



DEC 03 2007

MEMORANDUM FOR GORDON S. HEDDELL
Inspector General

FROM: RICHARD E. STICKLER
Assistant Secretary for
Mine Safety and Health

A handwritten signature in black ink, reading "Richard E. Stickler", is written over the typed name and title.

SUBJECT: MSHA's Response to OIG Audit Report No.
05-08-001-06-001 "Coal Mine Inspection
Mandate Not Fulfilled Due to Resource
Limitations and Lack of Management
Emphasis"

After further review of your recent report (OIG Audit Report No. 05-08-001-06-001), it appears that the conclusions in your report are accurate and that portions of MSHA's response to your draft report were in error based on a misinterpretation of your audit methodology. For example, it was stated in our cover memorandum that 70 percent of the incomplete mandatory inspections reviewed during your audit period were believed to be at mines that were either non-producing, inactive, intermittent, or abandoned during the inspection period. Unfortunately, this was inaccurate. Your report correctly states that 71 percent of missed inspections were at mines in an active status for the entire inspection period.

It appears that the error resulted from the mistaken belief by MSHA that nationwide inspection completion data used by your auditors had the same characteristics as the sample used during their field work in Districts 4 and 6. Your sample of 87 completed inspections, which was used to test the accuracy of MSHA's published inspection completion rates, included 61 inspections (70 percent) with fewer than 8 inspection hours. Regular inspections with fewer than 8 inspection hours are normally associated with mines that are non-producing, inactive, intermittent, or abandoned.

This error was unintentional. Going forward, please know that we remain deeply committed to protecting the safety and health of our nation's miners and will continue to work diligently with your office toward that goal. Please find attached a revised response to your recommendations.

Attachment

OIG Recommendations 1, 2, 3, 4 and 7:

MSHA agrees with these five recommendations and has taken action accordingly. As such, we are pleased to note that MSHA has provided the OIG with responsive corrective actions to resolve these recommendations. Many of these corrective actions (e.g., creation of Key Indicator Reports, MSHA's 100 percent plan, updating MSHA's Inspections Procedures Handbook and the creation of MSHA's Office of Accountability) were initiated by MSHA prior to the issuance of the final report and others were the direct result of the OIG's audit work and recommendations. To achieve prompt resolution and closure of these items, MSHA will provide updated milestones and corresponding actions to the OIG in its 60-day response.

OIG Recommendations 5 and 6:

MSHA agrees in principle with these two recommendation. MSHA is working on its action plan and appropriate milestones will be provided to the OIG in our 60-day response.