on the Inspection Tracking Map.
- B. The Rock Dust Map did not include all information according to the GIPH.
1. Citations issued for non-compliant samples were not included on the Rock Dust Map.
  2. The collection dates of samples were not included on the Rock Dust Map.

[REDACTED] 1/9/15

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

District

Coal District 10

Field Office

Morganfield,  
KY Field  
Office

Mine ID

Date

- C. Inspection notes did not include documentation of discussions with miners on MMU Nos. 063-0 and 067-0 regarding current mining activities and conditions, and training with respect to the roof control plans.
- D. Inspection notes did not include documentation of discussions with miners on MMU Nos. 062-0, 068-0, 063-0 and 067-0 regarding current mining activities and conditions, and training with respect to the ventilation plans.

- ROOT CAUSE:

The deficiency was a result of a combination of inspectors' insufficient attention to detail and not recognizing all items needed to be documented; and due to the [REDACTED] being new to [REDACTED] and not providing sufficient [REDACTED] to inspectors regarding inspection documentation.

- PROPOSED CORRECTIVE ACTIONS:

Corrective Action for deficiencies specifically identified during the OA Review conducted from [REDACTED]

Focused training was provided on December 17, 2014 to all CMIs and Supervisors on the requirements listed in the General Inspection Procedures Handbook (GIPH) for the items specifically identified during the OA review conducted from [REDACTED]. All participants signed an attendance roster and a record of the training will be kept with the corrective actions for this review.

Additionally, a guidance sheet with all the identified items will be provided to all field office supervisors to use to assist them during reviews of E01 inspections.

- The ADM Enforcement will be responsible for implementing the Corrective Actions.

- TIMEFRAME FOR COMPLETION OF EACH CORRECTIVE ACTION:

Training for CMI's and Supervisors took place on December 17, 2014. Follow up training will occur for individuals that missed the initial training and will be completed by the end of the 2<sup>nd</sup> Quarter of FY 2015.

A list of the deficiencies identified during this review will be provided to all CMIs and Supervisors as a tool to prevent recurrence in future accountability reviews.

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

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

- METHOD FOR DETERMINING SUCCESS:

Review of implementation will be conducted during the quarterly supervisory review of the E01s that are completed. At the end of the 2<sup>nd</sup> Quarter FY 2015, a FAR will be conducted on a complete E01 inspection from a mine out of the Morganfield field office. Supervisory personnel from the district will assist the Morganfield Field Office Supervisor in the review of this inspection. The purpose of the review will be to determine if the corrective actions for this OA review were successful. Further retraining will occur for any deficiency identified during the FAR that was also found during this OA review. The ADM Enforcement will oversee this review and will provide input back to the DM through a 2<sup>nd</sup> Level Review.

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.