



APR 16 2019

MEMORANDUM FOR PATRICIA W. SILVEY

Deputy Assistant Secretary for
Mine Safety and Health Administration

THROUGH:

TIMOTHY R. WATKINS [REDACTED]
Administrator for
Mine Safety and Health Enforcement

FROM:

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

SUBJECT:

Mine Safety and Health Administration (MSHA)
Office of Accountability Review
Coal District 10, Madisonville, Kentucky Field Office
[REDACTED]

Introduction

This memorandum summarizes the Office of Accountability's (OA) review of Coal's District 10 Madisonville, Kentucky Field Office. The review focused on enforcement activities at the [REDACTED] This review included MSHA field activities, level of enforcement, conditions and practices at the mine, Field Activity Reviews, Accompanied Activity Reviews and MSHA supervisory and managerial oversight activities.

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 evaluates the subsequent implementation of effective corrective actions to address any identified issues.

Overview

Office of Accountability Specialists Mark Odum and Troy Davis (Review Team) conducted the review in accordance with the annual accountability review plan schedule. The review concentrated on one Regular Safety and Health Inspection (E01), of the [REDACTED] Event No. [REDACTED]. The OA selected the mine for review because it is an underground operation with two Mechanized Mining Units (MMUs). The Review Team conducted the on-site review from [REDACTED]. The review focused on enforcement activities conducted in FY 2018 and included a review of supervisory oversight activities.

Mine Visit

The Review Team accompanied the Field Office Supervisor and an inspector to the mine on [REDACTED] as part of a Regular Safety and Health Inspection (E01).

The mine is located in [REDACTED] and employs approximately [REDACTED] miners working two production shifts and one maintenance shift per day, five days a week. The mine produces an average of [REDACTED] tons of raw coal daily. Coal is mined by room and pillar mining with continuous mining machines and transported by shuttle cars and coal haulers to a conveyor system routed to the surface. The coal is then transported to a preparation plant for processing and shipment to the customer. During the mine visit, the Review Team evaluated general conditions at the mine, assessed whether conditions at the mine corresponded with enforcement levels documented in the inspection reports reviewed and observed work practices at the mine site.

The mine visit included inspections and observations of the following:

Surface Areas:

- Pre-inspection discussions with mine operator
- Mine examination records and postings
- Escapeway map
- Check-in and check-out system
- Communication and tracking system
- Surface operations of the carbon monoxide monitoring system for early fire detection along conveyor belt entries

Underground No. 1 Unit Working Section, MMUs 001-0 and 002-0:

- Examinations of the working section for imminent dangers, methane tests, air readings and evidence of examinations
- Mining cycle
- Powered haulage work practices and car routes during the loading cycle
- Ventilation, rock dusting, cleanup and roof and rib conditions
- General work practices
- A functional test of the post-accident communication and tracking system
- Operation of the proximity detection system on the continuous mining machine

- Escapeway map for the working section
- Section refuge alternative location, communications and escapeway map

Underground Outby Areas:

- Alternate escapeway (supply road) traveled from surface to the working section – lifelines and signage
- General conditions of outby areas (ventilation, rock dusting, cleanup and roof and rib conditions)
- A Self-Contained Self-Rescuer storage location
- No. 1 Unit section belt
- Functional test of the fire suppression system at a belt drive
- Firefighting equipment at a belt drive
- One set of seals containing five 120 psi seals

During this mine visit the inspector issued four enforcement actions (Attachment E).

Review Results

The review revealed positive findings in the following areas:

- Inspectors documented start/stop points and color coding on the Tracking Map.
- Inspectors documented clearly on a map all rockdust samples taken.
- The District participated in local coordination meetings held by mine operators as outlined in emergency response plans.

This accountability review identified one issue that required a corrective action plan. District staff, along with the Review Team, analyzed the findings identified during this review to determine the root causes of the issue. The corrective action plan memorandum outlining the root causes of the issue and corrective actions implemented is included in an attachment to this memorandum. (Attachment A)

Issue: The documentation reviewed for the Regular Safety and Health Inspection (E01), Event No. [REDACTED] was not complete. (Office of Accountability Checklist Item #2)

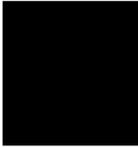
- A. The E01 Inspection Report File was not complete. The following items were missing from the report:
- Two MSHA Forms (2000-86) for respirable dust surveys conducted during the E01
 - Blue cards and respirable dust analysis report for one respirable dust survey conducted

The Review Team discussed with District personnel some inspection and procedural best practices as described in the Coal Mine Safety and Health General Inspection Procedures Handbook. A general outline of discussion topics is included in an attachment to this memorandum. (Attachment C)

Based on the review and observations made during the mine visit, the enforcement levels were appropriate with existing mining conditions and work practices.

Attachments

- A. Corrective Action Plan
- B. Issues Requiring Corrective Action
- C. Discussion Topics
- D. Office of Accountability Checklist
- E. Enforcement Actions Issued During the Mine Visit

Citation No.	Standard Cited
	75.370(a)(1)
	75.1505(b)
	75.1506(h)(1)
	75.202(a)

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

District	Coal District 10	Field Office	Madisonville, KY Field Office	Mine ID	[REDACTED]	Date	[REDACTED]
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Attachment A: Corrective Action Plan

U.S. Department of Labor

Mine Safety and Health Administration
100 YMCA Drive
Madisonville, Kentucky 42431-9019



Date: January 18, 2019

MEMORANDUM FOR: THOMAS W. CHARBONEAU
Director, Office of Assessments

THROUGH: *for* TED D. SMITH [REDACTED]
Supervisor, Office of Accountability

DAVID L. WEAVER [REDACTED]
Acting Deputy Administrator for
Coal Mine Safety and Health

MARCUS A. SMITH [REDACTED]
Supervisor, Accident Investigation/
Special Investigations/ACR Group

FROM: ROBERT A. SIMMS [REDACTED]
District Manager
District 10

SUBJECT: Proposed Corrective Actions

This is a response to the review conducted by the Office of Accountability from [REDACTED] at the Kentucky Madisonville Field Office, District 10, and the [REDACTED]. The results of the review identified one deficiency which is required to be addressed by the District.

Issue:

The E01 Inspection Report File was not complete. The following items were missing from the report:

Two MSHA Forms (2000-86) for respirable dust surveys conducted during the E01

Six dust data cards and one Respirable Dust Analysis Report for respirable dust surveys conducted.

RECEIVED
MAR 6 2019

Division of Health
Coal Mine Safety & Health

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

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TIMEFRAME FOR COMPLETION OF EACH CORRECTIVE ACTION:

Training was on performed on February 6th, 2019 for all CMI's, Specialist, Field Office Assistants, backup Field Office Assistants, and Field Office Supervisors.

METHOD FOR DETERMINING SUCCESS:

Review of implementation was conducted during a quarterly supervisory review of an underground mine E01 inspection. By the end of the 2nd Quarter FY 2019, a FAR was conducted on an underground mine E01 inspection from one of the Madisonville Field Office's. Supervisory personnel from the District assisted the Madisonville Field Office Supervisor in the review of the E01 inspection. The purpose of the review was to determine if the corrective actions for the Office of Accountability review were successful. The FAR is being reviewed and further retraining will occur if an issue identified during the FAR was also found during this Office of Accountability review. The ADM Enforcement oversaw this review and a report is being generated upon final closure of any deficiencies, and this report will be placed into the file where this Office of Accountability review is located. Feedback will be communicated to the District Manager through a 2nd Level Review of the FAR.

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

The District Manager will send a memorandum to Thomas W. Charboneau, Director, Office of Assessments through Ted D. Smith, Supervisor, Office of Accountability, through David L. Weaver, Acting Deputy Administrator for Coal Mine Safety and Health, and through Marcus A. Smith, Supervisor, Accident Investigation/Special Investigations/ACR Group upon completion and evaluation of the corrective actions.

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Attachment B: Issues Requiring a Corrective Action Plan

Issue: The documentation reviewed for the Regular Safety and Health Inspection (E01), Event No. ██████████ was not complete. (Office of Accountability Checklist Item #2)

- A. The E01 Inspection Report File was not complete. The following items were missing from the report:
- Two MSHA Forms (2000-86) for respirable dust surveys conducted during the E01
 - Blue cards and respirable dust analysis report for one respirable dust survey conducted

Requirements: Coal Mine Safety and Health General Inspection Procedures Handbook, PH16-V-1, June 2016 (GIPH), pages 6-9 and 10 – Forms and Information needed in an E01 Inspection Report.

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Attachment C: Discussion Topics

Topics discussed with the District that do not require a corrective action plan:

- Discussed quarterly rockdust sampling of significant return aircourses.
- Discussed documentation of the Inspection Tracking System
- Discussed documentation of MSHA Form 2000-22 (Mine Activity Data Form)
- Discussed documentation of 103(i) Spot Calendars
- Discussed documentation of six month Emergency Response Plan Reviews in the MSHA Standardized Information System
- Discussed maintenance of the Uniform Mine File

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Attachment D: Office of Accountability Checklist

1. Determine if complete and thorough E01 inspections are being conducted and/or if policy 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

A. The E01 Inspection Report File was not complete. The following items were missing from the report:

- Two MSHA forms (2000-86) for respirable dust surveys conducted during the E01
- Blue cards and respirable dust analysis report for one respirable dust survey conducted.

(See Attachment B)

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/specialist examination of required record books and postings for compliance with applicable standards.

Adequate Corrective Action Needed Comments Below

5. Evaluate inspector/specialist examination of the operator's maps (on-site) for accuracy, escapeway locations, etc.

Adequate Corrective Action Needed Comments Below

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6. Evaluate, upon arrival to the working section, inspector/specialist examination of all working areas and highwalls for imminent dangers.

Adequate Corrective Action Needed Comments Below

7. Evaluate the inspector/specialist observation of the work cycle and conditions in the active working section during the review.

Adequate Corrective Action Needed Comments Below

8. Evaluate the inspector/specialist air quantity, quality and gas checks during the review.

Adequate Corrective Action Needed Comments Below

9. Evaluate inspector/specialist examination of equipment electrical cables during the review.

Adequate Corrective Action Needed Comments Below

10. Evaluate inspector/specialist examination for permissibility during the review.

Adequate Corrective Action Needed Comments Below

11. Determine if previous E01 inspections include examinations of the condition and maintenance of conveyor belts, belt entries, belt drives, fire detection and suppression systems and separation of belt entries from other air courses.

Adequate Corrective Action Needed Comments Below

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12. Evaluate, during the review, the inspection of at least one set of seals, including methods for obtaining samples from sealed area.

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

15. 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

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

Adequate Corrective Action Needed Comments Below

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Determine if supervisors are monitoring inspector time and activity to
17. ensure proper use of time, including off-shift and weekend work, by all
inspectors.
Adequate Corrective Action Needed Comments Below

Determine if required Accompanied Activities (AAs); Field Activity Reviews
18. (FARs) and supervisory follow-ups are being conducted and documented
according to agency policy and procedures?
██

19. 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

20. Determine if the Uniform Mine File books are being maintained and
reviewed according to current agency policy and procedures.
Adequate Corrective Action Needed Comments Below

21. Determine if supervisors are thoroughly reviewing Uniform Mine Files at
least annually?
Adequate Corrective Action Needed Comments Below

United States Department of Labor
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22. Determine if supervisors are visiting each active underground mine at least annually.

Adequate Corrective Action Needed Comments Below

23. Determine if all sections where retreat mining is occurring (not to include longwall mining) are being inspected at least monthly?

Adequate Corrective Action Needed Comments Below

No retreat mining in District 10

24. Determine if documentation of staff meetings/safety meetings are effective and relevant to current issues and the Agency's mission.

Adequate Corrective Action Needed Comments Below

25. Determine, after an in-mine visit, if approved plans (Ventilation, Roof Control, Training, Emergency Response Plan (ERP), etc.) are compatible with mining conditions and equipment.

Adequate Corrective Action Needed Comments Below

This review included a review of four additional mine ERPs to determine that "Local Coordination" was included in the plans.

26. Determine if approved plans are being revised or updated to reflect changes in conditions and/or equipment.

Adequate Corrective Action Needed Comments Below

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27. Determine if plan reviews are in compliance with current agency policy and procedures (performed within required timeframes, tracked from the date of submission, properly documented and contain input from all affected departments and field offices).

Adequate Corrective Action Needed Comments Below

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



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

Adequate Corrective Action Needed Comments Below

30. Determine if District Managers, Assistant District Managers and supervisors are conducting required mine visits and properly completing the required spreadsheet.

Adequate Corrective Action Needed Comments Below

31. Determine if District Manager is using discretion in granting conferences and monitoring the Alternative Case Resolution (ACR) program to ensure that all decisions (including upholding, modifying or vacating citations) are properly documented and justified by the Conference and Litigation Representatives (CLRs).

Adequate Corrective Action Needed Comments Below

Not part of this review

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The Roof Control Plan SOP should comply with the established Program Policy Manual requirements as identified by the OIG report to address deficiencies identified in the Internal Review report. The SOPs should account for:

- 41.
- checking that required information is submitted
 - checking for communication with other plan approval groups
 - assuring that designated MSHA personnel contact the operator for additional information
 - discussing results of on-site evaluations with the operator and identified miners' representatives.

Adequate

Corrective Action Needed

Comments Below

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Attachment E: Enforcement Actions issued during Mine Visit

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) <input type="checkbox"/>

The approved Ventilation Plan: ██████████ is not being followed on the right side of the #1 Unit (MMR 002 0). The diagram on ██████████ of the approved plan indicates that 11,500cfm of air will be maintained in the LOC in the pillar line where the return brattice will be built if the unit has 3 open crosscuts. Upon inspection 9,025cfm of air was found in this location with 3 open crosscuts.

Standard 75.370(a)(1) was cited ██████████

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input checked="" type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR
			75.370(a)(1)

Section II - Inspector's Evaluation

10. Gravity:

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

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

C. Significant and Substantial: Yes No

D. Number of Persons Affected: 002

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

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

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

15. Area or Equipment

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

Section III - Termination Action

17. Action to Terminate
 The operator has rehung a back up curtain and when a second air reading was taken 17,100cfm of air was determined to be in the LOC where the return brattice line will be built.

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 MII
E01	██████████	
22. AR Name		23. AR Number
██████████		██████████

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

United States Department of Labor
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District	Coal District 10	Field Office	Madisonville, KY Field Office	Mine ID	██████████	Date	██████████
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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)

The Escapeway map provided for the #1 Unit is not being kept up to date to show any change in route of travel, location of doors and location of Refuge Alternatives by the end of the shift on which the change is made. The Escapeway maps that could be located on the unit depicted the #1 Unit in the 6th Panel North, the unit has been in the 2nd North Submain for approximately a month.

Standard 75.1505(b) was cited ██████████

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1505(b)

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: 005

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

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

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

15. Area or Equipment:

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

Section III - Termination Action

17. Action to Terminate
 A current Escapeway Map has been provided for the #1 Unit. This map shows the proper route of travel for escapeways, locations of doors and locations of refuge alternatives.

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 MRH

22. AR Name 23. AR Number

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 2nd 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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District	Coal District 10	Field Office	Madisonville, KY Field Office	Mine ID	██████████	Date	██████████
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Mine Citation/Order

U.S. Department of Labor
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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) <input type="checkbox"/>

The Refuge Alternative provided for the #1 Unit (s/n 813072) is not being conspicuously identified with a sign or marker made of reflective material with the word "Refuge" on it.

This Refuge Alternative is located at spot 5+00, between the #9 and 10 entries in the 2nd North Submain.

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
			75.1506 (b) (1)

Section II - Inspector's Evaluation

10. Gravity:

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

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

C. Significant and Substantial: Yes No D. Number of Persons Affected: 005

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

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

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

15. Area or Equipment

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

Section III - Termination Action

17. Action to Terminate: The #1 Unit Refuge Alternative is now being conspicuously marked with a reflective sign with the words "Refuge Alternative" on it.

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 MIB
E01	██████████	
22. AR Name		23. AR Number
██████████		██████████

MSHA Form 7000 3, Apr 98 (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, M/C 2120, Washington, DC 20416. Please note, however, that your right to file a comment with this Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

United States Department of Labor
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District	Coal District 10	Field Office	Madisonville, KY Field Office	Mine ID	██████████	Date	██████████
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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) <input type="checkbox"/>

The operator has failed to adequately support or otherwise control the mine roof at the 1A Head Drive. Upon inspection a loose rock was found in the examiner's walkway between the start box and the head drive. The loose rock was between the outside pin and the coal rib. It was hanging approximately 9 feet above the mine floor and after it was scaled down the largest piece of the rock was found to be 2 feet long by 1 foot wide and 2.5 inches thick. This hazard exposes miners to the risk of cuts, bruises, and broken bones should they be struck by material falling from the mine roof.

Standard 75.202(a) was cited ██████████

See Continuation Form (MSHA Form 7000-0a)

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
			75.202(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"/>
B. Injury or illness could reasonably be expected to be:	No Lost Workdays <input type="checkbox"/>	Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/>	Permanently Disabling <input type="checkbox"/>	Fatal <input type="checkbox"/>
C. Significant and Substantial:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	D. Number of Persons Affected: 001	
11. Negligence (check one)				
A. None <input type="checkbox"/>	B. Low <input checked="" type="checkbox"/>	C. Moderate <input type="checkbox"/>	D. High <input type="checkbox"/>	E. Reckless Disregard <input type="checkbox"/>
12. Type of Action		13. Type of issuance (check one)		
104 (a)		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
A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>				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 operator has scaled the loose rock from the mine roof. The mine roof around the 1A Head Drive now appears to be adequately supported or otherwise controlled.

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 Mit
R01	██████████	
22. AR Name		23. AR Number
██████████		██████████

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1 888 REG-FAIR (1 888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 400 3rd Street, SW, MG 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.