MEMORANDUM FOR PATRICIA W. SILVEY  
Deputy Assistant Secretary for Operations  
Mine Safety and Health  

THROUGH: TIMOTHY R. WATKINS  
Acting Administrator for  
Coal Mine Safety and Health  

FROM: THOMAS W. CHARBONEAU  
Director, Office of Assessments  

SUBJECT: Mine Safety and Health Administration (MSHA) Office of Accountability Review, Coal District 12, Pineville, West Virginia  
Field Office and ID No.  

Introduction  
This memorandum summarizes the Office of Accountability’s review of the subject district office, field office, and mine. This review included MSHA field activities; level of enforcement; conditions and practices at the mine; and MSHA supervisory and managerial oversight. The accountability review also included evaluations to determine if there were any issues in areas commonly identified during Agency internal reviews of MSHA’s actions following past mine disasters.  

Purpose  
The purpose of this accountability review is to determine whether MSHA enforcement policies, procedures, and guidance are being followed consistently; assess whether mission critical enforcement activities are accomplished effectively; and to evaluate and improve the overall performance of MSHA’s enforcement program. The major outcome expected from the Office of Accountability review program is to identify potential or actual areas for improvement and to document the subsequent implementation of effective corrective actions to address any identified issues.
Office of Accountability (OA) Specialists Jerry Kissell and Troy Davis (Review Team) conducted this review of Coal District 12 and the Pineville, West Virginia Field Office (FO), from __________. The review of the Pineville FO was conducted as part of the OA’s FY 2016 annual accountability review plan schedule. This review focused on inspection activities and supervisory oversight activities during the second half of FY 2015 (April 2015 through September 2015) and the first half of FY 2016 (October 2015 through March 2016). This review concentrated specifically on documentation pertaining to the regular E01 inspection, Event No. __________ conducted during the second quarter of FY 2016 by the Pineville FO of the ____________ (__________) an __________ coal mine.

Overview

The ____________ mine was randomly selected for review due to its size and complexity of mining, including its retreat mining activities.

As a part of this review, the Review Team conducted a mine visit focusing on general mine conditions; whether conditions at the mine are commensurate with enforcement levels documented in the inspection reports reviewed; and to observe work practices at the mine site.

Mine Visit

The Review Team accompanied the Assistant District Manager (ADM), Acting Field Office Supervisor and an inspector to the ____________ on __________ in __________ Sheet 8 as part of a Regular Safety and Health Inspection (E01). The mine is located in __________ and employs approximately __________ miners working two eight-hour production shifts and one maintenance shift per day, five days per week. The mine consists of two active working sections that produce an average of __________ of raw coal daily. The mining process involves the use of continuous mining machines; shuttle car haulage and mobile roof support equipment. The coal is extracted using the room and pillar method and retreat mining. Coal is transported from the mine by conveyor belts to the surface and then transported via over-the-road trucks to an off site preparation plant.

The inspection group traveled to the Mechanized Mining Unit (MMU) 012-0 located in the 3 Right Panel off 1 West Mains. The section was being retreat mined (pillaring) at the time of the inspection. The mine visit included observations of the following: inspections of the working section; examinations of the working section and pillar line for imminent dangers; methane tests; air readings; ventilation; rock dusting and cleanup; roof and rib conditions; the section belt tailpiece; the communication and tracking system; a functional test of the communication and tracking system; the working section self-contained self-rescuers (SCSR) cache; an AL Lee 30 man refuge alternative for the working section; and escapeway maps.
Outby inspections included the travelway from the portal to the MMU 012-0; signage; lifelines; outby SCSR stored in the alternate escapeway; dates, times, and initials of required examinations; a portion of the primary escapeway and alternate escapeway; the 3 Right Panel working section conveyor belt drive and functional test of the associated fire protection system; visual observations of the belt conveyor entries incidental to traveling to the working section; and the 1 East Mains seal set (six JennChem 120 psi seals).

Surface areas inspected and observed included the mine examination records and postings; the check-in/check-out system; communication and tracking monitors; Atmospheric Monitoring System (AMS) for early fire detection; escapeway maps; and the inspector's pre- and post-inspection discussions with the operator. Two enforcement actions were issued to the mine operator during the mine visit (See Attachment D).

Review Results

This accountability review revealed positive findings in the following areas:

- For E01 [redacted], the Inspection Tracking Map was complete, organized and documented clearly to depict the entire mine as being inspected.
- For E01 [redacted] the Inspection Tracking System was complete and documented per the General Inspection Procedures Handbook (GIPH).
- During the inspection, the inspector was professional and clear in his interaction with the mine operator and miners.

The review revealed three issues that required a corrective action plan. The Review Team also identified and discussed with the district some other lessor issues in the program that did not require a corrective action plan and inspection best practices as described in the GIPH. A general outline of discussion topics is included in an attachment to this memorandum (See Attachment B for Issues requiring a Corrective Action Plan and Attachment C for Office of Accountability Checklist Items)

Issue 1: The documentation reviewed for the Regular Health and Safety Inspection (E01), Event No. [redacted] was not complete. (Office of Accountability Checklist Item #2)

- A copy of the related approval letters and pertinent pages of approved plans were not included with inspector's notes for four enforcement actions issued for failure to comply with the approved plan.
- Form 2000-22 Item 13f Other Samples – Five diesel surveys were conducted during the inspection reviewed, however Item 13f on the Form 2000-22 was incorrectly recorded as zero.
Issue 2: 2000-86 forms for the E01 reviewed were not completed properly. (Office of Accountability Checklist Item #39)

- Two of four 2000-86 forms for the E01 inspection were not properly completed.

Issue 3: Possible Knowing/Willful (PKW) Forms were not processed according to agency policy and procedures. (Office of Accountability Checklist Item #14)

During the time period January 2015 through June 2016, the district reviewed 39 Possible Knowing and Willful Citations/Orders.

- The **did not reach a decision within 30 days of issuance for 22 of 39 citations/orders issued for the time period reviewed.**

The district, with the Review Team, analyzed the findings identified during this review to determine the root causes of the issues:

- Issue 1 was the result of three different mine inspectors not following procedures in place for properly documenting citations they issued. The omission was exacerbated by insufficient supervisory oversight/feedback to inspectors concerning the requirements to include both the pertinent pages of the approved plan and the approval cover page when issuing enforcement actions for violations of an approved plan. Form 2000-22 was not used to indicate the 5 diesel samples that were collected by the inspector for the E01 reviewed. This condition also was due to a lack of supervisory oversight/feedback to the inspectors concerning the proper documentation of other samples on the form 2000-22.

- Issue 2 was caused by the inspector inadvertently recording the incorrect data on the 2000-86 forms and lack of supervisory oversight/feedback to the inspectors concerning the incorrect documentation.

- Issue 3 was the result of 16 of 22 PKWs completed by the issuing inspectors exceeding 30 days prior to submittal; therefore precluding District management from reaching decisions in the required timeframe.

A corrective action plan from the District Manager addressing the identified issues is attached to this report. (See Attachment A)

The Review Team also identified and discussed with the district issues identified but not requiring a corrective action plan and inspection best practices as described in the GIPH. A general outline of discussion topics is included in an attachment to this memorandum. (See Attachment E)
As a part of the review, the Review Team compared enforcement levels of the mine and field office with the district and national averages.

The [REPLACE] had a significant and substantial (S&S) rate of 23 percent during the first half of FY 2016 compared to:
- A FO S&S rate of 24 percent
- A district S&S rate of 22 percent
- A national S&S rate of 22 percent

This comparison of FY 2016 showed the S&S rate for the mine was slightly lower than the average S&S rate of the field office and slightly higher than the district and nation.

Based on the review of Event No. [REPLACE] discussions with field office personnel concerning the mine's operations, and observations during the mine visit, the Review Team determined that the enforcement levels for the [REPLACE] are commensurate with existing mining conditions and work practices.
Attachments

A. Corrective Action Plan

B. Issues requiring a Corrective Action Plan

C. Office of Accountability Checklist

D. Citations/Orders issued during this review

   Citation No. 75.1505(b)
   Citation No. 316(b) Mine Act

E. Discussion Topics
9/30/2016

MEMORANDUM FOR ALFRED L. CLAYBORNE
Deputy Director, Office of Assessments,
Accountability, Special Enforcement

THROUGH:
TED SMITH
Supervisor, Office of Accountability

KEVIN STRICKLIN
Administrator for Coal Mine Safety and Health

TIMOTHY WATKINS
Deputy Administrator for Coal Mine Safety and Health

MARCUS SMITH
Supervisor, Accident Investigation/Special Investigation/ACR Group

FROM: BRIAN OOTSON
District Manager
Coal District 12

SUBJECT: Proposed Corrective Actions

This is a response to the review conducted by the Office of Accountability from [redacted] to [redacted] at the Pineville, West Virginia District and Field Office, and the [redacted] The results of your review identified three deficiencies, which are required to be addressed by this district.
Issue 1: The documentation reviewed for the Regular Health and Safety Inspection (E01), [redacted] was not complete. (Office of Accountability Checklist Item #2)

- A copy of the related approval letters and pertinent pages of approved plans were not included with inspector's notes for four enforcement actions issued for failure to comply with the approved plan.
- Form 2000-22 Item 13f- other samples recorded as 0; 5 diesel samples were taken during the inspection. GIPH page 2-17 Item 13f also requires the type of samples be included in item 17 "remarks".

- ROOT CAUSE:

Issue 1 was the result of the mine inspector not following procedures in place for properly documenting citations being issued. The deficiency was contributed to by insufficient supervisory oversight/feedback to inspectors concerning the requirements to include both the pertinent page(s) of the approved plan and the approval cover page when issuing enforcement actions for violations of an approved plan.

Form 2000-22 was not marked to indicate the 5 diesel samples that were collected by the inspector for the E01 reviewed. This condition also was due to lack of supervisory oversight/feedback to the inspectors concerning the proper documentation of other samples on form 2000-22.

- PROPOSED CORRECTIVE ACTIONS:

District 12 will conduct a training session with all inspectors and supervisors. The training will cover the requirements listed in the General Inspection Procedures Handbook (GIPH) covering the proper documentation of citations dealing with approved plans, as well as, how to properly document other types of samples collected during the course of an inspection event. All participants will sign 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 deficiencies will be provided to all inspectors and supervisors during the training to assist them in preventing reoccurring deficiencies.

- OFFICE OR POSITION RESPONSIBLE FOR IMPLEMENTING THE CORRECTIVE ACTIONS:

Assistant District Manager for Enforcement.
• **TIMEFRAME FOR COMPLETION OF EACH CORRECTIVE ACTION:**

Training for all inspectors and supervisors will be conducted at the all employee meeting held on October 26, 2016. Follow up training will occur for individuals that missed the initial training at the Pineville and Logan Field Office’s monthly staff meetings held in November 2016.

• **METHOD FOR DETERMINING SUCCESS:**

Review of implementation will be conducted during the quarterly supervisory review of E01's that are completed. At the end of the 1st Quarter of FY 2017 a FAR will be conducted on a complete E01 inspection from a mine out of the Pineville Field Office. Supervisory personnel from the district will assist the Pineville Field Office Supervisor in the review of this inspection. The purpose of the review will be to determine if the corrective actions for this Office of Accountability review were successful. The ADM enforcement will oversee this review and will provide feedback to the DM through a 2nd level review.

• **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, through Kevin Stricklin, Administrator for Coal Mine Safety and Health, through Timothy Watkins, Deputy Administrator for Coal Mine Safety and Health, through Marcus Smith, Supervisor to the Accident Investigation/Special Investigation/ACR Group upon completion and evaluation of the corrective actions.

**Issue 2:** 2000-86 forms for the E01 reviewed were not completed properly.  
(Office of Accountability Checklist Item #39)

- Two of four 2000-86 forms for the E01 inspection documentation reviewed were not properly completed:
  - MMU 010-0 no documentation for Section 19 of the 1st and 2nd dust parameter checks on the continuous mining machine.
  - MMU 011-0 Section 18C “Line curtain distance” was incorrectly recorded as 40 feet and the approved plan states 44 feet. Section 19 “Dust Control Parameters – Water Spray System” the plan requirement was documented as 80psi and the plan states 75psi.
**ROOT CAUSE:**

Issue 2 was caused by the inspector inadvertently recording the incorrect data on the 2000-86 forms and supervisory oversight/feedback to the inspectors concerning the incorrect documentation.

**PROPOSED CORRECTIVE ACTIONS:**

District 12 will conduct a training session with all inspectors and supervisors. The training will cover the requirements listed in Coal Mine Health Inspection Procedures (Chapter 1) for properly completing 2000-86 forms. All participants will sign 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 deficiencies will be provided to all inspectors and supervisors during the training to assist them in preventing reoccurring deficiencies.

**OFFICE OR POSITION RESPONSIBLE FOR IMPLEMENTING THE CORRECTIVE ACTIONS:**

- Assistant District Manager for Enforcement

**TIMEFRAME FOR COMPLETION OF EACH CORRECTIVE ACTION:**

Training for all inspectors and supervisors will be conducted at the all employee meeting held on October 26, 2016. Follow up training will occur for individuals that missed the initial training at the Pineville and Logan Field Office’s monthly staff meetings held in November 2016.

**METHOD FOR DETERMINING SUCCESS:**

Review of implementation will be conducted during the quarterly supervisory review of E01’s that are completed. At the end of the 1st Quarter of FY 2017 a FAR will be conducted on a complete E01 inspection from a mine out of the Pineville Field Office. Supervisory personnel from the district will assist the Pineville Field Office Supervisor in the review of this inspection. The purpose of the review will be to determine if the corrective actions for this Office of Accountability review were successful. The ADM enforcement will oversee this review and will provide feedback to the DM through a 2nd level review.
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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, through Kevin Stricklin, Administrator for Coal Mine Safety and Health, through Timothy Watkins, Deputy Administrator for Coal Mine Safety and Health, through Marcus Smith, Supervisor to the Accident Investigation/Special Investigation/ACR Group upon completion and evaluation of the corrective actions.

**Issue 3: Possible Knowing/Willful (PKW) Forms were not processed according to agency policy and procedures. (Office of Accountability Checklist Item #14)**

During the time period January 2015 through June 2016, the district reviewed 39 Possible Knowing and Willing Citations/Orders.

**ROOT CAUSE:**

Issue 3 was the result of sixteen of 22 PKWs completed by the issuing inspector exceeded 30 days prior to submittal; therefore.

**PROPOSED CORRECTIVE ACTIONS:**

District 12 will conduct a training session with all inspectors and supervisors. The training will cover the requirements listed in the Special Investigations Procedures Handbook for completing PKW forms and 30 day timeline requirements. All participants will sign 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 deficiencies will be provided to all inspectors and supervisors during the training to assist them in preventing reoccurring deficiencies.
• OFFICE OR POSITION RESPONSIBLE FOR IMPLEMENTING THE CORRECTIVE ACTION(S):

  - Supervisor for Special Investigations

• TIMEFRAME FOR COMPLETION OF EACH CORRECTIVE ACTION:

Training for all inspectors and supervisors will be conducted at the all employee meeting held on October 26, 2016. Follow up training will occur for individuals that missed the initial training at the Pineville and Logan Field Office’s monthly staff meetings held in November 2016.

• METHOD FOR DETERMINING SUCCESS:

One quarter after the implementation of the corrective actions District 12 will export the PKW log from MSIS and conduct a thorough review of all PKW’s and determine if compliance with guidelines, policies, and procedures have been achieved.

• 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, through Kevin Stricklin, Administrator for Coal Mine Safety and Health, through Timothy Watkins, Deputy Administrator for Coal Mine Safety and Health, through Marcus Smith, Supervisor to the Accident Investigation/Special Investigation/ACR Group upon completion and evaluation of the corrective actions.
Attachment B – Issues requiring a Corrective Action Plan

Issue 1: The documentation reviewed for the Regular Health and Safety Inspection (E01), was not complete. (Office of Accountability Checklist Item #2)

- A copy of the related approval letters and pertinent pages of approved plans were not included with inspector’s notes for four enforcement actions issued for failure to comply with the approved plan.
- Form 2000-22 Item 13f - other samples recorded as 0; 5 diesel samples were taken during the inspection. GIPH page 2-17 item 13f also requires the type of samples be included in item 17 “remarks”

Requirements: GIPH page 2-22 states in part “If an enforcement action results from failure to comply with an approved plan, permit, or petition, a copy of the related approval letter and pertinent page(s) shall be included with the inspector’s notes.” GIPH page 2-14 states in part “Mine Activity Data Form (MSHA Form 2000-22). The Lead inspector shall complete and submit an MSHA Form 2000-22 as a cover page for all types of inspection or investigative activity reports... All items (boxes) must be filled out by entering either the appropriate information or by entering zeros (0).” Page 2-17 “Item 13f states in part “Include any other type of health sample collected individually. If this item contains a value, show specific types of samples taken in Item 17.”

Issue 2: 2000-86 forms for the E01 reviewed were not completed properly. (Office of Accountability Checklist Item #39)

- Two of four 2000-86 forms for the E01 inspection documentation reviewed were not properly completed.
  - MMU 010-0 no documentation for Section 19 of the 1st and 2nd dust parameter checks on the continuous mining machine.
  - MMU 011-0 Section 18C “Line curtain distance” was incorrectly recorded as 40 feet and the approved plan states 44 feet. Section 19 “Dust Control Parameters – Water Spray System” the plan requirement was documented as 80psi and the plan states 75psi.

Requirements: Coal Mine Health Inspection Procedures Handbook, PH89-V-1Page 26 states in part “When an inspector is conducting a health-related inspection activity (collecting respirable coal mine dust samples, monitoring the mine operator’s sampling program, or conducting a respirable dust technical investigation) he/she shall complete in its entirety, MSHA Form 2000-86.” Page 18 states in part “It is important that the inspector’s notes and MSHA Form 2000-86 accurately reflect the dust controls being used and the actual quantities measured. This will serve as supporting documentation when plan changes are required or enforcement actions are taken.” Page 23 states in part “Each MSHA Form 2000-86 will be reviewed and signed by the inspector’s supervisor indicating that the data is complete and accurate.”
Issue 3: Possible Knowing/Willful (PKW) Forms were not processed according to agency policy and procedures. (Office of Accountability Checklist item #14)

During the time period January 2015 through June 2016, the district reviewed 39 Possible Knowing and Willing Citations/Orders.

- \[\text{Redacted}\]

Requirements: Special Investigations Procedures Handbook, PH05-1-4, page 4-3 states in part "Within 30 calendar days of the date of issuance, of the citation/order a determination must be made by the IM (with the assistance of the SSI), whether to initiate an investigation or take no further action."
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 Attachment B

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 ☐

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 [X]  Corrective Action Needed [ ]  Comments Below [ ]

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

Adequate [X]  Corrective Action Needed [ ]  Comments Below [ ]

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

Adequate [X]  Corrective Action Needed [ ]  Comments Below [ ]

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

Adequate [ ]  Corrective Action Needed [ ]  Comments Below [X]

NA – Permissibility inspection was not part of the mine visit.

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 [X]  Corrective Action Needed [ ]  Comments Below [ ]

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

Adequate [X]  Corrective Action Needed [ ]  Comments Below [ ]
13. Determine if adequate close-out conferences are being conducted at the end of each inspection.
Adequate [x] 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 [x] Comments Below [x]
See Attachment B

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 [x] Corrective Action Needed [ ] Comments Below [ ]

16. Determine if Hazard Complaint inspections/investigations are being conducted according to policy and procedures.
Adequate [x] 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 [x] Corrective Action Needed [ ] Comments Below [ ]

18. Determine if required Accompanied Activities (AAs); Field Activity Reviews (FARs) and supervisory follow-ups are being conducted and documented according to agency policy and procedures?
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<td><strong>19.</strong> Determine if a 104(d) tracking system is in place and being kept current at the office being reviewed.</td>
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<td><strong>20.</strong> Determine if the Uniform Mine File books are being maintained and reviewed according to current agency policy and procedures.</td>
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<td><strong>21.</strong> Determine if supervisors are thoroughly reviewing Uniform Mine Files at least annually?</td>
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<td><strong>22.</strong> Determine if supervisors are visiting each active underground mine at least annually.</td>
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<td><strong>23.</strong> Determine if all sections where retreat mining is occurring (not to include longwall mining) are being inspected at least monthly?</td>
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<td><strong>24.</strong> Determine if documentation of staff meetings/safety meetings are effective and relevant to current issues and the Agency's mission.</td>
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25. Determine, after an in-mine visit, if approved plans (Ventilation, Roof Control, Training, Emergency Response Plan (ERP), etc.) are compatible with mining conditions and equipment.

Adequate [X]  Corrective Action Needed [ ]  Comments Below [ ]

26. Determine if approved plans are being revised or updated to reflect changes in conditions and/or equipment.

Adequate [X]  Corrective Action Needed [ ]  Comments Below [ ]

27. 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 [X]  Corrective Action Needed [ ]  Comments Below [ ]

28. 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.

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

Adequate [X]  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: X
- Corrective Action Needed: □
- Comments Below: □

Determine if District Manager is using discretion in granting conferences and monitoring the Alternative Case Resolution (ACR) program to ensure that all decisions (including upholding, modifying or vacating citations) are properly documented and justified by the Conference and Litigation Representatives (CLRs).

- Adequate: □
- Corrective Action Needed: □
- Comments Below: X

NA – not part of this review

Determine if managers and supervisors are using standardized reports to review critical data relevant to inspections and investigations.

- Adequate: X
- Corrective Action Needed: □
- Comments Below: □

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

- Adequate: X
- Corrective Action Needed: □
- Comments Below: □

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: X
- Corrective Action Needed: □
- Comments Below: □
Determine if District Managers are using the Report Center to identify overdue responses from operators and take appropriate actions.

Determine if a 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 X Corrective Action Needed Comments Below X

Determine if a proper examination of the Atmospheric Monitoring System (AMS) and/or AMS systems that operate Carbon Monoxide (CO) sensors is being conducted. A complete inspection includes those items in the Coal General Inspection Procedures Handbook (GIPH) AMS checklist.

Adequate X Corrective Action Needed Comments Below

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 X

NA – not part of this review

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

Adequate Corrective Action Needed X Comments Below X

See Attachment B
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 Standard Operating Procedure (SOP) for training newly promoted field office supervisors.

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

- 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 X Corrective Action Needed □ Comments Below □
The operator has failed to keep the escapeway map located where miners congregate on the surface current and up to date. When observed the escapeway map located in the changing room is showing the location of the refuge chamber and the section SCSR locations approximately 1500' from their current locations.

Standard 75.1505(b) was cited

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**Attachment D – Citations/Orders Issued During This Review**

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<th>Mine Citation/Order</th>
<th>U.S. Department of Labor</th>
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<tbody>
<tr>
<td>Mine ID</td>
<td>Field Office</td>
</tr>
<tr>
<td>Site</td>
<td>Date</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section 1 - Violation Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Date Mo De Yr</td>
</tr>
<tr>
<td>2. Time (24 Hr. Clock)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section 2 - Cited Order Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Operator</td>
</tr>
<tr>
<td>4. Mine</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section 3 - Condition or Practice</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Written Notice (160g)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Standard 75.1505(b) was cited</th>
</tr>
</thead>
</table>

---

**Section 2. Inspector's Evaluation**

<table>
<thead>
<tr>
<th>10. Gravity</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Injury or Illness (has) (b):</td>
</tr>
<tr>
<td>B. Injury or Illness could reasonably be expected to be:</td>
</tr>
<tr>
<td>C. Significant and Substantial:</td>
</tr>
<tr>
<td>D. Number of Persons Affected:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>11. Negligence (check one)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. None</td>
</tr>
<tr>
<td>B. Low</td>
</tr>
<tr>
<td>C. Moderate</td>
</tr>
<tr>
<td>D. High</td>
</tr>
<tr>
<td>E. Reckless Disregard</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>12. Type of Action 104(a)</th>
</tr>
</thead>
<tbody>
<tr>
<td>13. Type of lisence (check one) Citation</td>
</tr>
<tr>
<td>E. Certification</td>
</tr>
<tr>
<td>F. Date Mo De Yr</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>14. Initial Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Citation</td>
</tr>
<tr>
<td>B. Order</td>
</tr>
<tr>
<td>C. Safeguard</td>
</tr>
<tr>
<td>D. Written Notice</td>
</tr>
<tr>
<td>E. Citation Order Number</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>15. Area of Equipment</th>
</tr>
</thead>
</table>

---

**Section 3. Termination Action**

<table>
<thead>
<tr>
<th>16. Time (24 Hr. Clock)</th>
</tr>
</thead>
</table>

Changes have been made to the map and it is now showing the current location of the section SCSR's and refuge chamber.

---

**Section 4. Event Number**

<table>
<thead>
<tr>
<th>17. Type of Inspection (activity code)</th>
</tr>
</thead>
<tbody>
<tr>
<td>B01</td>
</tr>
</tbody>
</table>

---

**Section 5. Automated System Data**

| 18. Time (24 Hr. Clock) |

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**Section 6. AR Number**

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*Note: This document is a sample of a citation and does not represent actual data or legal citations. The text is for illustrative purposes only.*
The operator has failed to follow the approved ERP plan on the 012-0 MMU section. When checked the wireless communications did not work in the last open line of crosscuts from the #3-19 entry. Also, one crosscut out by the last open line the communications did not work in the #4, #5, #7, and #9 entries. The approved plan page A-2, item A states that "The system will provide coverage throughout each working section in the mine."

<table>
<thead>
<tr>
<th>Section</th>
<th>5. Violation</th>
<th>6. Section of Act</th>
<th>7. Part/Section of Title 30 CFR</th>
</tr>
</thead>
<tbody>
<tr>
<td>10. Gravity</td>
<td>A. Injury or Illness (less) (act)</td>
<td>No Likelihood</td>
<td>Unlikely</td>
</tr>
<tr>
<td>11. Negligence (check one)</td>
<td>A. Name</td>
<td>Moderate</td>
<td></td>
</tr>
<tr>
<td>12. Type of Action</td>
<td>104(a)</td>
<td>Citation</td>
<td>Order</td>
</tr>
<tr>
<td>13. Type of issuance (check one)</td>
<td>Citation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14. Initial Action</td>
<td>A. Citation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15. Termination Date</td>
<td>A. Date</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16. Area or Equipment</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Section II - Termination Action**

17. Action to Terminate

18. Terminated | A. Date | B. Time (24 Hr. Clock) |

**Section IV - Authorized System Data**

19. Type of Inspection | 20. Event Number | 21. Primary or Mill |

22. AR Name | E01 | |
Attachment E – Discussion Topics

Topics discussed with the district that do not require a corrective action plan are as follows:

- **Documentation of Enforcement Actions** – In some cases, gravity determinations were not clearly justified for enforcement actions issued during the E01 reviewed. Discussed 104(g) as it applies in the case where an order is issued to a contractor and miners are exposed to the hazard. – See Citation and Order Writing Handbook For Coal Mines and Metal and Nonmetal Mines, PH13-I-1(1), pages 11-13; page 35; Coal Mine Safety and Health General Inspection. Procedures Handbook, PH16-V-1 (GIPH), pages 2-19 through 22.

- **103i Spot Inspections** –
  - Mine ID某一 spot conducted one day early and not in the scheduled time period某一.
  - District is not using the MSIS calendar to schedule spots, currently utilizing a calendar designed by the district. The district is in the process of converting over to the MSIS calendar.

- **SCSRs Inspection** – The inspector did not document in field notes the Manufacturer and Model No. of the SCSR inspected for the E01 event reviewed. GIPH 3-14

- **First Day Inspection Activities** – The inspector did not document observation of mantrip operation on the first day of inspection GIPH 3-3. No documentation required and the handbook only states “The inspector should enter the mine with the mantrip on the first inspection day.”

- **Methane Monitors on section equipment** – The inspector did not document in the field notes that the methane monitors were tested on the continuous mining machines for the E01 event reviewed. GIPH 3-63

- **Travel with Examiners** – The inspector did not document in the inspection field notes the examiners name and area examined. GIPH 3-8

- **Outby Electrical Equipment** – The inspector in some cases did not document in the field notes equipment inspected but documented in the ITS. GIPH 3-49

- **Rockdust Sampling** – The inspector did not sample significant return aircourses and bleeders which have section returns coursed through them for the E01 event reviewed. Areas include 1 and 2 section bleeder systems, right return for 2 section to the portal, left return for 1 section to the split, left side 2 section return to the split and left side main return to the portal. GIPH 5-14
Weekly Activity Data Form 7000-36 was not properly documented for the E01 event reviewed (Work was conducted on the E01 report after the event closed on [redacted], and was not charged to the event). No time was charged to the event on [redacted] GIPH page 2-1. ERP Plan Review Form 2000-223 is dated [redacted] after the E01 event had been closed on [redacted]. Mine Information Form 2000-209 is dated [redacted] after the E01 event had been closed on [redacted]. ATF Form 5030.5 is dated [redacted] after the E01 event had been closed on [redacted].