



February 21, 2008

MEMORANDUM FOR RICHARD E. STICKLER

Acting Assistant Secretary for
Mine Safety and Health

Charles J. Thomas

FROM:

CHARLES J. THOMAS
Director, Office of Accountability

SUBJECT:

MSHA Office of Accountability Audit, Madisonville,
Kentucky, Field Office, and [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), MSHA Form 7000-20 (PKW), mine plans, and the conditions and practices at the mine. Initially, the audit focused on the high incidence of roof falls and reportable injuries related to roof. The audit was conducted during the week of [REDACTED] by Jerry Kissell, Arlie A. Webb, and Charles Thomas. Positive findings and issues requiring attention are included in this audit report.

Overview

The mine operator is proactive with respect to roof related accidents and associated injuries, and has required roof bolter operators to wear Kevlar sleeves. ERP compliance is excellent. Four distinct means of communications between the surface and underground locations are being maintained, as well as an electronic tracking system for all personnel. Underground shelters or "Safe havens" are provided at two locations underground, as well as supplies for breathable air.

All inspection reports, notes and other documentation indicate the mine is being inspected in its entirety each quarter. Inspectors spent 73% of their E01 time on-site, and 25% on the active sections. Inspectors spent 79% of their E02 time on-site, and 53% on the active sections.

Although the Uniform Mine File Handbook and the retention schedules are obsolete, District 10 has implemented an effective alternative means to track the mine inspection. You can now file your MSHA forms online at www.MSHA.gov. It's easy, it's fast, and it saves you money!

and violation history. The district is utilizing the FARs Inspection Activity Report in place of the MSN 065.

The construction of a set of forms for a 120 psi seal and the pumping of another 120 psi seal were observed during this audit. The seals are well built, all cables, roof straps, and other conductive materials had been removed, and the observable area inby the seals had been well rock dusted.

The currently approved mine ventilation plan contains additions dated from March of 2006 to present, and needs to be consolidated into a single document. The plan may also need to be revised to provide additional air quantity for the left side miner on the 005-0 mmu to better dilute and remove methane while cutting coal.

The level of enforcement and determinations of negligence do not appear consistent with the nature and number of violations cited. Most notable were citations issued under 30 CFR, §75.503, §75.517, §75.604(b), and §75.606 for permissibility violations and damage to cables on continuous miners, shuttle cars, and roof bolting machines.

The Peer Review process with regard to District 10 appears good. Although district Peer Reviews appear complete, thorough, timely, and address the root causes of observed issues, a consistent, well-defined method for addressing deficiencies and measuring corrective actions is recommended.

Audit Results (Positive Findings)

General

1. The roof control group, in conjunction with the field office, required the operator to shorten the roof bolt spacing in November 2007, from 4 ½' x 5' to a new minimum requirement of 4' x 5'. Significant improvement in roof conditions was observed by district personnel, and the audit team concludes the November 2007 plan is adequate for current mining and geological conditions.
2. The operator has also been proactive with respect to roof related accidents and associated injuries, most of which were cuts, scrapes, and bruises of the roof bolting machine operator's forearms. Kevlar sleeves are now required by company policy for all roof bolting machine operators.
3. The application of rock dust was well above average in most areas of the mine, including return air courses and at belt transfer points.
4. All inspection reports, notes and other documentation indicate the mine was inspected, in its entirety, each quarter.
5. Inspectors often included a description of the "root cause" of violations in their field notes. The field notes also indicated the inspectors discussed these root causes with miners and mine management.

6. Inspectors spent an average of 73% of the total E01 inspection time on-site, and 25% of the total E01 inspection time was spent on the active sections. Likewise, 79% of the total 103(i) inspection (E02) time was spent on-site, with a highly commendable 53% of that time being spent on the active sections.

Field Activity Reviews

1. During Fiscal Year 2007, the field office supervisor conducted four FARs.
2. In each case, the supervisor traveled underground and accompanied the inspector throughout the day's activities.
3. FARs were adequately documented and indicated the supervisor observed all aspects of the inspector's activities.

Uniform Mine File (UMF)

Although the Uniform Mine File Handbook and the retention schedules (MSHA Forms 2000-166 and 2000-167) are obsolete, MSHA District 10 has implemented an effective means to track the mine inspection and violation history formerly listed on MSN 065. The district is utilizing the FARs Inspection Activity Report in place of the MSN 065.

Emergency Response Plan (ERP)

1. This mine has four independent means of communication between the surface and underground workings; the mine phone, an additional mine phone in the intake air course, a "leaky feeder" radio communication system, and a telephone line connected to the local telephone provider. In addition, an electronic tracking system is utilized to continuously track the location of all persons underground.
2. Lifelines are installed in the primary and alternate escapeways from the working sections to the shelter holes (safe havens) and to the shafts and slope.
3. Fire drills were conducted using various scenarios to simulate actual emergency situations such as inundations, fires and explosions. Records and interviews with employees indicate that drills were alternated between the primary and alternate escapeways and that all employees participated.
4. Mine management conducted intermittent or "surprise" fire drills to determine the effectiveness of training.
5. SCSR expectation training and underground storage of SCSRs are in accordance with the approved ERP.
6. Two "safe havens" (underground emergency shelters) are provided at this mine. Each consists of a crosscut isolated from the mine workings by two Mitchell-Barrett type seals with entrance doors rated at 50 psi. The safe havens are equipped with SCSRs, food and water. A six-inch diameter borehole extends from the safe haven to the surface, where a diesel-powered blower fan is kept on standby.

Seals

1. During this audit, the construction of 120psi rated seals was observed. A set of seals, designated as the "Z2B Seals" was being constructed in the 2nd South East Sub Mains. Although many of the seals had already been built, the audit team was able to examine the construction of a set of forms for one seal and the pumping of another seal.
2. Forms were well constructed and cribs had been built on the inby and outby faces of the seals. The mine surfaces had been scoured down to competent material and all cables, roof straps, and other conductive materials had been removed.
3. The observable area inby the seals had been well rock dusted. Pumping of each seal was accomplished in approximately 3 hours. Completed seals were 16 feet thick and from 5 to 6 feet in height.

Record Books

1. Record books were found to be in very good condition. A total of 78 different mine record books, records of examinations, and required mine postings were examined with no deficiencies observed.
2. Record books indicated thorough examinations, with hazards and corrective associated corrective actions entered.
3. Records of examinations of seals were complete and all observed hazardous conditions were addressed timely.

Audit Results (Issues Requiring Attention)

Ventilation Plan

1. The currently approved mine ventilation plan has more than 20 revisions, addendums, updates, informational letters, and other correspondence attached, dating from March 2006 to January 2008. This plan needs to be consolidated into a single plan to improve the inspector's ability to enforce the plan as well as the operator's ability to comply with it. The District staff agrees and is working towards consolidation of the ventilation plan. - *Audit Team Recommendation*
2. According to underground observations and methane readings recorded during on-shift examinations, the mine appears to be generally well ventilated. However, observation of the mining cycle on the left side of Unit # 5 (mmu 005-0) on the second day of underground inspection revealed an issue that needs to be addressed in the plan. Even with the line curtain properly installed and an air volume of 6,000 cfm at the inby end of the curtain, the methane concentration in the face area during the second cut of the mining cycle spiked as high as 1.4%, with the scrubber running. The methane concentration dropped to 0.8% when

the continuous mining machine was withdrawn approximately 6 feet from the face. A face liberation study is recommended for this mmu to determine if an increase in the minimum quantity of air is warranted. - 30CFR §75.323(b)(1) and 30 CFR §75.325(a)(1)

Fire Suppression

1. During this audit, one citation was issued for failure to provide a compatible nozzle for the fire hose at the 11-54 belt conveyor drive area. - 30CFR §75.1100-3
2. At least twenty-eight other fire taps, hoses and nozzles were examined during the audit and all were found to be well maintained, functional, and compatible.

Enforcement

The level of enforcement and determinations of negligence do not appear consistent with the nature and number of violations cited. Most notable were citations issued under 30 CFR, §75.503, §75.517, §75.604(b), and §75.606 for permissibility violations and damage to cables on continuous miners, shuttle cars, and roof bolting machines.

1. In 2006, there were 64 such citations issued for a rate of 0.12 citations per inspection day. In 2007, there were 122 such citations issued for a rate of 0.23 citations per inspection day, and during the first two months of 2008, there have been 35 such citations issued for a rate of 0.36 citations per inspection day.
2. Although the rate is climbing, there has been no increase in the level of enforcement. Of the 221 citations mentioned above, all 221 were issued as 104(a) citations.
3. The S&S determinations for these 221 citations do not appear consistent with the conditions in the mine, including the methane liberation rate (approximately 660,000 cubic feet per 24 hour period). 37.1% were determined to be S&S and 62.9% were determined to be non S&S.
4. Likewise, the negligence determination does not appear consistent with the number of citations issued. Of the 221 total citations issued, 203 were determined to be "Moderate Negligence," 15 were determined to be "Low Negligence," and only 3 were determined to be "High Negligence."
5. During the audit, a major contributor to damaged shuttle car cables appeared to be the cable guides or "bat wings" being damaged by contact with the section feeder. This resulted in sharp wedges, splinters, or burrs of metal that cut into the cable each time it was reeled or unreeled. - 30CFR §75.1725(a)
6. Ten consecutive 103(i) inspections (E02) were reviewed. Five of the inspections were conducted on Thursdays, with three of these on consecutive

Thursdays. E02 inspections should be alternated among the days of the week for greater effectiveness. – *103(i) of the Mine Act*

The audit team recommends the district consider an increased level of enforcement regarding repetitive violations.

Uniform Mine File (UMF)

1. Although the UMF was properly maintained at the district and field office levels, it was evident that revisions to the Mine File Handbook and associated retention schedules are needed to address current requirements and file retention times. – *Uniform Mine File Procedures Handbook*
2. The Emergency Response Plan (ERP), or parts of the plan, was found in three different areas of the UMF. This may have been due to the ERP's impact on ventilation plans, response to fires, and mine rescue. Although not the case in District 10, it is feared that multiple copies of a plan in the UMF may result in only one version being maintained up to date, which could lead to inconsistent enforcement. – *Uniform Mine File Procedures Handbook*
3. Five separate MSHA Forms 2000-86 for mmus 027, 035, 032, 036, and 030 were not signed by the inspector conducting the survey. (Note – These forms have been replaced with signed copies). – *Coal Mine Health Inspection Procedures Handbook*
4. One MSHA Form 2000-86 for mmu 029 was not signed by the field office supervisor. (Note – This form has been replaced with a signed copy). – *Coal Mine Health Inspection Procedures Handbook*
5. One 314(b) safeguard, filed in the UMF, was not signed by the inspector. (Note – This safeguard has been replaced with a signed copy). – *Coal Mine Health Inspection Procedures Handbook*

Peer Reviews

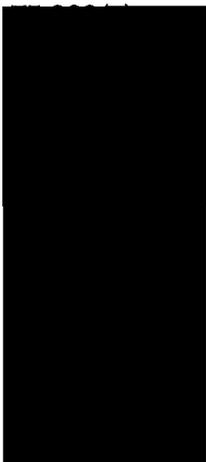
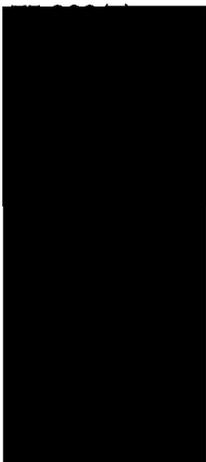
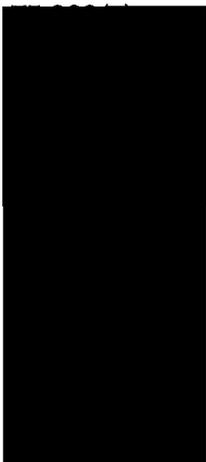
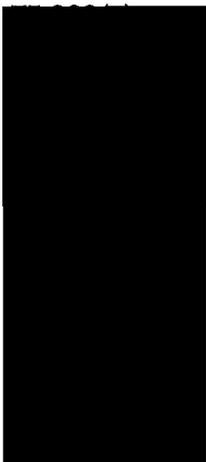
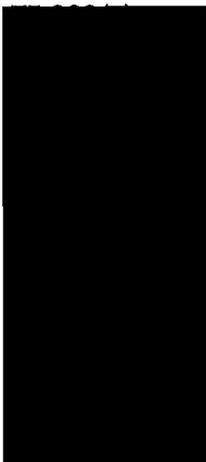
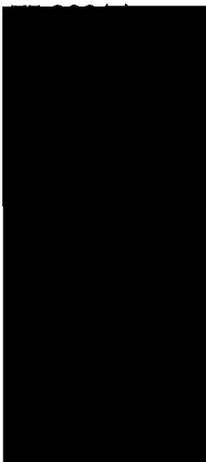
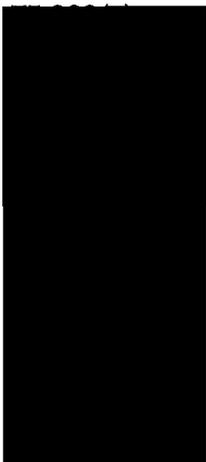
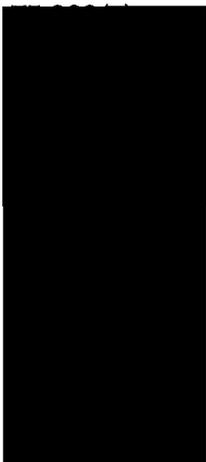
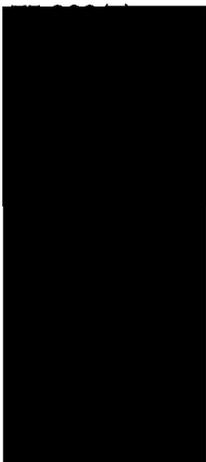
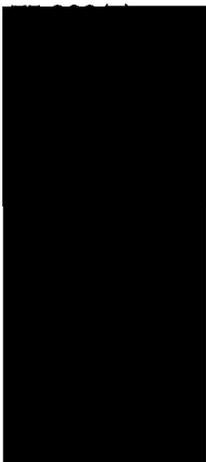
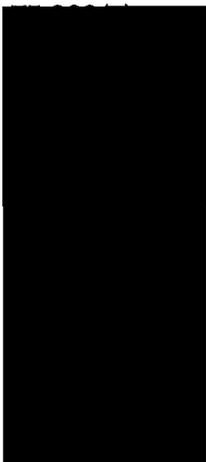
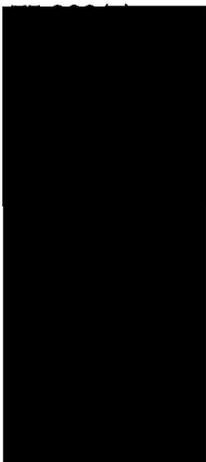
Although no Peer Reviews were conducted by Headquarters during 2007, the Peer Review process with regard to District 10 appears good. District Peer Reviews appear complete, thorough, timely, and address the root causes of observed issues. There are three issues identified by the Office of Accountability audit that require attention. According to the District Peer Review Reports for 2007,

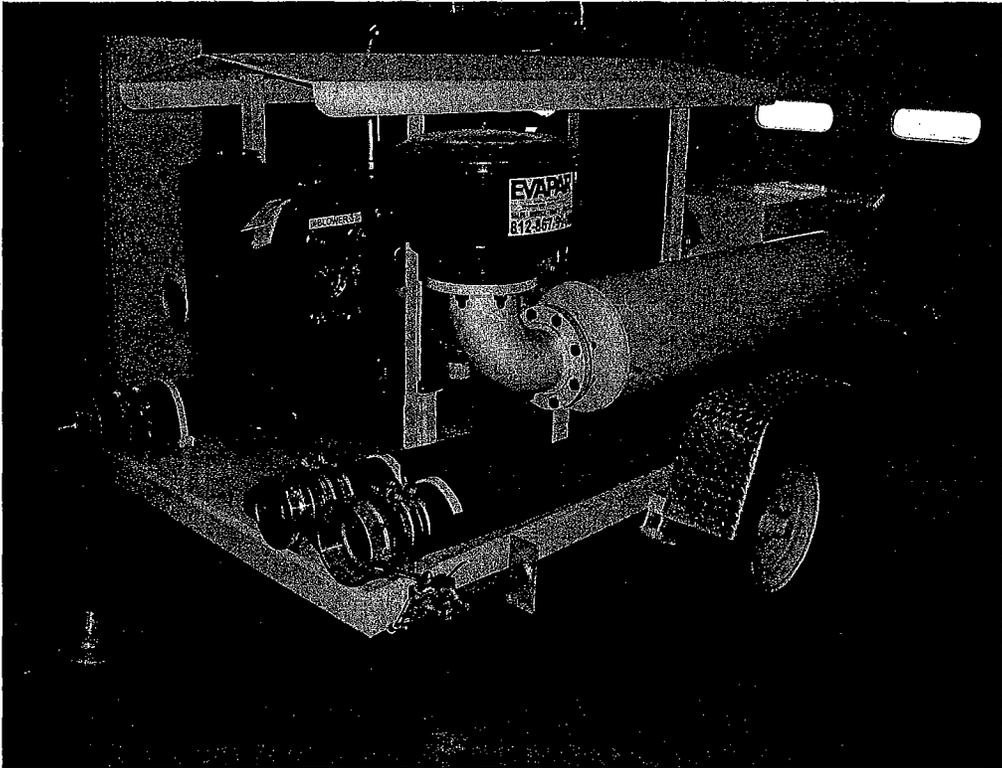
“Each Supervisor has developed and implemented a method which will help ensure that deficiencies associated with his work group have been appropriately addressed.”

1. The audit team recommends a consistent, district-wide method for addressing deficiencies rather than individual methods.

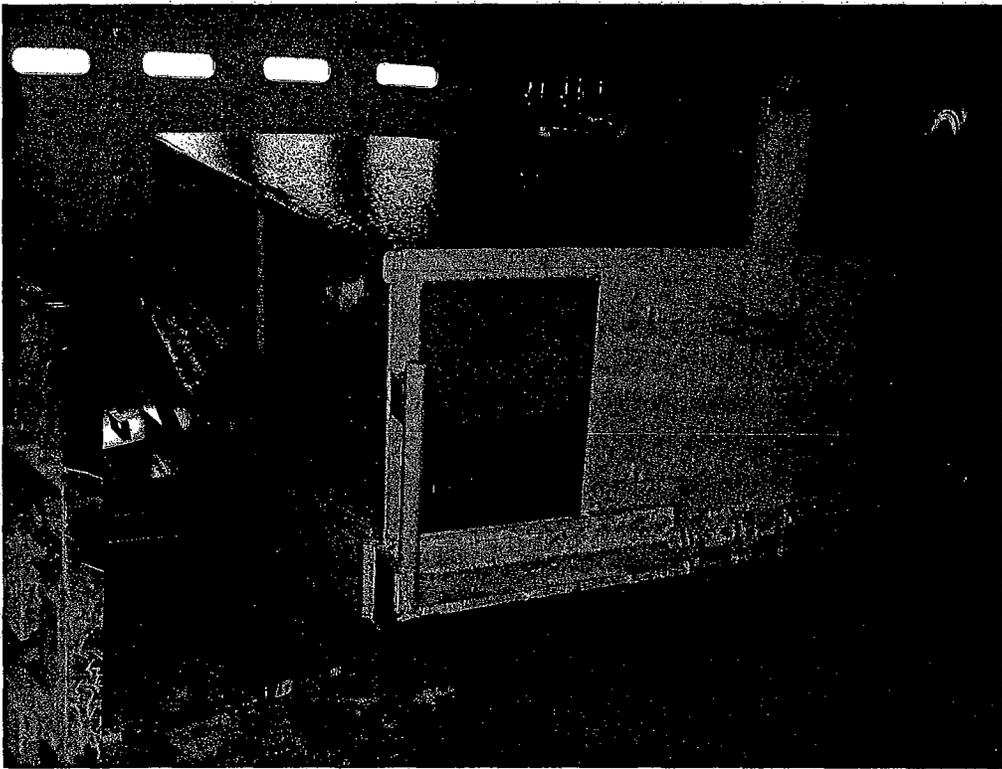
2. The term "method" should be defined in the body of the Peer Review report so all personnel will understand what process or procedure constitutes the method.
3. The district Peer Review memorandum does not contain a definitive means for measuring the success or failure of the corrective actions.

Attachments

- A. Photos of breathable air sled and diesel powered air pump for safe havens.
- B. Summary of the review for E01 inspection report for the 1st quarter of CY 2006 (2nd FY quarter)
- C. Summary of the review for E01 inspection report for the 2nd quarter of CY 2006 (3rd FY quarter)
- D. Citations issued during this audit
 1. 
 2. 
 3. 
 4. 
 5. 
 6. 
 7. 
 8. 
 9. 
 10. 
 11. 
 12. 



Diesel-Powered Air Blower for Safe Haven Boreholes



Breathable Air Skid

Attachment A

District 10
Madisonville, Kentucky

CY 2006 1st Quarter Inspection Report - Event No. [REDACTED]

Positive Comments

1. The inspector's notes indicate attention to detail regarding the company's examination record books and the recording of observed hazards and corrective actions.
2. Field notes also indicate the mine is being inspected in its entirety.
3. Notes also indicate that safety talks were held frequently, on all shifts, with various relevant subjects being discussed.

Issues Requiring Attention

1. Recurring problems with damaged trailing cables do not appear to be adequately addressed in that all citations were issued as 104(a) and most were evaluated as moderate negligence. Considering the number of citations issued, and the recurring nature of this problem, a higher level of enforcement may be warranted.
2. Gravity and negligence evaluations did not always appear consistent with the narrative of the citations and supporting field notes.
3. In many instances, the facts relative to conditions or practices cited were not recorded in the inspector's field notes as required by the Coal General Inspection Procedures Handbook. Specifically, the questions regarding the person or persons who should have known the condition or practice existed and how long it existed were answered with "unknown" or "undetermined." In many of the instances cited, a deeper examination of company record books may have revealed the answers to both questions.

District 10
Madisonville, Kentucky

[REDACTED]
CY 2006 2st Quarter Inspection Report - Event No [REDACTED]

Positive Comments

1. Inspection records and field notes indicate that complete, thorough inspections are being made of the entire mine.
2. All shifts were inspected as required.

Issues Requiring Attention

1. The problem with damaged cables continues as evidenced by the citations issued during this inspection. However, citations are still being issued as 104(a) and evaluated as moderate negligence. There is no apparent increase in the enforcement level.
2. Supporting documentation in the inspector's field notes for some citations did not provide information to reflect the inspector's reasons for evaluating exposure, likelihood, and negligence. In many cases, the notes did not explain why a citation was determined to be S&S or why it was determined to be non S&S.
3. In numerous instances, the facts relative to conditions or practices cited were not recorded in the inspector's field notes as required by the Coal General Inspection Procedures Handbook. Specifically, the field notes for citation numbers [REDACTED] all indicate "unknown" regarding who knew the violation existed and for how long. In many of the instances cited, a deeper examination of company record books may have revealed the answers to both questions.

Attachment C

Attachment D

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. Mine ID	5. Operator	6. Mine
7. Mine ID		(Contractor)
8. Condition of Practice		8a. Written Notice (103g)

The roof and ribs on the front and back side of the 2B belt conveyor drive is not supported or controlled to protect persons traveling beside the drive. Three areas of loose ribs exist shoulder height or higher beside the walkway measuring 2 feet in width, 6 inches in thickness, and from 3 to 8 feet in length on the front side of the drive. One area of loose rib exist shoulder height beside the walkway measuring 2 feet in width, 6 inches in thickness, and 4 feet in length on the back side of the drive. On the back side several loose rocks are hanging over the walkway. Also, the first entry pillar line outby the drive in the supply entry a heavy cutter exist along the left rib line locking inby. Four roof bolt pin boards have been hit damaging the integrity of the roof support. Persons are traveling this entry to the new 22B seals and 2B belt drive.

See Continuation Form (MSHA Form 7000-3a)

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

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 type="checkbox"/>
		Permanently Disabling <input checked="" 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 type="checkbox"/>	D. High <input checked="" type="checkbox"/>	E. Reckless Disregard <input type="checkbox"/>
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12. Type of Action	104(a)	13. Type of Issuance (check one)	Citation <input checked="" type="checkbox"/>	Order <input type="checkbox"/>	Safeguard <input type="checkbox"/>
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14. Initial Action:		E. Citation/Order Number	F. Dated	Mo. Da. Yr.
A. Citation <input type="checkbox"/>	B. Order <input type="checkbox"/>	C. Safeguard <input type="checkbox"/>	D. Written Notice <input type="checkbox"/>	

15. Area or Equipment:	

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

Section III - Termination Action

17. Action to Terminate: The loose roof and ribs have been taken down on both sides of the 2B belt drive. 10 timbers have been set along the travel way outby 2B belt drive in the supply entry.

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
E01		

22. Signature	23. AR Number

MSHA Form 7000-3, Mar 85 (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.

Attachment D (cont.)

Mine Citation/Order U.S. Department of Labor
Mine Safety and Health Administration

Section I - Violation Data

1. Date: Mo Da Yr [redacted] Time (24 Hr. Clock) [redacted]

3. Citation/Order Number [redacted]

4. Served To [redacted]

5. OSHA [redacted]

6. Mine [redacted]

7. MSHA [redacted]

8a. Written Notice (1035) (Contractor)

The 2B belt conveyor is not being maintained in safe operating condition. Five crosscuts outby the #2 Unit the conveyor had a bottom roller with a busted can that is rubbing against the roller hanger on the back side of the belt. The operator immediately took the bottom roller out of the hanger correcting the hazard.

See Continuation Form (MSHA Form 7000-3a)

9. Violation A. Health Safety Other B. Section of Act [redacted] C. Part/Section of Title 30 CFR 75.1725(a)

Section II - Inspector's Evaluation

10. Gravely:
 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: 003

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

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

15. Area or Equipment: [redacted]

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

Section III - Termination Action

17. Action to Terminate: The belt roller has been taken out of service correcting the hazard.

18. Terminated: A. Date Mo Da Yr [redacted] 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 [redacted]

22. Signature [redacted] 23. AR Number [redacted]

MSHA Form 7000-3, Mar 88 (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 (1-888-724-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW, MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

Attachment D

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. Severity	5. Operator		
6. Mine	7. Mine ID		(Contractor)

8. Condition of Practice 8a. Written Notice (108g)

The Trailing Cable on Auxier-Welder Shuttle Car-B co. no. 4035 Ser. # 1012 has 5 openings in the cable exposing the inner bare conductor, one opening in the outer jacket is exposing the inner insulated conductor, This trailing cable is handled by the miners to move the cable as needed to allow other mobile equipment to pass under the cable, and is handled to move the cable and car. The mine floor is damp in this area. The cuts in the cable measured two inches in length approx.

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
			75.517

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

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 repairs were made to the trailing cable.

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. Priority of Mill
22. Signature	23. AR Number		

MSHA Form 7000-3, Mar 85 (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 220, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

Attachment D (cont)

Mine Citation/Order
Continuation

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



Section I - Subsequent Action/Continuation Data

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

Section II - Justification for Action

Change From To

B. Condition Or Practice

Reason Location of violation is unit # 2.

See Continuation Form

Section III - Subsequent Action Taken

B. 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
11. Signal	AR Number	12. Date Mo Da Yr

Attachment D (cont)

Mine Citation/Order

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



Section I - Violation Data

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

8. Condition or Practice 8a. Written Notice (1036)

The Bat Wing on Auxler-Welder Shuttle Car-B co. no. 4035 Ser. # 1012 located on MMU-036-0 has burrs and sharp edges on the wing. The trailing cable has a total of 5 places that are cut into the cable exposing the bare conductor and 1 exposing the inner insulated conductor.

See Continuation Form (MSHA Form 7000-34)

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 75.1723(a)
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Section II - Inspector Evaluation

10. Gravity:	A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>
B. Injury or illness could reasonably be expected to be:	No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>
C. Significant and Substantial:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
D. Number of Persons Affected: 001	

11. Negligence (check one)	A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless/Disregard <input type="checkbox"/>
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12. Type of Action 104(a)	13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/>
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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
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15. Area or Equipment

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

17. Action to Terminate The burrs and sharp edges were grinded off leaving a smooth surface.

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

19. Type of Inspection (activity code) E01	20. Event Number	21. Primary or Mill
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22. Signature	23. AR Number
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MSHA Form 7000-3, Mar 85 (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.

Attachment D (cont)

Mine Citation/Order

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

Section I - Violation Data		
1. Date Mo Da Yr	2. Time (24-Hr. Clock)	3. Citation/ Order Number
4. Served To	5. Operator	
6. Mine	7. Mine ID	(Contractor)

8. Condition or Practice 9a. Written Notice (102g)
 The Trailing Cable on Joy Shuttle Car-D co. no. 4019 ET-16480 located on unit # 2 has openings in the outer jacket exposing the inner insulated conductors. The Trailing cables are handled by the miners to move the cable, and to move the car and cable. The mine floor is damp in this area.

See Continuation Form (MSHA Form 7000-9a)

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 75.517
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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"/>	
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)
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Section III - Termination Action

17. Action to Terminate: The Trailing cable was repaired.

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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Section IV - Automated System Data		
19. Type of Inspection (activity code) E01	20. Event Number	21. Primary of Mill
22. Signature	23. AR Number	

MSHA Form 7000-3, Mar 89 (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 (1-888-724-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 400 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.

Attachment D (cont)

Mine Citation/Order
Continuation

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



Section I - Subsequent Action/Continuation Data

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

Section II - Qualification for Action

Change From To

8. Condition or Practice
Reason The Trailing Cable has 4 openings in the outer jacket, 3 are exposing the inner bare conductor and 1 exposing the inner insulated conductor.

9. C. Part/Section 75.517
Reason

10. A. Injury or Illness Unlikely Reasonably Likely
Reason Bare conductors

10. C. Significant and Substantial No Yes
Reason Bare conductors.

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 EOI	10. Event Number	
11. Signat	12. Date Mo Da Yr	13. Time (24 Hr. Clock)

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Attachment D (cont)

Mine Citation/Order

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



Section I - Violation Data

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

8. Condition of Practice

8a. Written Notice (1036)

The Bat Wing on Joy Shuttle Car-D co. no. 4019 ET-16480 located on unit# 2 has burrs and sharp edges on the wing. The Trailing Cable has a total of 4 openings, that are cited, in the outer jacket exposing the inner insulated conductors.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1725(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: 104(a)

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

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 burrs and sharp edges were grinded off leaving a smooth surface.

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, Mar 85 (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.

Attachment D (cont)

Mine Citation/Order

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



Section I - Violation Data

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

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

An accumulation of combustible material, loose coal and hydraulic oil, has accumulated on Auxier-Welder Shuttle car-B co. no. 4035 Ser.# 1012 in the reel compartment, located on MMU-035-0. The Trailing Cable was cited under 75.517 for exposed opening in the outer jacket and bare conductors.

See Continuation Form (MSHA Form 7000-3a)

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

10. Gravity:

A. Injury or illness (has) (is): No Likelihood 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

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 accumulations of combustible material was cleaned from the reel compartment.

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

Section IV - Automated System Data

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

MSHA Form 7000-3a, March (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 2720, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

Attachment D (cont.)

Mine Citation/Order U.S. Department of Labor Mine Safety and Health Administration

Section I - Violation Data

1. Date: Mo Da Yr 2. Time (24 Hr. Clock) 3. Citation/Order Number

4. Served To 5. Operator

6. Mine 7. Mine ID (Contractor)

8. Condition or Practice 8a. Written Notice (1035)

The 1st 42 belt conveyor entry from the belt drive to crosscut 15 has accumulations of coal dust, 1/16 inch deep, rib to rib, and on top of the belt framing. The accumulations are gray in color and on top of rock dusted surfaces.

See Continuation Form (MSHA Form 7000-3a)

9. Violation A. Health Safety Other B. Section of Act C. Part/Section of Title 30 CFR 75.400

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: 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

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 of Mill 22. Signature 23. AR Number

MSHA Form 7000-3a, Mar 89 (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, Me 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

Attachment D (cont.)

Mine Citation/Order

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



Section I - Violation Data

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

8. Condition or Practice: (Contractor)
By Written Notice (103g)

The 11.54 belt conveyor drive fire fighting equipment is not being maintained in a usable and operative condition. The fire hose nozzle would not attach to the fire hoses provided at the drive due to being a different thread size.

See Continuation Form (MSHA Form 7000-3g)

9. Violation	A. Health Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1100-3

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: 008

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

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 proper fire hose nozzle has been provided and tested for the belt drive.

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 MUI
B01		
22. Signature	23. AR Number	

MSHA Form 7000-3, Mar 85 (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, 488 and Street SW, MC 2126, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

Attachment D (cont.)

Mine Citation/Order U.S. Department of Labor
Mine Safety and Health Administration

Section I - Violation Data

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

(Contractor)

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

The roof is not being controlled to protect persons from hazards related to falling loose roof material on #5 Unit MMU 032. The location of the loose roof is on the right side of the 2nd open intersection outby the face of #1 entry. The loose roof measures 2 feet by 4 feet by 2 inches thick and is in line with the center of the adjacent crosscut toward 0 entry. Persons have been traveling through the crosscut toward the right three entries of the MMU.

See Continuation Form (MSHA Form 7000-3a)

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

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
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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 roof has been scaled down and a roof bolt spotted at the location.

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
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22. Signature	23. AR Number
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MSHA Form 7000-3, Mar 85 (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.

Attachment D (cont.)

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. Shift	5. Operator	
6. Mine	7. Mine ID	(Contractor)

8. Condition or Practice

8a. Written Notice (103g)

The #5 Unit, MMU 032, B shuttle car male disconnect device is not effectively grounded to the 5900 rectifier receptacle. The external ground cable is broken.

See Continuation Form (MSHA Form 7000-3e)

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
			75.701

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"/>	
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: The external ground cable has been repaired properly.

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

Section IV - Automated System Data

19. Type of Inspection (activity code)	B01	20. Event Number	21. Primary or Multi
22. Signature		25. AR Number	

MSHA Form 7000-3, Mar 89 (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 9th Street, SW, MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

Attachment D (cont)

Mine Citation/Order U.S. Department of Labor
Mine Safety and Health Administration

Section I - Violation Data

1. Date: [Redacted] Mo. Da. Yr. 2. Time (24 Hr. Clock): [Redacted] 3. Citation/Order Number: [Redacted]

4. Served To: [Redacted]

5. Operator: [Redacted]

6. Mine: [Redacted] (Contractor)

8. Condition of Practice: 8a. Written Notice (103g)
 The #5 Unit, MMU 032, B shuttle car canopy certification is not attached to the canopy or cab of the shuttle car.

9. Violation: See Continuation Form (MSHA Form 7000-9a)

A. Health Safety Other <input checked="" type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR
		75.1710-1(e)

Section II - Inspectors' 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: 000

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

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

15. Area or Equipment: [Redacted]

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

Section III - Termination Action

17. Action to Terminate: [Redacted]

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. Priority of Mill: [Redacted]

22. Signature: [Redacted] 23. AR Number: [Redacted]

MSHA Form 7000-3, Mar. 89 (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.