



SEP - 5 2018

MEMORANDUM FOR PATRICIA W. SILVEY

Deputy Assistant Secretary for
Mine Safety and Health Administration

THROUGH:

TIMOTHY R. WATKINS
Deputy 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 10, Beaver Dam, Kentucky Field Office

Introduction

This memorandum summarizes the Office of Accountability's (OA) review of Coal's District 10 Beaver Dam, Kentucky Field Office. The review focused on enforcement activities at the [REDACTED]. This review included MSHA field activities, level of enforcement, conditions and practices at the mine, Field Activity Reviews, Accompanied Activity Reviews, and MSHA supervisory and managerial oversight activities.

Purpose

The purpose of this accountability review is to determine whether MSHA enforcement policies, procedures and guidance are being followed consistently and to assess whether mission critical enforcement activities are accomplished effectively. The accountability review also identifies areas for improvement and the subsequent implementation of effective corrective actions to address any identified issues.

Overview

Office of Accountability (OA) Supervisor Ted Smith and Specialist Troy Davis (Review Team) conducted the review in accordance with the annual accountability review plan schedule. The review concentrated on one Regular Safety and Health Inspection (E01) of the [REDACTED] [REDACTED] Event No. [REDACTED]. The mine was selected for review because it is an underground mine operation with four producing mechanized mining units (MMUs). Mr. Smith and Mr. Davis conducted the on-site review from [REDACTED] [REDACTED]. The review focused on inspection activities conducted in FY 2017 and included review of supervisory oversight activities.

Mine Visit

The Review Team accompanied the Staff Assistant, Field Office Supervisor, and an inspector to the mine on [REDACTED] as part of a Safety and Health Spot Inspection (E02). During the mine visit, the Review Team evaluated general conditions at the mine, assessed whether conditions at the mine are commensurate with enforcement levels documented in the inspection reports reviewed, and observed work practices at the mine site.

The mine is located in [REDACTED] and employs approximately [REDACTED] miners working nine-hour shifts, two production and one maintenance. The mine produces an average of [REDACTED] of raw coal annually. Coal is mined with continuous mining machines and transported via ram cars to a conveyor system routed to the surface and preparation plant for processing and shipment to the customer.

During the inspection, the accompanying inspector issued one enforcement action. The mine visit included inspections and observations of the following:

Surface areas:

- pre-inspection discussions with mine operator
- mine examination records and postings
- escapeway map
- communication and tracking system
- Atmospheric Monitoring System — for early fire detection along conveyor belts;
- roads, ramps and berms
- highwalls

Underground Working Section located in 2 West panel 2:

- examinations of the working section (MMUs 004-0 and 005-0) for imminent dangers, methane tests, air readings and evidence of examinations being conducted
- ventilation, rock dusting, cleanup, and roof and rib conditions
- mining cycle and work practices
- visual observations of the section power center
- a functional test of the CH₄ monitor system on the continuous mining machine
- a functional test of the post-accident communication and tracking system

- self-contained self-rescuers (SCSRs) cache
- escapeway maps both on the working section and at the section's refuge alternative (RA) and
- 30 man RA

Underground Outby areas:

- alternate escapeway traveled from surface to the working section – lifelines and signage observed
- observed general conditions of outby areas (ventilation, rock dusting, cleanup, and roof and rib conditions)
- examined RA (30 man) located 1st South entries;
- examined one outby SCSR cache
- a functional test of the post-accident communication and tracking system
- observed branch lines off the lifelines to SCSR caches and RAs and
- 1st North seals (five - 120 psi seals)

Review Results

The review revealed positive findings in the following areas:

- For E01 Event [REDACTED], the inspection tracking and rockdust maps were documented per procedures.
- Documentation on health inspections – the specialists used checklists as part of their notes and included a checklist of sound level readings for various high noise mining procedures.

The review detected two issues that require a corrective action plan. (Attachment B details the requirements of the Coal General Inspection Procedures Handbook for the identified issues.)

Issue 1: Documentation for the Regular Health and Safety Inspection (E01) Event [REDACTED] was not complete and thorough. (Office of Accountability Checklist Item #2)

- Inspection Tracking System (ITS) was not complete. The ITS does not include worksheets for MMU 002-0 and MMU 005-0.

Issue 2: The approved Emergency Response Plan (ERP) was not revised or updated for the [REDACTED] to reflect changes in conditions and/or equipment. (Office of Accountability Checklist Item #26)

- The current ERP plan has not been updated to include a fourth RA on page 5 and also the stick map on page 10 to show the location. The additional RA was put into service on [REDACTED]

District staff along with both members of the Review Team analyzed the findings identified during this review to determine the root cause of the issues. A corrective action plan from the District Manager addressing the identified issues is attached.

The Review Team also discussed with the District inspection and procedural best practices as described in the Coal's General Inspection Procedures Handbook. A general outline of discussion topics is included in an attachment to this memorandum.

For comparison with the district and nation, the enforcement levels for the [REDACTED] were reviewed. For FY 2017 the percent S&S rate for the mine was 26% compared to 17% for the field office, 23% for the district and 22% for the nation. The percent Elevated Negligence for the mine was 2.8% compared to 8.1% for the field office, 4.7% for the district and 4.5% for the nation. The Violations per Inspection Hour for the Mine was 0.10 compared to 0.12 for the field office, 0.10 for the district and 0.10 for the nation.

Based on the review of the E01 Event No. [REDACTED], discussions concerning the mine's operations, and observations during the mine visit, the Review Team determined that enforcement levels for the mine are commensurate with existing mining conditions and work practices.

Attachments

- A. Corrective Action Plan
- B. Issues requiring Corrective Action
- C. Office of Accountability Checklist
- D. Citations Issued during Mine Visit
 - No. [REDACTED] 75.342(a)(4)
- E. Discussion Topics

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

District

Coal District 10

Field Office

Beaver Dam, KY
Field Office

Mine ID

[REDACTED]

Date

[REDACTED]

Attachment A - Corrective Action Plan

U.S. Department of Labor

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



January 11, 2018

MEMORANDUM FOR: TED SMITH
Supervisor, Office of Accountability

THROUGH: TIMOTHY R. WATKINS [REDACTED]
Deputy Administrator for
Coal Mine Safety and Health

MARCUS A. SMITH [REDACTED]
Supervisor, Accident Investigation/
Special Investigations/ACR Group

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] at the Beaver Dam field office, District 10, and the [REDACTED]. The results of the review identified two deficiencies which are required to be addressed by the District.

Issue 1:

Documentation for the Regular Health and Safety inspection (E01) Event [REDACTED] was not complete and thorough. (Office of Accountability checklist item #2):

Inspection Tracking System (ITS) was not complete. The ITS does not include worksheets for MMU 002-0 and MMU 005-0.

ROOT CAUSE

Inspection Tracking System for the [REDACTED] No. 1 and No. 2 unit split air sections were incomplete due to the district tracking both MMUs on each split air section on a single MMU log. The issue was collectively a result of the District not following the ITS – Inspection Tracking Application User Guide in its entirety and a lack of training for IT personnel, inspectors, and [REDACTED].

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

District

Coal District 10

Field Office

Beaver Dam, KY
Field Office

Mine ID

[REDACTED]

Date

[REDACTED]

PROPOSED CORRECTIVE ACTIONS

Corrective Action for issues specifically identified during the Office of Accountability Review conducted from [REDACTED]

Focused training will be provided to IT personnel and all CMI's [REDACTED] on the requirements listed in the General Inspection Procedures Handbook (GIPH) and Inspection Tracking Application User guidelines for the item specifically identified as deficient during the review. The ITS will be modified for the [REDACTED] split air section to include the required duplicate MMU logs.

All participants will sign an attendance roster 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):

The Assistant District Manager – Enforcement will be responsible for implementing the corrective actions.

TIMEFRAME FOR COMPLETION OF EACH CORRECTIVE ACTION:

Training will take place by January 20th, 2018 for all CMI's, [REDACTED] and IT Administrator. The [REDACTED] ITS will be modified by IT Administrator to include the corrected MMU logs by January 5th, 2018.

METHOD FOR DETERMINING SUCCESS:

Review of implementation will be conducted during the next quarterly supervisory review of the [REDACTED] E01. In April 2018, a FAR will be conducted on the 2nd Quarter FY 2018 [REDACTED] E01 inspection. Supervisory personnel from the District will assist the Madisonville [REDACTED] in the review of the [REDACTED] E01 inspection. The purpose of the review will be to determine if the corrective actions for this Office of Accountability review were successful. Further retraining will occur if any issue identified during the Office of Accountability review was also identified during the FAR. The ADM Enforcement will oversee this review and a report will be generated upon final closure of any deficiencies and this report will be placed into the file where this Office of Accountability review is located. Feedback will be communicated to the District Manager through a 2nd Level Review of the FAR.

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

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

Issue 2:

The approved Emergency Response Plan was not revised or updated for the [REDACTED] [REDACTED] to reflect changes in conditions and/or equipment. (Office of Accountability Checklist Item #26)

ROOT CAUSE

The current Emergency Response Plan has not been revised to add a fourth refuge alternative (RA) on page 5 inventory list, and line drawing on page 10 to depict underground location. The additional RA was put into service on [REDACTED]
[REDACTED]
[REDACTED]

PROPOSED CORRECTIVE ACTIONS

Corrective Action for issues specifically identified during the Office of Accountability Review conducted from [REDACTED]

The mine operator submitted the required revisions to the Emergency Response Plan to correct the identified deficiencies. The district approved the revisions [REDACTED]
[REDACTED]

[REDACTED]

An attendance roster will be 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):

The Assistant District Manager – Technical will be responsible for implementing the corrective actions.

TIMEFRAME FOR COMPLETION OF EACH CORRECTIVE ACTION:

Training will be completed by January 16, 2018 to include all [REDACTED]

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Mine Safety and Health Administration
Office of Accountability

District

Coal District 10

Field Office

Beaver Dam, KY
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Mine ID

[REDACTED]

Date

[REDACTED]

METHOD FOR DETERMINING SUCCESS:

Review of implementation will be conducted during the next quarterly supervisory review of the [REDACTED] E01. In April 2018, a FAR will be conducted on the 2nd Quarter FY 2018 [REDACTED] E01 inspection. Supervisory personnel from the District will assist the Madisonville [REDACTED] in the review of the [REDACTED] E01 inspection including the most recent 6 month ERP plan review [REDACTED]. The purpose of the review will be to determine if the corrective actions for this Office of Accountability review were successful. Further retraining will occur if any issue identified during the Office of Accountability review was also identified during the FAR. The ADM Enforcement will oversee this review and a report will be generated upon final closure of any deficiencies and this report will be placed into the file where this Office of Accountability review is located. Feedback will be communicated to the District Manager through a 2nd Level Review of the FAR.

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

The District Manager will send a memorandum to Thomas W. Charboneau, Director, Office of Assessments through Ted Smith, Supervisor, Office of Accountability, through Timothy R. Watkins, Deputy Administrator for Coal Mine Safety and Health, and through Marcus A. Smith, Supervisor, Accident Investigation/Special Investigations/ACR Group upon completion and evaluation of the corrective actions.

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

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

Attachment B - Issues requiring Corrective Action Plan

Issue 1: Documentation for the Regular Health and Safety Inspection (E01) Event [REDACTED] was not complete and thorough. (Office of Accountability Checklist Item #2)

- Inspection Tracking System (ITS) was not complete. The ITS does not include worksheets for MMU 002-0 and MMU 005-0.

Requirements: Inspection Tracking System Application User Guide Version 1.1 pages 97 and 98, describes how to create a MMU super section by either one of two methods. The super section can be identified by using the same section name or by using a single MMU by duplicating each MMU log row using the "Duplicate Row function." Also in the Coal Mine Safety and Health General Inspection Procedures Handbook PH16-V-1 June 2016 (GIPH), page 3-63 states in part, "Inspection of each piece of in use and available for use section equipment should be documented in the inspector's notes and the ITS, including the MMU numbers." Page 6-26 depicts an MMU log to be maintained in the ITS and the MMU is identified by MMU No.

Issue 2: The approved ERP Plan was not revised or updated for the [REDACTED] to reflect changes in conditions and/or equipment. (Office of Accountability Checklist Item #26)

- The current ERP plan has not been updated to include a fourth refuge alternative (RA) on page 5 and also the stick map on page 10 to show the location. The additional RA was put into service on [REDACTED]

Requirement: GIPH, page 3-6 item 6 Refuge Alternatives, refer to instructions for completion of the 2000-223 form ERP 6 month reviews: "The purpose of the Plan Review Form 2000-223 is to document the completion of a 6-month Emergency Response Plan (ERP) review conducted by a regular inspector or specialists and to permit comment by the inspectors on the adequacy of the plan. ITEMS 1 – 7 - Determine if plan content is adequate for the mine conditions, layout and equipment being utilized. Check the appropriate box to indicate if the plan is adequate or deficient in the area being reviewed."

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Mine Safety and Health Administration
Office of Accountability

District Field Office Mine ID Date

Attachment C - 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

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

See attachment E

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 to the working section, inspector/specialist examination of all working areas and highwalls for imminent dangers.

Adequate Corrective Action Needed Comments Below

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Mine Safety and Health Administration
Office of Accountability

District

Coal District 10

Field Office

Beaver Dam, KY
Field Office

Mine ID

██████████

Date

██████████

7. Evaluate the inspector/specialist observation of the work cycle and conditions in the active 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

NA – No permissibility inspections during 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 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 Corrective Action Needed Comments Below

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Field Office

Beaver Dam, KY
Field Office

Mine ID

██████████

Date

██████████

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

See Attachment E

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

Adequate

Corrective Action Needed

Comments Below

See attachment E

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 10

Field Office

Beaver Dam, KY
Field Office

Mine ID

[REDACTED]

Date

[REDACTED]

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?

19. 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

20. 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

21. Determine if supervisors are thoroughly reviewing Uniform Mine Files at least annually?

Adequate Corrective Action Needed Comments Below

22. Determine if supervisors are visiting each active underground mine at least annually.

Adequate Corrective Action Needed Comments Below

23. 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

NA – No retreat mining in the District

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Office of Accountability

District Field Office Mine ID Date

24. 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

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 Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

See attachment B

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 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.

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Mine Safety and Health Administration
Office of Accountability

District Field Office Mine ID Date

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

Adequate Corrective Action Needed Comments Below

30. 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

31. 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

NA – not part of this review

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

Adequate Corrective Action Needed Comments Below

33. 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

United States Department of Labor
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District Field Office Mine ID Date

34. 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

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

36. 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 Corrective Action Needed Comments Below

NA – No longwalls in District 10.

37. 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 Corrective Action Needed Comments Below

38. 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.

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

District

Coal District 10

Field Office

Beaver Dam, KY
Field Office

Mine ID

[REDACTED]

Date

[REDACTED]

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

Comments Below

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 deficiencies identified in the Internal Review report. The SOPs should account for:

- 41.
- checking that required information is submitted
 - checking for communication with other plan approval groups
 - assuring that designated MSHA personnel contact the operator for additional information
 - discussing results of on-site evaluations with the operator and identified miners' representatives.

Adequate

Corrective Action Needed

Comments Below

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

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

Attachment D - Citations issued during Mine Visit

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

Section I - Violation Data	
1 Date [REDACTED]	3 Citation/Order Number [REDACTED]
2 Time (24 Hr. Clock) [REDACTED]	5 Operator [REDACTED]
4 Served To [REDACTED]	7 Mine ID [REDACTED] (Contractor)
6 Mine [REDACTED]	8a. Written Notice (103g)
8 Condition of Practice	

The methane monitor provided for the M-28 Continuous Miner, located on the left side of the #2 Unit (004 MMU) was not being maintained in a permissible and proper operating condition. When tested with a known quantity of 2.5% methane gas the monitor register 2.9%.

Standard 75.342(a)(4) was cited [REDACTED]

9 Violation	A. Health Safety <input checked="" type="checkbox"/> Other	B. Section of Act	C. Part/Section of Title 30 CFR 75.342(a)(4)
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Section II - Inspector's Evaluation				
10 Gravity				
A. Injury or illness (has) (is) <input type="checkbox"/> No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred				
B. Injury or illness could reasonably be expected to be: <input type="checkbox"/> No Lost Workdays <input checked="" type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal				
C. Significant and Substantial? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				D. Number of Persons Affected: 002
11 Negligence (check one) <input type="checkbox"/> A. None <input checked="" type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Careless				
12 Type of Action <input checked="" type="checkbox"/> 104(a)		13 Type of Issuance (check one) <input checked="" type="checkbox"/> Citation <input type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice		
14. Initial Action <input type="checkbox"/> A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice		E. Citation/Order Number		F. Dated Mo Da Yr
15 Area or Equipment				

16 Termination Due	A. Date [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
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Section III - Termination Action

17 Action to Terminate: The methane monitor was re-calibrated and now register 2.5%.

18 Terminated	A. Date [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 Mail
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, 408 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 10 Field Office Beaver Dam, KY
Field Office Mine ID [REDACTED] Date [REDACTED]

Attachment E - Discussion Topics

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

Enforcement Action Review:

- Citations issued did not always have adequate gravity documentation in the field notes to fully justify the level of likelihood of injury depicted on the citation. It was limited to one inspector. The inspector documented mine characteristics which did not always support the likelihood marked on the citation and order form 7000-3.

Noise Surveys:

- The inspectors are using an outdated form 2000-84 (version Oct 2004). The latest version is dated April 2012.
- Form 2000-84 for sampling on [REDACTED] is not accurately completed. For sample #2 the 90 Permissible Exposure Limit (PEL) dose is higher than the 85 PEL dose.

Documentation (E01 Event [REDACTED])

- Some equipment documented in the field notes was not also identified in the ITS.
- ITS certification by the [REDACTED] – the certification page was printed on [REDACTED] and the signed certification was dated [REDACTED]
- MSHA form 2000-22 was not properly completed. Section 13 “Number of samples” was incorrect; the inspector recorded 24 samples for respirable dust. The actual number of samples taken on the inspection was 26. In section 17 “Remarks” no comments pertaining to the ground control plan were recorded.
- Respirable dust sampling was conducted on [REDACTED] on two surface occupations. The blue cards and the sample analysis were not filed in the inspection report.

Hazard Complaints:

- The district conducted hazard complaint investigations on E01 events rather than E04 events. The District Manager has recently discussed this topic with supervisors.

103i spots:

- For one inspection reviewed, the inspector did not measure air quantity in the Last Open Crosscut left return.
- For one inspection reviewed, the inspector did not correctly complete the AR assignment section on the 2000-22 form.

AA/FARs:

- Forms were not always completed in their entirety. Date of accompany was not completed and corrective actions were not always documented when an issue was identified.