



JUN 30 2010

MEMORANDUM FOR GREGORY R. WAGNER, M.D.  
Deputy Assistant Secretary for Policy  
Mine Safety and Health

THROUGH: PETER J. MONTALI *Peter J. Montali*  
Acting Director of Accountability for  
Mine Safety and Health

FROM: JERRY J. KISSELL *Peter J. Montali for*  
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Accountability Specialists

SUBJECT: MSHA Office of Accountability Audit, Coal District 10, the  
Madisonville, KY Field Office [REDACTED]

**Introduction**

This memorandum summarizes the Office of Accountability audit of the subject district office, field office and mine. Audit subjects included MSHA field activities, level of enforcement, Field Activity Reviews (FARs), Accompanied Activities (AAs), MSHA supervisory and managerial oversight, mine plans, Hazard complaints, PKW's, ACR review, and the conditions and practices at the mine. The audit was conducted by Accountability Specialists Arlie A. Webb, Jerry Kissell, and Acting Accountability Specialist Billy Randolph during the week of [REDACTED]. Positive findings and issues requiring attention are included in this audit report.

**Overview**

The district portion of the audit was conducted from [REDACTED] through [REDACTED]. The field office portion of the audit was conducted on [REDACTED] and the on-site portion of the audit was conducted on [REDACTED] and [REDACTED]. Accompanying the audit team were [REDACTED].

The subject mine is a large, complex underground mine. Examination of on-site areas during the audit was conducted by two inspection parties. The first inspection party concentrated on preshift/onshift records, MMU-009-0 and MMU-010-0 (Unit #3 super-section), the imminent danger run, air readings in the last open cross-cut, permissibility, the 11 North Main primary

escape (intake), the #11 North Main conveyor belt, fire suppression systems, the #11 North Main right return, and the #11 North Main header. Clean-up and rock dusting were examined on the section and other areas traveled. Lifelines in the primary and alternate escapeways were examined, along with SCSR caches and an alternative refuge chamber. Also examined were the Matrix wireless tracking and paging communications system, two way radio communications, and two separate hardwire phone systems. The inspection also included an examination of construction of the "Y" seals.

The second inspection party concentrated on preshift/onshift records and examinations, MMU 001-0 (Main East #1 Unit), imminent danger run, section ventilation, roof conditions, clean up and rock dusting, permissibility, and lifelines from the elevator to the section. The 1154 belt drive, fire suppression system, and portions of the belt conveyor system were examined. The variable frequency drive power center was housed in a crosscut lined with fire resistant concrete block-sand material. The examination also included the No. 2 belt drive and Matrix refuge chamber. Several fire taps and fire hoses, selected at random, were tested. Miners were interviewed to determine their familiarity with fire fighting procedures and the emergency evacuation plan. In addition, the bulletin board, bathhouse, and areas where miners congregate were also examined.

### **S&S Rate Comparison**

S&S rates for District 10 and the Madisonville, KY field office were above the national levels for FY 2008 and FY 2009, but have fallen below the national average at this point in FY 2010.

<b>S&amp;S Rate Comparison</b>			
<b>Fiscal Year</b>	<b>Madisonville, KY Field Office</b>	<b>District 10</b>	<b>National Average</b>
2008	38.9%	36.9%	34.0%
2009	41.1%	42.6%	35.0%
2010 (to date)	23.2%	25.2%	33.4%

### **Time and Activity Comparison**

Time distribution for E01 inspections at surface facilities conducted out of the Madisonville, KY field office from FY 2008 to present is commendable, with an average of 72.27 percent of the total inspection time being spent on-site at this point in FY 2010.

<b>Time Distribution (Percent) – E01 Inspections at Surface Facilities</b>						
	<b>Travel</b>	<b>Other</b>	<b>Total On-Site</b>	<b>Citations Issued On-site</b>	<b>Citations Issued Off-site</b>	<b>Total Percent</b>
2008	11.13%	14.31%	73.07%	7.38%	1.49%	100.0%
Nat'l Avg 2008	17.06%	18.56%	64.07%	5.82%	0.30%	100.0%
2009	13.05%	9.94%	76.83%	4.98%	0.19%	100.0%
Nat'l Avg 2009	16.99%	16.93%	65.88%	5.40%	0.20%	100.0%
2010(to date)	16.47%	11.27%	72.27%	4.47%	0.00%	100.0%
Nat'l Avg 2010	17.56%	16.06%	65.98%	4.84%	0.39%	100.0%

Likewise, the time distribution for E01 inspections at surface mines averages 71.21 percent of the total inspection time being spent on-site at this point in FY 2010.

<b>Time Distribution (Percent) – E01 Inspections at Surface Mines</b>						
	Travel	Other	Total On-Site	Citations Issued On-site	Citations Issued Off-site	Total Percent
2008	18.51%	11.77%	69.40%	9.55%	0.33%	100.0%
Nat'l Avg 2008	18.74%	16.88%	64.00%	5.14%	0.38%	100.0%
2009	17.62%	7.46%	74.68%	7.98%	0.24%	100.0%
Nat'l Avg 2009	18.83%	14.64%	66.14%	5.01%	0.39%	100.0%
2010(to date)	17.62%	10.86%	71.21%	4.92%	0.31%	100.0%
Nat'l Avg 2010	18.90%	13.45%	67.10%	4.52%	0.55%	100.0%

Time distribution for E01 inspections at underground mines from FY 2008 to present is highly commendable, with an average of 80.94 percent of the total inspection time being spent on-site at this point in FY 2010.

<b>Time Distribution (Percent) – E01 Inspections at Underground Mines</b>						
	Travel	Other	Total On-Site	Citations Issued On-site	Citations Issued Off-site	Total Percent
2008	8.74%	12.96%	76.34%	7.81%	1.96%	100.0%
Nat'l Avg 2008	15.44%	18.28%	65.80%	6.30%	0.49%	100.0%
2009	8.02%	10.64%	80.76%	6.96%	0.58%	100.0%
Nat'l Avg 2009	15.43%	16.97%	67.20%	5.94%	0.40%	100.0%
2010(to date)	8.48%	10.18%	80.94%	6.18%	0.40%	100.0%
Nat'l Avg 2010	15.99%	15.43%	68.11%	5.77%	0.47%	100.0%

### **Audit Results**

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

1. The F.O. Supervisor provided documentation on Quarterly mine assignments, inspection targets and accomplishments and additional targets and goals that are reviewed with the inspection staff.
2. MSHA personnel conducted them selves in a professional and courteous manner to the OA and the mine operator at all times.
3. Complete and thorough discussions of violations and evaluations were observed.
4. Mine plans kept at the district office were immaculate, up to date, and easily understood.
5. Mine visits made by supervisors and managers far exceeded the required numbers.

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

1. A review of the two previous E01 inspection reports and accompanying citations indicate that evaluations for gravity, negligence, number of persons affected, and the

overall level of enforcement is not commensurate with the nature of the violations cited. (See Attachment C).

2. Reports of Field Activity Reviews and Accompanied Activities did not contain sufficient documentation to give feedback to inspection personnel for improvement.
3. Six 103(i) inspections (E02) were conducted on consecutive Tuesdays at the Beaver Dam field office.
4. Hazard Complaint inspection files did not always contain the required information and/or documentation. Citations for violations not related to the complaint allegations were cited on the same event.
5. Plans (specifically the ventilation and roof control plans) in the Uniform Mine File contained outdated materials and were difficult to understand.

**Attachments**

A. Office of Accountability Checklist with comments, recommendations, and references

B. Citations/Orders issued during this audit

1. [REDACTED] 75.220(a)(1)
2. 109(a) of the Mine Act
3. 75.402
4. 75.516-2(c)
5. 75.202(a)
6. 75.202(a)
7. 75.1100-2(e)
8. 75.400
9. 75.400
10. 75.360(f)
11. 75.1731(b)
12. 47.41(a)
13. 75.1100-2(f)
14. 75.333(h)
15. 75.204(c)(1)

C. Enforcement actions with questionable evaluations

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

District  Field Office  Mine ID  Date

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

Adequate  Inadequate  Not Applicable  Comments Below

Inspection reports appear to be complete and document that all areas of the mines were inspected. However, the narrative of numerous citations, along with the inspector's notes, do not support the evaluation of gravity, negligence, number of persons affected, or level of enforcement.

*(See Attachment C)*

2. Determine if supervisors address report deficiencies immediately

Adequate  Inadequate  Not Applicable  Comments Below

See Item 1 above.

*See Attachment C*

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

Although all Field Activity Reviews were completed for inspectors and specialists during the period audited, there were few constructive comments included in the reviews.

*Recommendation:* Supervisors should ensure this tool is used to document needed improvements and extraordinary performance as a means to provide feedback to inspectors and specialists.

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

District  Field Office  Mine ID  Date

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

There were no behavior or performance based issues identified during FY 2009

6. Evaluate the quality of Accompanied Inspections

Adequate  Inadequate  Not Applicable  Comments Below

Although all Accompanied Activities were completed for inspectors and specialists during the period audited, there were few constructive comments included in the review documentation.

*Recommendation:* Supervisors should ensure this tool is used to document needed improvements and extraordinary performance noted during accompanied activities as a means to provide feedback to inspectors and specialists.

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

Adequate  Inadequate  Not Applicable  Comments Below

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

Adequate  Inadequate  Not Applicable  Comments Below

See Items 4 and 6

9. Determine if District Manager is using Performance Management System to hold ADMs accountable for oversight of subordinates

Adequate  Inadequate  Not Applicable  Comments Below

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

District  Field Office  Mine ID  Date

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

Adequate  Inadequate  Not Applicable  Comments Below

12. Evaluate required monthly reports of supervisory and management mine visits

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

The Enforcement Division and the Technical Division are under the supervision of a single Assistant District Manager. This position oversees four specialist supervisors and ten specialists located in the district office, as well as four field office supervisors and more than twenty inspectors in three field offices.

During FY2009 a total of 578 plans and addendums were processed by the plan approval group. At this point in FY2010, a total of 262 plans have already been processed. At the time of this audit, there were 15 large, complex underground mines (62 producing mines 9 surface mines (21 producing pits), and 18 surface facilities in this district.

14. Evaluate supervisory and management review of 103(i) (spot inspection) tracking system for compliance with time frames

Adequate  Inadequate  Not Applicable  Comments Below

Evaluation of 103(i) inspections revealed that two field offices had issues with back-to-back E02 inspections on the same weekday. The Beaver Dam field office conducted six E02 inspections at the same mine on consecutive Tuesdays (August 04 through September 08, 2009). The Madisonville field office conducted three E02 inspections at the same mine on

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

District  Field Office  Mine ID  Date

consecutive Wednesdays (December 02 through December 16, 2009).

*Required Action - 103(i) inspections are to be made at irregular intervals.*

*Reference - 1977 Mine Act, Section 103(i)*

15. Determine if supervisors and managers are ensuring that 103(i) inspections are not combined with any other type of inspection

Adequate  Inadequate  Not Applicable  Comments Below

16. Determine if supervisors, staff assistants, and other management personnel are reviewing work products for accuracy and completeness

Adequate  Inadequate  Not Applicable  Comments Below

*See Item 1,  
See Attachment C*

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

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

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

District  Field Office  Mine ID  Date

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

*See Attachment C regarding evaluation of gravity, negligence, number of persons affected, and level of enforcement.*

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

Adequate  Inadequate  Not Applicable  Comments Below

Mine visit data indicates each producing mine was visited. However, *see Items 1, 19 & Attachment C* regarding level of enforcement.

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 and Peer Reviews are used to assess supervisory review of enforcement actions

Adequate  Inadequate  Not Applicable  Comments Below

Second-level reviews are not adequately addressing supervisory issues regarding assessment of the inspector's evaluation of gravity, negligence, number of persons affected, and level of enforcement. (See Attachment C)

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

District  Field Office  Mine ID  Date

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

There were no instances of misconduct or poor performance documented from FY 2009 to this point in FY 2010

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

Adequate  Inadequate  Not Applicable  Comments Below

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

Note: The audit revealed there is only one full-time Special Investigator in District 10. The district has selected three persons (whose primary function will remain the conducting of E01 inspections) to perform collateral Special Investigation duties. Two of these three persons have already been credentialed.

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

Key Indicator reports are used during staff meetings and during meetings with supervisors

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

District  Field Office  Mine ID  Date

on a regular basis. In addition to standard reports, the Staff Assistant provides a variety of "customized reports" for the District Manager.

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

Note: The majority of mines in this area work 1 or 2 production shifts, 5 days per week.

32. Determine if the SCSR inventory database has been implemented to track inspections of SCSRs

Adequate  Inadequate  Not Applicable  Comments Below

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

Adequate  Inadequate  Not Applicable  Comments Below

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

District  Field Office  Mine ID  Date

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

Adequate  Inadequate  Not Applicable  Comments Below

Citation  Issued for postings

36. Determine if the amount of time expended on regular 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

See Attachment C regarding evaluation of gravity, negligence, number of persons affected, and the level of enforcement.

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

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

District  Field Office  Mine ID  Date

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

The inspectors evaluated the roof conditions and appropriately issued 3 citations. The inspector also carried a copy of current roof control plan with him during the inspection.

41. Evaluate operator's workplace examinations

Adequate  Inadequate  Not Applicable  Comments Below

The inspector issued citation<sup>(b) (6)</sup> regarding workplace examinations.  
(See Attachment B)

42. Evaluate conditions on working section and observe work cycle

Adequate  Inadequate  Not Applicable  Comments Below

Conditions on the working section appeared good. Portions of the work cycle observed during this audit indicated that safe work practices were being observed.

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

Adequate  Inadequate  Not Applicable  Comments Below

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

Adequate  Inadequate  Not Applicable  Comments Below

Interviews with miners selected at random indicated a good knowledge of the ERP and the proper actions to be taken in the event of an emergency.

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

District  Field Office  Mine ID  Date

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

Interviews with miners selected at random indicated a good knowledge of the roof control and ventilation plans.

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

49. Evaluate several pieces of equipment for permissibility

Adequate  Inadequate  Not Applicable  Comments Below

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

District  Field Office  Mine ID  Date

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  
*See Attachment B- Citation #*

53. Evaluate integrity of return side stopping line  
Adequate  Inadequate  Not Applicable  Comments Below  
See Item #52

54. Travel and evaluate condition and maintenance of section conveyor belt, structures, and entries  
Adequate  Inadequate  Not Applicable  Comments Below  
Citation No.  was issued during the audit following observation of conveyor belt rubbing on belt structure.

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

District  Field Office  Mine ID  Date

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

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

Citations  were issued during the audit upon observation of accumulations of combustible materials in belt conveyor entries. (See Attachment B)

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

Adequate  Inadequate  Not Applicable  Comments Below

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

District  Field Office  Mine ID  Date

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

Citation  was issued for non-compliance with required postings in an area that is easily visible to all persons. (See Attachment B)

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

Adequate  Inadequate  Not Applicable  Comments Below

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

District  Field Office  Mine ID  Date

65. Examine and evaluate at least one set of seals, including methods for obtaining samples from sealed area

Adequate  Inadequate  Not Applicable  Comments Below

The "Y" seals were being constructed at the time of the auditors mine visit. The construction lead man was able to explain the construction design and process in detail. A copy of the approved seal plan for this set of seals (Micron 120) was at the construction site.

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

Adequate  Inadequate  Not Applicable  Comments Below

Peer Reviews are in-depth. The district also maintains documentation on the monitoring of corrective actions and tracks them from origin to completion.

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

Adequate  Inadequate  Not Applicable  Comments Below | x |

No headquarters-level Peer Reviews have been conducted in District 10 since August 22, 2005. Headquarters-level Peer Reviews (Accountability Reviews) were temporarily suspended following the Sago, Darby, and Aracoma accidents. After receiving recommendations from the Office of the Inspector General, the Accountability Handbook was re-written and reviews were resumed in FY 2008. The new handbook requires four Headquarters-level reviews per Fiscal Year, and District 10 is on that schedule.

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 district provided documentation on the monitoring and tracking of corrective actions from origin to completion.

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

District  Field Office  Mine ID  Date

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

Adequate  Inadequate  Not Applicable  Comments Below

Interviews with managers and supervisors indicated that Peer Review results are discussed with them at the completion of the review process.

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

Well documented in the Peer Review reports.

71. Determine if Peer Reviews accurately reflect and evaluate MSHA activities at all types of mining (underground/surface/surface facilities) within the district

Adequate  Inadequate  Not Applicable  Comments Below

Although the majority of Peer Reviews conducted from FY 2008 to present have involved an evaluation of the district's actions at underground mines, surface mines and surface facilities have also been included.

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

Adequate  Inadequate  Not Applicable  Comments Below

73. Evaluate the approved roof control plan after in-mine visit

Adequate  Inadequate  Not Applicable  Comments Below

The roof control plan appears adequate to address conditions and practices at the mine.

However, Citation  was issued for excessive bolt widths at 3E Belt Head; Citation

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

District  Field Office  Mine ID   Date

was issued for failure to post plans in an area readily accessible to miners (bulletin board); Citation  was issued for an improperly installed roof support in 11 North Main; and Citations  were issued for inadequately supported roof in the 1154 Belt entry and the 2<sup>nd</sup> Main East entry respectively . (See Attachment B)

74. Evaluate approved ventilation plan after in-mine visit

Adequate  Inadequate  Not Applicable  Comments Below

Although the ventilation plan appeared adequate for the conditions and practices in the mine, Citation  was issued for failure to post plans in an area readily accessible to miners (bulletin board) as mentioned in Item 73 above. (See Attachment B)

75. Evaluate approved training plan after discussion with miners

Adequate  Inadequate  Not Applicable  Comments Below

Although interviews with miners indicated the training plan was appropriate for the conditions and type of mining, Citation  was issued for failure to post plans in an area readily accessible to miners (bulletin board) as mentioned in Item 73 above. (See Attachment B)

77. Evaluate the two most current completed E01 (regular) inspection reports (two quarters)

Adequate  Inadequate  Not Applicable  Comments Below

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

District  Field Office  Mine ID  Date

78. Ten most current completed E02 (103(i) spot) inspection reports

Adequate  Inadequate  Not Applicable  Comments Below

The reports appear complete and document thorough spot inspections. Issues regarding E02 scheduling and coverage are addressed in Item No. 14 above.

79. Citations, orders, and safeguards issued during previous two quarters

Adequate  Inadequate  Not Applicable  Comments Below

Twelve (12) violations issued under 75.400 during FY 2010 1<sup>st</sup> quarter at the  mine were evaluated with moderate negligence and four (4) of the 12 evaluated as non-S&S violations, these appear questionable in both areas. Additionally, persons affected were evaluated as one (1) on several of these violations which also appears questionable. (See Attachment C)

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

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

Adequate  Inadequate  Not Applicable  Comments Below

Although the Uniform Mine Files in the field office contained the necessary plans, they were not maintained to the same standard as the files in the district office (District Manager's File). At the district level, the plans clerk replaces plan pages each time a revision, or addendum is approved. This creates a plan with no excess or obsolete pages.

*Recommendation - Plans in the Uniform Mine File books should be maintained in the same manner as the district files. Doing so will result in more concise plans that are easier to read, understand, and enforce.*

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

District  Field Office  Mine ID   Date

82. Determine if all applicable plan reviews were performed within six months, or within the timeframes required

Adequate  Inadequate  Not Applicable  Comments Below

83. Determine if plan review and approval process provides reasonable assurance that miners are protected

Adequate  Inadequate  Not Applicable  Comments Below

84. Determine if approved plans are being properly implemented and continue to be revised/adequate as conditions in the mine change

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 indicate miners are trained in all plan revisions prior to implementation.

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

Adequate  Inadequate  Not Applicable  Comments Below

Standard Operating Procedures are in place, and are being updated/revised as needed to maintain compliance with agency policies and procedures.

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

District  Field Office  Mine ID   Date

87. Determine if district management reviewed the final version of all approved plans

Adequate  Inadequate  Not Applicable  Comments Below

88. Determine if time frames for approval/disapproval of plans were set, and are being met

Adequate  Inadequate  Not Applicable  Comments Below

89. Determine if the plan is tracked from date of submission through the review process

Adequate  Inadequate  Not Applicable  Comments Below

A tracking form, documenting the approval process, is attached to each plan. The tracking form contains departments, dates, and initials for each level of review.

90. Determine if dated copy of approval/disapproval letter is in file

Adequate  Inadequate  Not Applicable  Comments Below

91. Determine if copies of the plan are distributed as per an established list

Adequate  Inadequate  Not Applicable  Comments Below

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

District  Field Office  Mine ID  Date

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

93. Determine if a due date for formal review of plans is identified

Adequate  Inadequate  Not Applicable  Comments Below

94. Determine if required information is submitted in the plan

Adequate  Inadequate  Not Applicable  Comments Below

95. Evaluate recommendations made to the District Manager proposing approval/disapproval of plan

Adequate  Inadequate  Not Applicable  Comments Below

Comments from specialists, inspectors and supervisors are documented on the tracking form.

96. Determine if comments from miner's representatives are addressed

Adequate  Inadequate  Not Applicable  Comments Below

There were no documented cases of a miner's representative commenting on a plan, but interviews with specialists and supervisors indicate that any such comments would be documented on the tracking sheet that accompanies each plan through the review process.

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

District  Field Office  Mine ID   Date

98. Determine if proposed plans are evaluated for provisions contrary to standards or regulations

Adequate  Inadequate  Not Applicable  Comments Below

100. Determine if all plan approval groups communicate to prevent conflicting elements of plans

Adequate  Inadequate  Not Applicable  Comments Below

Interviews indicate a high level of communication exists between plan approval groups such as ventilation, roof control, training, health, etc.

101. Determine if technical specialists conduct on-site, in-mine reviews as necessary, prior to plan approval

Adequate  Inadequate  Not Applicable  Comments Below

102. Determine if input is solicited from field office inspectors/supervisors, and recommendations are addressed prior to approval

Adequate  Inadequate  Not Applicable  Comments Below

103. Determine if MSHA personnel from the plan approval group contacted and obtained additional information from the operator when necessary

Adequate  Inadequate  Not Applicable  Comments Below

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

District  Field Office  Mine ID  Date

105.	Determine if the plan review process includes documentation of the entire review process					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

107.	Determine if the overall violation history, plan compliance history, accident and injury reports were considered during plan review					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

108.	Determine if projected mining relative to overlying, underlying, and adjacent workings was checked					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

109.	Determine if projected mining in relation to overlying bodies of water was checked					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

111.	Determine if plans contain required safety precautions for operating remote controlled equipment					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

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

District  Field Office  Mine ID  Date

113. Determine if all affected plans were compared (such as ventilation, training, roof control, etc.) to eliminate conflicts prior to approval of a plan

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

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

Adequate  Inadequate  Not Applicable  Comments Below

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

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

District  Field Office  Mine ID  Date

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

Adequate  Inadequate  Not Applicable  Comments Below

119. Determine if adequate close-out conferences are being conducted at the end of each inspection.

Adequate  Inadequate  Not Applicable  Comments Below

120. Determine if E01 inspections at surface mines includes an observation/evaluation of blast hole drilling, loading, and blasting operations.

Adequate  Inadequate  Not Applicable  Comments Below x

This audit did not include observation of surface mining.

121. Determine if manpower at the field office is sufficient to ensure adequate, complete inspections, investigations, and other activities.

Adequate  Inadequate  Not Applicable  Comments Below

122. Determine if Hazard Complaint inspections are being conducted according to policy and procedures.

Adequate  Inadequate  Not Applicable  Comments Below

Twelve Hazard Complaint inspection reports from FY 2009 to present were selected at random and evaluated. The following issues were identified:

- 1) A notice of negative findings was not always issued to the operator following the completion of a 103(g) inspection. On occasion, a notice of negative findings was issued to the operator following an "other type" of inspection, even though this is not required. *Reference - Hazard Complaint Procedures Handbook (PH02-I-8), Chapter I, page 5*

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

District  Field Office  Mine ID  Date

- 2) Violations not directly related to the 103(g) complaint were cited under the complaint event, and not under a separate event as required by MSHA policy. Reference - *Hazard Complaint Procedures Handbook (PH02-I-8), Chapter J, page 5.*
- 3) MSHA Form 7000-33 (Verbal Complaint Information), and Form 7000-34 (Notification of Hazardous Condition) were not always included in the appropriate file. Reference - *Hazard Complaint Procedures Handbook (PH02-I-8), Chapter K, page 7*
- 4) There was no documentation to indicate that complaints found to be outside MSHA's jurisdiction were forwarded or reported to other agencies or enforcement entities for investigation. Reference - *Hazard Complaint Procedures Handbook (PH02-I-8), Chapter J, page 6*
- 5) Investigation into allegations of advance notification of inspections should not be conducted by the district mentioned in the allegation, but should be referred to the appropriate Administrator for action. Reference - *Program Policy Manual, Volume 1*
- 6) At the time of this audit, the Beaver Dam and Morganfield field offices have only one properly trained complaint processor each. The Office of Accountability recommends action to ensure that complaints can be properly processed in the event one of these persons is absent.

*Action Required - Hazard Complaint inspections must be conducted according to the current handbook, policies and procedures.*

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

District  Field Office  Mine ID  Date

Mine Citation/Order

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



Section I—Violation Data

1. Date Mo Da Yr <input type="text"/>	2. Time (24 Hr. Clock) <input type="text"/>	3. Citation/ Order Number <input type="text"/>
4. Section/TA <input type="text"/>	5. Operator <input type="text"/>	
6. Mine <input type="text"/>	7. Mine ID <input type="text"/>	(Contractor) <input type="text"/>

8. Condition or Practice  8a. Written Notice (103g)

THE ROOF CONTROL PLAN WAS NOT BEING FOLLOWED AT 3E BELT HEAD DRIVE, (LEFT SIDE LOOKING INBY). THREE ROWS OF RIB BOLTS WERE MORE THAN THE REQUIRED 48 INCHES THAT IS ALLOWED. THE RIB BOLTS MEASURED APPROXIMATELY 63 INCHES, 62 INCHES, AND 59 INCHES RESPECTIVELY. THE BROW ROCK AND COAL PILLAR WERE FRACTURED, WITH LOOSE PIECES AND ROCK OBSERVED. THIS AREA IS WHERE MINERS TRAVEL, EXAMINE, AND PERFORM MAINTENANCE ON THE BELTLINE AND BELT HEAD DRIVE. THERE IS A FORSEEABLE HAZARD OF MINERS BEING INJURED BY THE LOOSE BROW ROCK AND RIB COAL. THIS ROOF BOLT DISTANCE IS ILLUSTRATED ON PAGE 11 OF THE ROOF CONTROL PLAN.

LOCATION: BETWEEN XC 0 AND XC 1 OF THE 11TH MAIN NORTH

This standard was cited 40 times in two years at this mine.

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
			75.220(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: 001

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

12. Type of Action  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 THE EXPOSED ROOF WAS ADEQUATELY SUPPORTED.

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

Section IV—Automated System Data

19. Type of Inspection (activity code)  20. Event/Number  21. Primary or Mill

22. Signature  23. AR Number

MSHA Form 7 established a... of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has... 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.

S.T.R.

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

District  Field Office  Mine ID  Date

Mine Citation/Order

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



Section I—Violation Data

1. Date <input type="text" value="Mo Da Yr"/>	2. Time (24 Hr. Clock) <input type="text" value=""/>	3. Citation/Order Number <input type="text" value=""/>
4. Served To <input type="text" value=""/>	5. Operator <input type="text" value=""/>	
6. Mine <input type="text" value=""/>	7. Mine ID <input type="text" value=""/>	(Contractor) <input type="checkbox"/>
8. Condition or Practice <input type="text" value=""/>		8a. Written Notice (103g) <input type="checkbox"/>

A copy of the roof control, ventilation, and training plans were not posted in an area that was easily visible to all persons desiring to read them. This violation could cause miners not to be up to date on changes in the plans.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act <input type="text" value="109(a)"/>	C. Part/Section of Title 30 CFR <input type="text" value=""/>
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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:

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

12. Type of Action  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 <input type="text" value="Mo Da Yr"/>	B. Time (24 Hr. Clock) <input type="text" value=""/>
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Section III—Termination Action

17. Action to Terminate

18. Terminated	A. Date <input type="text" value="Mo Da Yr"/>	B. Time (24 Hr. Clock) <input type="text" value=""/>
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Section IV—Automated System Data

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

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  Date

Mine Citation/Order  
 Continuation

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



Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/> <input type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr [Redacted]	3. Citation/Order Number [Redacted]
4. Served To [Redacted]	5. Operator [Redacted]	7. Mine ID [Redacted] (Contractor)

Section II--Justification for Action

**Change**                      **From**                      **To**  
 11. Negligence                      Moderate                      Low  
**Reason** No history of this violation at this mine.

See Continuation Form

Section III--Subsequent Action Taken

8. Extended To A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input checked="" type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E01	10. Event Number [Redacted]		
11. Signature [Redacted]	AR Number [Redacted]	12. Date Mo Da Yr	13. Time (24 Hr. Clock)

MSHA Form 7000-3a, Mar 85 (revised)

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

District Coal Dist 10 Field Office Madisonville, KY Mine ID                      Date                     

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. Spad To	5. Operator	
	7. Mine ID	(Contractor)
a. Common or Mine Code		Ba. Written Notice (103g)

The #4 entry on #1 unit, MMU-001-0, 2nd Main East, inby spad # 113+00 was not rock dusted to within 40 foot of the face. There was an area 27 foot from the face that was not dusted. This area was 11 foot long. This violation could pose an ignition hazard to miners.

This mine liberates over 1,000,000 cubic ft. of methane in a 24 hr. period.

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	75.402
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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: 004

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 Rock dust was applied to the affected area. The dusting is adequate at this time.

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 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.

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

District  Field Office  Mine ID  Date

Mine Citation/Order

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



Section I—Violation Data

1. Date <input type="text" value="Mo Da Yr"/>	2. Time (24 Hr. Clock) <input type="text" value=""/>	3. Citation/Order Number <input type="text" value=""/>
4. Served To <input type="text" value=""/>	5. Operator <input type="text" value=""/>	
6. Mine <input type="text" value=""/>	7. Mine ID <input type="text" value=""/>	(Contractor) <input type="checkbox"/>
8. Condition or Practice <input type="text" value=""/>		8a. Written Notice (103g) <input type="checkbox"/>

Additional insulation was not provided for the communication line where it passed over or under a power conductor. The phone line was hanging with the energized hi voltage line from #1 unit to x-cut 88 on the 2nd Main East. The phone line was touching the hi-voltage cable in several locations. This could pose an electrical shock hazard to miners.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety <input type="checkbox"/> Other <input checked="" type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR	75.516-2(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 <input type="text" value="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					

6. Termination Due	A. Date <input type="text" value="Mo Da Yr"/>	B. Time (24 Hr. Clock) <input type="text" value=""/>
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Section III—Termination Action

7. Action to Terminate		
3. Terminated	A. Date <input type="text" value="Mo Da Yr"/>	B. Time (24 Hr. Clock) <input type="text" value=""/>

Section IV—Automated System Data

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

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 2129, 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 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   Date

Mine Citation/Order  
Continuation

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



Section I-Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/> <input type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr [Redacted]	3. Citation/Order Number [Redacted]
4. Sent To [Redacted]	5. Operator [Redacted]	
6. Where [Redacted]	7. Mine ID [Redacted]	(Contractor)

Section II-Justification for Action

The communication line for the #1 unit was moved to the opposite side of the hi-voltage line from the unit to x-cut 88 and is adequately insulated at this time.

See Continuation Form

Section III-Subsequent Action Taken

9. Extended To A. Date Mo Da Yr [Redacted]	B. Time (24 Hr. Clock) [Redacted]	<input type="checkbox"/> C. Vacated	<input checked="" type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV-Inspection Data

1. Type of Inspection E01	10. Event Number [Redacted]		
1. Signature [Redacted]	AR Number [Redacted]	12. Date Mo Da Yr [Redacted]	13. Time (24 Hr. Clock) [Redacted]

ISHA Form 7000-3a, Mar 85 (revised)

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

District  Field Office  Mine ID   Date

Mine Citation/Order

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



Section I - Violation Data

1. Date Mo Da Yr <input type="text" value=""/> <input type="text" value=""/>	2. Time (24 Hr. Clock) <input type="text" value=""/>	3. Citation/ Order Number <input type="text" value=""/>
4. Served To <input type="text" value=""/>	5. Operator <input type="text" value=""/>	
6. Mine <input type="text" value=""/>	7. Mine ID <input type="text" value=""/> (Contractor)	
a. Condition or Practice		b. Written Notice (103g) <input type="checkbox"/>

The rib in the 1154 belt line just inby x-cut 54 was not adequately supported or otherwise controlled to protect persons from hazards related to falls of the roof, face, or ribs and coal or rock bursts. There was a gap in the rib and it was pulled with very little effort. The size of the rib was 3.5 by 3.5 ft. and ranged from 1 to 6 inches thick. This belt is examined twice daily. This poses a crushing hazard to miners.

This standard was cited 22 times in two years at this mine.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.202(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 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 <input type="text" value=""/> <input type="text" value=""/>	B. Time (24 Hr. Clock) <input type="text" value=""/>
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Section III - Termination Action

17. Action to Terminate The loose rib was pulled and the area appears safe at this time.

18. Terminated	A. Date Mo Da Yr <input type="text" value=""/> <input type="text" value=""/>	B. Time (24 Hr. Clock) <input type="text" value=""/>
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Section IV - Automated System Data

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

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.

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

District Coal Dist 10 Field Office Madisonville, KY Mine ID            Date           

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

Section I—Violation Data

1. Date Mo Da Yr <u>          </u>	2. Time (24 Hr. Clock) <u>          </u>	3. Citation/ Order Number <u>          </u>
4. Served To <u>          </u>	5. Operator <u>          </u>	
	7. Mine ID <u>          </u>	(Contractor)

8a. Written Notice (103g)

**9. DESCRIPTION OF VIOLATION**

The roof over and around the #2A take up pump, located at x-cut 62, #11 2nd Main East was not adequately supported or otherwise controlled to protect persons from hazards related to falls of the roof, face, or ribs and coal or rock bursts. There was loose hanging rock over and around the take up pump. Very little effort was required to pull this rock. One rock measured 4 by 3.5 ft. and ranged from 1 to 4 inches thick. This take up pump is examined 3 times a day. This poses a crushing hazard to miners.

This standard was cited 23 times in two years at this mine.

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 <u>75.202(a)</u>
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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 The loose rock was pulled. The affected area appears safe at this time.

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

Section IV—Automated System Data

9. Type of Inspection (activity code) <u>E01</u>	20. Event Number <u>          </u>	21. Primary or Mill <u>          </u>
2. Signature <u>          </u>	23. AR Number <u>          </u>	

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 Coal Dist 10 Field Office Madisonville, KY Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I—Violation Data

1. Date Mo Da Yr <u>[REDACTED]</u>	2. Time (24 Hr. Clock) <u>[REDACTED]</u>	3. Citation/ Order Number <u>[REDACTED]</u>
4. Served To <u>[REDACTED]</u>	5. Operator <u>[REDACTED]</u>	
6. MTR <u>[REDACTED]</u>	7. Mine ID <u>[REDACTED]</u> (Contractor)	
8. Written Notice (103g) <input type="checkbox"/>		

An operational fire extinguisher was not provided at the 1154 VFD room, located adjacent to 1154 hdr. The fire extinguisher was discharged. In the event of a fire valuable fire fighting time could be lost because of this violation.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety <input type="checkbox"/> Other <input checked="" type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.1100-2(e)
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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 new fire extinguisher was provided.

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

Section IV—Automated System

19. Type of Inspection (activity code) E01 20. Event Number 21. Primary or Mill 23. AR Number

HA 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 St, 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 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  Date

Mine Citation/Order

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



Section I—Violation Data

1. Date Mo Da Yr <input type="text" value=""/>	2. Time (24 Hr. Clock) <input type="text" value=""/>	3. Citation/ Order Number <input type="text" value=""/>
4. Served To <input type="text" value=""/>	5. Operator <input type="text" value=""/>	
6. Mine <input type="text" value=""/>	7. Mine ID <input type="text" value=""/> (Contractor)	
b. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

Loose coal and coal dust was allowed to accumulate under and around the electric motor of the #2A take up pump. This could pose a fire hazard to miners.

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
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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 <input type="text" value=""/>	B. Time (24 Hr. Clock) <input type="text" value=""/>
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Section III—Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr <input type="text" value=""/>	B. Time (24 Hr. Clock) <input type="text" value=""/>
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Section IV—Automated System Data

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

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 a 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 Dist 10 Field Office Madisonville, KY Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I—Violation Data

1. Date Mo Da Yr <u>[REDACTED]</u>	2. Time (24 Hr. Clock) <u>[REDACTED]</u>	3. Citation/ Order Number <u>[REDACTED]</u>
4. Served To <u>[REDACTED]</u>	5. Operator <u>[REDACTED]</u>	
6. Mine <u>[REDACTED]</u>	7. Mine ID <u>[REDACTED]</u>	(Contractor) <input type="checkbox"/>
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

Lump coal, 6 inches in depth, 19 inches in width, and approximately 26 ft. in length, was allowed to accumulate underneath the operating #11 Main North Belt. The affected area and the lump coal were damp to wet.  
 LOCATION: cross cut # 34.

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
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Section II—Inspector's Evaluation

10. Gravity:				
A. Injury or illness (has) (a): 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: 003	
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
15. Area or Equipment				

16. Termination Due	A. Date Mo Da Yr <u>[REDACTED]</u>	B. Time (24 Hr. Clock) <u>[REDACTED]</u>
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Section III—Termination Action

17. Action to Terminate The accumulations were removed from the mine and the affected area adequately rock dusted.

18. Terminated	A. Date Mo Da Yr <u>[REDACTED]</u>	B. Time (24 Hr. Clock) <u>[REDACTED]</u>
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Section IV—Automated System Data

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

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 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  
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District  Field Office  Mine ID  Date

Mine Citation/Order  
Continuation

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



Section I—Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/> <input type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr [Redacted]	3. Citation/Order Number [Redacted]
4. Served To [Redacted]	6. Operator [Redacted]	
8. Mine [Redacted]	7. Mine ID [Redacted]	(Contractor)

Section II—Justification for Action

Change	From	To
10. D. Persons Affected	3	7

Reason After further evaluation, due to the location of the tail roller being located inby the belt airlock, the number of persons affected is increased from 3 to 7

See Continuation Form

Section III—Subsequent Action Taken

8. Extended To A. Date Mo Da Yr [Redacted]	B. Time (24 Hr. Clock) [Redacted]	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input checked="" type="checkbox"/> E. Modified
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Section IV—Inspection Data

9. Type of Inspection E01	10. Event Number [Redacted]		
11. Signature [Redacted]	AR Number [Redacted]	12. Date Mo Da Yr [Redacted]	13. Time (24 Hr. Clock) [Redacted]

MSHA Form 7000-3a, Mar 85 (revised)

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

District Coal Dist 10 Field Office Madisonville, KY Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I—Violation Data			
1. Date <u>[REDACTED]</u>	2. Time (24 Hr. Clock) <u>[REDACTED]</u>	3. Citation/Order Number <u>[REDACTED]</u>	
4. Served To <u>[REDACTED]</u>	5. Operator <u>[REDACTED]</u>		
6. Mine <u>[REDACTED]</u>	7. Mine ID <u>[REDACTED]</u>		(Contractor) <input type="checkbox"/>
8. Condition or Practice			8a. Written Notice (103g) <input type="checkbox"/>

Certification of the pre shift examination for day shift, in the form of date, time, and initials was not found in the #10 Entry.  
 LOCATION: #3 Unit, #11 Main North, MMU 009-0

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
			75.360(f)

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 checked="" type="checkbox"/> Lost Workdays Or Restricted Duty <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: 007
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 <u>[REDACTED]</u>	B. Time (24 Hr. Clock) <u>[REDACTED]</u>
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Section III—Termination Action

17. Action to Terminate The affected MMU ceased production and #10 Entry was examined by a certified person. The report was then called out side and entered in the #3 Unit pre-shift book.

18. Terminated	A. Date Mo Da Yr <u>[REDACTED]</u>	B. Time (24 Hr. Clock) <u>[REDACTED]</u>
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Section IV—Automated System Data

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

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.

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

District  Field Office  Mine ID  Date

Mine Citation/Order

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



Section I—Violation Data

1. Date Mo Da Yr <input type="text" value=""/>	2. Time (24 Hr. Clock) <input type="text" value=""/>	3. Citation/ Order Number <input type="text" value=""/>
4. Served To <input type="text" value=""/>	5. Operator <input type="text" value=""/>	
6. Mine <input type="text" value=""/>	7. Mine ID <input type="text" value=""/> (Contractor)	
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

The alignment of the #11 Main North Belt was not being maintained. The moving bottom belt was rubbing the bottom roller hangers, creating friction. The hangers were warm to the touch. Persons had been working on this condition prior to inspection, but had failed to correct it. If this condition were allowed to continue, it would pose a fire hazard to the people located inby.

LOCATION: cross cut #8, 12, 29, 30, 31, and 32

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 75.1731(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 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: 003	
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 <input type="text" value=""/>	B. Time (24 Hr. Clock) <input type="text" value=""/>
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Section III—Termination Action

17. Action to Terminate The bottom belt was aligned away from contact with the hangers.

18. Terminated	A. Date Mo Da Yr <input type="text" value=""/>	B. Time (24 Hr. Clock) <input type="text" value=""/>
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Section IV—Automated System Data

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

MSHA Form 7000-3, Apr 05 (revised) is 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 Coal Dist 10 Field Office Madisonville, KY Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I—Violation Data

1. Date Mo Da Yr <u>[REDACTED]</u>	2. Time (24 Hr. Clock) <u>[REDACTED]</u>	3. Citation/ Order Number <u>[REDACTED]</u>
4. Served To <u>[REDACTED]</u>	5. Operator <u>[REDACTED]</u>	
6. Mine <u>[REDACTED]</u>	7. Mine ID <u>[REDACTED]</u>	(Contractor) <input type="checkbox"/>
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

Twenty-six 5 gallon containers of hydraulic oil were not labeled for their contents. Not knowing the content of the containers creates a hazard to miners that might require first aid treatment if they were exposed to the fluids.  
 LOCATION: #11 Main North, cross cut #32, adjacent to the belt

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 47.41(a)
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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

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

Section III—Termination Action

17. Action to Terminate The oil cans were removed from the mine.

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 <u>[REDACTED]</u>	21. Primary or Mill
22. Signature <u>[REDACTED]</u>	23. AR Number <u>[REDACTED]</u>	

MSHA Form 7000-3, Apr 02 (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  Date

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

Two portable fire extinguishers and 240 lbs. of rock dust were not provided for the oil storage station. The station contained 26 five gallon cans of hydraulic oil and a half case of tube greae. Absence of fire fighting equipment would create a longer response time to fight the fire, if one occurred.

LOCATION: #11 Main North, cross cut #32, adjacent to the belt

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 75.1100-2(f)
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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: 014

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]
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Section III—Termination Action

17. Action to Terminate The oil station was removed from the mine, removing the need for fire protection.

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) E01	20. Event Number [REDACTED]	21. Primary or Mill
22. Signature [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, 400 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 Dist 10 Field Office Madisonville, KY Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order  
Continuation

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



Section I-Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/> <input type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr [REDACTED]	3. Citation/Order Number [REDACTED]
4. Served To [REDACTED]	5. Operator [REDACTED]	
6. Mine [REDACTED]	7. Mine ID [REDACTED]	(Contractor)

Section II-Justification for Action

Change	From	To
10. D. Persons Affected	14	7

Reason After further evaluation, the number of affected people is decreased from 14 to 7.

See Continuation Form

Section III-Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input checked="" type="checkbox"/> E. Modified
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Section IV-Inspection Data

9. Type of Inspection <u>E01</u>	10. Event Number [REDACTED]		
11. Signature [REDACTED]	AR Number [REDACTED]	12. Date Mo Da Yr [REDACTED]	13. Time (24 Hr. Clock) [REDACTED]

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

District Coal Dist 10 Field Office Madisonville, KY Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I—Violation Data

1. Date <u>[REDACTED]</u> Mo Da Yr	2. Time (24 Hr. Clock) <u>[REDACTED]</u>	3. Citation/Order Number <u>[REDACTED]</u>
4. Served To <u>[REDACTED]</u>	5. Operator <u>[REDACTED]</u>	
6. Mine <u>[REDACTED]</u>	7. Mine ID <u>[REDACTED]</u>	(Contractor) <input type="checkbox"/>
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

Two permanent stoppings were not being maintained to serve the purpose for which they were built. An opening, 10 inches in width, and 2 inches in height, existed in the stopping at spad # 26+00. Two openings, one 16 inches in width, and 9 inches in height, one 2 inches in width, and 2 inches in height, existed in the stopping at spad # 22+80. All three openings were allowing intake air to coarse into the adjacent entry, decreasing the amount of air coursing to the #3 Unit, used to ventilate both active MUM'S.

LOCATION: #11 North Main Primary Escape way, stopping line between #6 Entry and # 7 Entry.

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 75.333(h)
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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: 014

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 [REDACTED] Mo Da Yr B. Time (24 Hr. Clock) [REDACTED]

Section III—Termination Action

17. Action to Terminate The openings were effectively closed in the affected stoppings.

18. Terminated A. Date [REDACTED] Mo Da Yr B. Time (24 Hr. Clock) [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, 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 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 Coal Dist 10 Field Office Madisonville, KY Mine ID            Date           

Mine Citation/Order

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



Section I—Violation Data

1. Date Mo Da Yr <u>          </u>	2. Time (24 Hr. Clock) <u>          </u>	3. Citation/ Order Number <u>          </u>
4. Served To <u>          </u>	5. Operator <u>          </u>	
6. Mine <u>          </u>	7. Mine ID <u>          </u>	(Contractor) <input type="checkbox"/>
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

The bearing plate of a fully grouted roof bolt was not firmly installed against the roof. Approximately 2 inches of the shaft was visible. The surrounding area for approximately 20 feet in either direction showed no visible signs of adverse roof conditions.  
 LOCATION: # 11 North Main, # 7 Entry, in the pillar line between spad # 1+20 and 2+00.

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	75.204(c)(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: 002

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 The affected roof bolt plate was secured firmly against the roof.

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            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.

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

District  Field Office  Mine ID  Date

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
			104(a)	75.400	N	UL	LD	1	Mod
<p>Float coal dust and fine coal drippings off the belt has been allowed to accumulate under the 8-54 belt from X-C # 2 to X-C # 7. When measured the accumulation ranged from 0-16 inches in depth, 60 inches in width for a distance of 5 crosscuts. A return bottom roller was turning (rotating) in the accumulation creating a friction/fire hazard.</p> <p><i>Was an additional citation issued or considered for inadequate or missing examinations? This standard has been issued 142 times in the previous 24 month period (should be included in the citation). This citation also appears to meet the criteria for S&amp;S. What is the distance of 5 crosscuts? Statement such as this mine liberates 1,057,481 CF of methane in a 24 hour period should be included. When was the last examination completed and by whom?</i></p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
			104(a)	75.202(a)	N	UL	LD	1	Mod
<p>The roof and rib in the # 3 entry on the left hand corner on # 4 unit MMU-005 in the last open x-cut is not being supported or other wise controlled to protect persons from hazards related to falls of the roof or ribs. The corner roof bolts exceed the 4 ft. max. When measured the roof bolts are off the rib over 5 ft. The corner of the rib has and is still spalling off.</p> <p><i>This standard was issued 18 times in the last 24 months (should be included in the citation). Documentation of distances with no support is needed. Citation appears to meet the criteria for S&amp;S.</i></p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
			104(a)	75.1731(a)	N	UL	LD	1	Mod
<p>There was a troughing roller that was damaged, bottom bearing worn out, allowing the rotating roller to contact it's hanger creating a metal to metal friction heat source on the 5B beltline under the 5C header. The roller was creating smoke/steam and was hot to the touch.</p> <p><i>Was an additional citation issued or considered for inadequate or missing examinations? Citation appears to meet the criteria for S&amp;S based on the smoke, steam, and temperature.</i></p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
			104(a)	75.400	N	UL	LD	1	Mod
<p>Float coal dust had been allowed to accumulate on the mine floor, ribs and the 480VAC power box Co. # 8027. The accumulation was black in color and when measured ranged from 0-1/4 inch in depth, 18-20 feet in width for a distance of 78 feet. This citation was written in conjunction with citations #(b) (6)</p> <p><i>Citation appears to meet the criteria for S&amp;S considering the confluence of factors created by the two additional citations. Based on the nature and extent of the violation, a higher degree of negligence appears appropriate. This standard was issued 133 times during the previous 24 months (should be included in the citation). Do citations (b) (6) address the same, continuous area, or is the power box in a separate location?</i></p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
			104(a)	75.400	N	UL	LD	1	Mod
<p>The 7-54 belt was not being maintained in that coal, coal fines and float coal dust had been allowed to accumulate on rockdusted surfaces along side, underneath, and on the structures of the belt. When measured, the accumulation ranged from 5-18 feet in width, 0-2 feet in depth for the entire length of the beltline.</p> <p><i>What was the length of the beltline? Was an additional citation issued or considered for inadequate or missing examinations? Number of persons affected by the extent of this violation appears low. If this area was examined and no action taken, the level of enforcement should have been elevated. This standard was issued 132 times in the previous 24 months ( should be included in the citation). Do citations (b) (6) address the same, continuous area, or is the power box in a separate location?</i></p>									

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

District  Field Office  Mine ID  Date

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
			104(a)	75.370(a)(1)	Y	RL	LD	1	Mod
<p>The approved ventilation plan, page 28 was not being followed in that the water spray at the 4A belt where it dumps on the 7-54 was not operating. Fine float coal dust was in suspension in the mine atmosphere and along the mine floor. There is a foreseeable potential of this being a health and safety issue resulting in lung/breathing problems also there are a confluence of factors. Citations # [redacted] were written in conjunction with this issuance.</p> <p><i>Was an additional citation issued or considered for inadequate or missing examinations? The inspector appears to have justified the use of a higher level of enforcement, but did not take that action. The number of persons affected does not appear commensurate with the narrative and nature of the violation. This standard was issued 83 times in the previous 24 months (should be included in the citation).</i></p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
			104(a)	75.400	Y	RL	LD	1	Mod
<p>The 6-54 belt was not being maintained in that coal and float coal dust had been allowed to accumulate along and under the belt. When measured the accumulation ranged from 0-4 inches in depth, 64 inches in width for the entire length of the beltline. There was also 2 bottom rollers turning (rotating) in fine float coal dust at crosscuts #31 and #33 creating a heat/friction hazard. There is a foreseeable potential of a possible fire resulting in smoke inhalation and/or burns.</p> <p><i>Was an additional citation issued or considered for inadequate or missing examinations? How long was the belt line? This standard was issued 134 times in the previous 24 months. How long was the entire beltline? Elevated enforcement appears to be justified, but not taken. Were the examination records checked after the violation was observed to help determine the degree of negligence?</i></p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
			104(a)	75.400	N	UL	LD	1	Mod
<p>The 8-54 VFD Room was not being maintained in that float coal dust had been allowed to accumulate inside on and in the 4, 480VAC power boxes, on the floor, walls and ductwork. The accumulation when measured ranged from 0-1/16 inches in depth.</p> <p><i>Was an additional citation issued or considered for inadequate or missing examinations? This standard was issued 133 times in the previous 24 months. Were examination records checked after the violation was observed to help determine negligence? The evaluation for S&amp;S does not appear to match the nature of the violation. What was the width and length of the accumulations?</i></p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
			104(a)	75.400	N	UL	LD	1	Mod
<p>Float dust and coal float dust has been allowed to accumulate on previously rock dusted surfaces of the 1st North 3rd 54 Belt. The accumulations range from paper thin to 1 inch in depth, 10 feet in width, and approximately 700 feet in length. The affected area is located from cross-cut #3 to cross-cut #14.</p> <p><i>Was an additional citation issued or considered for inadequate or missing examinations? This standard was issued 134 times in the previous 24 months. Were examination records checked after the violation was observed to help determine negligence? What is the distance between CC3 to CC14?</i></p>									

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

District Coal Dist 10 Field Office Madisonville, KY Mine ID [REDACTED] Date [REDACTED]

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
[REDACTED]			104(a)	75.400	N	UL	LD	1	Mod
<p>The 6-54 Belt was not being maintained in that float coal dust had been allowed to accumulate on rockdust surfaces mine floor, mine ribs, and belt structure, and adjoining crosscuts on both sides of the belt. When measured, the accumulation was 70 inches in width, ranging from 0-10 inches in depth from the 6-54 header to the tail.</p> <p><i>What was the distance from the header to the tail? Was an additional citation issued or considered for inadequate or missing examinations? This citation appears to meet the criteria for S&amp;S, and potentially for a higher level of enforcement. This standard was issued 131 times in the previous 24 months (should have been included in the citation). This same standard was issued on this same belt just 11 days earlier. Were there any sources of ignition noted (stuck rollers, rollers turning in the coal)?</i></p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
[REDACTED]			104(a)	75.400	Y	RL	LD	1	Mod
<p>The 5 B tailpiece was not being maintained in that loose coal, coal fines, and float coal dust had been allowed to accumulate under the tailpiece. When measured the accumulation ranged from 0-10 inches in depth, 0-4 feet in width and 6 feet in length. The accumulation was dry in nature underneath the left side and back of the tail and damp on the right side. There is a foreseeable potential of a fire resulting in smoke inhalation and/ or burns. Citation # [REDACTED] was written in conjunction with this issuance.</p> <p><i>This standard was issued 132 times in the previous 24 months (should have been included in the citation), and the level of enforcement increased accordingly.</i></p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
[REDACTED]			104(a)	75.400	N	UL	LD	1	Mod
<p>The 10-54 Belt was not being maintained in that coal, fine coal, and float coal dust had been allowed to accumulate under, along side and on the belt structure with the bottom belt and tail roller contacting creating a friction/heat source. The black in color accumulation when measured was 10 feet in width, 15 feet in length, and ranging from 0-10 inches in depth.</p> <p><i>This standard was issued 133 times in the previous 24 months (should have been included in the citation) and the level of enforcement increased accordingly. This citation also appears to meet the criteria for S&amp;S.</i></p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
[REDACTED]									

[REDACTED]

United States Department of Labor  
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 Office of Accountability

District  Field Office  Mine ID   Date

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
			104(a)	75.1909(b)(2)	N	UL	LD	1	Mod
<p>NON-PERMISSIBLE DIESEL POWERED EQUIPMENT SHALL BE PROVIDED WITH A NEUTRAL START FEATURE WHICH INSURES THAT ENGINE CRANKING TORQUE WILL NOT BE TRANSMITTED THROUGH THE POWERTRAIN AND CAUSE ENGINE MOVEMENT ON VEHICLES UTILIZING FLUID POWER TRANSMISSIONS. WHEN TESTED THE 10 MAN WALLACE DIESEL MANTRIP WOULD START IN ALL GEARS. THIS COULD ENDANGER MINERS IN FRONT OR BACK OF THE VEHICLE WHEN STARTED OUT OF THE PARK POSITION. LOCATION: ELEVATOR DIESEL PARKING AREA</p> <p><i>Was an additional citation issued or considered for inadequate or missing examinations? If allowed to continue to operate without correction, the violation would appear to affect more than just 1 person. This also appears to meet the criteria for S&amp;S.</i></p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
			104(a)	75.321(a)(2)	N	UL	LD	1	Low
<p>The air quality encountered in the #1 entry of the 3rd North Main at the 4th West Main intersection was measured to be 18.6% Oxygen. The air is coursed through worked out areas of the 4th West Main. This includes several sealed areas separating other worked out areas from the return air course through the 4th West Main worked out areas that are required to be examined weekly.</p> <p><i>Was an additional citation issued or considered for inadequate or missing examinations? Negligence appears low for this condition. Were record books checked after the violation was observed to help determine negligence?</i></p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
			104(a)	75.342(a)(4)	N	UL	LD	1	Mod
<p>The methane monitor for the CMM CO # 5792 was not being maintained in permissible and proper operating condition. When bump tested with a known mixture of 2.5% CH<sub>4</sub> the monitor readout displayed 1.5% CH<sub>4</sub>. Location: No. 4 Unit</p> <p><i>Statement such as this mine liberates 1,057,481 CF of methane in a 24 hour period should be included. Methane liberation should always be considered when issuing citations regarding permissibility, methane monitor function, etc. The likelihood of an occurrence if mining were to continue with the condition unabated must be considered. When was the last calibration conducted on the methane monitor? This standard was issued 15 times in the previous 24 months (should have been included in the citation).</i></p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
			104(a)	75.400	N	UL	LD	1	Mod
<p>There was an accumulation of combustible materials, such as plastic bags, plastic jugs, cardboard boxes, paint cans, empty grease tube cartridges, 7 golf cart batteries, and also an accumulation of loose coal at the old 4th West belt shack, spad # 38+27 in #6 entry. The coal accumulation was 25' long, 5' wide and from 6" to 3' thick.</p> <p><i>Was an additional citation issued or considered for inadequate or missing examinations? This standard was issued 133 times in the previous 24 months (should have been included in the citation). Based on the number of times accumulations of combustible materials have been cited, this citation appears to meet the criteria for an elevated level of enforcement. What was the extent of the other combustibles? Were the discarded golf cart batteries considered as an ignition source when evaluating likelihood?</i></p>									

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

District  Field Office  Mine ID  Date

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
			104(a)	75.503	N	UL	LD	1	Mod
<p>The DBT scoop, CO #6012, operating on the #4 unit MMU-008-0, 5th North panel in #6 entry was not being maintained in a permissible condition. There was an opening in the tram panel, a plane flange joint, in excess of .004 ".</p> <p><i>Statement such as this mine liberates 1,057,481 CF of methane in a 24 hour period should be included. Methane liberation should always be considered when issuing citations regarding permissibility, methane monitor function, etc. This standard was issued 36 times in the previous 24 months (should have been included in the citation).</i></p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
			104(a)	75.202(a)	N	UL	LD	1	Mod
<p>The roof in the # 4 entry on # 5 unit at spad # 46+50 is not being supported or controlled where persons work and travel. There is a roof fall in this location. Miners traveled thru this area on this shift.</p> <p><i>This citation appears to meet the criteria for S&amp;S. Did the roof fall occur before or after the miners traveled through the area? What is the extent of the unsupported or uncontrolled roof? How many persons traveled through the area? Is this condition recorded in an examination book? This standard was issued 19 times in the previous 24 months (should have been included in the citation).</i></p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
			104(a)	75.503	N	UL	LD	1	Mod
<p>The Long Airdox battery powered scoop, Co. # 6011, was not being maintained in permissible condition. The main breaker panel plane flange joint had an opening, 2 inches in length that was greater than .004, when measured with an approved .005 feeler gauge. Location: No. 2 Unit, 4th South Panel, MMU 004-0</p> <p><i>Statement such as this mine liberates 1,057,481 CF of methane in a 24 hour period should be included. Methane liberation should always be considered when issuing citations regarding permissibility, methane monitor function, etc. This standard was issued 36 times in the previous 24 months (should have been included in the citation). The number of persons affected does not appear commensurate with the effects of a methane ignition or explosion.</i></p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
			104(a)	75.503	N	UL	LD	1	Mod
<p>THE 6014 DBT SCOOP WAS NOT BEING MAINTAINED IN PERMISSIBLE CONDITION. THE RIGHT SERVICE LIGHT, (BATTERY END) MOUNT WAS BROKEN. THIS ALLOWED THE POSSIBILITY FOR FURTHER DAMAGE TO THE LIGHT ELECTRICAL SYSTEM. THERE WAS ALSO AN OPENING IN THE MAIN BREAKER PANEL IN EXCESS OF .005 OF AN INCH. THIS WAS FOR A DISTANCE OF APPROXIMANTELY 2 INCHES IN LENGTH. LOCATION: 7TH 54 CHARGING STATION AREA</p> <p><i>Statement such as this mine liberates 1,057,481 CF of methane in a 24 hour period should be included. Methane liberation should always be considered when issuing citations regarding permissibility, methane monitor function, etc. This standard was issued 36 times in the previous 24 months (should have been included in the citation). The number of persons affected does not appear commensurate with the effects of a methane ignition or explosion. Was this scoop used in the face areas or outby in a return air course?</i></p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
			104(a)	75.400	N	UL	LD	2	Mod
<p>The Fletcher Roof Bolter, CO # 3021, located on # 3 Unit was not being maintained in that coal, coal fines, float coal dust, all being oil soaked had been allowed to accumulate in the 480VAC cable reel compartment and on the oil tank reservoir. When measured, the accumulation was 38 inches in width, 45 inches in length and ranged from 0-3.5 inches in depth.</p> <p><i>This citation appears to meet the criteria for S&amp;S in that accumulations in the cable reel have a heat and ignition source. This standard was issued 134 times in the previous 24 months (should have been included in the citation).</i></p>									

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

District Coal Dist 10 Field Office Madisonville, KY Mine ID [REDACTED] Date [REDACTED]

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	75.503	N	UL	LD	2	Mod
<p>The Joy Cont. Miner, Co. # 5313, was not being maintained in permissible condition. When measured with an approved feeler gauge, an opening greater than .004, approximately 6 inches in length, existed in the plane flange joint of the tram control panel. Location: No. 3 Unit, 3rd South, MMU-010-0</p> <p><i>Statement such as this mine liberates 1,057,481 CF of methane in a 24 hour period should be included. Methane liberation should always be considered when issuing citations regarding permissibility, methane monitor function, etc. This standard was issued 37 times in the previous 24 months (should have been included in the citation). The number of persons affected does not appear commensurate with the effects of a methane ignition or explosion.</i></p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	75.370(a)(1)	N	UL	NLD	1	Mod
<p>The approved ventilation plan was not being followed on the #5 unit, MMU 003-0 and 011-0, 2nd Main South just inby spad# 48+10. Number 10 entry was mined 150' deep, # 9 entry was mined 180' deep, # 8 entry was mined 230' deep, and #7 entry was mined 170' from the center of the last open x-cut before the next proposed x-cut was opened. Page #2, item 5 of the plan states that rooms and entries shall not be driven more than 110' from the center of the last open x-cut until the next proposed x-cut is opened. At the time of this inspection an addendum had been submitted to MSHA, but had not been approved.</p> <p><i>Statement such as this mine liberates 1,057,481 CF of methane in a 24 hour period should be included. Methane liberation should always be considered when issuing citations regarding excessive depth of cuts and other ventilation related violations. The citation does not specify if the addendum submitted to MSHA was relative to the citation issued. If so, the operator's negligence clearly increased by his implementation of a plan prior to approval by the District Manager. The number of persons affected appears to have been evaluated lower than the narrative indicates. Were the miners trained on the existing plan? This standard was issued 88 times in the previous 24 months (should have been included in the citation)</i></p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	75.503	N	UL	LD	1	Mod
<p>The Fletcher roof bolter, CO # 3013, located on the #2 unit, MMU 002-0, 5th South panel, in #3 entry was not being maintained in a permissible condition. There was an opening in the main panel, a plane flange joint, in excess of .004".</p> <p><i>Statement such as this mine liberates 1,057,481 CF of methane in a 24 hour period should be included. Methane liberation should always be considered when issuing citations regarding permissibility, methane monitor function, etc. This standard was issued 37 times in the previous 24 months (should have been included in the citation).</i></p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	75.370(a)(1)	N	UL	LD	1	Mod
<p>The approved ventilation plan was not being followed on the #2 unit, MMU 002-0 and 004-0, 5th South panel, just inby spad # 5+25. The face of #4 entry was mined 113' and the face of #7 entry was mined 112' from the center of the last open x-cut. Page 2, item 5 of the plan states that rooms and entries shall not be driven more than 110' from the center of the last open x-cut until the next proposed x-cut is opened. To terminate this citation management will have a meeting with the section foremen and miner operators at this mine to make sure everyone is aware of what the plan states regarding this matter.</p> <p><i>This is the second time this type of citation was issued in less than 2 weeks, which indicates an increased level of negligence. Statement such as this mine liberates 1,057,481 CF of methane in a 24 hour period should be included. Methane liberation should always be considered when issuing citations regarding excessive depth of cuts and other</i></p>									

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District  Field Office  Mine ID  Date

*ventilation related violations. This standard was issued 89 times in the previous 24 months (should have been included in the citation).*

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
[REDACTED]			104(a)	75.1106-3(a)(2)	N	UL	LD	1	Low

A compressed gas cylinder was not securely stored to prevent it from falling or accidentally being tipped over. The cylinder was leaning against the tool slide one crosscut outby the 4A head drive.

*The narrative does not discuss the nature of the hazard, whether or not the cap was on the tank, or other information to support any evaluation regarding likelihood, injury or negligence.*

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
[REDACTED]			104(a)	75.512	N	UL	LD	1	Low

The disconnecting device connected to the # 1 unit rectifier that supplies power to the Company No. 2001 shuttle car that is operated on the # 1 unit was not properly maintained. The disconnecting device was not latched in place while under a load. People travel beside this rectifier each shift and could knock the disconnecting device off under a load resulting in injuries to someone close by.

*Was an additional citation issued or considered for inadequate or missing examinations? S&S, likelihood, negligence and number of persons affected appear to have been evaluated lower than the narrative indicates. This standard was issued 23 times in the previous 24 months (should have been included in the citation).*

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
[REDACTED]			104(a)	75.333(c)(1)	N	UL	LD	1	Mod

The distance between manddoors in the #11 Main North return air course exceed the 600 feet maximum distance. The brattice line is 1180 feet without an opening between the air courses.

*Was an additional citation issued or considered for inadequate or missing examinations? Were the examination books checked after the violation was observed to help establish negligence? The number of persons affected appears to be low, especially if the stopping line separates escapeways. The inspector did not provide sufficient information to support the evaluations.*