



January 16, 2009

MEMORANDUM FOR RICHARD E. STICKLER  
Acting Assistant Secretary for  
Mine Safety and Health Administration

THROUGH: CHARLES J. THOMAS *Charles J. Thomas*  
Director of Accountability for  
Mine Safety and Health Administration

FROM: JERRY KISSELL *Jerry Kissell for*  
Accountability Specialist

SUBJECT: MSHA Office of Accountability Audit, Bessemer, Alabama,  
Field Office, and [REDACTED]  
[REDACTED]

Introduction

This memorandum summarizes the Office of Accountability audit of the subject mine and field office. Audit subjects included the Uniform Mine File, MSHA field activities, level of enforcement, Field Activity Reviews (FAR's), MSHA supervisory and managerial oversight, mine plans, and the conditions and practices at the mine. The audit was conducted during the week of [REDACTED] by Jerry Kissell. Positive findings and issues requiring attention are included in this audit report.

Overview

The auditor traveled to the Bessemer, AL field office and the [REDACTED]s, [REDACTED] to observe and evaluate enforcement activities and mine conditions. Accompanying the auditor were [REDACTED] Mine personnel traveling with the inspection party included [REDACTED] Areas of the mine inspected included the open pit, highwalls, haulroads, and berming. Eight pieces of mobile equipment including dozers, excavators, haul/rock trucks, and front end loaders were inspected as well. A safety discussion was held with eleven (11) miners on

site concerning highwall safety, dozer accidents, equipment operation safety, berming safety, haul truck safety and safe dumping procedures.

The audit revealed many positive findings related to MSHA field activities and mine conditions, including well organized pre-inspection conferences, and enforcement actions on all levels from 104(a), 104(b), 104(d), and 107(a). Other positives included good communications between MSHA and the mine operator, clear explanation and root cause discussion on citations issued and thorough and complete inspections. FARS and AA's for the surface inspectors were reviewed as well.

Conditions observed at the mine site were reflective of the previous inspection reports.

Four violations were issued during this audit. The level of enforcement appears accurate and fair for the conditions observed at the mine.

Positive items observed include:

- 1.) Inspection documentation indicates thorough and complete inspections.
- 2.) Good communications during inspections, including root cause evaluation in citation issuance. Excellent professionalism with the operator.
- 3.) D-tracking by the district and updated spreadsheet provided to field office.
- 4.) Knowledgeable, experienced inspection staff.

Issues that require corrective actions:

- 1.) 7000-1 MSHA accident and injury reports were not maintained as required by the UMF handbook. (Checklist Item 7)
- 2.) [REDACTED] - Event sheet activity calendar is not accurately documented. (Checklist Item 1)
- 3.) SCMI must conduct a thorough review of inspection reports, and time reporting. (Checklist Items 1,2)
- 4.) Effective oversight of follow-up and evaluation of the corrective action plan are essential to the success of the accountability program. The district should monitor and update corrective actions to determine the success of the plan and make adjustments as necessary. (Item 68)

Recommendations -

One district review was completed. OA recommends future district audits too consider surface mines and surface facilities in lieu of an underground mine audit each and every year, this is not a requirement. When separate surface facilities are under a separate ID it would be wise use of resources to incorporate the surface entity along with the UG audit when appropriate. HQ selects the mines for each district, as per the

Accountability Handbook. A surface mine was selected for one of the Coal district level reviews for 2008.

High visibility, reflective safety vests be provided to MSHA surface coal inspectors. (Night inspections can be more hazardous as these inspectors perform duties with little or no safety reflective clothing to improve their presence to others in the area.) Metal Non-Metal Program area has ordered reflective vests for all inspectors.

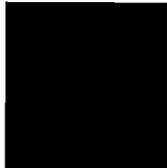
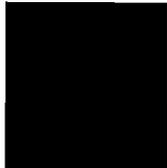
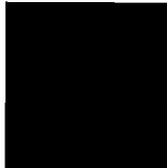
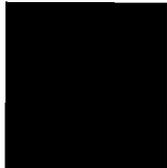
Consider cameras as part of inspection tools for surface inspector to support violations documentation.

(The last two recommendations may already be in the action phase according to HQ.)

### Audit Results

The attached checklist addresses the findings of this audit. Positive results as well as issues that need to be addressed are covered in the checklist.

### Attachments

- A. OOA Checklist with comments
- B. Citations issued during audit mine visit.
  - 1.  77.1605(d)
  - 2.  77.1605(a)
  - 3.  77.1606(c)
  - 4.  77.1606(c)
- C. Photo's of Mine site equipment activity

cc: M. Davis  
J. Pallasch  
K. Stricklin  
T. Bentley  
F. Quintana  
N. Merrifield  
G. Fesak

1. Coal  Metal/Nonmetal

Evaluate supervisory review of inspection reports and documentation for completeness.

Adequate  Inadequate  Not Applicable  Comments Below

SCMI failed to verify the accuracy of the event Calendar.

Event [REDACTED]

Time was credited to [REDACTED] was checked on the Activity Calendar.

The ending date for this event was [REDACTED] Is this correct? There was no other time charged other than on [REDACTED]

Event [REDACTED]

1. The Event started on [REDACTED] Time was charged on [REDACTED] and [REDACTED]; however, these days are not documented on the Event Calendar.

2. On [REDACTED] the inspector indicated in his time that he worked on the 2<sup>nd</sup> shift; however, the supervisor accompanying him indicated she worked on the 3<sup>rd</sup> shift. The 2<sup>nd</sup> shift was checked on the activity calendar.

3. Time was credited to this Event on [REDACTED] after the Event closing date of [REDACTED]

Action required SCMI need to improve work product reviews to ensure accuracy of inspection reports, citations, event calendars, and field notes.

The event calendars have been updated to reflect the correct information for these events.

*Reference - Coal Mine safety and Health Supervisor's Handbook (AH08-III-1)*

2. Coal  Metal/Nonmetal

Determine if supervisors address report deficiencies immediately

Adequate  Inadequate  Not Applicable  Comments Below

Reference item 1, supervisors should be identifying the items and requesting the proper corrective actions.

3. Coal  Metal/Nonmetal   
Determine if supervisors are visiting each assigned mine at least annually

Adequate  Inadequate  Not Applicable  Comments Below

4. Coal  Metal/Nonmetal   
Evaluate the quality of Field Activity Review reports (FAR's)

Adequate  Inadequate  Not Applicable  Comments Below

More positive and issues requiring correction documentation could be provided, but they are meeting the required elements for the surface inspectors.

5. Coal  Metal/Nonmetal   
Determine if supervisors/managers are identifying and addressing performance or behavior based issues during and after accompanied inspections are conducted

Adequate  Inadequate  Not Applicable  Comments Below

6. Coal  Metal/Nonmetal   
Evaluate the quality of Accompanied Inspections

Adequate  Inadequate  Not Applicable  Comments Below

They are timely and the supervisor has a spreadsheet tracking the completed and scheduled activities. More specific documentation could be provided on the positives and possible areas for improvements for the surface inspectors.

7. Coal  Metal/Nonmetal

Determine if supervisors are thoroughly reviewing mine files at least annually

Adequate  Inadequate  Not Applicable  Comments Below

The UMF files are in good order with one exception. The 7000-1 accident and injury reports were not current for all accidents in the past 12 months. The 7000-1 for an accident reported Jan. 5, 2008 was not in the UMF. ( PH94-V-9(2), CHAPTER 3, Section 3, Part 1.)

17. Coal  Metal/Nonmetal

Determine if supervisors are monitoring inspector time and activity documentation to ensure proper use of time by inspector

Adequate  Inadequate  Not Applicable  Comments Below

The management of inspection activity time is very good.  
 The events reviewed show the total percent of other time was at 8.5% for event [REDACTED] and 11% for event [REDACTED].  
**Total on site time accounted for 60% and 51% respectively. Travel accounted for the remainder of the time on this event.**

29. Coal  Metal/Nonmetal

Determine if complete and thorough inspections are being conducted and adequately documented

Adequate  Inadequate  Not Applicable  Comments Below

30. Coal  Metal/Nonmetal

Determine if inspection notes, air samples, rock dust samples, and tracking map/diagram support the inspector's assertion that the mine was inspected in its entirety

Adequate  Inadequate  Not Applicable  Comments Below

31. Coal  Metal/Nonmetal   
Determine that the inspector spent sufficient time on off-shifts and on weekends

Adequate  Inadequate  Not Applicable  Comments Below

This mine runs two shifts and records indicate the inspectors are on site during both shifts.

34. Coal  Metal/Nonmetal   
Determine if all mine record books, postings, and other required materials are examined during the inspection

Adequate  Inadequate  Not Applicable  Comments Below

36. Coal  Metal/Nonmetal   
Determine if the amount of time expended on each inspection activity and area of the mine is sufficient to accomplish inspection goals

Adequate  Inadequate  Not Applicable  Comments Below

37. Coal  Metal/Nonmetal   
Evaluate each citation/order/safeguard for inspector's determination of gravity, negligence, number of persons affected, and the level of enforcement

Adequate  Inadequate  Not Applicable  Comments Below

38. Coal <input checked="" type="checkbox"/>	Metal/Nonmetal <input type="checkbox"/>		
Accompany and evaluate inspector's imminent danger run			
Adequate <input checked="" type="checkbox"/>	Inadequate <input type="checkbox"/>	Not Applicable <input type="checkbox"/>	Comments Below

41. Coal <input checked="" type="checkbox"/>	Metal/Nonmetal <input type="checkbox"/>		
Evaluate operator's workplace examinations			
Adequate <input checked="" type="checkbox"/>	Inadequate <input type="checkbox"/>	Not Applicable <input type="checkbox"/>	Comments Below

42. Coal <input checked="" type="checkbox"/>	Metal/Nonmetal <input type="checkbox"/>		
Evaluate conditions on working section and observe work cycle			
Adequate <input checked="" type="checkbox"/>	Inadequate <input type="checkbox"/>	Not Applicable <input type="checkbox"/>	Comments Below

49. Coal <input checked="" type="checkbox"/>	Metal/Nonmetal <input type="checkbox"/>		
Evaluate several pieces of equipment.			
Adequate <input checked="" type="checkbox"/>	Inadequate <input type="checkbox"/>	Not Applicable <input type="checkbox"/>	Comments Below
The audit team inspected 3 trucks, 2 dozers, 1 FEL, 1 skid steer and 1 excavator. Citations were issued for defects. (See attachment B). Good utilization of inspection resources were observed during this E01 Event.			

60. Coal  Metal/Nonmetal   
Determine if all required record books are adequately completed and in compliance with applicable standards

Adequate  Inadequate  Not Applicable  Comments Below

62. Coal  Metal/Nonmetal   
Examine mine bulletin board and evaluate adequacy of all required postings

Adequate  Inadequate  Not Applicable  Comments Below

66. Coal  Metal/Nonmetal   
Determine if districts are conducting sufficient, in-depth Peer Reviews

Adequate  Inadequate  Not Applicable  Comments Below

OA recommends future District audits should consider surface mines and surface facilities in lieu of an underground mine audit each and every year when practical.

67. Coal  Metal/Nonmetal   
Determine if MSHA headquarters is conducting sufficient, in-depth Peer Reviews

Adequate  Inadequate  Not Applicable  Comments Below

No Headquarters review conducted in District 11 for the audit period, four other Districts were selected for the CY.

68. Coal  Metal/Nonmetal   
Determine if Peer Reviews identify root causes of deficiencies, corrective actions, set time lines for corrections, and identify a method for accurately measuring the success or failure of corrective actions.

Adequate  Inadequate  Not Applicable  Comments Below

Effective follow-up and evaluation is part of the peer review program. The district will monitor the effectiveness of the corrective action plan on an ongoing basis and make adjustments to the plan as necessary. (Reference- AH08-III-4, Accountability Program Handbook, Follow-up and Evaluation, page 8.)

73. Coal  Metal/Nonmetal   
Evaluate the approved ground control plan after in-mine visit

Adequate  Inadequate  Not Applicable  Comments Below

77. Coal  Metal/Nonmetal   
Evaluate the two most current completed E01 (regular) inspection reports (two quarters)

Adequate  Inadequate  Not Applicable  Comments Below

Event Sheet Activity Calendar was not accurate. See Checklist item 1.

79. Coal  Metal/Nonmetal   
Citations, orders, and safeguards issued during previous two quarters

Adequate  Inadequate  Not Applicable  Comments Below

80. Coal  Metal/Nonmetal

Determine if 104(d) tracking system is in place at the office being audited, and is being kept up to date

Adequate  Inadequate  Not Applicable  Comments Below

81. Coal  Metal/Nonmetal

Determine if all plans and documents in the Uniform Mine File are legible, and up to date

Adequate  Inadequate  Not Applicable  Comments Below

Accident on 1/5/2008 - No 7000-1 report was filed or date stamped in the UMF as required under PH94-V-9(2), CHAPTER 3, Section 3, Part 1. (This is corrected.)

114. Coal  Metal/Nonmetal

Determine if spreadsheets and/or databases provided for tracking of mine visits by supervisors and managers is kept up to date

Adequate  Inadequate  Not Applicable  Comments Below

115. Coal  Metal/Nonmetal

Evaluate the effectiveness of management's support of, and communication with, inspectors and specialists

Adequate  Inadequate  Not Applicable  Comments Below

Attachment B -

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]
4. Section of Act	[REDACTED]	5. Operator	[REDACTED]
6. Mine	[REDACTED]	7. Mine ID	[REDACTED] (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>	

The audible warning device, front horn, located on the company no. 275 Caterpillar 773F rock truck in service in the pit was not being maintained. When tested, the device did not function by sound as required.

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	77.1605(d)
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Section II-Inspector's Evaluation

10. Gravely:				
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	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 A new fuse was installed in the circuit fuse panel. When tested, the device operated properly by sound.

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) E16	20. Event Number [REDACTED]	21. Primary or Mill
22. Signature [REDACTED]		23. AR Number [REDACTED]

MSHA Form 7000-3, Apr 08 (revised) Under 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.

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 front cab windshield located on the 385C Caterpillar excavator, serial no. EDA408, in service in the pit was not being maintained in good condition. The windshield was cracked and broken with jagged edges from the center of the window out to the frame in the middle and bottom area of the windshield. This is in the sight of the operator vision.

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	77.1605(a)
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Section II-Inspector's Evaluation

10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			D. Number of Persons Affected: 001	
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input checked="" type="checkbox"/> C. Moderate <input 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				F. Dated Mo Da Yr
A. Citation <input type="checkbox"/>		B. Order <input type="checkbox"/>		C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>
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

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) E16	20. Event Number	21. Primary or Mill
22. Signature	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.

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)

The bottom steps for the 771D Caterpillar rock truck located in the pit were not being maintained. The step for the off side of the truck was broken and damaged. The steps could not be used for access to get on the truck from this side. This is a defect which effects safety.

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 77.1606(c)
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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 [redacted] B. Time (24 Hr. Clock) [redacted]

Section III--Termination Action

17. Action to Terminate The steps were repaired and the truck can be mounted and dismantled on this side.

18. Terminated A. Date Mo Da Yr [redacted] B. Time (24 Hr. Clock) [redacted]

Section IV--Automated System Data

19. Type of Inspection (activity code) E16	20. Event Number [redacted]	21. Primary or Mill
22. Signature [redacted]	23. AR Number [redacted]	

MSHA Form 7000-3, Apr 08 (revised) 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.

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 bottom steps for the 773F Caterpillar rock truck, company number 236 located in the pit were not being maintained. The step for the operator side of the truck was broken and damaged. The steps could not be used for access to get on the truck from this side. This is a defect which effects safety.

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 77.1606(c)
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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
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 steps were repaired and the truck can be mounted and dismounted on this side.

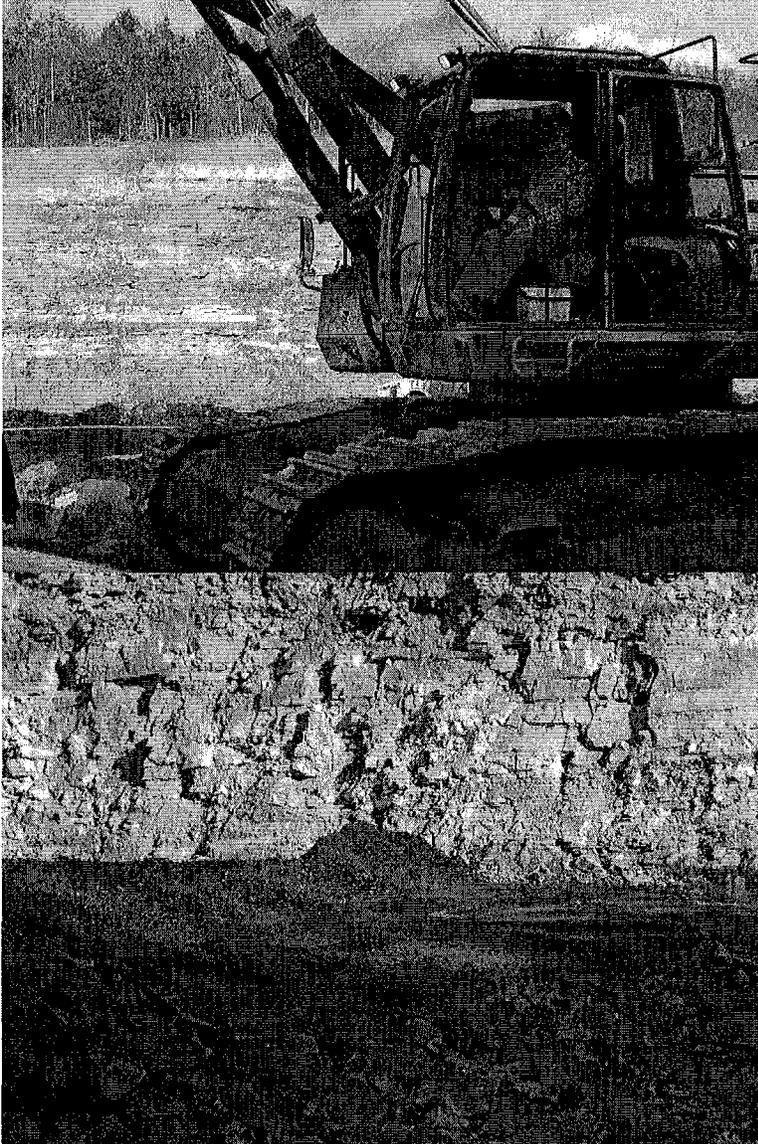
18. Terminated	A. Date Mo Da Yr [redacted]	B. Time (24 Hr. Clock) [redacted]
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Section IV--Automated System Data

19. Type of Inspection (activity code) E16	20. Event Number [redacted]	21. Primary or Mill
22. Signature [redacted]		23. AR Number [redacted]

MSHA Form 7000-3, April 1999. 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.

Attachment C - Mine site Photo.



Largest excavator with  
Highwall in background and  
coal seam in the floor

High wall and Pit  
floor showing coal  
seam.