

April XX, 2009

MEMORANDUM FOR: MICHAEL A. DAVIS
Deputy Assistant Secretary for Operations
Mine Safety and Health Administration

THROUGH: PETER MONTALI
Acting Director of Accountability for
Mine Safety and Health Administration

FROM: ARLIE A. WEBB
Accountability Specialist

SUBJECT: MSHA Office of Accountability Audit, Coal District 7,
Hazard, Kentucky, Field Office, and [REDACTED]
[REDACTED]

Introduction

This memorandum summarizes the Office of Accountability audit of the subject field office and mine. Audit subjects included but were not limited to, MSHA field activities, level of enforcement, Field Activity Reviews, Accompanied Activities, MSHA supervisory and managerial oversight, mine plans, and the conditions and practices at the mine. The audit was conducted by Arlie A. Webb during the week of [REDACTED] through [REDACTED]. Positive findings and issues requiring attention are included in this audit report.

Overview

The field office review was conducted on [REDACTED] and the on-site portion of the audit was conducted on th [REDACTED]. Accompanying the auditor were [REDACTED]
[REDACTED]

On-site areas examined included both active mmus, section equipment, mining cycle, section belt conveyors, several main line belt conveyors, safe havens, lifelines, escapeways, fire protection, fire valves, hoses and nozzles, record books, mine maps, and training procedures. This mine had experienced a change in management just prior to the audit.

S&S Rate Comparison

S&S rates for the Hazard, Kentucky field office are below the district and national levels for Fiscal Year 2008, as well as to-date in FY 2009.

S & S Rate Comparison

Fiscal Year	Field Office	Coal District 7	National Average
2008	29.7	34.7	35.3
2009	31.1	33.5	34.5

However, a review of current enforcement actions at this particular mine indicate that gravity, negligence, and number of person affected are being correctly determined.

Time and Activity Comparison

The overall time distribution for E01 inspections conducted out of the Hazard Field Office during FY 2008 and to-date during Fiscal Year 2009 is commendable, with an average of 68.2 percent of the total inspection time being spent on-site. However, the Office of Accountability does recommend that an effort be made to reduce the percentage of time spent in the “other” category.

Surface Facilities - E01 Inspections						
	Travel	Other	Total On Site	Citations Written On-site	Citations Written Off-site	Total Percent
% in FY 2008	13.7	18.8	67.4	9.2	0.1	100.0
% in FY 2009	11.5	19.5	68.6	9.9	0.4	100.0

Surface Mines - E01 Inspections						
	Travel	Other	Total On Site	Citations Written On-site	Citations Written Off-site	Total Percent
% in FY 2008	14.8	17.8	67.2	8.0	0.2	100.0
% in FY 2009	14.3	15.3	70.0	10.4	0.4	100.0

Underground Mines - E01 Inspections						
	Travel	Other	Total On Site	Citations Written On-site	Citations Written Off-site	Total Percent
% in FY 2008	13.3	19.2	67.1	7.5	0.4	100.0
% in FY 2009	12.0	18.5	69.2	7.0	0.3	100.0

Audit Results

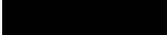
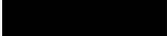
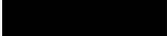
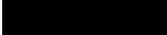
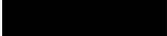
The audit revealed positive findings in several areas, including the following:

1. The District Manager has instituted an accountability program within District 7 as a proactive method for identifying and correcting potential weaknesses.
2. Issues regarding lax or inadequate level of enforcement had already been identified and are being addressed.
3. CLR decisions and advice given to inspection personnel appears to be in compliance with national guidelines.
4. Although inspector "other" time is slightly higher than the national average, the "on-site" time is commendable.
5. Violations are correctly cited and gravity and negligence appear to be accurately determined.

The audit also revealed several issues that require corrective actions, including the following:

1. Field Activity Reviews and Accompanied Activity Reports should contain more detailed documentation of both positive and negative observations regarding inspector work products and performance.
2. Additional attention to detail is recommended for [REDACTED] and [REDACTED] review of inspection reports and other inspector work products
3. The field office needs to insure that operators correctly complete MSHA Form 7000-1 (Mine Accident and Injury), especially with regard to information regarding actions to prevent similar accidents in the future.
4. Accountability reviews should include a timeline for corrective actions, and methods for follow up and measurement of those actions.

Attachments

- A. Office of Accountability Checklist with comments, recommendations, and references.
- B. Citations issued during the audit
 - a.  75.220(a)(1)
 - b.  75.400
 - c.  75.370(a)(1)
 - d.  75.1107-16(b)
 - e.  75.1722(a)
 - f.  75.400

District Field Office Mine ID

1. Evaluate supervisory review of inspection reports and documentation for completeness.

Adequate Inadequate Not Applicable Comments Below

The following unresolved discrepancies were noted during a review of the two most recently completed E01 inspections, and indicate that inspection reports are not always thorough.

- E01 [REDACTED] [REDACTED]
On [REDACTED] four hours were charged on the 3rd shift, but the shift was not marked on the event calendar.
- On [REDACTED] the 3rd shift was marked on the event calendar, but no time was charged to this shift.
- On [REDACTED] the 3rd shift was marked on the event calendar, but no time was charged to this shift.
- On [REDACTED] the 3rd shift was marked on the event calendar, but no time was charged to this shift.

E01 [REDACTED] [REDACTED]
On [REDACTED] fifteen hours were charged to the event, but [REDACTED] did not sign the event sheet.

Item 13 d of the event sheet indicates that 3 respirable dust samples were taken. The Data Retrieval System indicates 34 respirable dust samples were collected.

Item 13 e of the event sheet indicates that 3 noise samples were taken. The Data Retrieval System indicates that 16 samples were taken.

E01 [REDACTED] [REDACTED]
On [REDACTED] eleven hours were charged on the 2nd shift, but the shift was not marked on the event calendar.

Item 13 d of the event sheet indicates that 49 respirable dust samples were taken. The Data Retrieval System indicates only 46 respirable dust samples were collected.

Recommendation - Increased scrutiny of inspection reports. Use of FARs Database and the Data Retrieval System to verify information on the Mine Activity Data Sheet and Calendar.

District Field Office Mine ID

2. Determine if supervisors address report deficiencies immediately

Adequate Inadequate Not Applicable Comments Below

The Hazard field office has [REDACTED] Report deficiencies, such as those mentioned in Item 1 above, are now being addressed immediately.

3. Determine if supervisors are visiting each assigned mine at least annually

Adequate Inadequate Not Applicable Comments Below

4. Evaluate the quality of Field Activity Review reports (FARs)

Adequate Inadequate Not Applicable Comments Below

5. 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. Evaluate the quality of Accompanied Inspections

Adequate Inadequate Not Applicable Comments Below

7. Determine if supervisors are thoroughly reviewing mine files at least annually

Adequate Inadequate Not Applicable Comments Below

District Field Office Mine ID

8. Determine if Assistant District Manager is holding supervisor accountable for general mine visits, FARs, and accompanied activities

Adequate Inadequate Not Applicable Comments Below

11. Determine if ADMs and DMs are visiting mines with poor compliance at least monthly

Adequate Inadequate Not Applicable Comments Below

13. Evaluate the location, workload, and availability of specialists (roof control, ventilation, electrical, etc.) within the district

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

Other than discrepancies mentioned in Item No. 1 above, inspector time distribution appears to be commensurate with the work schedule at the mine.

18. Determine if Standard Operating Procedures (SOPs) are in place, current, and in compliance with MSHA policies and procedures

Adequate Inadequate Not Applicable Comments Below

19. Determine if supervisors are using the Performance Management System to hold inspectors accountable for properly evaluating gravity and negligence, termination due dates, and timely termination of citations

Adequate Inadequate Not Applicable Comments Below

District Field Office Mine ID

20. Determine if supervisors are adequately evaluating the level of enforcement by visiting each producing mine

Adequate Inadequate Not Applicable Comments Below

21. Determine if District Manager is monitoring the ACRI program and using the Performance Management System to ensure that CLR's justify changes

Adequate Inadequate Not Applicable Comments Below

22. Determine if District Manager is using discretion in granting conferences

Adequate Inadequate Not Applicable Comments Below

23. Determine if second level reviews are used to assess supervisory review of enforcement actions

Adequate Inadequate Not Applicable Comments Below

24. Determine if appropriate actions are taken by supervisors and manager with respect to issues of misconduct and/or poor performance

Adequate Inadequate Not Applicable Comments Below

25. Evaluate inspector/specialist knowledge of documentation required and process for completing PKW Forms.

Adequate Inadequate Not Applicable Comments Below

District Field Office Mine ID

26. Evaluate the district's process for performing Possible Knowing/Willful (PKW) reviews and initiating or denying special investigations

Adequate Inadequate Not Applicable Comments Below

27. Determine if District Manager is using Performance Management System to hold the Supervisory Special Investigator accountable for properly evaluating potential cases

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

30. 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. Determine that the inspector spent sufficient time on off-shifts and on weekends

Adequate Inadequate Not Applicable Comments Below

A review of the past 4 E01 inspections revealed that inspector time distribution is as follows:

District Field Office Mine ID

Day shift - 65% Evening shift - 23% Night shift - 12%

33. Determine if areas deemed "too wet" for rock dust surveys are re-visited and sampled

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

35. Determine if all provisions of the MINER Act are evaluated during the inspection

Adequate Inadequate Not Applicable Comments Below

36. 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. 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

The initial examination of citations, orders, and safeguards issued during the previous two E01 inspections appeared to indicate inconsistencies in determining S&S related to violations of 30 CFR, 75.400. However, observations during a two-day mine visit indicate the determination to evaluate many of these violations as non S&S were correct.

District Field Office Mine ID

38. Accompany and evaluate inspector's imminent danger run

Adequate Inadequate Not Applicable Comments Below

39. Check adequacy of preshift/onshift examinations

Adequate Inadequate Not Applicable Comments Below

40. Evaluate inspector's observation of roof conditions. Is a copy of the currently approved roof control plan maintained on the section?

Adequate Inadequate Not Applicable Comments Below

41. Evaluate operator's workplace examinations

Adequate Inadequate Not Applicable Comments Below

42. Evaluate conditions on working section and observe work cycle

Adequate Inadequate Not Applicable Comments Below

43. Observe air quantity, quality, and gas checks by inspector

Adequate Inadequate Not Applicable Comments Below

District Field Office Mine ID

44. Determine adequacy of Emergency Response Plan training (interview miners)

Adequate Inadequate Not Applicable Comments Below

A review of the escape drill record book revealed that drills were not being properly rotated between the primary and alternate escapeways on part of the operator. No action required by the District the escape drills were properly cited.

Note: The inspector had cited this violation prior to the beginning of the audit.

45. Determine adequacy of training regarding roof, ventilation, and other plans (interview miners). Do inspection notes document evaluation of this type training?

Adequate Inadequate Not Applicable Comments Below

46. Evaluate Self-Contained, Self-Rescuer condition, storage, signage

Adequate Inadequate Not Applicable Comments Below

47. Determine if the mine operator has conducted SCSR donning expectation training and if the inspector has observed and evaluated the training

Adequate Inadequate Not Applicable Comments Below

48. Examine electrical cables on several pieces of equipment

Adequate Inadequate Not Applicable Comments Below

District Field Office Mine ID

49. Evaluate several pieces of equipment for permissibility

Adequate Inadequate Not Applicable Comments Below

50. Examine lifelines, manddoors, and related signage

Adequate Inadequate Not Applicable Comments Below

51. Examine escapeway map for compliance with regulations

Adequate Inadequate Not Applicable Comments Below

52. Evaluate integrity of primary and alternate escapeways

Adequate Inadequate Not Applicable Comments Below

53. Evaluate integrity of return side stopping line

Adequate Inadequate Not Applicable Comments Below

54. Travel and evaluate condition and maintenance of section conveyor belt, structures, and entries

Adequate Inadequate Not Applicable Comments Below

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55. Evaluate conveyor belt isolation from other air courses

Adequate Inadequate Not Applicable Comments Below

56. Evaluate fire valves and hoses (condition, compatibility of fittings, pressure test)

Adequate Inadequate Not Applicable Comments Below

Three separate fire valves, hoses, and nozzles were tested. Although one citation was issued for a fire valve with a missing handle, the valve had a pair of vise-grips attached. The valve handle was replaced immediately.

57. Observe and evaluate fire detection methods

Adequate Inadequate Not Applicable Comments Below

58. Evaluate cleanup of accumulations and application of rock dust

Adequate Inadequate Not Applicable Comments Below

Mine management had changed prior to this audit. The new management team was much more proactive regarding belt conveyor maintenance. The accumulations indicated by past inspection were not in evidence during this audit.

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59. Evaluate condition of conveyor belt drives, and fire suppression systems

Adequate Inadequate Not Applicable Comments Below

Conveyor belts and drives were in excellent condition.

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

Adequate Inadequate Not Applicable Comments Below

61. Examine mine map for accuracy of workings and escapeway locations

Adequate Inadequate Not Applicable Comments Below

62. Examine mine bulletin board and evaluate adequacy of all required postings

Adequate Inadequate Not Applicable Comments Below

63. Interview responsible person(s) and evaluate knowledge of emergency response, evacuation procedures, and fire fighting processes

Adequate Inadequate Not Applicable Comments Below

64. Determine if approved plans address and are compatible with mining conditions and equipment

District Field Office Mine ID

Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below
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65. Examine and evaluate at least one set of seals, including methods for obtaining samples from sealed area

Adequate Inadequate Not Applicable Comments Below

Examination of seals appears adequate. Only one issue was noted during a review of seal examinations, notes and air sampling procedures. [REDACTED] erroneously entered an air quantity reading on an air sample collected from behind a seal. This resulted in the gas analysis laboratory calculating a methane liberation rate for this sample.

Recommendation - Increased attention to detail when completing air analysis cards and notes.

Note - This issue has been corrected by the field office supervisor.

66. Determine if districts are conducting sufficient, in-depth Peer Reviews

Adequate Inadequate Not Applicable Comments Below

In addition to the reviews already conducted, the District Manager is instituting a very proactive system to audit each field office at least once per year.

67. Determine if MSHA headquarters is conducting sufficient, in-depth Peer Reviews

Adequate Inadequate Not Applicable Comments Below

A district-level accountability review was conducted by a team lead by [REDACTED] from a neighboring district.

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68. 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

The review report, while thorough, did not address follow-up measures to determine whether or not corrective actions are effective.

Action Required - Establish and follow a method to measure the success or failure of proposed corrective actions resulting from accountability reviews.

Reference - Accountability Program Handbook (AH08-III-4), Page 8

69. Determine if Peer Reviews are being used to assess supervisors and managers performance

Adequate Inadequate Not Applicable Comments Below

Interviews with the supervisors and managers indicate that reviews are taken seriously, and discussed at length with subordinates.

70. Determine if Peer Reviews include a visit to the mine, and include observation of the producing section, conveyor belt entries, escapeways and the ERP provisions

Adequate Inadequate Not Applicable Comments Below

72. Determine if approved plans and the Uniform Mine File books are addressed during each Peer Review

Adequate Inadequate Not Applicable Comments Below

District Field Office Mine ID

73. Evaluate the approved roof control plan after in-mine visit
Adequate Inadequate Not Applicable Comments Below

74. Evaluate approved ventilation plan after in-mine visit
Adequate Inadequate Not Applicable Comments Below

75. Evaluate approved training plan after discussion with miners
Adequate Inadequate Not Applicable Comments Below

77. Evaluate the two most current completed E01 (regular) inspection reports (two quarters)
Adequate Inadequate Not Applicable Comments Below

Inspections appear to be complete and thorough.

78. Ten most current completed E02 (103(i) spot) inspection reports
Adequate Inadequate Not Applicable Comments Below

This mine is not in 103(i) status.

79. Citations, orders, and safeguards issued during previous two quarters
Adequate Inadequate Not Applicable Comments Below

District Field Office Mine ID

80. 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

The tracking system spreadsheet and SOP are both contained in the UMF.

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

Adequate Inadequate Not Applicable Comments Below

85. Determine if miners are adequately trained in the provisions of any new plan prior to its implementation

Adequate Inadequate Not Applicable Comments Below

Interviews with miners and mine managers indicate that proper training is being conducted.

86. Determine if Standard Operating Procedures (SOPs) adequately address requirements of MSHA Program Policy Manual

Adequate Inadequate Not Applicable Comments Below

92. Determine if a copy of the most recent plan is provided for inclusion in the Uniform Mine File

Adequate Inadequate Not Applicable Comments Below

114. 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

The spreadsheet established for tracking mine visits is being kept up to date.

District Field Office Mine ID

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

Adequate Inadequate Not Applicable Comments Below

Interviews with inspectors and field office supervisors indicate that communication and cooperation between district specialists and field offices is excellent.

116. Review documentation of staff meetings/safety meetings to determine their effectiveness and relevance to the Agency's mission and current issues

Adequate Inadequate Not Applicable Comments Below

117. Are MSHA Forms 7000-1 accurately reviewed for proper information and potential violations, unsafe practices, or conditions?

Adequate Inadequate Not Applicable Comments Below

118. Determine if inspectors have sufficient equipment and supplies to conduct thorough inspections.

Adequate Inadequate Not Applicable Comments Below

Inspectors do not have a method for protecting air sample bottles from breakage during inspection activities. Shipping containers are too large to allow inspectors to carry a sufficient number of sample bottles for certain portions of the inspection. This issue appears to be systemic to the entire agency and therefore should be referred to MSHA HQ for resolution.

Recommendation - The Office of Accountability recommends that MSHA provide a compact means of protecting air sample bottles while on the inspector's person during inspection activities. Use of such a container will not only protect inspection personnel from injuries related to broken sample bottles, but would also improve the efficiency of inspections by preventing duplication of activities caused by sample bottles broken en-route out of the mine.

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District Field Office Mine ID

119.	Determine if adequate close-out conferences are being conducted at the end of each inspection.					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below
<i>note: see</i>						

121.	Determine if manpower at the field office is sufficient to ensure adequate, complete inspections, investigations, and other activities.					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

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District Field Office Mine ID

Mine Citation/Order

U.S. Department of Labor
 Mine Safety and Health Administration



Section I--Violation Data

1. Date	<input type="text" value="[REDACTED]"/>	3. Citation/Order Number	<input type="text" value="[REDACTED]"/>
4. Served To	<input type="text" value="[REDACTED]"/>	<input type="text" value="[REDACTED]"/>	(Contractor)

6. Condition or Practice
 Ba. Written Notice (103g)
 The operator is not following the approved Roof Control Plan that when examined the 001-0 and 002-0 supersection did not have a test hole in or near the intersection in the last open cross cut for the # 3 heading. The last open cross cut is located 1 cross cut outby survey station # 4435 in the # 2 heading.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR	75.220(a)(1)
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Section II--Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104(a) 13. Type of Issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock)

Section III--Termination Action

17. Action to Terminate A test hole was drilled in the intersection.

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

Section IV--Automated System Data

19. Type of Inspection (activity code)	E01	20. Event Number	<input type="text" value="[REDACTED]"/>	21. Primary or Mill	<input type="text" value="[REDACTED]"/>
22. Signature	<input type="text" value="[REDACTED]"/>	23. AR Number	<input type="text" value="[REDACTED]"/>		

MSHA Form 7000-3a Pursuant to the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20418. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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Office of Accountability

District Field Office Mine ID

Mine Citation/Order

U.S. Department of Labor
Mine Safety and Health Administration



Section I—Violation Data

1. Date	Mo Da Yr	2. Time (24 Hr. Clock)	3. Citation/Order Number
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
4. Severity			5. Operator
[REDACTED]			[REDACTED]
			(Contractor) <input type="checkbox"/>
			8a. Written Notice (103g) <input type="checkbox"/>

The 001-0 section Double Head Roof bolter SN. 2006011 has accumulations of combustible materials in the form of hydraulic oil, coal and coal dust all under the offside master control station measuring approximately 1/2 inch in depth and hydraulic oil all over the bottom of the frame measuring approximately 4 feet by 4 feet.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR
			75.400

Section II—Inspector's Evaluation

10. Gravity:

A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104(a) 13. Type of Issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
	[REDACTED]	[REDACTED]

Section III—Termination Action

17. Action to Terminate

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

Section IV—Automated System Data

19. Type of Inspection (activity code)	E01	20. Event Number	[REDACTED]	21. Primary or Mill	
22. Signature	[REDACTED]	23. AR Number	[REDACTED]		

MSHA Form 7000-3, April (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District Field Office Mine ID

Mine Citation/Order

U.S. Department of Labor
Mine Safety and Health Administration



Section I--Violation Data

1. Date 2. Time (24 Hr. Clock) 3. Citation/Order Number

[REDACTED] (Contractor)

8. Condition or Practice

Written Notice (103g)

The operator is not following the approved Ventilation Plan that when examined the carbon monoxide section alarms where installed outby the block curtain at the tailpiece to where the visual alarm could not be seen.

See Continuation Form (MSHA Form 7000-3a)

9. Violation A. Health Safety Other B. Section of Act C. Part/Section of Title 30 CFR 75.370(a)(1)

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: 011

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 B. Time (24 Hr. Clock)

Section III--Termination Action

17. Action to Terminate The section alarm was moved inby the curtain so the visual alarm could be seen by the section miners.

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

Section IV--Automated System Data

19. Type of Inspection (activity code) E01 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 20418. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District Field Office Mine ID

Mine Citation/Order

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Mine Safety and Health Administration



Section I--Violation Data

1. Date	Mo Da Yr	2. Time (24 Hr. Clock)	3. Citation/Order Number
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
4. Section	5. Operator		(Contractor)
[REDACTED]	[REDACTED]		[REDACTED]
8. Condition or Practice	8a. Written Notice (103g)		

The fire hydrant at the section dumping point for the 001-0 and 002-0 supersection is not being maintained in a safe and operation condtion that when examined the handle is missing and a pair of vise grips is attached to turn on the ball valve if needed to fight fire at this outlet.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR	75.1107-16(b)
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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 <input 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: 010
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	B. Time (24 Hr. Clock)
[REDACTED]	[REDACTED]	[REDACTED]

Section III--Termination Action

17. Action to Terminate

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

Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number [REDACTED]	21. Primary or Mill
22. Signature [REDACTED]	23. AR Number [REDACTED]	

MSHA Form 7000-3a of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine, Safety, and Health Review Commission.

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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]		(Contractor)
8. Condition or Practice [REDACTED]		8a. Written Notice (103g)

The cover for the sequence roller for the 001-0 and 002-0 super section is flipped up and exposing the moving wheel used to detect movement. The opening measures approximately 6 inches by 6 inches.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.1722(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 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"/>
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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"/>
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14. Initial Action			E. Citation/ Order Number	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	[REDACTED]
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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		
18. Terminated		
A. Date Mo Da Yr	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	E01	20. Event Number	[REDACTED]	21. Primary or Mill	
22. Signature	[REDACTED]			23. AR Number	[REDACTED]

MSHA Form 7000-3a (Rev. 10/98) Pursuant to the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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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 starting box for the # 4 South Headdrive has accumulations of coal dust and float coal dust in side of the box measuring 1/16 of an inch in depth.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR	75.400
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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		
18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)

Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number [REDACTED]	21. Primary or Mill
22. Signature [REDACTED]	23. AR Number [REDACTED]	

MSHA Form 7000-3a of the Small Business's 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.