

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

FROM: PETER J. MONTALI
Acting Director of Accountability for
Mine Safety and Health Administration

ARLIE A. WEBB
Accountability Specialist

SUBJECT: MSHA Office of Accountability Audit, Norton, Virginia,
Field Office, and [REDACTED]
[REDACTED]

Introduction

This memorandum summarizes the Office of Accountability audit of the subject mine and field office. Audit subjects included the Uniform Mine File, MSHA field activities, level of enforcement, Field Activity Reviews (FARs), Accompanied Activities (AAs), MSHA supervisory and managerial oversight, mine plans, and the conditions and practices at the mine. The audit was conducted during the week of August 17, 2009, by Arlie A. Webb. Positive findings and issues requiring attention are included in this audit report.

Overview

The accountability specialist traveled to the subject field office and mine to observe and evaluate enforcement activities, supervisory and managerial oversight, and mine conditions and practices.

Areas of the mine examined during this audit included the active section, primary and alternate escapeways, belt conveyors, underground seals, lifelines and ERP supplies, communications systems, record books, and surface areas. Selected pieces of equipment underground and on the surface were inspected.

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

1. Inspector time distribution for the Norton field office during the previous 12-month period is admirable.
2. The [REDACTED] and the District Manager have visited numerous mines during the time period covered by this audit.

3. With few exceptions, the level of enforcement appears commensurate with the conditions and practices observed.
4. Inspection documentation indicated thorough and complete inspections.
5. The 104(d) tracking system is well maintained and up to date.
6. The Uniform Mine Files have been upgraded and are in compliance with the new UMF handbook.

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

1. Repetitive errors that resulted in citations being modified or vacated were not always immediately identified and corrected. During the period from October 01, 2008 through August 18, 2009 at the Norton field office, there were 192 modifications of citations/orders, 30 that were vacated, and 14 that were extended 4 or more times. (See Item No. 79) (District/FO)
2. Inspection personnel do not appear to be identifying or promptly addressing potential hazards or issues related to guards where persons cross under/over belt conveyors (allowing the use of additional bottom rollers to serve as a guard). (See Item No. 54) (District/FO)
3. Inspection personnel also do not appear to be identifying or promptly addressing potential hazards related to escapeway requirements (allowing a "grace period" between the time caches and/or shelters are moved up and the time the lifeline is connected to them). (See Item No. 35) (District/FO)
4. Evaluations of the number of persons affected by violations do not appear consistent. (See Appendix C) (District/FO)
5. Observed deficiencies during Field Activity Reviews, Accompanied Activities, and 2nd level reviews, were not always identified, documented or corrected. (See Items No. 4 and 6) (FO)

S&S Rate Comparison:

Although S&S rates for the field office and district were comparable to the national average for FY 2008, the FY 2009 rate was slightly lower than the District 5 average and considerably lower than the national average.

S&S Rate Comparison			
Fiscal Year	Norton, VA Field Office	Coal District 5	National Average
2008	32%	32%	35%
2009	25%	27%	34%

Time and Activity Comparison:

Time distribution for E01 inspections conducted out of this field office during FY 2009 indicates good usage of time by inspection personnel.

Surface Facilities - E01 Inspections						
	Travel	Other	Total On-Site	Citations Written On-Site	Citations Written Off-Site	Total Percent
% of Total	17.4%	11.7%	70.8%	8.6%	<1%	100.0%

Surface Mines - E01 Inspections						
	Travel	Other	On-Site	Citations Written On-Site	Citations Written Off-Site	Total Percent
% of Total	15.8%	12.9%	71.3%	3.8%	<1%	100.0%

Underground Mines - E01 Inspections								
	Travel	Other	MMU	Outby	Surface	Citations Written On-site	Citations Written Off-site	Total Percent
% of Total	17.2%	15.6%	22.9%	22.1%	17.3%	4.9%	<1%	100.0%

Audit Results

The attached checklist addresses the findings of the audit. Positive issues as well as issues requiring action are covered in detail in the checklist.

Attachments

- A. Office of Accountability Checklist, with comments, recommendations, and references
- B. Citations issued during this audit

- 1. [REDACTED] 75.400
- 2. [REDACTED] 75.1722(a)
- 3. [REDACTED] 75.400
- 4. [REDACTED] 75.902
- 5. [REDACTED] 75.902
- 6. [REDACTED] 75.333(e)(1)(i)
- 7. [REDACTED] 75.400
- 8. [REDACTED] 75.400
- 9. [REDACTED] 75.380(d)(7)(i)
- 10. [REDACTED] 75.1403
- 11. [REDACTED] 75.1504(b)(3)(ii)

- C. Enforcement actions with questionable evaluation of gravity and negligence

District Field Office Mine ID Date

1. Evaluate supervisory review of inspection reports and documentation for completeness.
Adequate Inadequate Not Applicable Comments Below

2. Determine if supervisors address report deficiencies immediately
Adequate Inadequate Not Applicable Comments Below

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

Twelve FARs were reviewed during this audit. Only five contained documentation of observed deficiencies and corrective actions, and only 3 of the twelve contained documentation of positive reinforcement or constructive criticism.

Interviews [REDACTED] revealed that numerous issues, although discussed and corrected following the review, were not always documented, such as:

- adequately documenting observed violations
- addressing the "eight questions" regarding evaluation of citations/orders
- completing a tracking map
- proper justification for extending or terminating citations

Action Required - All observed deficiencies, errors, and/or exceptional achievements should be documented during FARs and AAs.

Reference - Corrective Action Plan: Sago, Aracoma and Darby Internal Reviews
Reference - Coal Mine Safety & Health Supervisor's Handbook

District Field Office Mine ID Date

6. Evaluate the quality of Accompanied Inspections

Adequate Inadequate Not Applicable Comments Below

Twelve AAs were examined during this audit. Only 5 contained documentation of deficiencies relative to inspection activities.

Interviews with revealed that numerous issues, although discussed and corrected during or immediately following the accompanied activity, were not always documented, such as:

- wearing hearing protection
- wearing kneepads when in low coal
- adequate communication with miners and mine management
- attention to detail when documenting observed violations

Action Required - All observed deficiencies, errors, and exceptional achievements should be documented during FARs and AAs.

Reference - Corrective Action Plan: Sago, Aracoma and Darby Internal Reviews
Reference - Coal Mine Safety & Health Supervisor's Handbook

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

Adequate Inadequate Not Applicable Comments Below

Uniform Mine File Reviews were documented by signature on the appropriate form.

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

Adequate Inadequate Not Applicable Comments Below

District Field Office Mine ID Date

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

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

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

Standard Operating Procedures are in place, and are current. SOPs were also found in pertinent locations (i.e.: the 104(d) tracking SOP in each UMF book) to promote consistency.

District Field Office Mine ID Date

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

Adequate Inadequate Not Applicable Comments Below

The number of mine visits being conducted during the day shift is commendable.

Recommendation - Supervisors and managers should consider increasing the number of visits conducted on evening and night shifts.

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

Adequate Inadequate Not Applicable Comments Below

Numerous second-level reviews were conducted, and contained feedback to the field office supervisors.

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

District Field Office Mine ID Date

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	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

35.	Determine if all provisions of the MINER Act are evaluated during the inspection					
Adequate	<input type="checkbox"/>	Inadequate	<input checked="" type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below
Interviews with the [REDACTED] indicated confusion regarding the reconnection of lifelines and communication lines to emergency shelters following advancement of the shelter. Persons interviewed assumed there was a "grace period" between the time the emergency shelter was moved and the time the lifeline and communication lines were required to be reconnected.						
<i>Action Required - The district should provide additional training with regard to the movement of emergency shelters. This instruction should emphasize that that lifelines and communication lines must be re-established immediately following the moving of emergency shelters.</i>						
<i>Reference - 30 CFR, Sections 75.380, 75.1500, and the MINER Act</i>						

36.	Determine if the amount of time expended on each inspection activity and area of the mine is sufficient to accomplish inspection goals					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	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	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

District Field Office Mine ID Date

38. Accompany and evaluate inspector's imminent danger run
Adequate Inadequate Not Applicable Comments Below

39. Check adequacy of preshift/onshift examinations
Adequate Inadequate Not Applicable Comments Below

40. Evaluate inspector's observation of roof conditions
Adequate Inadequate Not Applicable Comments Below
The roof control plan was discussed with individual miners.

42. Evaluate conditions on working section and observe work cycle
Adequate Inadequate Not Applicable Comments Below
The inspector's evaluation of conditions and practices on the section was thorough.

43. Observe air quantity, quality, and gas checks by inspector
Adequate Inadequate Not Applicable Comments Below

District Field Office Mine ID Date

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

Adequate Inadequate Not Applicable Comments Below

Interviews with several indicate adequate ERP training. All were well acquainted with escape routes, lifelines, and contents, and SCSR locations.

45. Determine adequacy of training regarding roof, ventilation, and other plans (interview miners)

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

SCSR locations and condition of the units was excellent.

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

Trailing cables and other cables were examined and found to be in very good condition.

District Field Office Mine ID Date

49. Evaluate several pieces of equipment for permissibility

Adequate Inadequate Not Applicable Comments Below

50. Examine lifelines, manddoors, and related signage

Adequate Inadequate Not Applicable Comments Below

Signage was accurately located, and easily understood. One instance of a severed lifeline was cited and immediately corrected.

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

Stopping lines were intact, well installed, and plastered (with one exception, which was cited) in accordance with regulations and plans. However, an examination of the airlock doors at the main mine fan indicated that clearances may not be adequate to allow injured persons to be assisted through them.

Recommendation - The district should provide additional instruction to field personnel that all escapeways that pass through doors or other permanent haulage or ventilation controls will permit injured miners to be assisted in escape. The OA recommends the district include "stretcher tests" as outlined in 30 CFR, 75.380 where needed.

Reference - 30 CFR, 75.380(d)(3) and 75.380(d)(4)(iii)

District Field Office Mine ID Date

53. Evaluate integrity of return side stopping line

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

A safeguard was issued for the operator's failure to provide an adequate guard where persons and uncovered personnel carriers pass under an operating belt conveyor. The safeguard was terminated when the operator installed start/stop switches at the inby and outby approaches to the belt conveyor.

Start/Stop switches may not be an effective means to prevent persons from coming into contact with moving belts and rollers. These switches are only effective when behavioral controls are also in place to require their use. Physical guards constructed of materials such as expanded metal screens or rebar would provide a much more effective means of preventing injury.

Recommendation - The OA recommends the inspector consider all factors related to eliminating hazards and should not consider terminating a cited condition or practice until he/she determines that abatement efforts are adequate and termination is justified.

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

Adequate Inadequate Not Applicable Comments Below

58. Evaluate cleanup of accumulations and application of rock dust

Adequate Inadequate Not Applicable Comments Below

One citation was issued relative to accumulations of combustible material one the working section. This was at the section feeder and was not widespread. Rock dusting on the mmu

District Field Office Mine ID(Date

was very good.

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

Adequate Inadequate Not Applicable Comments Below

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

Mine maps on the working sections and on the surface were frequently updated and appeared accurate.

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

A review of the mine record books revealed the mine operator is not conducting adequate

District Field Office Mine ID() Date

evacuation drills on the third (owl) shift. The drills were being conducted, but the operator was not alternating escapeways as required by 30 CFR, Section 75.1504(b)(3)(iii). The practice was cited by the inspector after the violation was brought to his attention by the field office supervisor and the OA team member.

Recommendation – The district should provide additional instruction to field personnel in methods used to determine if adequate drills are being conducted and recorded. Inspection personnel should pay close attention to detail when reviewing mine record books.

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

Adequate Inadequate Not Applicable Comments Below

75. Evaluate approved training plan after discussion with miners

Adequate Inadequate Not Applicable Comments Below

Miners were well aware of the provisions of the approved training plan.

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

Adequate Inadequate Not Applicable Comments Below

78. Evaluate the ten most current completed E02 (103(i) spot) inspection reports

Adequate Inadequate Not Applicable Comments Below

Some E02 spot inspection reports only indicated a cursory examination of underground areas of the mine and did not always include attention to conditions or practices commonly associated with the hazards intrinsic to excessive methane liberation, such as permissibility, trailing cables, calibration of methane monitors, etc.

District Field Office Mine ID()
 b Date

Recommendation – 103(i) spot inspections should be tailored to the reason the mine was placed in 103(i) status. This includes an examination of at least one area particular to that type of inspection, such as permissibility on one or more pieces of equipment on a section or in a return air course, i.e. check calibration of methane monitors, inspect trailing cables for ignition source, permissibility of face equipment such as the continuous mining machine, roof bolting machine, or a inspect permissible pump in a return.

Reference – CMS&H Memo No. HQ-07-083-A (SEC-103).

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

Adequate Inadequate Not Applicable Comments Below

There were at least 10 instances where the evaluation of gravity, negligence, or the level of enforcement did not appear commensurate with the type of violation issued or the narrative of the citation. These citations are included in Attachment B of this report. Questioned evaluations are shaded.

During the period from October 01, 2008 through August 18, 2009, there were 192 modifications of citations/orders, 30 that were vacated, and 14 that were extended 4 or more times.

Recommendation – The district should provide additional instruction to field personnel regarding the proper evaluation of citations and orders for the level of enforcement, gravity, negligence, and the number of persons affected.

Reference – Citation and Order Writing Handbook for Coal Mines and Metal and NonMetal Mines (PH08-I-1), Chapter 4

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

District Field Office Mine ID Date

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

The supplements for the Buchanan mine were reviewed and approved in a timely manner.

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

Adequate Inadequate Not Applicable Comments Below

Onsite interviews with miners indicated they were very familiar with the provisions of approved plans.

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

District Field Office Mine ID Date

110.	Determine if the overall design of the mine plan was assessed to avoid future problems					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	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	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

115.	Evaluate the effectiveness of management's support of, and communication with, inspectors and specialists					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below
Highly commendable level of communication between field office inspectors, supervisors, both ADMs, and the District Manager.						

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

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	2. Time (24 Hr. Clock)	3. Citation/ Order Number
4. Served To	5. Operator	

8. Condition or Practice

8a. Written Notice (103g)

COMBUSTIBLE MATERIAL CONSISTING OF A CALIBRATION GAS/AIR KIT A MIXTURE OF 2.5% METHANE, PAPER, CARD BOARD BOXES, PLASTIC AND A 10/5 POWER CABLE IS BEING STORED ON THE 001-0 MMU SECTION ENERGIZED POWER CENTER S/N 12856.

See Continuation Form (MSHA Form 7000-3a)

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

Section II--Inspector's Evaluation

10. Gravity:

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

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

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

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

12. Type of Action 04(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 COMBUSTIBLE MATERIAL HAS BEEN REMOVED FROM THE POWER CENTER ALSO CONDITION DISCUSSED WITH MANAGEMENT.

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 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	2. Time (24 Hr. Clock)	3. Citation/ Order Number
4. Served To	5. Operator	
(Contractor)		

8. Condition or Practice

8a. Written Notice (103g)

THE 001-0 SECTION STAMLER FEEDER WAS NOT ADEQUATELY GUARDED SUFFICIENT TO PREVENT A PERSON FROM BEING CAUGHT BY MOVING PARTS AND BEING INJURED. AN AREA UNDERNEATH THE TOP LID WITHIN 6 INCHES WAS OBSERVED AT THE HEAD ROLLER SHAFT LOCATED ON THE DUMP END AND ON THE TRAVELWAY SIDE. THE BEARING AND SHAFT IS OUT 2 INCHES FROM THE FRAME WITH THE DIAMETER 6 INCHES AND 4 INCHES RESPECTIVELY. AN OPENING (SLOT) APPROXIMATELY THE SIZE OF THE FINGER IS AROUND THE BEARING AND FRAME WHICH PRESENTS A HAZARD IF ONE ACCIDENTALLY MADE CONTACT WITH THEIR HAND.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1722(a)

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

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 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 [REDACTED]	2. Time (24 Hr. Clock) [REDACTED]	3. Citation/ Order Number [REDACTED]
4. Served To [REDACTED]	5. Operator [REDACTED]	

8. Condition or Practice

(Contractor)
 8a. Written Notice (103g)

LOOSE WET COAL AND COAL FINES HAS ACCUMULATED OR SPILLED OUT FROM THE 001-0 SECTION FACE BELT TAIL PIECE/ STAMLER FEEDER LOCATED ON THE OFF SIDE OF THE 001-0 SECTION FEEDER. THE COAL MEASURED FROM 7' IN LENGTH, 3' IN WIDTH AND FROM 1" TO 24" WITH NO HEAT OBSERVED WHEN CONDITION CITED.

See Continuation Form (MSHA Form 7000-3a)

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

Section II--Inspector's Evaluation

10. Gravity:

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

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

C. Significant and Substantial: Yes No

D. Number of Persons Affected: 001

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

12. Type of Action 104(a)

13. Type of Issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action

A. Citation <input type="checkbox"/>	B. Order <input type="checkbox"/>	C. Safeguard <input type="checkbox"/>	D. Written Notice <input type="checkbox"/>	E. Citation/ Order Number	F. Dated Mo Da Yr
--------------------------------------	-----------------------------------	---------------------------------------	--	------------------------------	----------------------

15. Area or Equipment

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

Section III--Termination Action

17. Action to Terminate

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

Section IV--Automated System Data

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

MSHA Form 7000-3, 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=""/> <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=""/>	

(Contractor)

8. Condition or Practice

8a. Written Notice (103g)

THE APPROVED MONITOR SYSTEM WAS NOT BEING MAINTAINED AS DESIGNED. THE ENERGIZED 480 VOLT CABLE COUPLER SUPPLYING POWER TO THE NO. 2 21SC BEING USED ON THE 001-0 ACTIVE SECTION WAS NOT PROPERLY GROUNDED. THE EXTERNAL FRAME GROUND WAS NOT CONNECTED TO THE CAT HEAD. THE WIRELESS MONITORING SYSTEM REQUIRES THAT THE CAT HEAD BE GROUNDED WHILE IN SERVICE. THE MINE FLOOR IS DAMP TO WET AT THIS LOCATION. MINERS ARE REQUIRED TO TRAVEL AND OR WORK IN THIS AREA FOR 3 SHIFTS DAILY.

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 75.902
--------------	---	-------------------	---

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 EXTERNAL GROUND WAS CONNECTED TO THE POWER CENTER AND THE CAT HEAD.

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 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 <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=""/>	

(Contractor)

8. Condition or Practice

8a. Written Notice (103g)

THE APPROVED MONITOR SYSTEM WAS NOT BEING MAINTAINED AS DESIGNED. THE ENERGIZED 995 VOLT CABLE COUPLER SUPPLYING POWER TO THE NO. 1 CONTINUOUS MINER BEING USED ON THE 001-0 ACTIVE SECTION WAS NOT PROPERLY GROUNDED. THE EXTERNAL FRAME GROUND WAS NOT PROPERLY SECURED TO THE CAT HEAD, THE GROUND WAS VERY LOOSE. THE WIRELESS MONITORING SYSTEM REQUIRES THAT THE CAT HEAD BE GROUNDED WHILE IN SERVICE. THE MINE FLOOR IS DAMP TO WET AT THIS LOCATION.

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	75.902
--------------	--	-------------------	---------------------------------	--------

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 B. Time (24 Hr. Clock)

Section III--Termination Action

17. Action to Terminate THE EXTERNAL GROUND WAS SECURED TO THE CAT HEAD.

18. Terminated A. Date 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 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 2. Time (24 Hr. Clock) 3. Citation/Order Number

4. 5.

8. Condition or Practice

8a. Written Notice (103g)

THE NO. 28 AND 29 PERMANENT STOPPINGS CONSTRUCTED AS VENTILATION CONTROLS SEPARATING THE INTAKE AIR COURSE FROM THE BELT CONVEYOR ON THE NO 3 BELT CONVEYOR WERE NOT CONSTRUCTED IN A TRADITIONALLY ACCEPTED MANNER. THE STOPPINGS (2) ARE LOCATED ONE X-CUT OUTBY THE NO. 4 BELT DRIVE. THE WOOD ON THE TRAVELWAY SIDE HAD NOT BEEN COATED WITH A FLAME RETARDANT MATERIAL.

See Continuation Form (MSHA Form 7000-3a)

9. Violation A. Health Safety Other B. Section of Act C. Part/Section of Title 30 CFR 75.333(e)(1)(i)

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 B. Time (24 Hr. Clock)

Section III--Termination Action

17. Action to Terminate

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

Section IV--Automated System Data

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

22. Signature 23. AR Number

MSHA Form 7000-3a (10/2003) 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, 406 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	2. Time (24 Hr. Clock)	3. Citation/Order Number
4. Served To		5. Operator	

(Contractor)

8. Condition or Practice

8a. Written Notice (103g)

LOOSE WET COAL AND COAL FINES HAS EITHER ACCUMULATED, OR SPILLED ON THE OFF SIDE OF THE NO.3 TAIL PIECE, MEASUREMENTS TAKEN WERE RANGING FROM 1" TO 6" IN DEPTH, 4' IN WIDTH AND FOR 20' IN LENGTH. ALSO SEVERAL TONS OF LOOSE COAL HAS BEEN PUSHED OUT IN THE NO. 29 X.CUT ON THE TRAVELWAY SIDE, LOCATED 1 X-CUT OUTBY THE NO.4 BELT DRIVE.

See Continuation Form (MSHA Form 7000-3a)

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

Section II--Inspector's Evaluation

10. Gravity:

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

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

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

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

12. Type of Action 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

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 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 408 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District 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	2. Time (24 Hr. Clock)	3. Citation/ Order Number
4. Served To	5. Operator	

8. Condition or Practice

(Contractor)
8a. Written Notice (103g)

LOOSE WET COAL FINES HAS ACCUMULATED UNDERNEATH THE NO.4 BELT TAKE-UP, MEASUREMENTS TAKEN WERE 6' IN LENGTH, 4' IN WIDTH AND 18" IN DEPTH. ALSO THE CONVEYOR BELT IS BEGINNING MAKE CONTACT WITH THE MATERIAL.

See Continuation Form (MSHA Form 7000-3a)

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

Section II--Inspector's Evaluation

10. Gravity:

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

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

C. Significant and Substantial: Yes No

D. Number of Persons Affected: 001

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

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

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

15. Area or Equipment

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

Section III--Termination Action

17. Action to Terminate

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

Section IV--Automated System Data

19. Type of Inspection (activity code)	E01	20. Event Number	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 Mo Da Yr	2. Time (24 Hr. Clock)	3. Citation/ Order Number
4. Served To	5. Operator	
8. Condition or Practice		8a. Written Notice (103g)

THE LIFE LINE INSTALLED IN THE SECONDARY ESCAPEWAY FOR THE 001-0 WORKING SECTION WAS NOT BEING MAINTAINED THROUGHOUT THE MINE. THE LIFE WAS APPROXIMATELY 270 FEET OUTBY THE 001-0 MMU LOADING POINT.

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
			75.380(d)(7)(i)

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: 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	B. Time (24 Hr. Clock)

Section III--Termination Action

17. Action to Terminate

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

Section IV--Automated System Data

19. Type of Inspection (activity code)	E01	20. Event Number	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	Mo Da Yr	2. Time (24 Hr. Clock)	3. Citation/Order Number
4. Served To	5. Operator		

8. Condition or Practice

8a. Written Notice (103g)

A GUARD WAS NOT PROVIDED FOR THE NO. 4 BELT CONVEYOR WHERE MAN TRIPS, OR OTHER SELF-PROPELLED PERSONNEL CARRIERS TRAVEL UNDERNEATH THE MOVING BELT CONVEYOR. THE MANTRIP ROADWAY IS USED FOR 3 SHIFTS DAILY TO AND FROM THE 001-0 WORKING SECTION THIS IS A NOTICE TO PROVIDE SAFEGUARDS REFERENCE TO 75.1403-(5)(J) WHERE OPEN MAN TRIPS ARE USED WHILE PASSING UNDERNEATH ANY MOVING BELT CONVEYORS.

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	75.1403
--------------	--	-------------------	---------------------------------	---------

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 Mo Da Yr	B. Time (24 Hr. Clock)
---------------------	------------------	------------------------

Section III--Termination Action

17. Action to Terminate

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

Section IV--Automated System Data

19. Type of Inspection (activity code)	E01	20. Event Number	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

GH 8/24/09

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=""/>	

(Contractor)

8. Condition or Practice

8a. Written Notice (103g)

THE MINE EMERGENCY EVACUATION TRAINING AND DRILLS WERE NOT BEING FOLLOWED AS REQUIRED. RECORDS INDICATE THE OWL SHIFT CREW WHILE PARTICIPATING IN THE TRAINING/ DRILL ARE NOT ALTERNATING THE ESCAPEWAYS. THE CREW HAS TRAVELED THE ALTERNATE ESCAPEWAY FOR THE LAST TWO QUARTERS 3/6/09 AND 4/10/09.

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	75.1504(b)(3)(ii)
--------------	--	-------------------	---------------------------------	-------------------

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 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 B. Time (24 Hr. Clock)

Section III—Termination Action

17. Action to Terminate THE CONDITION/PRACTICE AND REQUIREMENTS WERE DISCUSSED WITH MANAGEMENT.

18. Terminated A. Date 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 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.

District Field Office Mine ID Date

Selected Enforcement Actions with Questionable Evaluations

Citation	Date Issued	Type Issue	30 CFR	S&S	Likely	Injury	No. Affected	Neg
		104(a) Cit	75.1100-2(a)(1)	N	UL	DL 10		Mod

The 001-0 MMU active working section was not equipped with enough fire hose to reach each working face. When checked there was no fire fighting hose at all on the section.

Citation	Date Issued	Type Issue	30 CFR	S&S	Likely	Injury	No. Affected	Neg
		104(a) Cit	75.1107-3(d)	N	UL DL		1	Low

The fire suppression system installed on the Highland Machinery Shuttle Car, Co. # 1 (s/n 1021-08-1001), used on the active 001-0 MMU section of this mine, is inoperative, due to the shaft on the actuation bottle being broken. The knob was completely missing.

Citation	Date Issued	Type Issue	30 CFR	S&S	Likely	Injury	No. Affected	Neg
		104(a) Cit	75.515	N	UL	DL	1	Mod

The 4/0 cable supplying 480 volt power to the Stamler Feeder (S.N.136537) did not enter an electric compartment through proper fittings. When checked the cable has been pulled out of the fitting where it enters the main control panel. The cable has been pulled out 2 and 1/2 inches exposing the insulated leads. The feeder is located on the active 001-0 MMU.

Citation	Date Issued	Type Issue	30 CFR	S&S	Likely	Injury	No. Affected	Neg
		104(a) Cit	75.208	N	UL	DL	1	Mod

There is not a visible warning device to show the end of permanent roof support in #6 heading on the active 001-0 MMU. The bolter is in this entry but is not being operated.

Citation	Date Issued	Type Issue	30 CFR	S&S	Likely	Injury	No. Affected	Neg
		104(a) Cit	75.4	N	UL DL		1	Mod

There were accumulations of combustible material in the form of oil soaked coal and coal dust present on the Co. #3 S&R Scoop (S.N. 486-1035). The accumulations were located by the main control panel and the pump motor compartment. The accumulations measured from 3 to 10 inches deep, 36 inches wide, and 39 inches long (all measurements were taken with a standard rule). The accumulations are black in color.

Citation	Date Issued	Type Issue	30 CFR	S&S	Likely	Injury	No. Affected	Neg
		104(a) Cit	75.4	N	UL DL		1	Mod

There were accumulations of combustible material present on the Highland Machinery 10SC Co.#3 (S.N. 1021-08-1003) Shuttle Car. The accumulations were in the form of oil soaked loose coal and coal dust. The accumulations were located in the pump motor compartment. The accumulations measured 30 inches long, 5 inches deep, and 18 inches wide (all measurements taken with a standard rule). The accumulations were black in color.

District Field Office Mine ID Date

Selected Enforcement Actions with Questionable Evaluations

Citation	Date Issued	Type Issue	30 CFR	S&S	Likely	Injury	No. Affected	Neg
[REDACTED]	[REDACTED]	104(a) Cit	75.211(d)	N	UL DL		1	Mod
<p>A BAR FOR TAKING DOWN LOOSE MATERIAL WAS NOT PRESENT IN THE WORKING PLACE OR PROVIDED FOR THE NO.2 FLETCHER DRILL S/N 2004039 BEING USED ON THE 001-0 ACTIVE SECTION.</p>								

Citation	Date Issued	Type Issue	30 CFR	S&S	Likely	Injury	No. Affected	Neg
[REDACTED]	[REDACTED]	104(a) Cit	75.606	N	UL	DL	1	Mod
<p>THE ENERGIZED 480 VOLT TRAILING CABLE SUPPLYING POWER TO THE 001-0 SECTION FEEDER WAS NOT PROTECTED TO PREVENT DAMAGE BY MOBILE EQUIPMENT. EVIDENCE OF RUBBER TIRE MARKS AND DEPRESSION IN THE MINE FLOOR INDICATED THE CABLE HAD BEEN RUN OVER FOR A DISTANCE OF 83 INCHES LOCATED ON THE RIGHT INBY RIB ADJACENT TO THE NO. 5 BELT CONVEYOR AND ONE X-CUT OUTBY THE FEEDER. THE TIRE MARKS APPEARS TO BE FROM A BATTER POWER 3-WHEELER.</p>								

Citation	Date Issued	Type Issue	30 CFR	S&S	Likely	Injury	No. Affected	Neg
[REDACTED]	[REDACTED]	104(a) Cit	75.902	N	UL	DL 1		Mod
<p>THE APPROVED MONITOR SYSTEM WAS NOT BEING MAINTAINED AS DESIGNED. THE ENERGIZED 995 VOLT CABLE COUPLER SUPPLYING POWER TO THE NO. 1 CONTINUOUS MINER BEING USED ON THE 001-0 ACTIVE SECTION WAS NOT PROPERLY GROUNDED. THE EXTERNAL FRAME GROUND WAS NOT PROPERLY SECURED TO THE CAT HEAD, THE GROUND WAS VERY LOOSE. THE WIRELESS MONITORING SYSTEM REQUIRES THAT THE CAT HEAD BE GROUNDED WHILE IN SERVICE. THE MINE FLOOR IS DAMP TO WET AT THIS LOCATION.</p>								

Citation	Date Issued	Type Issue	30 CFR	S&S	Likely	Injury	No. Affected	Neg
[REDACTED]	[REDACTED]	104(a) Cit	75.1504(b)(3)(ii)	N	UL	NDL 14		Mod
<p>THE MINE EMERGENCY EVACUATION TRAINING AND DRILLS WERE NOT BEING FOLLOWED AS REQUIRED. RECORDS INDICATE THE OWL SHIFT CREW WHILE PARTICIPATE IN THE TRAINING/ DRILL ARE NOT ALTERNATING THE ESCAPEWAYS. THE CREW HAS TRAVELED THE ALTERNATE ESCAPEWAY FOR THE LAST TWO QUARTERS 3/6/09 AND 4/10/09.</p>								