



OCT 17 2017

MEMORANDUM FOR PATRICIA W. SILVEY
Deputy Assistant Secretary for
Mine Safety and Health Administration

THROUGH: EMILY HARGROVE [REDACTED]
Acting Deputy Administrator for [REDACTED]
Metal and Nonmetal Mine Safety and Health [REDACTED]

FROM: THOMAS W. CHARBONEAU [REDACTED]
Director, Office of Assessments [REDACTED]

SUBJECT: Mine Safety and Health Administration (MSHA)
Office of Accountability Review
Metal and Nonmetal South Central District
Norman, Oklahoma Field Office, [REDACTED]
[REDACTED]

Introduction

This memorandum summarizes the Office of Accountability's review of the subject District Office, Field Office, and mine. This review included MSHA field activities; level of enforcement; conditions and practices at the mine; Field Accompanied Reviews (FARs); Office Reviews (ORs) and MSHA supervisory and managerial oversight. The accountability review also involved evaluations to determine if there were any issues in areas commonly identified during Agency internal reviews of MSHA's actions following past mine disasters.

Purpose

The purpose of this accountability review is to determine whether MSHA enforcement policies, procedures and guidance are being followed consistently; and to assess whether mission critical enforcement activities are accomplished effectively. The accountability review also identifies areas for improvement and the subsequent implementation of effective corrective actions to address any identified issues.

Overview

Office of Accountability (OA) Supervisor Ted Smith and Specialist Troy Davis (Review Team) conducted a review of Metal and Nonmetal's South Central District and the Norman, Oklahoma Field Office in accordance with the annual accountability review plan schedule. The onsite portion of the review was conducted from [REDACTED] [REDACTED]. The review focused on inspection activities conducted in FY 2016 and the first half of FY 2017, and included review of supervisory oversight activities (FARs and ORs). The review concentrated on two Regular Safety and Health Inspections (E01), of the [REDACTED] Event Nos. [REDACTED] and [REDACTED] conducted by the Norman, Oklahoma Field Office. The [REDACTED] was selected for review because it is a large surface operation.

Mine Visit [REDACTED]

Specialist Troy Davis accompanied the Assistant District Manager, Field Office Supervisor and an Inspector to the mine on [REDACTED] as part of a Safety and Health Spot Inspection (E16). During the visit, Mr. Davis evaluated general conditions at the mine; assessed whether conditions at the mine are commensurate with enforcement levels documented in the inspection reports he reviewed; and observed work practices at the mine site.

The mine is a surface [REDACTED] operation located in [REDACTED]. The mine employs approximately [REDACTED] miners working one, ten-hour production shift and one, ten-hour maintenance shift per day, five days per week. The mine produces an average of [REDACTED] annually. [REDACTED] is mined by drilling, blasting and is loaded into haul trucks and transported to the primary crusher on the property. The crushed material is then moved via conveyor belt to sizing screens and further processed for commerce.

The mine visit included inspections and observations of the following:

Surface

- Pre-Inspection conference
- Mine office
- Open pit
- Mining cycle to include drilling, blast preparation, loading and haulage
- Primary Crusher area
- Screening towers and conveyor belts
- Haulroads
- Loading operations at the stockpiles
- Highwall drill
- Drilling Contractor
- Utility Truck
- Front-end Loader.

Over the course of the inspection, the operator received five enforcement actions.
Review Results

Positive Findings:

This accountability review revealed positive findings in several areas, including the following:

1. The E01 inspection reports, notes and documentation were organized, clear and concise, and included pictures of violations.
2. In 2016, the District developed a PowerPoint presentation on Ground Control Hazard Recognition to provide additional training to inspectors as a result of onsite observations, technical support reviews and industry trends. The training was conducted in all nine of the District's Field Offices. Since receiving the training, the number of overall citations issued for standards involving ground control has increased, as enforcement personnel are more aware of what to look for.

The review identified one issue that required a corrective action plan.
(See Attachment B for Issues requiring a Corrective Action Plan and Attachment C for Office of Accountability Checklist Items)

Issue 1:

District staff and the Review Team analyzed the finding to determine the root causes of the issue:

A corrective action plan from the District Manager addressing the identified issues is attached to this report. (See Attachment A)

The Review Team identified and discussed with the District personnel, inspection and procedural best practices as described in the Metal and Nonmetal General Inspection Procedures Handbook. A general outline of discussion topics is included in an attachment to this memorandum. (See Attachment E)

As a part of the review, the OA compared enforcement levels of the mine with the Field Office, District, and national averages. The mine had a Significant and Substantial (S&S) rate of 43 percent during FY 2016, compared to the Field Office S&S rate of 24 percent; a District S&S rate of 25 percent; and the national S&S rate of 24 percent.

While the S&S rate for the mine was higher than the average S&S rates of the Field Office, District and nation the enforcement levels were appropriate with existing mining conditions and work practices based on the review and observations made during the mine visit.

Attachments

- A. Corrective Action Plan
- B. Issues requiring a Corrective Action Plan
- C. Office of Accountability Checklist
- D. Citations issued during this review

- [redacted] 41.13
- [redacted] 47.41(a)
- [redacted] 56.3200
- [redacted] 56.3200
- [redacted] 56.3401

- E. Discussion Topics

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Office of Accountability

District **South Central** Field Office **Norman, OK** Mine ID **[REDACTED]** Date **[REDACTED]**

Attachment A – Corrective Action Plan

U.S. Department of Labor

Mine Safety and Health Administration
1030 London Drive
Suite 400
Birmingham, AL 35211



July 17, 2017

MEMORANDUM FOR

TED SMITH **[REDACTED]**
Supervisor, Office of Accountability

THROUGH

Emily Hargrove **[REDACTED]**
Acting Deputy Administrator for Metal and
Nonmetal Mine Safety & Health
Arlington, VA

FROM:

Michael A. Davis **[REDACTED]**
District Manager, South Central District
Dallas, TX

SUBJECT

District Corrective Action Plan for Office of
Accountability Review Norman, OK

This is a response to the accountability audit conducted by the Office of
Accountability from **[REDACTED]** at the Norman, Oklahoma
field office. The results of the review identified one deficiency that needs to be
addressed by the South Central District (SC District):

Issue 1: **[REDACTED]**
[REDACTED]
[REDACTED]

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Mine Safety and Health Administration
Office of Accountability

District South Central Field Office Norman, OK Mine ID [REDACTED] Date [REDACTED]

• ROOT CAUSE:

[REDACTED]

Implementation of the new SEI system brought on additional issuances for review, namely 104(a) citations attached to 107(a) Imminent Danger orders and 104(g) orders, regardless of the negligence determination associated with either. Of the 252 total issuances reviewed, 58 were citations attached to 107(a) issuances and 47 were attached to 104(g) training orders for a total of 105 or 42%. The bulk of these citations were not issued with elevated negligence and, ultimately, were determined a 'no go,' but the SC District still had to go through the PKW required review.

In 2018, the SC District implemented a 14-day time limit for submission of PKWs from the field. This improved the overall timeframe but failed to reduce our response time to 30 days or less as anticipated. We found that the SEI system would not allow us to assign PK&Ws to the area supervisor for review when inspectors traveled outside of their assigned travel area when we assigned numerous inspectors from various field offices into other areas in order to complete mandated inspection obligations, as was the case in 2018. MNM inspectors travel the majority of the week. We found that we lost a significant amount of time as reviewers if we returned the PKW back to the initiator for support items. For example, a citation warranting a PKW issued on July 11 likely would not be entered into the system until July 17th, the Monday of the following week when the inspector is back in the office. The initiating inspector would be in travel status the following week when this item was returned for correction/supplemental information. At the earliest, the initiator would not get the request until the following Friday (the 28th) or more likely Monday (the 31st) when most inspectors review this type action. That is a total of 20 days before the item is returned with sufficient information to the reviewer. Further, the SEI system does not have automated notification protocol and requires constant checking for items in the folders ready for review.

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Office of Accountability

District

South
Central

Field Office

Norman, OK

Mine ID

Date

• **BACKGROUND**

The above describes the best case scenario and assumes that everyone in the chain was available for review during the proscribed period (i.e. no absence due to AUI/SL). There are multiple other factors that also may impede the 30-day review process. For example, when PKWs are returned for corrections, this can add an additional 1-2 weeks depending on timing for inspector availability. Additionally, there are times PKWs get stuck in the system and routed to an incorrect person/supervisor. It takes additional time to put in a ticket for the PEIR group to track it and correct the mistake. Lastly, there is no notification or prompting by the system when the PKW has been rejected for needed corrections.

• **PROPOSED CORRECTIVE ACTIONS**

The SC District will conduct a training session with all inspectors and supervisors on the timeframe requirements and the need for communicating to the next level reviewer once a PKW is completed. The training will cover the requirements listed in the Special Investigations Procedures Handbook for completing PKW forms and the 30-day timeline requirements. The District policy requiring all closed inspection reports from the previous week to be submitted prior to beginning the new week will be amended to include PKWs and SARs. The

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timeframe for inspectors to initiate the PKW will be set at 7 days. The guidance sheet listing all required information forms and attachments for processing PK&Ws will be provided on each jacketed report. Training will include a review of examples of identified deficiencies to assist inspectors and supervisors in preventing reoccurring deficiencies. To offset the system's lack of automatic notification when a level of review is complete, we will add an additional step to the review process and reviewers will make a weekly check of the system for any added PKWs.

All participants will sign an attendance roster and a record of the training will be kept with the corrective actions for this review.

- **OFFICE OR POSITION RESPONSIBLE FOR IMPLEMENTING THE CORRECTIVE ACTION(S):**
 - o Supervisor for Special Investigations
 - o ADM for Enforcement

- **TIMEFRAME FOR COMPLETION OF EACH CORRECTIVE ACTION:**

Training for inspectors and supervisors will be conducted within 30 days of acceptance of the CAP.

- **METHOD FOR DETERMINING SUCCESS:**

One quarter following the implementation of the corrective actions, the SC District will export the PKW log from MSIS and conduct a thorough review of all PKWs to determine compliance with guidelines, policies, and procedures.

- **A DESCRIPTION OF THE DOCUMENTATION THAT WILL DEMONSTRATE CLOSURE OF THE CORRECTIVE ACTION:**

The District Manager will send a memorandum to Ted Smith Supervisor, Office of Accountability, through Deputy Administrator for Metal Non Metal Mine Safety and Health.

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District Field Office Mine ID Date

Attachment B – Issues requiring a Corrective Action Plan

Issue 1:

Requirements: Special Investigations Procedures Handbook, PH05-I-4, page 4-2, states that for "each citation and/or order required by MSHA Policy to be reviewed, a Possible Knowing/Willful Violation Review Form, MSHA Form 7000-20, shall be completed." Page 4-3 states that "within **30 calendar days** of the date of issuance of the citation/order a determination must be made by the DM (with the assistance of the SSI) whether to initiate an investigation or take no further action."

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Attachment C – Office of Accountability Checklist

1. Determine if complete and thorough E01 inspections are being conducted and /or if policies and procedures were properly followed.
Adequate Corrective Action Needed Comments Below

2. Determine if documentation for inspections is complete and thorough.
Adequate Corrective Action Needed Comments Below

3. Determine if citations and orders issued during previous inspections were properly evaluated for gravity, negligence, level of enforcement, number of persons affected, and supported by documentation.
Adequate Corrective Action Needed Comments Below

4. Evaluate inspector(s) examination of required records and postings for compliance with applicable standards.
Adequate Corrective Action Needed Comments Below

5. Evaluate the inspector(s) physical examination of the active working areas of the mine and inspection of all mining cycles.
Adequate Corrective Action Needed Comments Below

6. Evaluate the inspector(s) on-site contaminant assessment and documentation.
Adequate Corrective Action Needed Comments Below

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7. Evaluate inspector(s) examination of electrical equipment, transformer stations, and/or electrical circuits.

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

9. Determine if Possible Knowing/Willful (PKW) Forms are documented and processed according to agency policy and procedures.



10. Evaluate 103(i) spot inspection (E02) reports for the office/district being reviewed for compliance with agency policies and procedures, including compliance with time frames and separating E02 inspections from other events.

Adequate Corrective Action Needed Comments Below

NA - The Field Office does not have any mines in a 103(i) status.

11. Determine if Hazard Complaint inspections/investigations are being conducted according to policy and procedures.

Adequate Corrective Action Needed Comments Below

12. Determine if supervisors are monitoring inspector time and activity to ensure proper use of time, including off-shift and weekend work, by all inspectors.

Adequate Corrective Action Needed Comments Below

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13. Are required Field Accompanied Reviews (FARs), Office Reviews (ORs) and supervisory follow-up reviews being conducted and documented according to agency policy and procedures?

14. Determine if a 104(d) tracking system is in place and being kept current at the office being reviewed.

Adequate Corrective Action Needed Comments Below

15. Determine if the Mine Files are legible, up to date, and reviewed by supervisors.

Adequate Corrective Action Needed Comments Below

16. Determine if supervisors are visiting active mines.

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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District Field Office Mine ID Date

18. Determine if Assistant District Manager is conducting the required second level reviews and holding supervisors accountable for oversight of Office Reviews and Field Accompanied Activity Reviews.

19. Determine if district management personnel are reviewing work products and reports for accuracy and completeness.

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

21. Determine if Districts, when required, are conducting in-depth accountability reviews in compliance with agency policy and procedures including follow-up to determine the effectiveness of corrective actions.

Adequate Corrective Action Needed Comments Below

22. Is methane liberation information being entered into the MSHA Standardized Information System (MSIS) accurately and in a timely manner?

Adequate Corrective Action Needed Comments Below

NA - No 103i mines/ other mine information is updated as needed.

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District Field Office Mine ID Date

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

Adequate Corrective Action Needed Comments Below

24. Evaluate the overall condition of the mine relative to the level of enforcement documented in previously completed inspections.

Adequate Corrective Action Needed Comments Below

25. Determine if inspectors have an understanding of when a violation of Section 103(a) for Advance Notice occurs and whether appropriate citations are issued for Advance Notice.

Adequate Corrective Action Needed Comments Below

26. Determine if the management resource tracking tool is being used to track resources regarding Special Investigations.

Adequate Corrective Action Needed Comments Below

27. Determine if retraining of supervisors, inspectors, and specialists is being tracked.

Adequate Corrective Action Needed Comments Below

28. Determine if supervisors are rotating the mine assignments annually among inspectors assigned to their Field Office.

Adequate Corrective Action Needed Comments Below

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District South Central Field Office Norman, OK Mine ID [REDACTED] Date [REDACTED]

Attachment D - Citations issued during the review

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

Section I - Violation Data

1. Date Mo Da Yr [REDACTED]	2. Time (24 Hr. Clock) [REDACTED]	3. Citation/Order Number [REDACTED]
4. Served To [REDACTED]		5. Operator [REDACTED]
6. Mine [REDACTED]		7. Mine ID [REDACTED] (Confession)
8. Condition or Practice		8a. Written Notice (100%) <input type="checkbox"/>

The Legal Identity Report Form 2000-7 had not been updated within the 30-day requirement period. Item 9 changed in January 2017 and the required update has not yet been made.

See Continuation Form (MSHA Form 7500-3a)

9. Violation	A. Health Safety Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 41.13
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Section II - Employer's Evaluation

10. Gravity:

A. Injury or illness (rank) (a) 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 104a: 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: [REDACTED] F. Dated: Mo Da Yr: [REDACTED]

15. Area or Equipment: [REDACTED]

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

Section III - Termination Action

17. Action to Terminate: The required update has been made and submitted to MSHA.

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

Section IV - Automated System Data

19. Type of Inspection (activity code) E 16	20. Event Number [REDACTED]	21. Primary or MII P
22. AR Name [REDACTED]		23. AR Number [REDACTED]

MSHA Form 7000-2, Apr 05 (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 (1-888-736-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 439 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 steps you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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 Mine Safety and Health Administration
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District South Central Field Office Norman, OK Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I - Violation Data

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

8. Condition or Practice 9a. Written Notice (103g)

There were two 5 gallon containers not provided with a label to indicate their contents. The containers were located in the bed of the drillers truck and is used to help maintain the drill as needed. This condition created the hazard of persons being injured should they come into contact with the contents and are not able to locate it in the MSDS for recommended treatments. Photo Taken.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 47.41a
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Section II - Hazardous Violation

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 Loss 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 B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action: 104a

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: [REDACTED]

F. Dated: Mo Da Yr

15. Area or Equipment

16. Termination Due

A. Date Mo Da Yr [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
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Section III - Termination Action

17. Action to Terminate: The containers have been provided with labels. Photo Taken.

18. Terminated

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

19. Type of Inspection (activity code) E16	20. Event Number [REDACTED]	21. Primary or MR P	22. AR Name [REDACTED]	23. AR Number [REDACTED]
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MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 400 3rd Street, SW, MC 2130, Washington, DC 20415. Please note, however, that your right to be a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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 Mine Safety and Health Administration
 Office of Accountability

District South Central Field Office Norman, OK Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I - Violation Data

1. Date Mo Da Yr [REDACTED]	2. Time (24 Hr. Clock) [REDACTED]	3. Citation/Order Number [REDACTED]
4. Sent To [REDACTED]		5. Director [REDACTED]
6. Mine [REDACTED]		7. Mine ID [REDACTED] (Contractor)

Section II - Condition or Practice

There were loose ground conditions observed in the [REDACTED] and were not taken down before work was permitted in the area. There were several sections of loose cap rock observed on the West high wall as well as in the corners. Persons have been working in the area mining the material at the base of the high wall. This condition created the hazard of persons being injured should they be struck by the loose materials. Photo Taken.

Standard 56.3200 was cited [REDACTED]

Free Continuation Form (MSHA Form 7000-2a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 56.3200
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Section III - 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 Debilitating <input type="checkbox"/>	Fatal <input checked="" type="checkbox"/>	
C. Significant and Substantial:			Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	D. Number of Persons Affected: (0)	
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"/>						
12. Type of Action (1/Na)			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			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 Date	A. Date Mo Da Yr [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
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Section III - Termination Action

17. Action to Terminate		
18. Terminated		
A. Date Mo Da Yr	B. Time (24 Hr. Clock)	

Section IV - Automated System Data

19. Type of Inspection (activity code) E16	20. Event Number [REDACTED]	21. Primary or MII P	22. AR Name [REDACTED]	23. AR Number [REDACTED]
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MSHA Form 7000-2, 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 Offices to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and makes each agency's responsiveness to small business. If you want to comment on the enforcement actions of MSHA, you may call 1-888-REG-PATH (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW, MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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 Mine Safety and Health Administration
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District South Central Field Office Norman, OK Mine ID [REDACTED] Date [REDACTED]

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

Section I - Subsequent Action/Continuation Data

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

Section II - Justification for Action

Mine management has scheduled to set off a shot tomorrow to remove a portion of the loose materials. They have also barricaded the area and posted signage against entry until the loose has been removed. This action is taken to allow mine management additional time needed to correct the hazardous condition. *Note: Copies*

See Continuation Form

Section III - Subsequent Action Taken

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

9. Type of Inspection E16	10. Event Number [REDACTED]					
11. AR Name [REDACTED]	AR Number [REDACTED]	12. Date [REDACTED]	Mo. [REDACTED]	Da. [REDACTED]	Yr. [REDACTED]	13. Time (24 Hr. Clock) [REDACTED]

MCHA Form 7000-2a, Mar 83 (revised)

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

District South Central Field Office Norman, OK Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I - Violation Data		
1. Date Mo Da Yr	2. Time (24 Hr. Clock) [REDACTED]	3. Citation/Order Number [REDACTED]
4. Served To [REDACTED]		5. Operator [REDACTED]
6. Mine [REDACTED]		7. Mine ID [REDACTED] (Contractor) <input type="checkbox"/>
8. Condition or Practice [REDACTED]		
8a. Written Notice (305g) <input type="checkbox"/>		

There were loose ground conditions observed in the [REDACTED] and were not taken down before work was permitted in the area. There was loose material along sections of the Southeast working face as well as a large section on the point/corner. Persons have been working in the area mining the material at the base of the high wall. This condition created the hazard of persons being injured should they be struck by the loose materials. Photo Taken.

Standard 56.3200 was cited [REDACTED]

See Continuation Form (MSHA Form 7000-24)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 56.3200
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Section II - Inspector's Evaluation

10. Gravity:				
A. Injury or Illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or Illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Debilitating <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			D. Number of Persons Affected: (0)	
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 Derogant <input type="checkbox"/>				
12. Type of Action: 104g		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. Safeguarded <input type="checkbox"/> D. Written Notice <input type="checkbox"/>			E. Citation/Order Number	
15. Area or Equipment				

15. Termination Due	
A. Date Mo Da Yr	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) I16	20. Event Number [REDACTED]	21. Primary or Mtl P	
22. AR Name [REDACTED]			23. AR Number [REDACTED]

MSHA Form 7000-2, 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 informs 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 20516. 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 South Central Field Office Norman, OK Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order
Continuation

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



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

Section II—Justification for Action

Mine management has barricaded the area and posted signage against entry until the loose material can be removed. This action is taken to allow mine management additional time needed to correct the hazardous condition. Photo Taken.

See Continuation Form

Section III—Subsequent Action Taken				
8. Extended To	A. Date Mo Da Yr [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]	<input type="checkbox"/> C. Vacated <input type="checkbox"/> D. Terminated <input type="checkbox"/> E. Modified	
Section IV—Inspection Data				
9. Type of Inspection E16		10. Event Number [REDACTED]		
11. AR Name [REDACTED]		AR Number [REDACTED]	12. Date Mo Da Yr [REDACTED]	13. Time (24 Hr. Clock) [REDACTED]

MSHA Form 7000-26, Mar 80 (revised)

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

District South Central Field Office Norman, OK Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I - Violation Data

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

8. Condition or Practice

8a. Written Notice (100g)

Persons designated by mine management failed to conduct an examination of ground condition before work/travel was permitted in the [REDACTED]. There were loose ground conditions observed on the Southeast wall and persons were permitted to perform normal work activity in the area.

See Citation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 66.3401
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Section II - Injury or Illness Evaluation

10. Gravity:				
A. Injury or Illness (rate) 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 type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			D. Number of Persons Affected: (0)	
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"/>				
12. Type of Action: 104a		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>				E. Citation/ Order Number
15. Area or Equipment				

15. Termination Due	A. Date Mo Da Yr [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
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Section III - Termination Action

17. Action to Terminate

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

19. Type of Inspection (activity code) E16	20. Event Number [REDACTED]	21. Primary or MR P	23. AR Number [REDACTED]
22. AR Name [REDACTED]			

MSHA Form 7000-3, Apr 06 (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

South Central

 Field Office

Norman, OK

 Mine ID

██████████

 Date

██████████

Attachment E – Discussion Topics

- **MSHA Photo Form** – The most current MSHA Form 4000-125 June 2009 (Photo mounting sheet) was not being used in the E01 reports reviewed by the OA Review Team. However, the Inspectors were including all the required information on the old version of the form. See GIPH, page 66 and 78, for reference.