

U.S. Department of Labor

Mine Safety and Health Administration
201 12th Street South
Arlington, Virginia 22202-5452



AUG 13 2015

MEMORANDUM FOR PATRICIA W. SILVEY

Deputy Assistant Secretary for Operations
Mine Safety and Health

THROUGH:

KEVIN G. STRICKLIN *KS*
Administrator for
Coal Mine Safety and Health

THOMAS W. CHARBONEAU
Acting 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 12, Logan,
West Virginia Field Office, and

Introduction

This memorandum summarizes the Office of Accountability's review of the subject district office, field office, and mine. The review included evaluation of 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 accountability 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 two issues requiring attention, are included in this accountability review report.

Overview

Office of Accountability Specialists, Jerry Kissell and Mark Odum, conducted a review of Coal District 12 and the Logan, West Virginia Field Office from [REDACTED]. The review focused on district activities during FY 2014 (October 2013 through September 2014) and inspections during the first quarter of FY 2015 (October 2014 through December 2014). The review focused specifically on documentation of the regular E01 inspection, Event No. [REDACTED] conducted by the Logan, West Virginia Field Office of the [REDACTED].

The Office of Accountability selected the Logan Field Office and the [REDACTED] due collectively to the increased number of 104(d) actions issued at the mine (zero in FY 2013 compared to [REDACTED] issuances in FY 2014), the number of hazardous complaints received concerning the mine ([REDACTED] in FY 2014 and [REDACTED] during the first two quarters of FY 2015), a reduction in the percentage of significant and substantial (S&S) citations issued in the first quarter of FY 2015 compared to the issuance rate in the fourth quarter of FY 2014 (19% compared to 27%, a reduction of 30%) and due to the mine being a large operation with over [REDACTED] employees during FY 2014. Accountability Specialist Mark Odum conducted a mine visit as part of this review. The mine visit focused on general mine conditions, whether conditions at the mine corresponded with enforcement levels, and observations of work practices at the mine site.

Mine Visit

The [REDACTED] is a large, expansive underground coal mine located in [REDACTED] where coal is mined from the [REDACTED] accessed by three shafts and two slopes. The mine employs about [REDACTED] employees producing approximately [REDACTED] annually. The mine uses continuous mining machines with shuttle car haulage to mine coal from five split-ventilation sections. A total of [REDACTED] miles of underground conveyor belts are utilized to transport the coal to the surface through a slope. Office of Accountability Specialist Odum accompanied the Field Office Supervisor and an inspector to the [REDACTED] on a 103(i) Spot Inspection (E02). The inspection group traveled to the No. 4 active working section, MMUs 007-0 and 013-0. The group inspected the working section for imminent dangers, making examinations of all working places for methane and oxygen deficiency and taking section air readings. Inspections on the section included: ventilation; rock dusting and cleanup; roof and rib conditions; fire protection; communications; supplemental roof support and emergency supplies; escapeway map; belt tail and feeder area; and the section power center. Inspections in the outby portions of the mine included a portion of the No. 4 Section primary escapeway, the section refuge alternative; the No. 4B belt drive and head transfer area; the CC Seals; and the No. 329 Panel and associated measurement point location. Other observations during the inspection included the travelway/alternate escapeway signage, lifelines, and dates, times, and initials; observations of the check-in/check-out system, escapeway maps, communication and tracking system; and closeout discussions.

Review Results

The accountability review revealed positive findings in several areas, including the following:

- Inspectors' notes were descriptive and organized
- Inspectors documented safety talks and discussions with miners on knowledge and training regarding roof control plans and ventilation plans
- Inspectors documented checks of multi-gas detectors
- Inspectors used rock dust sample bag numbers on the Rock Dust Map for best tracking capabilities

The review of District 12 and the Logan, West Virginia Field Office and the [REDACTED] E01 inspection, Event No. [REDACTED] Fiscal Year 2015 (FY15) (October - December 2014) revealed two deficiencies that required corrective actions. Supporting information can be found in the Office of Accountability Checklist (Attachment A) and Findings and Requirements (Attachment D).

This accountability review revealed the following issues that required corrective actions:

- 1) The inspection for the 1st quarter, FY15, E01 inspection, Event No. [REDACTED] was not complete, according to the Coal Mine Safety and Health General Inspection Procedures Handbook, PH13-V-1(GIPH). Panel No. 329, a short panel off an intake aircourse approximately eight crosscuts in depth, was not inspected. Additionally, a portion of a return aircourse was not inspected in its entirety.
- 2) Documentation for the 1st quarter, FY15, E01 inspection, Event No. [REDACTED], was not complete according to the GIPH.
 - a) Two working sections, No. 2 and No. 5 Sections, shown on the Tracking Map, were not clearly marked with section air readings.
 - b) Evaluation points (EPs) #117, 118, and 119 were not shown on the Tracking Map.

District staff, along with the review team, analyzed the findings identified during this review to determine the root causes of the deficiencies. Root causes for Issue 1 were that due to the complexity and large size of the mine, the inspector missed inspecting the identified areas, and the supervisor failed to identify the areas as not being inspected during his review of the inspection report and map. Root causes for Issue 2 were that the inspector was unaware of documentation requirements for air readings on the tracking map and the supervisor did not identify the missing documentation in the inspection report or on the tracking map. The extraordinary voluminous number of documents to be reviewed was a significant contributory factor to the supervisor's oversight.

Corrective actions from the District Manager to address the deficiencies are included in the corrective action plan attached to this report. (See Attachment E)

Attachments

A. Office of Accountability Checklist

B. Citations/Orders issued during this review:



75.333(d)(3)

75.202(a)

75.208

75.364(g)

C. Examples of Citations Issued During Previous E01 Inspections
(No issues were identified during this review)

D. Findings and Requirements

E. District Corrective Action Plan

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

District

Coal District 12

Field Office

Logan, WV
Field Office

Mine ID

██████████

Date

██████████

Attachment A - Office of Accountability 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

(See Findings and Requirements – Attachment D) The ██████████ began operations in ██████████ and is a large, complex mine with over ██████████ of underground conveyor belt lines. The inspection reviewed was the first inspection of the mine that the Logan Field Office work group had been assigned to. The Field Office Supervisor recognized the need for assistance in identifying areas needing inspection and obtained help from the ventilation supervisor and specialist group during and subsequent to the inspection reviewed.

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

Adequate

Corrective Action Needed

Comments Below

(See Findings and Requirements – Attachment D)

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.

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 12

Field Office

Logan, WV
Field Office

Mine ID

██████████

Date

██████████

6. Evaluate, upon arrival on the working section, 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

No physical permissibility checks were conducted this inspection.

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

Adequate

Corrective Action Needed

Comments Below

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

District

Coal District 12

Field Office

Logan, WV
Field Office

Mine ID

[REDACTED]

Date

[REDACTED]

12. Evaluate, during the review, 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

Not a part of this review.

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

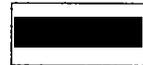
District

Coal District 12

Field Office

Logan, WV
Field Office

Mine ID



Date



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

Adequate

Corrective Action Needed

Comments Below

Determine if Accompanied Activities (AAs) and supervisory follow-ups are
19. 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. Determine if supervisors are 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

Coal District 12

Field Office

Logan, WV
Field Office

Mine ID

Date

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

Adequate

Corrective Action Needed

Comments Below

25. Determine if documentation of staff meetings/safety meetings are effective and relevant to current issues and the Agency's mission.

Adequate

Corrective Action Needed

Comments Below

26. Determine, after an in-mine visit, if approved plans (ventilation, roof control, training, ERP, etc.) are compatible 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 12

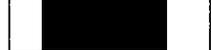
Field Office

Logan, WV
Field Office

Mine ID



Date



- 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

- 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

Not a part of this review.

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

Adequate

Corrective Action Needed

Comments Below

Not a part of this review.

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

District

Coal District 12

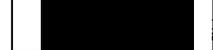
Field Office

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

Adequate

Corrective Action Needed

Comments Below

37. Determine if District Managers are using the Report Center to identify overdue responses from operators and take appropriate actions.



38. Determine if complete permissibility inspection of each longwall system is being 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

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

District

Coal District 12

Field Office

Logan, WV
Field Office

Mine ID



Date



39. Determine if a proper examination of the AMS system and/or AMS systems that operate CO sensors for the purposes of 75.1101 is being conducted. A complete inspection includes those items in the revised GIPH (AMS checklist).

Adequate

Corrective Action Needed

Comments Below

40. Determine if SSIs are maintaining 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.

Adequate

Corrective Action Needed

Comments Below

Not a part of this review.

41. Determine if proper procedures for conducting, documenting, and reviewing MSHA respirable dust surveys are being followed. Proper documentation to include blue cards, 2000-86's, etc.

Adequate

Corrective Action Needed

Comments Below

42. Determine if District Managers and Assistant District Managers are providing acting Field Office Supervisors with the level of oversight necessary to manage their work groups on a temporary basis including an online distance learning training course with a knowledge check for temporarily promoted supervisors. The guidance will be included in each District's SOP for training newly promoted field office supervisors.



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

District **Coal District 12**

Field Office **Logan, WV
Field Office**

Mine ID **[REDACTED]**

Date **[REDACTED]**

Attachment B – Citations/Orders Issued During This Review

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 airlock doors, installed at Cross Cut #44, in the track entry of the 3/32 Panel, were not closed, when not in use, as required. Both sets of doors in the pair were open, when observed.

Standard 75.333(d)(3) 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 75.333(d)(3)
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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 type="checkbox"/> D. Written Notice <input type="checkbox"/>				E. Citation/Order Number
14. Initial Action F. Dated Mo Da Yr				
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 The doors were immediately closed.

18. Terminated	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) E02	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 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 12

Field Office Logan, WV
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 (Contractor)	
8. Condition or Practice			8a. Written Notice (103g)

The roof and ribs, in the area of Cross Cut #6 and Cross Cut #10, in the Alternate Escapeway adjacent to #4D Belt, were not being supported or otherwise controlled, as required. An area of rib at Cross Cut #6 measuring 8' long and 10" thick was loose with a 2" gap. Also at Cross Cut #10, loose roof measuring 8' long, 4' wide and approximately 4" thick was observed.

Standard 75.202(a) was cited [REDACTED]

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)
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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 The roof and rib, in the affected areas, was immediately taken down.

18. Terminated 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 12 Field Office Logan, WV
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	2. Time (24 Hr. Clock)	3. Citation/ Order Number
4. Served To	5. Operator		
6. Mine	7. Mine ID (Contractor)		
8. Condition or Practice			8a. Written Notice (103g)

In the #2 Entry, of the 004 Working Section, the end of permanent roof support was not posted with a readily visible warning, or a physical barrier to impede travel beyond permanent support, as required. This condition creates a hazard to miners working in the area, due to adverse roof conditions observed in areas across the section.

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
			75.208

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)
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Section III—Termination Action

17. Action to Terminate Readily visible reflectors were immediately installed to indicate the end of permanent roof support.

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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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 12 Field Office Logan, WV
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	2. Time (24 Hr. Clock)	3. Citation/ Order Number	[REDACTED]
4. Served To			5. Operator	
6. Mine			7. Mine ID	
8. Condition or Practice			8a. Written Notice (103g)	

The weekly examination of the "CC" Seals, was not certified by initials, date and time, that the examination was made, as required.

Standard 75.364(g) was cited [REDACTED]

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
			75.364(g)

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: 000

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)	[REDACTED]
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Section III—Termination Action

17. Action to Terminate The "CC" Seals were immediately examined and certified with initials, date and time, by the mine foreman.

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

19. Type of Inspection (activity code)	E02	20. Event Number	21. Primary or Mill	[REDACTED]
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.

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Office of Accountability

District Field Office Mine ID Date

Attachment C – Examples of Citations Issued During Previous Inspections

No issues during this review.

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Attachment D – Findings and Requirements

This accountability review revealed the following issues that required corrective actions:

- 1) The inspection for the 1st quarter, FY15, E01 inspection, Event No. , was not complete according to the Coal Mine Safety and Health General Inspection Procedures Handbook, PH13-V-1(GIPH). Panel No. 329, a short panel off an intake aircourse approximately eight crosscuts in depth, was not inspected. Additionally, a portion of a return aircourse was not inspected in its entirety.

Requirements:

GIPH p. 3-42 - At least one entry in each intake and return aircourse shall be inspected in its entirety for compliance with applicable standards and approved plans.

Documentation Required: The inspector should clearly mark the extent of daily travels that contribute to the E01 inspection by date and initials on the mine tracking map, including any approved evaluation or measurement point locations associated with the aircourse and the beginning and ending point of each day's travel until each intake or return aircourse is fully inspected.

- 2) Documentation for the 1st quarter, FY15, E01 inspection, Event No. was not complete according to the Coal Mine Safety and Health General Inspection Procedures Handbook, PH13-V-1(GIPH).
 - a) Two working sections, No. 2 and No. 5 Sections, shown on the Tracking Map were not clearly marked with section air readings.

Requirements:

GIPH p. 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.

- b) Evaluation points (EPs) #117, 118, and 119 were not shown on the Tracking Map.

Requirements:

GIPH p.3-2 - All required measurement points and evaluation points should be marked for identification on the tracking map at the beginning of each E01 inspection and as new measuring points or evaluation points become approved. This will help assure that the required points are not missed during the inspection. Each approved measurement point or evaluation point should be

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District	Coal District 12	Field Office	Logan, WV Field Office	Mine ID	[REDACTED]	Date	[REDACTED]
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marked on the tracking map and identified by the name and location of each measurement point or evaluation point, including each MMU number.

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District Coal District 12 Field Office Logan, WV
Field Office Mine ID [REDACTED] Date [REDACTED]

Attachment E – Corrective Action Plan

U.S. Department of Labor

Mine Safety and Health Administration
Coal Mine Safety and Health, District 12
1301 Airport Road
Beaver, West Virginia 25813-9426



July 22, 2015

MEMORANDUM FOR TED SMITH
Supervisor, Office of Accountability
[REDACTED]
FROM: Timothy R Watkins
District Manager
District 12
SUBJECT: Proposed Corrective Actions

This is a response to the review conducted by the Office of Accountability from [REDACTED] at the Logan field office, District 12, and the [REDACTED]. The results of your review identified two deficiencies which are required to be addressed by this district.

DEFICIENCY #1

The inspection for the 1st quarter, FY15, E01 inspection, Event No. [REDACTED] was not complete according to the Coal Mine Safety and Health General Inspection Procedures Handbook, PH13-V-1(GIPH). Panel No. 329, a short panel off an intake aircourse approximately eight crosscuts in depth, was not inspected. Additionally, a portion of a return aircourse was not inspected in its entirety.

ROOT CAUSE #1

[REDACTED] is a very large very complex mine. The inspector missed a short panel off an intake air course approximately eight crosscuts in depth. The inspector also failed to inspect a portion of a return aircourse. The supervisor that reviewed the tracking map also missed the eight break panel as not being marked as travelled and also missed the return aircourse as not being marked as travelled.

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District Coal District 12 Field Office Logan, WV
Field Office Mine ID [REDACTED] Date [REDACTED]

PROPOSED CORRECTIVE ACTIONS #1

The inspection personnel will receive additional training pertaining to areas required to be inspected. The district has developed an SOP including a checklist to assure a reoccurrence does not take place. The Field Office Supervisors will receive additional training in E01 documentation review and ensure a completed checklist for the tracking map completion is included in the E01 report. The training will be recorded by an attendance roster signed by all participants and a record of the training will be kept with the corrective actions for this review.

DEFICIENCY #2

Documentation for the 1st quarter, FY15, E01 inspection, Event No. [REDACTED] was not complete according to the Coal Mine Safety and Health General Inspection Procedures Handbook, PH13-V-1(GIPH).

- a) Two working sections, No. 2 and No. 5 Sections, shown on the Tracking Map were not clearly marked with section air readings.

Requirements:

GIPH p. 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.

- b) Evaluation points (EPs) #117, 118, and 119 were not shown on the Tracking Map.

ROOT CAUSE #2

- a) The inspector working on the No. 2 and No. 5 sections that took these air readings was not aware of the requirement to record the air readings on the tracking map. The air readings that were not shown on the tracking map were not discovered during the supervisor review of the completed E01 inspection.
- b) Evaluation points (EPs) #117, 118, and 119 were not shown on the Tracking Map or in the inspector tracking system and were missed on the inspection. The newly updated ventilation map showing these EPs had not been placed in the UMF.

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Mine Safety and Health Administration
Office of Accountability

District

Coal District 12

Field Office

Logan, WV
Field Office

Mine ID



Date



PROPOSED CORRECTIVE ACTIONS #2

The District has developed an SOP including a checklist to assure a reoccurrence does not take place. The field office supervisors will receive additional training in E01 documentation review and ensure a completed checklist for the tracking map completion is included in the E01 report. The training will be recorded by an attendance roster signed by all participants and a record of the training will be kept with the corrective actions for this review.

OFFICE OR POSITION RESPONSIBLE FOR IMPLEMENTING THE CORRECTIVE ACTION(S):

Luther Marrs, Assistant District Manager enforcement located in Pineville field office and Eddie Bailey Assistant District Manager Technical located in the District office will be responsible for implementation of corrective actions.

TIMEFRAME FOR COMPLETION OF EACH CORRECTIVE ACTION:

Training will be completed and corrective actions will be implemented 30 days after completion of this report.

METHOD FOR DETERMINING SUCCESS:

The training will be monitored by additional oversight of the required documentation. The tracking map check list will be used to monitor the completion of all requirements have been inspected and monitored.

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

A sign in sheet for the training will be made and filed to ensure each AR and ROE have received the training. A check list completed by either the inspector or supervisor covering the mine tracking map will be included with each E01 inspection.

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.